ACTS

OF THE

Second Annual Session

OF THE

Two Hundred and Nineteenth Legislature

OF THE

STATE OF NEW JERSEY



2021

New Jersey State Library

CHAPTER 318

AN ACT appropriating $16,380,595 from constitutionally dedicated corporation business tax revenues for the purpose of providing grants, as awarded by the New Jersey Historic Trust, for certain historic preservation projects and associated administrative expenses

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

1 a There is appropriated to the New Jersey Historic Trust the sum of $15,055,595 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," PL 2016, c 12 (C 13 8C-51), for the purpose of providing, for historic preservation projects approved as eligible for such funding (1) capital preservation grants as listed in subsection b of this section, (2) historic site management grants as listed in subsection c of this section, and (3) emergency intervention funds pursuant to subsection d of this section

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

County	**Municipality**	**Name of Organization**	**Project Name**	**Grant Award**
Atlantic	Atlantic City	City of Atlantic City	Fire Station #8 (Fire Department 4 &Drill School)	$750,000
Bergen	Ridgewood Village	Village of Ridgewood	John A L Zabriskie House	499,166
Burlington	Bordentown City	Bordentown Historical Society	Bordentown Historic District (Clara Barton School)	109,034
Burlington	Burlington City	City of Burlington	Burlington Historic District (The Carriage House)	142,164
Burlington	Burlington City	Doane Academy	St Mary's Hall (Doane Academy)	114,628
Burlington	Burlington Twp	Friends of West Hill, Inc	West Hill	7,619
Burlington	Evesham Twp	Evesham Historical Society	John Inskeep Homestead	23,347
Burlington	Mount Laurel Twp	Alice Paul Institute	Alice Paul Birthplace (Paulsdale)	304,500

Burlington	Riverton Boro	Riverton Steamboat Landing Foundation	Riverton Steamboat Landing (Riverton Yacht Club)	322,500
Camden	Camden City	Home Port Alliance for the USS New Jersey, Inc (DBA Battleship New Jersey Museum and Memorial)	USS New Jersey (BB-62)	750,000
Camden	Camden City	Newton Monthly Meeting (NMN)	Newton Friends Meetinghouse	104,388
Camden	Haddonfield Boro	Haddonfield Friends School	Haddonfield Friends School	725,000
Camden	Lawnside Boro	Lawnside Historical Society, Inc	Peter Mott House	60,607
Cape May	Cape May City	Mid-Atlantic Center for the Arts & Humanities	Emlen Physick Estate	38,763
Cape May	Lower Twp	NASW Foundation	Hangar No 1	362,880
Cumberland	Bridgeton City	County of Cumberland	Bridgeton Historic District (Cumberland County Courthouse)	545,557
Essex	Bloomfield Twp	Township of Bloomfield	Collins House	450,000
Essex	Livingston Twp	Township of Livingston	Theophilus Ward/ Thomas Force House and Condit Family Cook House	403,052
Essex	Nutley Twp	Historic Restoration Trust of the Town of Nutley, NJ	Kingsland Manor	23,910
Hudson	Jersey City	City of Jersey City	Reservoir #3	750,000
Hunterdon	Clinton Town	Red Mill Museum Village	M C Mulligan & Sons Quarry (Red Mill, Hunt's Mill)	46,656
Hunterdon	Flemington Boro	County of Hunterdon	Multiphase Phase II Commitment Flemington Historic District Hunterdon County Courthouse	750,000
Hunterdon	Kingwood Twp	Kingwood Township	William Lindsay White House	247,121
Mercer	Hamilton Twp	Historical Society of Hamilton Township, Inc	Isaac Pearson House	126,531
Mercer	Pennington Boro	The Watershed Institute	Andrew and Hannah Drake Farmstead/ Brookdale Farm	320,570
Mercer	Princeton Boro	Historic Morven, Inc	Morven	31,434

Mercer	Princeton Boro	Boro of Princeton	Princeton Ice Company (Mountain Lakes Preserve)	395,218
Mercer	Trenton City	City of Trenton	Trenton City Hall	749,909
Monmouth	Rumson Boro	SLT&CC Landmark Friends, Inc	Seabright Lawn Tennis & Cricket Club	304,070
Morris	Dover Town	Dover Area Historical Society	Condict House/ Presbyterian Church House	38,618
Morris	Madison Boro	Borough of Madison	Madison Masonic Lodge	488,100
Morris	Madison Boro	Museum of Early Trades & Crafts	Madison Public Library and the James Building	303,933
Morris	Mendham Boro	Borough of Mendham	Phoenix House	348,565
Morris	Morristown Town	Morris County Historical Society	Acorn Hall	248,350
Morris	Morristown Town	Morris Museum	Normandy Park Historic District (Twin Oaks)	472,893
Morris	Netcong Boro	The Growing Stage – Children's Theatre of New Jersey	Palace Theater	87,728
Morris	Parsippany-Troy Hills Twp	Palace Theater Craftsman Farms	Craftsman Farms	750,000
Morris	Randolph Twp	Friends Meeting House and Cemetery Association of Randolph Township, NJ	Friends Meetinghouse	221,500
Ocean	Barnegat Twp	County of Ocean	Mary Etta Cox House	518,645
Passaic	Paterson City	County of Passaic	Multiphase Phase II Commitment Lambert Castle	750,000
Passaic	Ringwood Boro	Skylands Association	Skylands (Pump House)	43,200
Passaic	West Milford Twp	Friends of Long Pond Ironworks	Long Pond Iron Works (Hewitt Church)	56,730
Union	Berkeley Heights Twp	Township of Berkeley Heights	Littel-Lord Farmstead	60,000
Union	Union Twp	Liberty Hall Museum, Inc	Liberty Hall	110,004
Warren	Allamuchy Twp	Allamuchy Township School District	Rutherfurd Hall (Rutherfurd Mansion)	122,000
Warren	Harmony Twp	Township of Harmony	Van Nest-Hoff-Vannatta Farm	25,000
TOTAL				**$14,103,890**

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

County	Municipality	Name of Organization	Project Name	Grant Award
Bergen	Fair Lawn Boro	The Radburn Association	Radburn Historic District	$50,000
Bergen	Fort Lee Boro	Crossroads of the American Revolution, Inc	Palisades Interstate Park	50,000
Burlington	Florence Twp	Roebling Main Gate Museum (DBA Roebling Museum)	Roebling Historic District	15,155
Camden	Gibbsboro Boro	Borough of Gibbsboro	John Lucas House	50,000
Camden	Haddon Twp	Camden County Parks Department	Ebenezer Hopkins House	50,000
Cape May	Cape May City	Mid-Atlantic Center for the Arts & Humanities	Emlen Physick Estate	47,370
Cape May	Cape May City	Mid-Atlantic Center for the Arts & Humanities	Emlen Physick Estate	50,000
Cumberland	Downe Twp	Downe Township	Union Hall	29,000
Essex	Newark City	Newark Landmarks	Weequahic High School	13,580
Essex	Newark City	South Mountain TheaterWorks, Inc, (d/b/a/ South Mountain TV)	Krueger Mansion	50,000
Hudson	Jersey City	City of Jersey City	Fickens Warehouse	50,000
Hunterdon	High Bridge Boro	Borough of High Bridge	Solitude House	7,500
Mercer	Trenton City	Isles, Inc	Elks – BPOE Building (Carver Center YMCA)	50,000
Mercer	Trenton City	Trent House Association	William Trent House	37,403
Monmouth	Highlands Boro	Twin Lights Historical Society	Navesink Lighthouse (Navesink Light Station) (Twin Lights)	27,072
Monmouth	Middletown Twp	Township of Middletown	Dempsey Pump House	15,000
Monmouth	Millstone Twp	Millstone Township Historic Preservation Commission	Clarksburg Methodist Episcopal Church	50,000
Morris	Washington Twp	Washington Township Land Trust of Morris County, Inc	Obadiah LaTourette Grist & Saw Mill (German Valley Historic District)	36,000
Passaic	Clifton City	Friends of Passaic County Parks, Inc	Morris Canal	50,000

Sussex	Newton Town	Town of Newton	Newton Town Plot Historic District	30,000
Union	Plainfield City	Historical Society of Plainfield	Nathaniel Drake House	14,025
Union	Plainfield City	The Plainfield Garden Club	Cedar Brook Park	9,000
Union	Westfield Town	Westfield Historical Society	William Edgar Reeve House	45,600
Warren	Franklin Township	Musconetcong Watershed Association	Hoffman Grist Mill	50,000
TOTAL				**$876,705**

d Of the funds appropriated pursuant to subsection a of this section, the sum of $75,000 shall be used by the New Jersey Historic Trust for the purpose of providing funds for emergency intervention, as defined pursuant to section 3 of P L 2016, c 12 (C 13 8C-45) Notwithstanding the provisions of subsection c of section 9 of P L 2016, c 12 (C 13 8C-51) to the contrary, the expenditure of funds pursuant to this subsection shall not require the approval of the Joint Budget Oversight Committee, or its successor

e 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

f 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 that previously received funding for historic preservation purposes appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Historic Preservation Trust Fund established pursuant to section 21 of P L 1999, c 152 (C 13 8C-21), or that receives funding pursuant to this act, shall be eligible to receive additional funding, as determined by the New Jersey Historic Trust, subject to the approval of the Joint Budget Oversight Committee or its successor

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

g The expenditure of moneys appropriated pursuant to this section is subject to the provisions of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-43 et seq)

2 There is appropriated to the New Jersey Historic Trust from the "Preserve New Jersey Historic Preservation Fund," established pursuant to section 9 of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-51), the sum of $1,325,000 for paying administrative costs associated with

administering the applicable provisions of P L 2016, c 12 (C 13 8C-43 et seq)

3 There is appropriated from the General Fund to the "Preserve New Jersey Historic Preservation Fund," established pursuant to section 9 of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-51), the sum of $16,380,595 to implement the provisions of this act

4 This act shall take effect immediately

Approved December 21, 2021

CHAPTER 319

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

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

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

01 LEGISLATURE
70 Government Direction, Management, and Control
77 Legislative Commissions and Committees
DIRECT STATE SERVICES

09-0040 Apportionment Commission		$500,000
09-0056 New Jersey Redistricting Commission		$500,000
Total Direct State Services Appropriation, Legislative Commissions		$1,000,000
Direct State Services		
Apportionment Commission		
09 Expenses of Commission	($500,000)	
New Jersey Redistricting Commission		
09 Expenses of Commission	($500,000)	

2 This act shall take effect immediately

Approved December 21, 2021

CHAPTER 320

AN ACT establishing a robotics competition pilot program in the Department of Education

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

1 a The Commissioner of Education shall establish a three-year pilot program that provides grant funding to encourage and support school districts to establish robotics programs and participate in robotics competitions The purpose of the pilot program shall be to

(1) increase opportunities for students to participate in robotics competitions,

(2) motivate students to pursue education and career opportunities in science, technology, engineering, and mathematics, and

(3) improve students' knowledge in the fields of science, technology, engineering, and mathematics

b (1) The Commissioner of Education shall identify one or more eligible nonprofit organizations to assist school districts selected to participate in the pilot program in developing robotics programs and participating in robotics competitions The commissioner shall compile a list of eligible nonprofit organizations available to partner with school districts and incorporate the contents of the list into the application created pursuant to paragraph (2) of this subsection Nonprofit organizations included on the list shall offer technical assistance to participating schools, including mentor-based assistance in establishing a robotics program to develop science, technology, engineering, and mathematical skills for students A school district that applies to participate in the pilot program shall partner with a nonprofit organization on the list

(2) A school district that wants to participate in the pilot program shall submit an application to the commissioner in such form as required by the commissioner The school district shall select no more than one school serving students from grades nine through 12 to participate in the pilot program

c The commissioner shall select up to 12 school districts for participation in the pilot program The commissioner shall select districts in the northern, central, and southern regions of the State and shall seek a cross section of school districts from urban, suburban, and rural areas of the State The school districts selected by the commissioner shall be eligible for grants,

within the limit of available funds that are appropriated by the State or donated pursuant to subsection d of this section, to be used to support the development and implementation of robotics programs in the selected schools The commissioner shall determine the amount of each grant awarded under the program and may award multi-year grants Grants awarded pursuant to this subsection shall be used by school districts to develop robotics programs in which school districts partner with an approved nonprofit organization that has demonstrated its ability to inspire students through mentor-based programs to build science, technology, engineering, and mathematical skills whereby funds may be used to provide coaching stipends, purchase materials for competitions, finance competition travel expenses, and register for events School districts selected by the commissioner to participate in the pilot program may apply for additional funding in separate grant application periods as teams in the school district become eligible to participate in the robotics program's district, district championship, and world championship events

d Nonprofit organizations, educational advocacy groups, and private sector businesses may collaborate to encourage and identify the donation of funds for the purpose of awarding grants pursuant to subsection c of this section The donated funds shall only be used for the purpose of supporting grants under the program Such funds shall be accepted by the Department of Education to be used for the purposes of the program If sufficient funding is unavailable, the pilot program shall be paused and shall resume once funding becomes available to support the issuance of grants under the program

e There is established within the Department of Education a fund to be known as the "Robotics Competitions in Schools Fund " The fund shall be credited only with funds appropriated by the State or funds donated for the purposes of the pilot program established under this section The fund shall only be used to provide grants to school districts selected for participation under the pilot program

f Three years following the establishment of the pilot program, the commissioner shall submit a report to the Governor, and to the Legislature pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1) The report shall contain information on the implementation of the pilot program, the number of students participating in the program, and the recommendations of the commissioner on continuing, expanding, or modifying the program

2 This act shall take effect immediately

Approved December 21, 2021

CHAPTER 321

AN ACT establishing the Financial Empowerment Pilot Program and making an appropriation

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

1 a There is established in the Department of Community Affairs a Financial Empowerment Pilot Program The purpose of the pilot program shall be to address financial literacy and empowerment issues for economically vulnerable individuals in the State through the disbursement of grants to eligible entities to implement financial empowerment forums, programs, or initiatives

b The department shall award grants to eligible entities through a competitive grant solicitation to fund the establishment of financial empowerment forums, programs, or initiatives designed to educate the public regarding financial literacy and empowerment and provide personal financial coaching to economically vulnerable individuals

c The pilot program shall run for a period of three years following the effective date of P L 2021, c 321

d For purposes of P L 2021, c 321, "eligible entities" shall include non-profit providers, municipalities, and institutions of higher education, excluding proprietary institutions authorized to offer licensed degree programs

2 a An eligible entity seeking to participate in the Financial Empowerment Pilot Program shall submit an application for a grant to the Department of Community Affairs in a form determined by the department The application shall include information that the department determines is necessary to administer the program and award grants

b The department shall establish criteria for the award of grants to eligible entities, which shall include, but need not be limited, to the following

(1) whether the eligible entity's forums, programs, or initiatives are designed to reach and are likely to reach economically vulnerable individuals,

(2) whether the eligible entity maintains or plans to establish a financial empowerment center at a physical location that facilitates direct contact with economically vulnerable individuals,

(3) whether the eligible entity has established or plans to establish metrics and standards to track counseling efforts and results for economically vulnerable individuals, and has developed or plans to develop methods for implementing those standards as part of its forums, programs, or initiatives,

(4) whether the eligible entity's forums, programs, or initiatives are designed to promote education and improve outcomes among economically vulnerable individuals in the following areas

(a) the opening of or transitioning to a safe and affordable bank account,

(b) the establishment of a credit score, or the increase in an existing credit score,

(c) the decrease of non-mortgage debt, and

(d) the increase in rate of savings,

(5) whether the eligible entity has access to, has developed, or has plans to develop materials on financial literacy and empowerment for publication and dissemination to the public,

(6) whether the eligible entity intends to offer its forums, programs, or initiatives in languages other than English, and

(7) any other criteria the department determines are necessary to evaluate whether the eligible entity's proposed forums, programs, or initiatives will achieve the goals of educating the public regarding financial literacy and empowerment and providing personal financial coaching to economically vulnerable individuals

c If the eligible entity is an institution of higher education, the department shall also determine whether the eligible entity's forums, programs, or initiatives are designed to reach and likely to reach economically vulnerable members of the public beyond the institution's student body

3 a The program shall submit a report to the Commissioner of Community Affairs no later than two months after the conclusion of the pilot program The report shall include, at a minimum, information on the outcomes of grantees' forums, programs, or initiatives

b The commissioner shall submit a report to the Governor, and to the Legislature pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), on the

implementation and effectiveness of the pilot program no later than two months after the pilot program issues its report to the commissioner The report shall include the commissioner's recommendation on the advisability of the pilot program's continuation and expansion throughout the State

4 There is appropriated from the General Fund to the Department of Community Affairs $6,360,000 for the purposes of effectuating the provisions of this act Up to 3 5 percent of the amounts appropriated may be expended for appropriate and reasonable administrative expenses incurred in the administration of the pilot program by the department

5 This act shall take effect immediately and shall expire upon submission of the final report required to be prepared under section 3 of this act

Approved December 21, 2021

CHAPTER 322

AN ACT establishing a grant program for the training of school-based mental health services providers and supplementing chapter 6 of Title 18A of the New Jersey Statutes

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

C 18A 6-33 18 Grant program for training of school-based mental health professionals

1 a There is established in the Department of Education a grant program to assist school districts in the training of school-based mental health services providers, expand the pipeline of high-quality, trained providers, and address the shortages of mental health professionals in schools As used in this section, "school-based mental health services provider" means a State-licensed or State-certified school counselor, school psychologist, school social worker, or other State-licensed or State-certified mental health professional qualified under State law to provide mental health services to children and adolescents

b Grants under the program shall be awarded on a competitive basis School districts or groups of school districts that receive a grant under the program shall use the funds for efforts to create and grow programs and partnerships that train students who are attending graduate school to become school-based mental health services providers

c To be eligible for consideration of a grant award under the program, a school district or a group of school districts seeking to participate in the program together shall submit an application to the Commissioner of Education, in accordance with application procedures and requirements prescribed by the commissioner A school district or a group of school districts applying for a grant award under the program shall, prior to submitting an application, form a partnership with one or more institutions of higher education that offer graduate programs in school-based mental health fields The partnership shall allow a student enrolled in an institution of higher education's graduate program to perform applicable fieldwork, credit hours, internships, externships, or other related training as applicable for the academic program of the student

A grant application submitted by a school district or a group of school districts shall include information regarding the following

(1) the details of the partnership formed between the school district or group of school districts and an institution of higher education, including plans for supervising the graduate students in school settings and ensuring that the students are trained in providing mental health supports and services to students in the school district or districts,

(2) a description of how the lack of school-based mental health services providers is affecting students in the school district or districts,

(3) the school district or districts' unmet need for student mental health supports and services,

(4) the number of school-based mental health services providers currently employed by the school district or districts and their caseloads,

(5) the existing ratio of school-based mental health services providers to students enrolled in the district or districts,

(6) the schools and student populations that will benefit from the grant funding,

(7) the objectives for the number of graduate students the school district or school districts anticipate training under the grant program,

(8) plans to collaborate with federal, State, regional, and local entities to expand the pipeline of school-based mental health services providers and achieve partnership goals and objectives, and

(9) any other information as required by the commissioner

d (1) The commissioner shall establish selection criteria for the awarding of grants under the program, including consideration of the information listed in subsection c of this section Grants shall be awarded based upon review of the applications and subject to the availability of funds The commissioner shall establish the amount for each grant that is approved

(2) Priority for grants awarded under the program shall be given to school districts that demonstrate an unmet need for mental health services in the school community

e The Department of Education shall annually apply for and use any federal grant funds or other federal assistance which may be available to be used for the grant program established pursuant to this section including, but not limited to, funds under the federal Mental Health Service Professional Demonstration Grant Program, the federal "Coronavirus Aid, Relief, and Economic Security (CARES) Act," Pub L 116-136, the federal "Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, 2021," Pub L 116-260, and the federal "American Rescue Plan (ARP) Act of 2021," Pub L 117-2 The department may, if applicable, apply for federal grant funds or other federal assistance on behalf of one or more school districts approved for participation in the grant program established pursuant to this section Any federal grant funds or other federal assistance awarded to the department shall first be used to provide grant awards to school districts, prior to using State funds under the grant program established pursuant to this section

f Within three years after receiving a grant award under the program, a school district or a group of school districts shall submit a report to the Commissioner of Education containing information on the use of the grant funds The report shall include, at a minimum, information on the number of graduate students trained under the program, the number of graduate students who were hired as school-based mental health services providers using grant funds, increases or improvements in the provision of student mental health supports and services as a result of the grant, and any notable changes in school climate, attendance rates, student achievement, school discipline, or other measures since receiving the grant

18A 6-33 19 Report to Governor, Legislature

2 The Commissioner of Education shall submit a report to the Governor, and to the Legislature pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), no later than four years after the establishment of the grant program established pursuant to section 1 of this act The report shall include, but need not be limited to, information on the number of grant applicants, the number and amounts of the grant awards, information provided by school districts and groups of school districts in the reports submitted pursuant to subsection f of section 1 of this act, and any recommendations concerning the continuation or expansion of the grant program

3 There is appropriated from the General Fund to the Department of Education a sum of $500,000 for costs associated with the grant program established pursuant to section 1 of this act

4 The State Board of Education shall adopt, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), rules and regulations necessary to carry out the provisions of this act

5 This act shall take effect immediately and shall first apply to the first full school year following the date of enactment

Approved December 21, 2021

CHAPTER 323

AN ACT prioritizing certain applicants under the School-Linked Services Program and supplementing chapter 5B of Title 30 of the Revised Statutes

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

C 30 5B-35 School-Linked Services, contract awarding, priority given to applicants expanding mental health counseling student services

1 a In awarding contracts to provide School-Linked Services, the Department of Children and Families shall give priority to new applicants and applicants seeking to expand current programs that, at minimum, include in their application a center or other entity that focuses on providing individual, family, and group clinical mental health counseling services to students The center or other entity shall offer to students services that include, but are not limited to, the following

(1) access to mental health counseling services during, before, or after school hours, and

(2) access to clinical mental health professional staff, who may be school district employees, that provide mental health counseling services to students including in-person or telehealth or telemedicine services, as applicable and as permitted by law

The Department of Children and Families shall give priority consideration to new applicants and applicants seeking to expand current

programs that offer the services included in paragraphs (1) and (2) of this subsection immediately upon the effective date of this act

b Of the new applicants and applicants seeking to expand current programs that include in their application a center or other entity in accordance with subsection a of this section, the Department of Children and Families shall consider factors including but not limited to the following in making a determination when awarding contracts to provide School-Linked Services

(1) whether the applicant is, currently operates in, or proposes to operate in a school district that is designated as a "high-need" school district, as determined by metrics set by the Commissioner of Children and Families,

(2) the existence of a partnership between the center or other entity and community mental health providers and existing community resources,

(3) whether the applicant has developed a plan for mental health professionals working in its center or other entity to develop curricula to train students and staff on identifying the signs of mental health conditions and addressing risk factors that may impact student mental health, and

(4) whether the center or other entity created by the applicant can ensure access to clinical mental health professional staff who specialize in a variety of mental health areas, or demonstrates a plan to retain the services of clinical mental health professionals in a variety of mental health areas

c For purposes of this section, "applicant" means a school district, school, or other eligible entity seeking to be awarded a contract to provide School-Linked Services The term shall include new applicants as well as a school district, school, or other eligible entity that is seeking to expand current programs under an existing contract to provide School-Linked Services

2 This act shall take effect immediately and shall expire on the first day of the 25th month next following enactment

Approved December 21, 2021

CHAPTER 324

AN ACT concerning State subsidies to child care providers and making an appropriation

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

1 a For the period beginning on the effective date of P L 2021, c 324 and ending June 30, 2022, and notwithstanding any law, rule, or regulation to the contrary and in addition to any other criteria set forth by the Division of Family Development in the Department of Human Services to determine a provider's subsidy payment for child care services, the division shall determine the subsidy payment for child care services issued to a licensed child care center or a registered family day care provider based on the number of children enrolled with the provider who are eligible for child care services At no time during this period shall a subsidy payment for child care services issued to a licensed child care center or a registered family day care provider be based on the attendance of eligible children for child care services

b A licensed child care center or a registered family day care provider for which the subsidy payment is based on enrollment of children who are eligible for child care services shall comply at all times with requirements concerning the ratio of staff to enrolled children, as established pursuant to regulation by the Office of Licensing in the Department of Children and Families At no time shall this ratio be based on the attendance of children eligible for child care services

c Within 12 months following the effective date of this act, the division shall conduct a study and 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 comparing the costs of basing child care provider subsidy payments on the number of children enrolled who are eligible for child care services and basing such subsidy payments on the number of children in attendance who are eligible for child care services As part of the study and report, the division may consider other measures that may be taken with respect to the payment of subsidies to licensed child care centers and registered family day care providers to ensure stability for providers and best serve families of children eligible for child care services

d The Commissioner of Human Services shall apply for such State plan amendments or waivers as may be necessary to implement the provisions of this section and to continue to secure any available federal financial participation for the applicable child care programs

e As used in this section, "child care services" means those services provided to eligible children, as certified by the Division of Family Development within the Department of Human Services, for which the division receives and administers State and federal funding to provide

subsidy payments to licensed child care centers and registered family day care providers

2 There is appropriated from the General Fund to the Department of Human Services the sum of $400,000 to conduct the study and submit the report required pursuant to subsection c of section 1 of P L 2021, c 324 The Department is authorized to contract with a third party to conduct the study and submit the report required by that subsection

3 This act shall take effect immediately

Approved December 21, 2021

CHAPTER 325

AN ACT concerning certain solicitation by mail 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 8-227 Solicitation by nongovernmental entity, unlawful practice, violation

1 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 send a mailing which constitutes a solicitation by a nongovernmental entity for the purchase of or payment for a product or service which could reasonably be interpreted as falsely implying any State government connection, approval, or endorsement through the use of a seal, insignia, citation to a State statute, name of a State agency, department, commission, or program, trade or brand name, or any other term or symbol

b For purposes of this section, "person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, or any other legal or commercial entity

The provisions of this section shall not be construed to prevent a cause of action brought for violation of P L 1960, c 39 (C 56 8-1 et seq)

2 This act shall take effect immediately

Approved December 21, 2021

CHAPTER 326

AN ACT concerning the certification of temporary nurse aides

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

1 The Legislature finds and declares that

a In order to be employed as a certified nurse aide in a health care facility, an applicant is required to have successfully completed a State-approved training and competency evaluation program or a program that is at least equal to State requirements

b Certified nurse aide training helps to ensure that certified nurse aides possess the education, practical knowledge, and skills needed to care for residents of health care facilities participating in Medicare and Medicaid programs

c In light of COVID-19, regulatory provisions have been waived to permit the hiring of temporary nurse aides to address staffing shortages, including CMS's 1135 waiver of certain requirements for training and certification of nurse aides

d Temporary nurse aides have served admirably and compassionately in this capacity and have demonstrated, through accelerated training and experience, adequate competency and the ability to transition to working as certified nurse aides

2 As used in this act

"CMS" means the Centers for Medicare and Medicaid Services within the United States Department of Health and Human Services

"Commissioner" means the Commissioner of the New Jersey Department of Health

"Health care facility" means a health care facility licensed by the Department of Health pursuant to P L 1971, c 136 (C 26 2H-1 et seq)

"Temporary nurse aide" means a nurse aide who has been hired by a health care facility in accordance with applicable federal and State regulatory waivers that were issued in response to COVID-19

3 Notwithstanding any provision of law to the contrary, the Commissioner shall issue a nurse aide certification to an applicant who has applied to the Department of Health for certification as a nurse aide, in a manner determined by the Commissioner, and who is a temporary nurse aide, if

a between the first day of the public health emergency declared in response to COVID-19 and January 11, 2022

(1) the temporary nurse aide successfully completed a training program and competency assessment authorized under a New Jersey waiver due to COVID-19 which included an online training component and an online examination, and, if so required, such additional training as may be required to satisfy the requirements of 42 C F R s 483 152 or any other provision of federal law or regulation, and

(2) the temporary nurse aide worked a minimum of 80 hours under the supervision of a licensed professional nurse, and the temporary nurse aide's adequate competency during that period is established by a certification or letter from the director of nursing attesting to the temporary nurse aide's adequate competency,

b the temporary nurse aide successfully completed the criminal history record background check required pursuant to section 2 of P L 1997, c 100 (C 26 2H-83) except that this section shall not be construed to supersede subsection d or any other provision of section 3 of P L 1997, c 100 (C 26 2H-84), and

c between the first day of the public health emergency declared in response to COVID-19 and February 16, 2022, the temporary nurse aide successfully completed (1) a State-approved nurse aide written examination in no more than three attempts and (2) a State-approved clinical skills competency examination

4 Temporary nurse aides who have not been certified as nurse aides pursuant to section 3 of this act shall be permitted to work as temporary nurse aides until February 16, 2022

5 The Department of Health may issue guidance or adopt regulations necessary to effectuate the purposes of this act, which regulations shall be effective immediately upon filing with the Office of Administrative Law and until February 16, 2022

6 This act shall take effect immediately and shall expire on the 365th day after the end of the public health emergency declared in response to COVID-19

Approved December 21, 2021

CHAPTER 327

AN ACT concerning security for certain judges and amending N J S 2C 33-4, N J S 2C 58-3 and P L 2013, c 272 and supplementing Title 2C of the New Jersey Statutes

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

1 N J S 2C 33-4 is amended to read as follows

Harassment

2C 33-4 Harassment

Except as provided in subsection e , a person commits a petty disorderly persons offense if, with purpose to harass another, he

a Makes, or causes to be made, one or more communications anonymously or at extremely inconvenient hours, or in offensively coarse language, or any other manner likely to cause annoyance or alarm,

b Subjects another to striking, kicking, shoving, or other offensive touching, or threatens to do so, or

c Engages in any other course of alarming conduct or of repeatedly committed acts with purpose to alarm or seriously annoy such other person

A communication under subsection a may be deemed to have been made either at the place where it originated or at the place where it was received

d (Deleted by amendment, P L 2001, c 443)

e A person commits a crime of the fourth degree if, in committing an offense under this section, he was serving a term of imprisonment or was on parole or probation as the result of a conviction of any indictable offense under the laws of this State, any other state or the United States or he knowingly directs such action to a current or former judge that relates to the performance of the judge's public duties

2 Section 1 of P L 2013, c 272 (C 2C 33-4 1) is amended to read as follows

C 2C 33-4 1 Crime of cyber-harassment

1 a A person commits the crime of cyber-harassment if, while making one or more communications in an online capacity via any electronic device or through a social networking site and with the purpose to harass another, the person

(1) threatens to inflict injury or physical harm to any person or the property of any person,

(2) knowingly sends, posts, comments, requests, suggests, or proposes any lewd, indecent, or obscene material to or about a person with the intent to emotionally harm a reasonable person or place a reasonable person in fear of physical or emotional harm to his person, or

(3) threatens to commit any crime against the person or the person's property

b Cyber-harassment is a crime of the fourth degree, unless the person is 21 years of age or older at the time of the offense and impersonates a minor for the purpose of cyber-harassing a minor, in which case it is a crime of the third degree

c If a minor under the age of 16 is adjudicated delinquent for cyber-harassment, the court may order as a condition of the sentence that the minor, accompanied by a parent or guardian, complete, in a satisfactory manner, one or both of the following

(1) a class or training program intended to reduce the tendency toward cyber-harassment behavior, or

(2) a class or training program intended to bring awareness to the dangers associated with cyber-harassment

d A parent or guardian who fails to comply with a condition imposed by the court pursuant to subsection c of this section is a disorderly person and shall be fined not more than $25 for a first offense and not more than $100 for each subsequent offense

e The trier of fact may infer that a person acted with a purpose to harass another if the person knows or should have known that any of the person's actions constituting an offense under this section are knowingly directed to or are about a judicial officer, and there is a nexus between the offense and relates to the performance of the judge's public duties For the purposes of this subsection, "judicial officer" has the same meaning as defined in section 1 of P L 1995, c 23 (C 47 1A-1 1)

C 2C 12-14 Temporary protection order

3 a At any time following the charge or conviction of a defendant for any crime directed at or committed against a judicial officer where there is a nexus between the alleged crime charged or the crime for which the defendant was convicted, as the case may be, and the performance of the judicial officer's public duties, a petitioner may petition the Superior Court for emergency, ex parte relief in the form of a temporary order of protection if the court finds that the respondent poses a threat to the safety or well-being of the judicial officer or a family or household member of the judicial officer

b The court may issue a temporary protection order upon good cause shown in sworn testimony or petition by the petitioner The temporary protection order shall remain in effect until a judge issues a further order

c Emergency relief granted in the temporary protection order may include forbidding the respondent from returning to the scene of the alleged crime, prohibiting the respondent from having any contact with the judicial officer, family or household members of the judicial officer, or the judicial officer's friends, co-workers, or relatives in any way, forbidding the respondent from possessing any firearm or other weapon enumerated in subsection r of N J S 2C 39-1, ordering the search for and seizure of any firearm or other weapon at any location where the court has reasonable cause to believe the weapon is located and the seizure of any firearms purchaser identification card or permit to purchase a handgun issued to the respondent The court shall state with specificity the reasons for and the scope of any search and seizure authorized by the order

d An order granting emergency relief, together with the petition, shall be immediately served upon the respondent and forwarded to the appropriate law enforcement agencies for the municipalities in which the victim and the respondent reside

e For purposes of this section and section 4 of P L 2021, c 327 (C 2C 12-15)

(1) "Judicial officer" means any active, formerly active, or retired federal, state, county, or municipal judge, including a judge of the Tax Court and any other court of limited jurisdiction established, altered, or abolished by law, a judge of the Office of Administrative Law, a judge of the Division of Workers' Compensation, and any other judge established by law who serves in the executive branch,

(2) "Law enforcement officer" means a person whose public duties include the power to act as an officer for the detection, apprehension, arrest, and conviction of offenders against the laws of this State,

(3) "Petitioner" means a law enforcement officer, a formerly active or retired judicial officer or a family or household member of such judicial officer, or an active judicial officer on behalf of whom a law enforcement officer has declined to petition the Superior Court pursuant to this section or a family or household member of such judicial officer, and

(4) "Family or household member" means a spouse, domestic partner as defined in section 3 of P L 2003, c 246 (C 26 8A-3), partner in a civil union couple as defined in section 2 of P L 2006, c 103 (C 37 1-29), or former spouse, former domestic partner, or former partner in a civil union couple, or any other person who is a present household member or was at any time a

household member, a person with whom the respondent has a child in common, or with whom the respondent anticipates having a child in common if one of the parties is pregnant, or a current or former dating partner

C 2C 12-15 Superior Court hearing on temporary protection order

4 a A hearing shall be held in the Superior Court within 10 days of the filing of the petition in the county where the ex parte temporary protection order was issued, unless good cause is shown for the hearing to be held elsewhere At the hearing the standard for proving the allegations in the petition shall be a preponderance of the evidence which petition shall be granted if the court finds by a preponderance of evidence that there is a nexus between the alleged crime charged or the crime for which the respondent was convicted, as the case may be, and the performance of the judicial officer's public duties and that the respondent poses a threat to the safety or well-being of the judicial officer or a family or household member of the judicial officer In determining whether a final order of protection should be granted the court shall consider but not be limited to the previous history between the judicial officer and the respondent, including threats, harassment, and physical intimidation, and the existence of immediate danger to person or property

b The court shall grant any relief necessary to protect the victim from further harm, including but not limited to forbidding the respondent from returning to the scene of the alleged crime, prohibiting the respondent from having any contact with the judicial officer, family or household members of the judicial officer or the judicial officer's friends, co-workers, or relatives in any way, forbidding the respondent from possessing any firearm or other weapon enumerated in subsection r of N J S 2C 39-1, ordering the search for and seizure of any firearm or other weapon at any location where the court has reasonable cause to believe the weapon is located, the seizure of any firearms purchaser identification card or permit to purchase a handgun issued to the respondent, and requiring the respondent to undergo mental health evaluation and appropriate treatment

C 2C 12-16 Violation of order

5 A violation by the defendant of an order issued pursuant to this act shall constitute an offense under subsection b of N J S 2C 29-9 and each order shall so state

6 N J S 2C 58-3 is amended to read as follows

Purchase of firearms

2C 58-3 a Permit to purchase a handgun

(1) No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase, or otherwise acquire a handgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a handgun as provided by this section

(2) A person who is not a licensed retail dealer and sells, gives, transfers, assigns, or otherwise disposes of, or receives, purchases or otherwise acquires a handgun pursuant to this section shall conduct the transaction through a licensed retail dealer

The provisions of this paragraph shall not apply if the transaction is

(a) between members of an immediate family as defined in subsection n of this section,

(b) between law enforcement officers,

(c) between collectors of firearms or ammunition as curios or relics as defined in Title 18, U S C section 921 (a) (13) who have in their possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, or

(d) a temporary transfer pursuant to section 1 of P L 1992, c 74 (C 2C 58-3 1) or section 1 of P L 1997, c 375 (C 2C 58-3 2)

(3) Prior to a transaction conducted pursuant to this subsection, the retail dealer shall complete a National Instant Criminal Background Check of the person acquiring the handgun In addition

(a) the retail dealer shall submit to the Superintendent of State Police, on a form approved by the superintendent, information identifying and confirming the background check,

(b) every retail dealer shall maintain a record of transactions conducted pursuant to this subsection, which shall be maintained at the address displayed on the retail dealer's license for inspection by a law enforcement officer during reasonable hours,

(c) a retail dealer may charge a fee for a transaction conducted pursuant to this subsection, and

(d) any record produced pursuant to this subsection shall not be considered a public record pursuant to P L 1963, c 73 (C 47 1A-1 et seq) or P L 2001, c 404 (C 47 1A-5 et al)

b Firearms purchaser identification card

(1) No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire an antique cannon or a rifle or shotgun, other than an antique rifle or shotgun, unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter

or possesses a valid firearms purchaser identification card, and first exhibits the card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of subsection c of this section and shall contain his name, address and firearms purchaser identification card number or dealer's registration number The certification shall be retained by the seller, as provided in paragraph (4) of subsection a of N J S 2C 58-2, or, in the case of a person who is not a dealer, it may be filed with the chief of police of the municipality in which he resides or with the superintendent

(2) A person who is not a licensed retail dealer and sells, gives, transfers, assigns, or otherwise disposes of, or receives, purchases or otherwise acquires an antique cannon or a rifle or shotgun pursuant to this section shall conduct the transaction through a licensed retail dealer

The provisions of this paragraph shall not apply if the transaction is

(a) between members of an immediate family as defined in subsection n of this section,

(b) between law enforcement officers,

(c) between collectors of firearms or ammunition as curios or relics as defined in Title 18, U S C section 921 (a) (13) who have in their possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, or

(d) a temporary transfer pursuant to section 1 of P L 1992, c 74 (C 2C 58-3 1) and section 1 of P L 1997, c 375 (C 2C 58-3 2)

(3) Prior to a transaction conducted pursuant to this subsection, the retail dealer shall complete a National Instant Criminal Background Check of the person acquiring an antique cannon or a rifle or shotgun In addition

(a) the retail dealer shall submit to the Superintendent of State Police, on a form approved by the superintendent, information identifying and confirming the background check,

(b) every retail dealer shall maintain a record of transactions conducted pursuant to this section which shall be maintained at the address set forth on the retail dealer's license for inspection by a law enforcement officer during reasonable hours,

(c) a retail dealer may charge a fee for a transaction conducted pursuant to this subsection, and

(d) any record produced pursuant to this subsection shall not be considered a public record pursuant to P L 1963, c 73 (C 47 1A-1 et seq) or P L 2001, c 404 (C 47 1A-5 et al)

c Who may obtain No person of good character and good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase a handgun or a firearms purchaser identification card, except as hereinafter set forth No handgun purchase permit or firearms purchaser identification card shall be issued

(1) To any person who has been convicted of any crime, or a disorderly persons offense involving an act of domestic violence as defined in section 3 of P L 1991, c 261 (C 2C 25-19), whether or not armed with or possessing a weapon at the time of the offense,

(2) To any drug-dependent person as defined in section 2 of P L 1970, c 226 (C 24 21-2), to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently an habitual drunkard,

(3) To any person who suffers from a physical defect or disease which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic unless any of the foregoing persons produces a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in a manner that would interfere with or handicap him in the handling of firearms, to any person who knowingly falsifies any information on the application form for a handgun purchase permit or firearms purchaser identification card,

(4) To any person under the age of 18 years for a firearms purchaser identification card and to any person under the age of 21 years for a permit to purchase a handgun,

(5) To any person where the issuance would not be in the interest of the public health, safety or welfare,

(6) To any person who is subject to a restraining order issued pursuant to the "Prevention of Domestic Violence Act of 1991," P L 1991, c 261 (C 2C 25-17 et seq) prohibiting the person from possessing any firearm,

(7) To any person who as a juvenile was adjudicated delinquent for an offense which, if committed by an adult, would constitute a crime and the offense involved the unlawful use or possession of a weapon, explosive or destructive device or is enumerated in subsection d of section 2 of P L 1997, c 117 (C 2C 43-7 2),

(8) To any person whose firearm is seized pursuant to the "Prevention of Domestic Violence Act of 1991," P L 1991, c 261 (C 2C 25-17 et seq) and whose firearm has not been returned, or

(9) To any person named on the consolidated Terrorist Watchlist maintained by the Terrorist Screening Center administered by the Federal Bureau of Investigation,

(10) To any person who is subject to a court order prohibiting the custody, control, ownership, purchase, possession, or receipt of a firearm or ammunition issued pursuant to the "Extreme Risk Protective Order Act of 2018," P L 2018, c 35 (C 2C 58-20 et al), or

(11) To any person who is subject to a court order prohibiting the custody, control, ownership, purchase, possession, or receipt of a firearm or ammunition issued pursuant to P L 2021, c 327 (C 2C 12-14 et al)

d Issuance The chief of police of an organized full-time police department of the municipality where the applicant resides or the superintendent, in all other cases, shall upon application, issue to any person qualified under the provisions of subsection c of this section a permit to purchase a handgun or a firearms purchaser identification card

Any person aggrieved by the denial of a permit or identification card may request a hearing in the Superior Court of the county in which he resides if he is a resident of New Jersey or in the Superior Court of the county in which his application was filed if he is a nonresident The request for a hearing shall be made in writing within 30 days of the denial of the application for a permit or identification card The applicant shall serve a copy of his request for a hearing upon the chief of police of the municipality in which he resides, if he is a resident of New Jersey, and upon the superintendent in all cases The hearing shall be held and a record made thereof within 30 days of the receipt of the application for a hearing by the judge of the Superior Court No formal pleading and no filing fee shall be required as a preliminary to a hearing Appeals from the results of a hearing shall be in accordance with law

e Applications Applications for permits to purchase a handgun and for firearms purchaser identification cards shall be in the form prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, sex and physical description, including distinguishing physical characteristics, if any, of the applicant, and shall state whether the applicant is a citizen, whether he is an alcoholic, habitual drunkard, drug-dependent person as defined in section 2 of P L 1970, c 226 (C 24 21-2), whether he has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or permanent basis, giving the name and location of the institution or hospital and the dates of confinement or commitment, whether he has been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric

condition, giving the name and location of the doctor, psychiatrist, hospital or institution and the dates of the occurrence, whether he presently or ever has been a member of any organization which advocates or approves the commission of acts of force and violence to overthrow the Government of the United States or of this State, or which seeks to deny others their rights under the Constitution of either the United States or the State of New Jersey, whether he has ever been convicted of a crime or disorderly persons offense, whether the person is subject to a restraining order issued pursuant to the "Prevention of Domestic Violence Act of 1991," P L 1991, c 261 (C 2C 25-17 et seq) prohibiting the person from possessing any firearm, whether the person is subject to a protective order issued pursuant to the "Extreme Risk Protective Order Act of 2018," P L 2018, c 35 (C 2C 58-20 et al), whether the person is subject to a protective order issued pursuant to P L 2021, c 327 (C 2C 12-14 et al) prohibiting the person from possessing any firearm, and other information as the superintendent shall deem necessary for the proper enforcement of this chapter For the purpose of complying with this subsection, the applicant shall waive any statutory or other right of confidentiality relating to institutional confinement The application shall be signed by the applicant and shall contain as references the names and addresses of two reputable citizens personally acquainted with him

Application blanks shall be obtainable from the superintendent, from any other officer authorized to grant a permit or identification card, and from licensed retail dealers

The chief police officer or the superintendent shall obtain the fingerprints of the applicant and shall have them compared with any and all records of fingerprints in the municipality and county in which the applicant resides and also the records of the State Bureau of Identification and the Federal Bureau of Investigation, provided that an applicant for a handgun purchase permit who possesses a valid firearms purchaser identification card, or who has previously obtained a handgun purchase permit from the same licensing authority for which he was previously fingerprinted, and who provides other reasonably satisfactory proof of his identity, need not be fingerprinted again, however, the chief police officer or the superintendent shall proceed to investigate the application to determine whether or not the applicant has become subject to any of the disabilities set forth in this chapter

f Granting of permit or identification card, fee, term, renewal, revocation The application for the permit to purchase a handgun together with a fee of $2, or the application for the firearms purchaser identification card together with a fee of $5, shall be delivered or forwarded to the licensing authority who shall investigate the same and, unless good cause for the denial thereof appears, shall grant the permit or the identification card, or both, if

application has been made therefor, within 30 days from the date of receipt of the application for residents of this State and within 45 days for nonresident applicants A permit to purchase a handgun shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days A firearms purchaser identification card shall be valid until such time as the holder becomes subject to any of the disabilities set forth in subsection c of this section, whereupon the card shall be void and shall be returned within five days by the holder to the superintendent, who shall then advise the licensing authority Failure of the holder to return the firearms purchaser identification card to the superintendent within the five days shall be an offense under subsection a of N J S 2C 39-10 Any firearms purchaser identification card may be revoked by the Superior Court of the county wherein the card was issued, after hearing upon notice, upon a finding that the holder thereof no longer qualifies for the issuance of the permit The county prosecutor of any county, the chief police officer of any municipality or any citizen may apply to the court at any time for the revocation of the card

There shall be no conditions or requirements added to the form or content of the application, or required by the licensing authority for the issuance of a permit or identification card, other than those that are specifically set forth in this chapter

g Disposition of fees All fees for permits shall be paid to the State Treasury if the permit is issued by the superintendent, to the municipality if issued by the chief of police, and to the county treasurer if issued by the judge of the Superior Court

h Form of permit, quadruplicate, disposition of copies The permit shall be in the form prescribed by the superintendent and shall be issued to the applicant in quadruplicate Prior to the time he receives the handgun from the seller, the applicant shall deliver to the seller the permit in quadruplicate and the seller shall complete all of the information required on the form Within five days of the date of the sale, the seller shall forward the original copy to the superintendent and the second copy to the chief of police of the municipality in which the purchaser resides, except that in a municipality having no chief of police, the copy shall be forwarded to the superintendent The third copy shall then be returned to the purchaser with the pistol or revolver and the fourth copy shall be kept by the seller as a permanent record

i Restriction on number of firearms person may purchase Only one handgun shall be purchased or delivered on each permit and no more than one handgun shall be purchased within any 30-day period, but this limitation shall not apply to

(1) a federal, State, or local law enforcement officer or agency purchasing handguns for use by officers in the actual performance of their law enforcement duties,

(2) a collector of handguns as curios or relics as defined in Title 18, United States Code, section 921 (a) (13) who has in his possession a valid Collector of Curios and Relics License issued by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives,

(3) transfers of handguns among licensed retail dealers, registered wholesale dealers and registered manufacturers,

(4) transfers of handguns from any person to a licensed retail dealer or a registered wholesale dealer or registered manufacturer,

(5) any transaction where the person has purchased a handgun from a licensed retail dealer and has returned that handgun to the dealer in exchange for another handgun within 30 days of the original transaction, provided the retail dealer reports the exchange transaction to the superintendent, or

(6) any transaction where the superintendent issues an exemption from the prohibition in this subsection pursuant to the provisions of section 4 of P L 2009, c 186 (C 2C 58-3 4)

The provisions of this subsection shall not be construed to afford or authorize any other exemption from the regulatory provisions governing firearms set forth in chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes,

A person shall not be restricted as to the number of rifles or shotguns he may purchase, provided he possesses a valid firearms purchaser identification card and provided further that he signs the certification required in subsection b of this section for each transaction

j Firearms passing to heirs or legatees Notwithstanding any other provision of this section concerning the transfer, receipt or acquisition of a firearm, a permit to purchase or a firearms purchaser identification card shall not be required for the passing of a firearm upon the death of an owner thereof to his heir or legatee, whether the same be by testamentary bequest or by the laws of intestacy The person who shall so receive, or acquire the firearm shall, however, be subject to all other provisions of this chapter If the heir or legatee of the firearm does not qualify to possess or carry it, he may retain ownership of the firearm for the purpose of sale for a period not exceeding 180 days, or for a further limited period as may be approved by the chief law enforcement officer of the municipality in which the heir or legatee resides or the superintendent, provided that the firearm is in the custody of the chief law enforcement officer of the municipality or the superintendent during that period

k Sawed-off shotguns Nothing in this section shall be construed to authorize the purchase or possession of any sawed-off shotgun

l Nothing in this section and in N J S 2C 58-2 shall apply to the sale or purchase of a visual distress signalling device approved by the United States Coast Guard, solely for possession on a private or commercial aircraft or any boat, provided, however, that no person under the age of 18 years shall purchase nor shall any person sell to a person under the age of 18 years a visual distress signalling device

m The provisions of subsections a and b of this section and paragraphs (4) and (5) of subsection a of N J S 2C 58-2 shall not apply to the purchase of firearms by a law enforcement agency for use by law enforcement officers in the actual performance of the current or former judge's duties, which purchase may be made directly from a manufacturer or from a licensed dealer located in this State or any other state

n For the purposes of this section, "immediate family" means a spouse, domestic partner as defined in section 3 of P L 2003, c 246 (C 26 8A-3), partner in a civil union couple as defined in section 2 of P L 2006, c 103 (C 37 1-29), parent, stepparent, grandparent, sibling, stepsibling, child, stepchild, and grandchild, as related by blood or by law

7 This act shall take effect immediately

Approved December 21, 2021

CHAPTER 328

AN ACT concerning the financing of environmental infrastructure projects in Fiscal Year 2022 and amending P L 2021, c 203

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

1 Section 1 of P L 2021, c 203 is amended to read as follows

1 a (1) There is appropriated to the department from the "Clean Water State Revolving Fund," established pursuant to section 1 of P L 2009, c 77, an amount equal to the federal fiscal year 2021 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 from the "Interim Environmental Financing Program Fund," established by the New Jersey Infrastructure Bank pursuant to subsection d of section 9 of P L 1985, c 334 (C 58 11B-9), such amounts as may be necessary to supplement the sums appropriated from the Clean Water State Revolving Fund for the purposes of clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act

(3) There is appropriated to the department from the "Disaster Relief Emergency Financing Program Fund," established by the New Jersey Infrastructure Bank pursuant to section 1 of P L 2013, c 93 (C 58 11B-9 5), such amounts as may be necessary to supplement the sums appropriated from the Clean Water State Revolving Fund for the purposes of clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act

(4) There is appropriated to the department from the "Drinking Water State Revolving Fund," established pursuant to section 1 of P L 1998, c 84, an amount equal to the federal fiscal year 2021 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 is authorized to transfer from the Clean Water State Revolving Fund to the Drinking Water State Revolving Fund, pursuant to the "Water Infrastructure Funding Transfer Act," Pub L 116-63, additional amounts as may be necessary to address a threat to public health, and an amount equal to the maximum amount authorized to be transferred is appropriated to the department for those purposes

The department is authorized to transfer from the Clean Water State Revolving Fund to the Drinking Water State Revolving Fund an amount up to the maximum amount authorized to be transferred pursuant to the Federal Safe Drinking Water Act to meet present and future needs for the financing of eligible drinking water projects, and an amount equal to that maximum amount is appropriated to the department for those purposes

The department is authorized to transfer from the Drinking Water State Revolving Fund to the Clean Water State Revolving Fund an amount up to the maximum amount authorized to be transferred pursuant to the Federal Clean Water Act to meet present and future needs for the financing of eligible

clean water projects, and an amount equal to that maximum amount is appropriated to the department for those purposes.

Notwithstanding any provision of P.L. 2021, c. 203, as amended by P.L. 2021, c. 328, to the contrary, the department is authorized to utilize funds from the Clean Water State Revolving Fund for the purposes of the Drinking Water State Revolving Fund, and may charge interest on loans made with such invested funds to the extent permitted by the Federal Clean Water Act and the Federal Safe Drinking Water Act.

(5) There is appropriated to the department the unappropriated balances from the Clean Water State Revolving Fund, including the balances from the Federal Disaster Relief Appropriations Act, and any repayments of loans and interest therefrom, as may be available on or before June 30, 2022, for the purposes of clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(6) There is appropriated to the department the unappropriated balances from the "Wastewater Treatment Fund," established pursuant to section 15 of the "Wastewater Treatment Bond Act of 1985," P.L. 1985, c. 329, and any repayments of loans and interest therefrom, as may be available on or before June 30, 2022, for the purposes of clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(7) There is appropriated to the department the unappropriated balances from the "1992 Wastewater Treatment Fund," established pursuant to section 27 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L. 1992, c. 88, and any repayments of loans and interest therefrom, as may be available on or before June 30, 2022, for the purposes of clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(8) There is appropriated to the department the unappropriated balances from the "2003 Water Resources and Wastewater Treatment Fund," established pursuant to subsection a. of section 19 of the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003," P.L. 2003, c. 162, and any repayments of loans and interest therefrom, as may be available on or before June 30, 2022, for the purposes of clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(9) There is appropriated to the department the unappropriated balances from the "Pinelands Infrastructure Trust Fund," established pursuant to section 14 of the "Pinelands Infrastructure Trust Bond Act of 1985," P L 1985, c 302, and any repayments of loans and interest therefrom, as may be available on or before June 30, 2022, for the purposes of clean water project loans and drinking water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act and for drinking water projects pursuant to the Federal Safe Drinking Water Act

(10) There is appropriated to the department the unappropriated balances from the "Stormwater Management and Combined Sewer Overflow Abatement Fund," established pursuant to the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989," P L 1989, c 181, and any repayments of loans and interest therefrom, as may be available on or before June 30, 2022, for the purposes of clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act

(11) There is appropriated to the department the unappropriated balances from the Drinking Water State Revolving Fund and any repayments of loans and interest therefrom, including the balances from the Federal Disaster Relief Appropriations Act as may be available on or before June 30, 2022, for the purposes of drinking water project loans

(12) There is appropriated to the department such sums as may be needed from loan repayments and interest earnings from the "Water Supply Fund," established pursuant to section 14 of the "Water Supply Bond Act of 1981," P L 1981, c 261, for the "Drinking Water State Revolving Fund Match Accounts" contained within that fund, for the purpose of providing the State match as may be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act

(13) There is appropriated to the department from the "Interim Environmental Financing Program Fund," established by the New Jersey Infrastructure Bank pursuant to subsection d of section 9 of P L 1985, c 334 (C 58 11B-9), such amounts as may be available on or before June 30, 2022, and any repayments of loans and interest therefrom, as may be necessary to supplement the sums appropriated from the Drinking Water State Revolving Fund for the purposes of drinking water project loans and providing the State match as may be required for the award of the capitalization grants made

available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act

(14) There is appropriated to the department from the "Disaster Relief Emergency Financing Program Fund," established by the New Jersey Infrastructure Bank pursuant to section 1 of P L 2013, c 93 (C 58 11B-9 5), such amounts as may be necessary to supplement the sums appropriated from the Drinking Water State Revolving Fund for the purposes of drinking water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act

(15) There is appropriated to the department such amounts as may be received by the Department of Community Affairs, as the grantee from the United States Department of Housing and Urban Development Community Development Block Grant - Disaster Recovery Program (CDBG-DR), as may be available on or before June 30, 2022, for the purposes of CDBG-DR eligible clean water and drinking water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act and drinking water projects pursuant to the Federal Safe Drinking Water Act

(16) There is appropriated to the department such sums as may be available on or before June 30, 2022, as repayments of drinking water project loans and any interest therefrom from the "Water Supply Fund," established pursuant to section 14 of the "Water Supply Bond Act of 1981," P L 1981, c 261, for the purposes of drinking water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act

(17) Of the sums appropriated to the department from the "Water Supply Fund" pursuant to P L 1999, c 174, P L 2001, c 222, P L 2002, c 70, and P L 2003, c 158, the department is authorized to transfer any unexpended balances and any repayments of loans and interest therefrom as may be available on or before June 30, 2022, in such amounts as needed to the Drinking Water State Revolving Fund accounts contained within the Water Supply Fund established for the purposes of providing drinking water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act

(18) Of the sums appropriated to the department from the "1992 Wastewater Treatment Fund" pursuant to P L 1996, c 85, P L 1997, c 221, P L 1998, c 84, 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 available on or before June 30, 2022, in such amounts as needed to the Clean Water State Revolving Fund accounts contained within the 1992 Wastewater Treatment Fund for the purposes of providing clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act

(19) Of the sums appropriated to the department from the "2003 Water Resources and Wastewater Treatment Fund" pursuant to 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 available on or before June 30, 2022, in such amounts as needed to the Clean Water State Revolving Fund accounts contained within the 2003 Water Resources and Wastewater Treatment Fund for the purposes of providing clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act

(20) There is appropriated to the department the sums deposited by the New Jersey Infrastructure Bank into the Clean Water State Revolving Fund, the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," established pursuant to the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989," 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 2021, c 204, as amended by P L 2021, c 316, as may be available on or before June 30, 2022, for the purposes of providing clean water project loans and drinking water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act and for drinking water projects pursuant to the Federal Safe Drinking Water Act

Any such amounts shall be for the purpose of making zero interest and principal forgiveness financing loans, to the extent sufficient funds are available, to or on behalf of local government units or public water utilities (hereinafter referred to as "project sponsors") to finance a portion of the cost of the construction of clean water projects and drinking water projects listed in sections 2 and 3 of P L 2021, c 203, as amended by P L 2021, c 328, and for the purpose of implementing and administering the provisions of P L 2021, c 203, as amended by P L 2021, c 328, to the extent permitted by the Federal Disaster

Relief Appropriations Act, the Federal Clean Water Act, the Federal Safe Drinking Water Act, P L 2009, c 77, the "Wastewater Treatment Bond Act of 1985 " P L 1985, c 329, the "Water Supply Bond Act of 1981," P L 1981, c 261, the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989," P L 1989, c 181, the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P L 1992, c 88, the "Dam, Lake, Stream, Flood Control, Water Resources, and the Wastewater Treatment Project Bond Act of 2003," P L 2003, c 162, and any amendatory and supplementary acts thereto

(21) Of the $60 million appropriated to the department for the capital construction of drinking water infrastructure by the State fiscal year 2021 appropriations act, P L 2020 c 97, up to $25 million may be transferred to the New Jersey Infrastructure Bank to invest, provide debt service reserve or guarantee, or pay interest on behalf of a sponsor of a drinking water environmental infrastructure project

(22) There is appropriated to the department such amounts as may be received by the department under the Sewer Overflow and Stormwater Reuse Grants Program, as the grantee from the United States Environmental Protection Agency, as may be available on or before June 30, 2022, for the purposes of eligible clean water project grants

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 2021, c 203, as amended by P L 2021, c 328, for clean water projects, up to the individual amounts indicated and in the priority stated, to the extent there are sufficient eligible project applications, except that any such amounts may be reduced if a project fails to meet the requirements of sections 4 or 5 of P L 2021, c 203, as amended by P L 2021, c 328, or by the Commissioner of Environmental Protection pursuant to section 7 of P L 2021, c 203, as amended by P L 2021, c 328

(1) A maximum of $35 million in principal forgiveness loans, plus any appropriated but unallocated funds designated in State fiscal year 2021 for combined sewer overflow projects, shall be issued as provided in subsection a of section 3 of P L 2021, c 203, as amended by P L 2021, c 328, to communities in combined sewer overflow sewersheds for construction projects that reduce or eliminate discharges from combined sewer overflow outfalls The amount of a principal forgiveness loan issued pursuant to this paragraph shall not exceed $4 million per borrower whenever practicable For project costs up to and including $4 million, 50 percent of the principal of the loan shall be forgiven, and the remaining 50 percent of the loan shall

have a blended interest rate of 50 percent of the trust's market rate For project costs greater than $4 million and up to and including $10 million, the loan shall have a blended interest rate of 25 percent of the trust's market rate For project costs greater than $10 million, the loan shall have a blended interest rate of 50 percent of the trust's market rate

(2) A maximum of $10 million in principal forgiveness loans, plus any appropriated but unallocated funds designated in State fiscal year 2021 for water quality restoration projects, shall be issued as provided in subsection a of section 3 of P L 2021, c 203, as amended by P L 2021, c 328, for water quality restoration projects The amount of a principal forgiveness loan issued pursuant to this paragraph shall not exceed $4 million per borrower whenever practicable For project costs up to and including $4 million, 50 percent of the principal of the loan shall be forgiven, and the remaining 50 percent of the loan shall have a blended interest rate of 50 percent of the trust's market rate For project costs greater than $4 million and up to and including $10 million, the loan shall have a blended interest rate of 25 percent of the trust's market rate For project costs greater than $10 million, the loan shall have a blended interest rate of 50 percent of the trust's market rate

(3) To the extent funds designated in State fiscal year 2021 are available, a maximum of $500,000 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 2021, c 203, as amended by P L 2021, c 328, 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 total loan amount per project in an amount not to exceed $100,000 per project sponsor

(4) A maximum of $1 million in principal forgiveness loans for combined sewer overflow or stormwater management projects shall be issued to finance up to 20 percent of project costs for projects that qualify for a Sewer Overflow and Stormwater Reuse grant 100 percent of the principal of the loan shall be forgiven, and the remaining project costs shall be financed through a Sewer Overflow and Stormwater Reuse grant from the department

(5) The projects listed in subsection a of section 2 of P L 2021, c 203, as amended by P L 2021, c 328, and subsection a of section 3 of P L 2021, c 203, as amended by P L 2021, c 328, that were previously identified in P L 2020, c 49, as amended by P L 2021, c 21, are granted continued priority status and shall be subject to the provisions of P L 2020, c 49, as amended by P L 2021, c 21, provided such projects receive short-term funding prior to June 30, 2021

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 2021, c 203, as amended by P L 2021, c 328, for drinking water projects, up to the individual amounts indicated and in the priority stated, provided

(1) a maximum of 30 percent of the 2021 Drinking Water State Revolving Fund capitalization grant, not to exceed $5 million, plus any funds transferred to the Drinking Water State Revolving Fund pursuant to paragraph (4) of subsection a of this section may be issued as provided in subsection b of section 3 of P L 2021, c 203, as amended by P L 2021, c 328, for drinking water systems, as follows

(a) up to $4 million of Drinking Water State Revolving Fund loans, plus any appropriated but unallocated funds designated in State fiscal year 2021 for drinking water systems serving populations of up to 10,000 residents, shall be available for drinking water systems serving populations of up to 10,000 residents wherein principal forgiveness shall not exceed $500,000 in the aggregate and shall not exceed 50 percent of the total loan amount per project sponsor in an amount not to exceed $1 million per project sponsor

Loans for drinking water systems serving 500 or fewer residents shall be given the highest priority, followed by systems serving 501 to 10,000 residents,

(b) up to $2 million in principal forgiveness loans for drinking water systems that serve fewer than 500 persons and are assisted by the Community Engineering Corps to come into compliance with federal or State drinking water regulations A loan issued pursuant to this subparagraph shall have 100 percent principal forgiveness for a loan amount of up to $750,000 per project, and

(c) a maximum of $10 million of principal forgiveness for drinking water systems serving communities with a population of up to 1,000 residents for corrosion control treatment and lead service line replacement projects wherein principal forgiveness may be authorized for up to 100 percent of the total fund loan amount of $1 million per water system,

(2) up to $103 million of moneys from the Drinking Water State Revolving Fund, plus any appropriated but unallocated funds designated in State fiscal year 2021, may be issued for principal forgiveness loans for drinking water systems serving communities with a weighted median household income less than the median household income for the State to finance lead service line replacements, wherein principal forgiveness shall not exceed 50 percent of the total loan amount of $2 million per water system for systems with fewer than 1,000 known lead service lines, $10 million per water system for systems with 1,000 to 5,000 known lead service lines, and $36 million per water system for systems with greater than 5,000 known lead

service lines Notwithstanding the principal forgiveness limitations set forth in this paragraph, the department may increase the amount of principal forgiveness by one percent increments for each qualifying principal forgiveness loan, up to a maximum of the applicable cap amount, until the total amount of funds appropriated to the department for principal forgiveness pursuant to the federal "Water Infrastructure Funding Transfer Act," Pub L 116-63, is exhausted

Loans may be made pursuant to this subsection to the extent there are sufficient eligible project applications and as may be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act Any such amounts may be reduced by the Commissioner of Environmental Protection pursuant to section 7 of P L 2021, c 203, as amended by P L 2021, c 328, or if a project fails to meet the requirements of section 4 or 5 of P L 2021, c 203, as amended by P L 2021, c 328, and

(3) Those projects listed in subsections a and b of section 3 of P L 2021, c 203, as amended by P L 2021, c 328, that were previously identified in P L 2020, c 49, as amended by P L 2021, c 21, are granted continued priority status and shall be subject to the provisions of P L 2020, c 49, as amended by P L 2021, c 21, provided such projects receive short-term funding prior to June 30, 2021

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 2021, c 203, as amended by P L 2021, c 328, under the same terms, conditions and requirements set forth in this section from any unexpended balances of the amounts appropriated pursuant to section 1 of 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, sections 1 and 2 of P L 2017, c 143, as amended by P L 2017,

c 326, sections 1 and 2 of PL 2018, c 85, as amended by PL 2018, c 137 and PL 2019, c 12, sections 1 and 2 of PL 2019, c 193, as amended by PL 2019, c 514, and PL 2020, c 49, as amended by PL 2021, c 21, and sections 1 and 2 of PL 2021, c 203, as amended by PL 2021, c 328, including amounts resulting from the low bid and final building cost reductions authorized pursuant to section 6 of PL 1987, c 200, section 7 of PL 1988, c 133, section 6 of PL 1989, c 189, section 6 of PL 1990, c 99, section 6 of PL 1991, c 325, section 6 of PL 1992, c 38, section 6 of PL 1993, c 193, section 6 of PL 1994, c 106, section 6 of PL 1995, c 219, section 6 of PL 1996, c 85, section 6 of PL 1997, c 221, section 7 of PL 1998, c 84, section 6 of PL 1999, c 174, section 6 of PL 2000, c 92, section 6 of PL 2001, c 222, section 6 of PL 2002, c 70, section 6 of PL 2003, c 158, section 6 of PL 2004, c 109, section 6 of PL 2005, c 196, section 6 of PL 2006, c 68, section 6 of PL 2007, c 139, section 6 of PL 2008, c 68, section 7 of PL 2009, c 102, section 6 of PL 2010, c 63, section 6 of PL 2011, c 93, section 6 of PL 2012, c 43, section 6 of PL 2013, c 95, section 7 of PL 2014, c 25, section 7 of PL 2015, c 108, section 7 of PL 2016, c 32, as amended by PL 2017, c 14, section 7 of PL 2017, c 143 as amended by PL 2017, c 326, section 7 of PL 2018, c 85, as amended by PL 2018, c 137 and PL 2019, c 12, section 7 of PL 2019, c 193, as amended by PL 2019, c 514, section 7 of PL 2020, c 49, as amended by PL 2021, c 21, and section 7 of PL 2021, c 203, as amended by PL 2021, c 328, and from any repayments of loans and interest from the Clean Water State Revolving Fund, the "Wastewater Treatment Fund," the "Water Supply Fund," the "1992 Wastewater Treatment Fund," the "2003 Water Resources and Wastewater Treatment Fund," and amounts deposited therein during State fiscal year 2020 and State fiscal year 2021 pursuant to the provisions of section 16 of PL 1985, c 329, and section 2 of PL 2009, c 77 and any amendatory and supplementary acts thereto, including any Clean Water State Revolving Fund Accounts contained within the "Wastewater Treatment Fund," and from any repayment of loans and interest from the Drinking Water State Revolving Fund

e The department is authorized to make zero interest and principal forgiveness Sandy financing loans to or on behalf of the project sponsors for the Sandy environmental infrastructure projects listed in subsection a of section 3 of PL 2021, c 203, as amended by PL 2021, c 328, for clean water projects, and subsection b of section 3 of PL 2021, c 203, as amended by PL 2021, c 328 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 PL 2021, c 203, as amended by PL 2021, c 328, or if a project fails to meet the requirements of

section 4, 5, or 7 of P L 2021, c 203, as amended by P L 2021, c 328, provided a maximum of $300 million shall be provided for Sandy financing loans for clean water projects to provide financial assistance to communities affected by the Storm Sandy, and for projects whose purpose is to reduce flood damage risk and vulnerability or to enhance resiliency to rapid hydrologic change or a natural disaster

f For the purposes of P L 2021, c 203, as amended by P L 2021, c 328

"Department" means the Department of Environmental Protection

"Federal Disaster Relief Appropriations Act" means the "Disaster Relief Appropriations Act, 2013," Pub L 113-2, and any amendatory and supplementary acts thereto

"Sandy financing" means grants, zero interest loans or principal forgiveness loans provided by the Department of Environmental Protection from funds made available to the State for clean water or drinking water projects, or clean water or drinking water project match, pursuant to the Federal Disaster Relief Appropriations Act

"Trust" means the New Jersey Infrastructure Bank created pursuant to section 4 of P L 1985, c 334 (C 58 11B-4)

2 Section 2 of P L 2021, c 203 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 Loan Amount
Camden County MUA	S340640-18R	$7,500,000	$10,000,000
Elizabeth City	S340942-19R	$206,250	$275,000
Hoboken City	S340635-06R	$30,000,000	$40,000,000
North Bergen MUA	S340652-14R	$3,750,000	$5,000,000
Ocean Twp SA	S340750-14R	$750,000	$1,000,000
Plumsted Twp	S340607-03R	$7,500,000	$10,000,000
Rockaway Valley RSA	S340821-07R	$2,250,000	$3,000,000
Franklin Twp SA	S340839-06-1	$750,000	$1,000,000
Paterson City	S340850-03-1	$1,912,500	$2,550,000
Rockaway Valley RSA	S340821-06-1	$581,250	$775,000
Warren Twp SA	S340964-05R	$3,750,000	$5,000,000
Somerville Borough	S342013-01-1	$1,387,500	$1,850,000
Total Projects 12		**$60,337,500**	**$80,450,000**

(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 2021, c 203, as amended by P L 2021, c 328, and the loan amounts certified by the Commissioner of Environmental Protection in State fiscal years 2008, 2017, 2019, 2020, and 2021 and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the department pursuant to section 4 of P L 1985, c 329 The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 4, 5, or 7 of P L 2021, c 203, as amended by P L 2021, c 328

(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 2021, c 203, as amended by P L 2021, c 328

b (1) The department is authorized to expend funds for the purpose of making supplemental loans to or on behalf of the project sponsors listed below for the following drinking water environmental infrastructure projects

Project Sponsor	**Project Number**	**Estimated Allowable DEP Loan Amount**	**Estimated Total Loan Amount**
Newark City	0714001-016R	$2,250,000	$3,000,000
North Jersey District Water Supply Comm	1613001-025R	$19,125,000	$25,500,000
Total Projects 2		**$21,375,000**	**$28,500,000**

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amount required by these projects based upon final building costs pursuant to section 7 of P L 2021, c 203, as amended by P L 2021, c 328, and the loan amounts certified by the Commissioner of Environmental Protection in State fiscal year 2020 and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the department pursuant to section 5 of P L 1981, c 261 The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 4, 5, or 7 of P L 2021, c 203, as amended by P L 2021, c 328

(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 2021, c 203, as amended by P L 2021, c 328

c The department is authorized to adjust the allowable department loan amount for projects authorized in this section to between zero percent and

100 percent of the total allowable loan amount If the department loan amount is adjusted to 100 percent of the total allowable loan amount, the loan shall be provided pursuant to the terms and conditions of the financing program year in which the construction loan component of the project was certified by the department and in which the trust issued an interim financing program loan or, in the absence of an interim financing program loan, the terms and conditions of the State fiscal year 2022 financing program

3 Section 3 of P L 2021, c 203 is amended to read as follows

3 a (1) The following environmental infrastructure projects shall be known and may be cited as the "Storm Sandy and State Fiscal Year 2022 Clean Water Project Eligibility List"

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Loan Amount
Musconetcong SA	S340384-09	$4,500,000	$6,000,000
Camden County MUA	S340640-20	$2,250,000	$3,000,000
Newark City	S340815-28	$4,500,000	$6,000,000
Newark City	S340815-24	$17,250,000	$23,000,000
Hopatcong Borough	S340488-08	$450,000	$600,000
Jersey City MUA	S340928-24	$81,000,000	$108,000,000
Elizabeth City	S340942-17	$4,875,000	$6,500,000
Camden County MUA	S340640-13	$9,600,000	$12,800,000
Bayonne City	S340399-31	$3,750,000	$5,000,000
Ocean County UA	S340372-62	$3,225,000	$4,300,000
Ocean County UA	S340372-63	$1,650,000	$2,200,000
Ocean County UA	S340372-61	$3,975,000	$5,300,000
Hoboken City	S340635-09	$375,000	$500,000
Mount Laurel Twp MUA	S340943-06	$6,000,000	$8,000,000
Jersey City	S340928-30	$2,033,250	$2,711,000
North Hudson SA	S340952-30	$17,400,000	$23,200,000
Riverside SA	S340490-01	$630,000	$840,000
Perth Amboy City	S340435-14	$1,956,000	$2,608,000
Hackensack City	S340923-14	$6,000,000	$8,000,000
Somerset Raritan Valley SA	S340801-09	$4,875,000	$6,500,000
Passaic Valley SC	S340689-37	$91,125,000	$121,500,000
Passaic Valley SC	S345200-01	$7,125,000	$9,500,000
Bergen County UA	S340386-21	$5,700,000	$7,600,000
Northwest Bergen County UA	S340700-18	$1,500,000	$2,000,000
Linden Roselle SA	S340299-08	$20,250,000	$27,000,000
Clinton Town	S340924-08	$3,075,000	$4,100,000
Gloucester County UA	S340902-15	$8,625,000	$11,500,000
Stafford Twp	S344100-03	$4,200,000	$5,600,000
Allentown Borough	S340567-05	$3,825,000	$5,100,000

Stony Brook RSA	S340400-11	$16,500,000	$22,000,000
Evesham MUA	S340838-09	$375,000	$500,000
Howell Twp	S344040-02	$11,010,000	$14,680,000
Rutgers, The State University of New Jersey	S340500-01	$27,750,000	$37,000,000
Willingboro MUA	S340132-09	$6,750,000	$9,000,000
Ocean County	S344080-10	$187,500	$250,000
Ocean County	S344080-11	$262,500	$350,000
Rockaway Valley RSA	S340821-08	$11,625,000	$15,500,000
Ocean County	S344080-09	$975,000	$1,300,000
Chatham Borough	S340715-07A	$5,466,885	$7,289,180
Madison Borough	S340715-07B	$5,466,885	$7,289,180
Wildwood City	S340664-06	$11,784,758	$15,713,010
New Jersey Water Supply Authority	S340421-02	$64,575,000	$86,100,000
Long Branch SA	S340336-09	$4,200,000	$5,600,000
Stafford Twp	S340946-07	$3,750,000	$5,000,000
Manasquan River RSA	S340911-03	$495,000	$660,000
Delran Twp	S340794-10	$1,575,000	$2,100,000
Monmouth County Bayshore Outfall Authority	S340325-04	$2,625,000	$3,500,000
Camden County MUA	S340640-28	$5,625,000	$7,500,000
Warren Twp SA	S340964-05	$3,750,000	$5,000,000
Atlantic County UA	S340809-29	$3,000,000	$4,000,000
Lambertville MUA	S340882-09	$1,350,000	$1,800,000
Atlantic County UA	S340809-30	$7,575,000	$10,100,000
Lambertville MUA	S340882-10	$525,000	$700,000
Toms River MUA	S340145-05	$3,375,000	$4,500,000
Toms River MUA	S340145-08	$1,018,800	$1,358,400
Two Rivers Water Reclamation Authority	S340117-09	$3,150,000	$4,200,000
Brick Twp MUA	S340448-11	$4,275,000	$5,700,000
Paulsboro Borough	S340164-01	$2,062,500	$2,750,000
Northwest Bergen County UA	S340700-15	$5,250,000	$7,000,000
Northwest Bergen County UA	S340700-19	$6,099,338	$8,132,450
Franklin Twp SA	S340839-09	$5,625,000	$7,500,000
Franklin Twp SA	S340839-08	$3,150,000	$4,200,000
Mount Laurel Twp MUA	S340943-07	$2,400,000	$3,200,000
Winslow Twp	S340895-10	$1,275,000	$1,700,000
Ocean Twp SA	S340750-13	$412,500	$550,000

Scotch Plains Twp	S340512-01	$2,025,000	$2,700,000
Carteret Borough	S340939-10	$4,950,000	$6,600,000
Burlington Twp	S340712-17	$750,000	$1,000,000
Somerset Raritan Valley SA	S340801-07	$25,500,000	$34,000,000
Princeton	S340656-11	$2,944,259	$3,925,678
Middlesex Borough	S340698-02	$1,926,563	$2,568,750
Pennsville SA	S340870-04	$1,200,000	$1,600,000
Red Bank Borough	S340528-01	$3,375,000	$4,500,000
Glen Ridge Borough	S340861-03	$334,387	$445,849
Buena Borough MUA	S340518-06	$973,500	$1,298,000
Long Beach Twp	S340023-07	$3,450,000	$4,600,000
Ship Bottom Borough	S340311-05	$3,750,000	$5,000,000
Passaic Valley SC	S340689-45	$7,657,577	$10,210,102
Passaic Valley SC	S340689-54	$11,642,883	$15,523,844
Lower Twp MUA	S340810-05	$22,500,000	$30,000,000
Greenwich Twp	S340359-02	$1,650,000	$2,200,000
Marlboro Twp	S340268-02	$723,188	$964,250
Mantua Twp MUA	S340514-02	$1,687,500	$2,250,000
Newton Town	S340449-04	$403,500	$538,000
Cranford Twp	S340858-04	$2,625,000	$3,500,000
Northfield City	S340508-02	$112,500	$150,000
Spotswood Borough	S340510-01	$4,070,250	$5,427,000
North Hudson SA	S340952-36	$675,000	$900,000
Clinton Town	S340924-07	$600,000	$800,000
Kearny Town	S340259-12	$16,125,000	$21,500,000
Jersey City MUA	S340928-32	$9,225,000	$12,300,000
Atlantic City MUA	S340439-04	$2,300,000	$3,066,667
Jersey City MUA	S340928-33	$6,750,000	$9,000,000
East Orange City	S340843-03	$12,000,000	$16,000,000
Burlington City	S340140-02	$1,950,000	$2,600,000
Raritan Twp MUA	S340485-12	$3,675,000	$4,900,000
Bloomfield Twp	S340516-01	$5,423,228	$7,230,970
Northwest Bergen County UA	S340700-16	$3,675,000	$4,900,000
University Hospital	S340500-03	$5,850,000	$7,800,000
Ship Bottom Borough	S340311-04	$2,062,500	$2,750,000
Total Projects 100		**$731,572,751**	**$975,430,300**

(2) The department is authorized to make clean water project loans to the following municipalities receiving funding from the "Pinelands Infrastructure Trust Fund," established pursuant to section 14 of the "Pinelands Infrastructure Trust Bond Act of 1985," P.L. 1985, c. 302

Project Sponsor	Project Number	Estimated Total Loan Amount
Pemberton Twp	Pinelands 1	$2,929,000
Manchester Twp / Jackson MUA	Pinelands 2	$7,192,035
Galloway Twp	Pinelands 4	$3,493,440
Winslow Twp	Pinelands 5	$1,728,940
Total Pinelands Projects 4		**$15,343,415**

b The following environmental infrastructure projects shall be known and may be cited as the "Storm Sandy and State Fiscal Year 2022 Drinking Water Project Eligibility List"

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Loan Amount
NJ American Water Co , Inc	2004002-012	$15,000,000	$20,000,000
East Windsor MUA	1101002-005	$1,500,000	$2,000,000
South Orange Village	0719001-012	$600,000	$800,000
Old Bridge MUA	1209002-005	$2,025,000	$2,700,000
NJ American Water Co , Inc	2004002-013	$12,000,000	$16,000,000
Jersey City MUA	0906001-021	$8,250,000	$11,000,000
Lakeshore Co	1413001-001	$375,000	$500,000
Hoboken City	0905001-002	$6,000,000	$8,000,000
Glen Ridge Borough	0708001-008	$1,929,908	$2,573,210
Brielle Borough	1308001-004	$1,845,000	$2,460,000
Moorestown Twp	0322001-002	$11,430,000	$15,240,000
Woodbine Borough	0516001-001	$3,750,000	$5,000,000
Woodland Heights Homeowners Association	1615022-001	$420,000	$560,000
Jersey City MUA	0906001-020	$4,965,000	$6,620,000
Newark City	0714001-018	$3,862,500	$5,150,000
Lakehurst Borough	1513001-002	$900,000	$1,200,000
Orange City	0717001-014	$1,500,000	$2,000,000
Jersey City MUA	0906001-009	$3,750,000	$5,000,000
Brielle Borough	1308001-005	$3,375,000	$4,500,000
Middlesex Water Co	1225001-025	$42,750,000	$57,000,000
Hardyston MUA	1911006-003	$75,000	$100,000
Jersey City MUA	0906001-025	$24,000,000	$32,000,000
Hopatcong Borough	1912001-004	$75,000	$100,000
Jersey City MUA	0906001-015	$2,691,950	$3,589,266
Spotswood Borough	1224001-001	$2,582,936	$3,443,914
Trenton City	1111001-011	$15,255,000	$20,340,000
Wildwood City	0514001-006	$4,637,403	$6,183,204
Hamburg Borough	1909001-001	$63,750	$85,000

National Park Borough	0812001-005	$1,144,875	$1,526,500
NJ American Water Co , Inc	1345001-021	$19,758,750	$26,345,000
Moorestown Twp	0322001-001	$18,468,750	$24,625,000
National Park Borough	0812001-004	$1,275,000	$1,700,000
Highbridge Borough	1014001-001	$75,000	$100,000
Newark City	0714001-008	$25,647,000	$34,196,000
Farmingdale Borough	1314001-002	$680,250	$907,000
Brick Twp MUA	1506001-011	$15,667,500	$20,890,000
Brick Twp MUA	1506001-009	$4,446,570	$5,928,760
Clinton Town	1005001-012	$2,625,000	$3,500,000
Ship Bottom Borough	1528001-003	$7,500,000	$10,000,000
Ship Bottom Borough	1528001-004	$3,075,000	$4,100,000
Jersey City MUA	0906001-018	$7,500,000	$10,000,000
Jersey City MUA	0906001-017	$1,305,180	$1,740,240
NJ American Water Co , Inc	1345001-017	$7,575,000	$10,100,000
Hamburg Borough	1909001-002	$825,000	$1,100,000
East Orange City	0705001-014	$24,750,000	$33,000,000
Newark City	0714001-022	$17,250,000	$23,000,000
Allentown Borough	1302001-002	$411,825	$549,100
Jersey City MUA	0906001-019	$5,025,000	$6,700,000
Clinton Town	1005001-013	$2,250,000	$3,000,000
Paulsboro Borough	0814001-003	$2,250,000	$3,000,000
Milltown Borough	1212001-005	$1,350,000	$1,800,000
Newark City	0714001-019	$9,375,000	$12,500,000
Mount Arlington Borough	1426005-001	$165,836	$250,285
Newark City	0714001-020	$13,125,000	$17,500,000
Orange City	0717001-013	$525,000	$700,000
Seaside Park Borough	1527001-004	$1,125,000	$1,500,000
Roosevelt Borough	1341001-007	$450,000	$600,000
Hampton Borough	1013001-001	$1,650,000	$2,200,000
Middlesex Water Co	1225001-028	$8,400,000	$11,200,000
Long Beach Twp	1517001-015	$3,119,401	$4,159,201
Bloomfield Twp	0702001-003	$823,796	$1,098,395
Hightstown Borough	1104001-010	$1,331,759	$1,775,678
East Greenwich	0803001-004	$1,950,000	$2,600,000
Clinton Town	1005001-010	$1,320,000	$2,640,000
Total Projects 64		**$389,824,939**	**$520,675,753**

c The department is authorized to adjust the allowable department loan amount for projects authorized in this section to between zero percent and 100 percent of the total allowable loan amount If the department loan amount is adjusted to 100 percent of the total allowable loan amount, the loan shall be provided pursuant to the terms and conditions of the financing program year in which the construction loan component of the project was certified by the department and for which the trust issued an interim financing program loan or, in the absence of an interim financing program loan, the terms and conditions of the State fiscal year 2022 financing program

4 Section 4 of P L 2021, c 203 is amended to read as follows

4 Any financing loan made by the department pursuant to P L 2021, c 203, as amended by P L 2021, c 328, shall be subject to the following requirements

a The Commissioner Environmental Protection has certified that the project is in compliance with the provisions of P L 1977, c 224, P L 1985, c 329, P L 1992, c 88, P L 1997, c 223, P L 1997, c 225, or P L 2003, c 162, and any rules and regulations adopted pursuant thereto,

b Except as otherwise provided in this subsection, a loan for an environmental infrastructure project listed in section 2 or 3 of P L 2021, c 203, as amended by P L 2021, c 328, shall be subject to the terms and conditions of the financing program year in which the construction loan component of the project was certified by the department and in which the trust issued an interim financing program loan or, in the absence of an interim financing program loan, the terms and conditions of the State fiscal year 2022 financing program Notwithstanding any provision of P L 2021, c 203, as amended by P L 2021, c 328, or a financial plan of the trust for State fiscal years 2018 through 2021 developed pursuant to section 21 of P L 1985, c 334 (C 58 11B-21) or section 25 of P L 1997, c 224 (C 58 11B-21 1) to the contrary, a loan for an environmental infrastructure project listed in section 2 or 3 of P L 2021, c 203, as amended by P L 2021, c 328, that is partially funded from the proceeds of bonds issued by the trust to the United States Environmental Protection Agency pursuant to the federal "Water Infrastructure Finance and Innovation Act of 2014," 33 U S C s 3901 et seq , shall be subject to terms and conditions regulating the blending of federal and other funds that are consistent with those provisions of the financial plan of the trust for State fiscal year 2022 that reference the federal "Water Infrastructure Finance and Innovation Act of 2014,"

c Notwithstanding the provisions of sections 2 and 3 of P L 2021, c 203, as amended by P L 2021, c 328, the department allowable loan amount may be 100 percent of the total allowable loan amount for

(1) clean water project and drinking water project loans to (a) municipalities that do not satisfy the New Jersey Infrastructure Bank credit policy but are subject to State financial supervision and oversight pursuant to the "Local Government Supervision Act (1947)," P L 1947, c 151 (C 52 27BB-1 et seq), or (b) municipal, county, or regional sewerage authorities, or utilities authorities, that do not satisfy the New Jersey Infrastructure Bank credit policy but where the municipal participant through its service agreement with the authority or utility is under State financial supervision and oversight pursuant to the "Local Government Supervision Act (1947)," P L 1947, c 151 (C 52 27BB-1 et seq), and the repayment obligation of the authority or utility is secured by the full faith and credit of the participating municipality pursuant to the service agreement,

(2) clean water and drinking water loans to municipalities receiving funding under the United States Department of Housing and Urban Development Community Development Block Grant – Disaster Recovery Program (CDBG-DR), and

(3) clean water loans to municipal, county, or regional sewerage authorities that qualify for Sewer Overflow and Stormwater Reuse grants for combined sewer overflows or stormwater management projects

d With the exception of a loan for which the department issues 100 percent of the loan amount pursuant to subsection b of section 2, subsection c of section 3, and subsection c of this section, the loan shall be conditioned upon approval of a loan from the New Jersey Infrastructure Bank pursuant to P L 2021, c 204, as amended by P L 2021, c 316, prior to June 30, 2022,

e The loan shall be repaid within a period not to exceed 30 years, or 35 years for loans funded pursuant to the federal "Water Infrastructure Finance and Innovation Act of 2014," 33 U S C s 3901 et seq , as amended and supplemented, or 45 years for combined sewer overflow abatement projects, of the making of the loan, and

f The loan shall be subject to any other terms and conditions as may be established by the commissioner and approved by the State Treasurer, which may include, notwithstanding any other provision of law to the contrary, subordination of a loan authorized in P L 2021, c 203, as amended by P L 2021, c 328, to loans made by the New Jersey Infrastructure Bank pursuant to P L 2021, c 204, as amended by P L 2021, c 316, 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 2021, c 203 is amended to read as follows

5 Any Sandy financing loan made by the department pursuant to P L 2021, c 203, as amended by P L 2021, c 328, shall be subject to the following requirements

a The commissioner has certified that the project is in compliance with the provisions of Title X, Chapter 7 of the Federal Disaster Relief Appropriations Act,

b The commissioner has certified that the project is in compliance with the provisions of P L 1977, c 224, P L 1985, c 329, P L 1992, c 88, P L 1997, c 223, P L 1997, c 225 or P L 2003, c 162, and any rules and regulations adopted pursuant thereto, and

c The loan shall be subject to any other terms and conditions as may be established by the commissioner and approved by the State Treasurer, which may include, notwithstanding any other provision of law to the contrary, subordination of a loan authorized in P L 2021, c 203, as amended by P L 2021, c 328, to loans made by the trust pursuant to P L 2021, c 204, as amended by P L 2021, c 328, prior to June 30, 2022, or to administrative fees payable to the trust pursuant to subsection o of section 5 of P L 1985, c 334 (C 58 11B-5)

6 Section 6 of P L 2021, c 203 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 2021, c 203, as amended by P L 2021, c 328, shall expire on July 1, 2022, and any project sponsor which has not executed and delivered a loan agreement with the department for a loan authorized in P L 2021, c 203, as amended by P L 2021, c 328, shall no longer be entitled to that loan

7 Section 7 of P L 2021, c 203 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 2021, c 203, as amended by P L 2021, c 328, 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 2021, c 203, as amended by P L 2021, c 328, in an amount not to exceed 10 percent of the total allowable loan amount based upon additional project costs to comply with the department's guidance for asset management, emergency response, flood protection, and auxiliary power

8 Section 8 of P L 2021, c 203 is amended to read as follows

8 The expenditure of the funds appropriated by P L 2021, c 203, as amended by P L 2021, c 328, is subject to the provisions and conditions of P L 1977, c 224, P L 1085, c 302, P L 1985, c 329, P L 1989, c 181, P L 1992, c 88, P L 1997, c 223, P L 1997, c 225 or P L 2003, c 162, and the rules and regulations adopted by the Commissioner of Environmental Protection pursuant thereto, and the provisions of the Federal Disaster Relief Appropriations Act, the Federal Clean Water Act, and the Federal Safe Drinking Water Act, and any amendatory and supplementary acts thereto

9 Section 10 of P L 2021, c 203 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 provisions of section 28 of P L 1992, c 88, prior to repayment to the Drinking Water State Revolving Fund, prior to repayment to the "Stormwater Management and Combined Sewer Overflow Abatement Fund" pursuant to the provisions of section 15 of P L 1989, c 181, prior to repayment to the "2003 Water Resources and Wastewater Treatment Fund" pursuant to the provisions of section 20 of P L 2003, c 162, prior to repayment to the "Water Supply Fund" pursuant to the provisions of section 15 of P L 1981, c 261, or prior to the repayment to the "Pinelands Infrastructure Trust Fund" pursuant to the provisions of section 5 of P L 1985, c 302, repayments of loans made pursuant to these acts may be utilized by the New Jersey Infrastructure Bank established pursuant to P L 1985, c 334 (C 58 11B-1 et seq), as amended and supplemented by P L 1997, c 224, under terms and conditions established by the commissioner and trust, approved by the State Treasurer, and consistent with the provisions of P L 1985, c 334 (C 58 11B-1 et seq) and federal tax, environmental or securities law, to the extent necessary to secure repayment of trust bonds issued to finance loans approved pursuant to P L 2021, c 204, as amended by P L 2021, c 316, and to secure the administrative fees payable to the trust pursuant to subsection o of

section 5 of PL 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 PL 2009, c 77 and any amendatory and supplementary acts thereto, prior to repayment to the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of PL 1985, c 329, prior to repayment to the "1992 Wastewater Treatment Fund" pursuant to the provisions of section 28 of PL 1992, c 88, prior to repayment to the "Water Supply Fund" pursuant to the provisions of section 15 of PL 1981, c 261, prior to repayment to the Drinking Water State Revolving Fund, prior to repayment to the "2003 Water Resources and Wastewater Treatment Fund" pursuant to the provisions of section 20 of PL 2003, c 162, prior to repayment to the "Stormwater Management and Combined Sewer Overflow Abatement Fund" pursuant to the provisions of section 15 of PL 1989, c 181, or prior to repayment to the "Pinelands Infrastructure Trust Fund" pursuant to the provisions of section 5 of PL 1985, c 302, the trust is further authorized to utilize repayments of loans made pursuant to PL 1989, c 189, PL 1990, c 99, PL 1991, c 325, PL 1992, c 38, PL 1993, c 193, PL 1994, c 106, PL 1995, c 219, PL 1996, c 85, PL 1997, c 221, PL 1998, c 84, PL 1999, c 174, PL 2000, c 92, PL 2001, c 222, PL 2002, c 70, PL 2003, c 158, PL 2004, c 109, PL 2005, c 196, PL 2006, c 68, PL 2007, c 139, PL 2008, c 68, PL 2009, c 102, PL 2010, c 63, PL 2011, c 93, PL 2012, c 43, PL 2013, c 95, PL 2014, c 25, PL 2015, c 108, PL 2016, c 32, PL 2017, c 143, as amended by PL 2017, c 326, PL 2018, c 85, as amended by PL 2018, c 137, PL 2019, c 12, PL 2019, c 193, as amended by PL 2019, c 514, PL 2020, c 49, as amended by PL 2021, c 21, or PL 2021, c 203, as amended by PL 2021, c 328, to secure repayment of trust bonds issued to finance loans approved pursuant to PL 1995, c 218, PL 1996, c 87, PL 1997, c 222, PL 1998, c 85, PL 1999, c 173, PL 2000, c 93, PL 2001, c 224, PL 2002, c 71, PL 2003, c 159, PL 2004, c 110, PL 2005, c 197, PL 2006, c 67, PL 2007, c 140, PL 2008, c 67, PL 2009, c 101, PL 2010, c 62, PL 2011, c 95, PL 2012, c 38, PL 2013, c 94, PL 2014, c 26, PL 2015, c 107, PL 2016, c 31, PL 2017, c 142, as amended by PL 2017, c 327, PL 2018, c 84, as amended by PL 2019, c 30, PL 2019, c 192, as amended by PL 2019, c 515, PL 2020, c 48, as amended by PL 2021, c 22, or PL 2021, c 204, as amended by PL 2021, c 316, and to secure the administrative fees payable to the trust under these loans pursuant to subsection o of section 5 of PL 1985, c 334 (C 58 11B-5)

c To the extent that any loan repayment sums are used to satisfy any trust bond repayment or administrative fee payment deficiencies, the trust shall repay such sums to the department for deposit into the Clean Water

State Revolving Fund, the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the Drinking Water State Revolving Fund, the "2003 Water Resources and Wastewater Treatment Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," or the "Pinelands Infrastructure Trust Fund," as appropriate, from amounts received by or on behalf of the trust from project sponsors causing any such deficiency

10 Section 13 of P L 2021, c 203 is amended to read as follows

13 There is appropriated to the New Jersey Infrastructure Bank established pursuant to P L 1985, c 334 (C 58 11B-1 et seq), funds from the Federal Disaster Relief Appropriations Act deposited in any account including the Clean Water State Revolving Fund, the "Water Supply Fund," or the Drinking Water State Revolving Fund, as appropriate, funds transferred by the department to the New Jersey Infrastructure Bank pursuant to paragraph (21) of subsection a of section 1 of P L 2021, c 203, as amended by P L 2021, c 328, and funds from any net earnings received from the investment and reinvestment of such deposits, such sums as the chairperson of the trust certifies to the Commissioner of Environmental Protection to be necessary and appropriate for deposit into one or more reserve funds or accounts established by the trust pursuant to section 11 of P L 1985, c 334 (C 58 11B-11)

11 This act shall take effect immediately

Approved December 21, 2021

CHAPTER 329

AN ACT concerning deferred retirement by certain members of the Judicial Retirement System and amending P L 2019, c 287

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

1 Section 1 of P L 2019, c 287 (C 43 6A-11 1) is amended to read as follows

C 43 6A-11 1 Certain members of Judicial Retirement System, deferment

1 Notwithstanding the provisions of any law or regulation to the contrary, a member of the Judicial Retirement System who has been appointed by the Governor, with the advice and consent of the Senate, to the position of county prosecutor in accordance with N J S 2A 158-1 or who has been appointed by the Chief Justice of the Supreme Court to the position of Administrative Director of the Courts in accordance with Article VI, Section VII, paragraph 1 of the New Jersey Constitution may file, prior to commencing service as the county prosecutor or as the Administrative Director of the Courts, a written and duly executed application for retirement for any reason other than disability if the member has attained the age of 65 years, has the necessary judicial service credit for a full judicial retirement, and has served for 20 years as a judge for any court in New Jersey The approval process shall be expedited If the application is approved, the effective date of retirement for that member shall be deferred to the first day of the month following the termination of the member's service in the position of county prosecutor or of Administrative Director of the Courts The application for retirement shall be accompanied by a copy of the member's written resignation from the judicial office effective as of the date of the approval of the retirement application

If such a person attains the age of 70 years while serving as a county prosecutor or as the Administrative Director of the Courts and has an approved application for the member's retirement the effective date of which has been deferred, this section shall specifically override the JRS mandatory retirement age of 70 enacted in section 7 of P L 1973, c 140 (C 43 6A-7) and in the administrative code, and shall allow for the deferment of the mandatory retirement for JRS to the first day of the month following the termination of the member's service in the position of county prosecutor or of Administrative Director of the Courts

If such a person dies while in service as a county prosecutor or as the Administrative Director of the Courts, the death shall not be considered a death in active service The beneficiary shall be eligible for a pension or survivor's benefit, and for any death benefits, based on the approved retirement application and the retirement shall be effective as of the date of death The election by the member of an option in accordance with section 1 of P L 2002, c 54 (C 43 6A-16 1) shall become effective and payable

Notwithstanding any other provision of law to the contrary, a person who files an application for retirement pursuant to this section and serves in the position of county prosecutor or of Administrative Director of the Courts shall not be eligible to participate in the Defined Contribution Retirement System, enroll in any other State-administered retirement system, or receive

any other payments from the county or State deemed to be payments for retirement accounts, funds, pensions, or annuities The person and the person's dependents shall be eligible for health care benefits coverage provided for the position of county prosecutor or of Administrative Director of the Courts during service in that position

This section shall be effective if the qualified status of the retirement system under federal law can be maintained upon its application, and such modifications to the system as may be available shall be made to allow for its application

2 Section 2 of P L 2019, c 287 (C 52 14-17 32o) is amended to read as follows

C 52 14-17 32o Payment of premium, periodic changes, deferral of certain benefits

2 Notwithstanding the provisions of P L 1961, c 49 (C 52 14-17 26 et seq) to the contrary, from funds appropriated therefor, the State shall pay the premium or periodic charges for the benefits provided to a retired State employee and any dependents under the program, but not including survivors, if the employee (a) submitted an application for retirement with the Judicial Retirement System pursuant to section 1 of P L 2019, c 287 (C 43 6A-11 1), (b) subsequently served in the position of county prosecutor or of Administrative Director of the Courts, (c) was covered by the program at the time of terminating full-time employment as a judge with the State, and (d) was eligible for health care benefits coverage in retirement under the program paid in full or in part by the State at the time of terminating full-time employment as a judge with the State

The health care benefits coverage in retirement under the program to which the former State employee is entitled shall be deferred The former State employee shall notify the program of the date on which employment as a county prosecutor or as the Administrative Director of the Courts is terminated and the deferred retirement is to commence pursuant to section 1 of P L 2019, c 287 (C 43 6A-11 1) The former State employee and the employee's dependents shall be enrolled in the program as soon as feasible after that termination date and shall be entitled to such health care benefits coverage and payments for such coverage as the former State employee was eligible on the date terminating full-time employment as a judge with the State

3 This act shall take effect immediately

Approved December 21, 2021

CHAPTER 330

AN ACT concerning hospital charity care, amending P L 2004, c 113 and the Fiscal Year 2022 annual appropriations act, P L 2021, c 133, and making an appropriation

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

1 Section 3 of P L 2004, c 113 (C 26 2H-18 59i) is amended to read as follows

C 26 2H-18 59i Reimbursed documented charity care, charity care subsidy formula after July 1, 2004

3 a Beginning July 1, 2004 and each year thereafter

(1) Reimbursed documented charity care shall be equal to the Medicaid-priced amounts of charity care claims submitted to the Department of Health for the most recent calendar year, adjusted, as necessary, to reflect the annual audit results These amounts shall be augmented to reflect payments to hospitals by the Medicaid program for Graduate Medical Education and Indirect Medical Education based on the most recent Graduate Medical Education and Indirect Medical Education formulas utilized by the federal Medicare program

(2) Hospital-specific reimbursed documented charity care shall be equal to the Medicaid-priced dollar amount of charity care provided by a hospital as submitted to the Department of Health for the most recent calendar year A sample of the claims submitted by the hospital to the department shall be subject to an annual audit conducted pursuant to applicable charity care eligibility criteria

b Beginning July 1, 2004 and each year thereafter, the charity care subsidy shall be determined according to the following methodology

(1) Each hospital shall be ranked in order of its hospital-specific, relative charity care percentage, or RCCP, by dividing the amount of hospital-specific gross revenue for charity care patients by the hospital's total gross revenue for all patients

(2) The 10 hospitals with the highest RCCPs shall receive a charity care payment equal to 96 percent of each hospital's hospital-specific reimbursed documented charity care The hospital ranked number 11 shall receive a charity care payment equal to 94 percent of its hospital-specific reimbursed documented charity care, and each hospital ranked number 12 and below

shall receive two percentage points less than the hospital ranked immediately above that hospital

(3) Notwithstanding the provisions of paragraph (2) of this subsection to the contrary, each of the hospitals located in the 10 municipalities in the State with the lowest median annual household income according to the most recent census data, shall be ranked from the hospital with the highest hospital-specific reimbursed documented charity care to the hospital with the lowest hospital-specific reimbursed documented charity care The hospital in each of the 10 municipalities, if any, with the highest documented hospital-specific charity care shall receive a charity care payment equal to 96 percent of its hospital-specific reimbursed documented charity care

(4) Notwithstanding the provisions of this subsection to the contrary, no hospital shall receive reimbursement for less than 43 percent of its hospital-specific reimbursed documented charity care

c To ensure that charity care subsidy payments remain viable and appropriate, the State shall maintain the charity care subsidy at an amount not less than 75 percent of the Medicaid-priced amounts of charity care provided by hospitals in the State In addition, these amounts shall be augmented to reflect payments to hospitals by the Medicaid program for Graduate Medical Education and Indirect Medical Education based on the most recent Graduate Medical Education and Indirect Medical Education formulas utilized by the federal Medicare program

d Notwithstanding any other provisions of this section to the contrary, in the event that the change from the charity care subsidy formula in effect for fiscal year 2004 to the formula established pursuant to this section in effect for fiscal year 2005, reduces, for any reason, the amount of the charity care subsidy payment to a hospital below the amount that the hospital received under the formula in effect in fiscal year 2004, the hospital shall receive a payment equal to the amount it would have received under the formula in effect for fiscal year 2004

e The Legislature finds and declares that it is the intent of Legislature to provide that the provisions of P L 2021, c 330, which increases by one the number of hospitals eligible for a charity care payment equal to 96 percent of the hospital's hospital-specific reimbursed documented charity care, shall apply to the newly eligible hospital's State fiscal year 2022 charity care payment Any State fiscal year 2022 charity care payment change resulting from this formula modification shall be issued, as soon as practicable, in the form of a supplemental payment to each impacted hospital

2 Section 1 of the Fiscal Year 2022 annual appropriations act, P L 2021, c 133, is amended to read as follows

1 Notwithstanding the provisions of section 3 of P L 2004, c 113 (C 26 2H-18 59i) or any law or regulation to the contrary, the appropriation for Health Care Subsidy Fund Payments is subject to the following conditions the distribution of Charity Care funding shall be calculated in the following manner (a) source data for the most recent census data shall be from the 2019 5-Year American Community Survey, (b) source data used shall be from calendar year (CY) 2019 for documented charity care claims data and hospital-specific gross revenue for charity care patients and shall include all adjustments and void claims related to CY 2019 and any prior year submitted claims, as submitted by each acute care hospital or determined by the Department of Health (DOH), (c) source data used for CY 2019 documented charity care for each hospital's total gross revenue for all patients shall be from the CY 2019 audited Acute Care Hospital Cost Report as defined by Form E4, Line 1, Column E data and shall be according to the DOH due date of August 31, 2020, as submitted by January 31, 2021 by each acute care hospital and audited by March 1, 2021, (d) source data used for CY 2019 documented charity care shall be from CY 2019 Medicaid Cost Report submitted by each acute care hospital by February 14, 2021, (e) in the event that an eligible hospital failed to submit the CY 2019 Acute Care Hospital Cost Report, source data from their CY 2018 Acute Care Hospital Cost Report shall be used for hospital-specific gross revenue for charity care patients and for hospital total gross revenue for all patients as defined by Form E4, Line 1, Column E, (f) in the event that an eligible hospital failed to submit a full year CY 2019 Acute Care Hospital Cost Report, source data from a supplemental 2019 Acute Care Hospital Cost Report shall be used for hospital-specific gross revenue for charity care patients and for hospital total gross revenue for all patients as defined by Form E4, Line 1, Column E, (g) for each eligible hospital, except those designated 96 % by their hospital-specific reimbursed documented charity care upon the enactment of P L 2021, c 133 and pursuant to paragraph 2 of subsection b of section 3 of P L 2004, c 113 (C 26 2H-18 59i), as amended by section 1 of P L 2021, c 330, a proportionate decrease shall be applied to its calculated subsidy based on its percentage of total subsidy such that the total calculated subsidy for all hospitals shall equal $349,000,000, and (h) the resulting value will constitute each eligible hospital's SFY 2022 charity care subsidy allocation

3 There is appropriated from the General Fund to the Health Care Subsidy Fund the sum of $30,000,000 for the Department of Health to provide

a State fiscal year 2022 charity care payment equal to 96 percent of the hospital's hospital-specific reimbursed documented charity care to the hospital newly determined under section 1 of P L 2021, c 330 (C 26 2H-18 59i) to be eligible for such a payment Any funds appropriated pursuant to this section that are not allocated for the purpose stated above shall be allocated from the Health Care Subsidy Fund, on a prorated basis, to all eligible hospitals receiving charity care payments in State fiscal year 2022 of less than 96 percent of the hospital's hospital-specific reimbursed documented charity care Funds appropriated pursuant to this section to each eligible hospital receiving charity care payments in State fiscal year 2022 of less than 96 percent of the hospital's hospital-specific reimbursed documented charity care shall be issued, as soon as practicable, in the form of a supplemental payment to each impacted hospital

4 This act shall take effect immediately

Approved December 21, 2021

CHAPTER 331

AN ACT establishing the "Jersey Native Plants Program" 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 10-25 10 "Jersey Native Plants Program", established

1 a The Secretary of Agriculture, in conjunction with the State Board of Agriculture, shall develop and implement a "Jersey Native Plants Program" to encourage and promote the sale of New Jersey native plants at retail garden centers and nurseries The program shall increase consumer awareness of the important role of native plants in the ecosystem through advertising campaigns and marketing programs, provide for the dissemination of information about the variety and availability of New Jersey native plants, and create a labeling program to identify native plants as "Jersey Natives" for sale similar to the Jersey Fresh and Jersey Grown programs

b The Department of Agriculture shall adopt, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), rules and regulations to implement this act

2 This act shall take effect immediately

Approved January 1, 2022

CHAPTER 332

AN ACT entering New Jersey into the Interstate Medical 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 9-6 2 Interstate Medical Licensure Compact

1 The State of New Jersey enacts and enters into the Interstate Medical Licensure Compact with all other jurisdictions that legally join the compact in the form substantially as follows

Section 1 Purpose

In order to strengthen access to health care, and in recognition of the advances in the delivery of health care, the member states of the Interstate Medical Licensure Compact have allied in common purpose to develop a comprehensive process that complements the existing licensing and regulatory authority of state medical boards and provides a streamlined process that allows physicians to become licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the safety of patients The compact creates another pathway for licensure and does not otherwise change a state's existing medical practice act The compact also adopts the prevailing standard for licensure and affirms that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter, and therefore requires the physician to be under the jurisdiction of the state medical board where the patient is located State medical boards that participate in the compact retain the jurisdiction to impose an adverse action against a license to practice medicine in that state issued to a physician through the procedures in the compact

Section 2 Definitions

As used in this compact

a "Bylaws" means the bylaws established by the Interstate Commission pursuant to section 11 of this compact for its governance, or for directing and controlling its actions and conduct

b "Commissioner" means the voting representative appointed by each member board pursuant to section 11 of this compact

c "Conviction" means a finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a plea of guilt or no contest to the charge by the offender Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board

d "Expedited license" means a full and unrestricted medical license granted by a member state to an eligible physician through the process set forth in the compact

e "Interstate Commission" means the Interstate Medical Licensure Compact Commission created pursuant to section 11 of this compact

f "License" means authorization by a state for a physician to engage in the practice of medicine, which would be unlawful without the authorization

g "Medical practice act" means laws and regulations governing the practice of allopathic and osteopathic medicine within a member state

h "Member board" means a state agency in a member state that acts in the sovereign interests of the state by protecting the public through licensure, regulation, and education of physicians as directed by the state government

i "Member state" means a state that has enacted the compact

j "Practice of medicine" means the clinical prevention, diagnosis, or treatment of human disease, injury, or condition requiring a physician to obtain and maintain a license in compliance with the medical practice act of a member state

k "Physician" means any person who

(1) Is a graduate of a medical school accredited by the Liaison Committee on Medical Education, the Commission on Osteopathic College Accreditation, or a medical school listed in the International Medical Education Directory or its equivalent,

(2) Passed each component of the United States Medical Licensing Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) within three attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes,

(3) Successfully completed graduate medical education approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association,

(4) Holds specialty certification or a time-unlimited specialty certificate recognized by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic Specialists,

(5) Possesses a full and unrestricted license to engage in the practice of medicine issued by a member board,

(6) Has never been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction,

(7) Has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to non-payment of fees related to a license,

(8) Has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration, and

(9) Is not under active investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction

l "Offense" means a felony, gross misdemeanor, or crime of moral turpitude

m "Rule" means a written statement by the Interstate Commission promulgated pursuant to section 12 of this compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule

n "State" means any state, commonwealth, district, or territory of the United States

o "State of principal license" means a member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the compact

Section 3 Eligibility

a A physician shall meet the eligibility requirements specified in subsection k of section 2 of this compact to receive an expedited license under the terms and provisions of the compact

b A physician who does not meet the eligibility requirements set forth in subsection k of section 2 of this compact may obtain a license to practice

medicine in a member state if the individual complies with all laws and requirements, other than the compact, related to the issuance of a license to practice medicine in that state

Section 4 Designation of State of Principal License

a A physician shall designate a member state as the state of principal license for purposes of registration for expedited licensure through the compact if the physician possesses a full and unrestricted license to practice medicine in that state, and the state is

(1) the state of primary residence for the physician,

(2) the state where at least 25 percent of the physician's practice of medicine occurs,

(3) the location of the physician's employer, or

(4) if no state qualifies under paragraphs (1) through (3) of this subsection, the state designated as the physician's state of residence for federal income tax purposes

b A physician may redesignate a member state as the physician's state of principal license at any time, provided the state meets the requirements for designation set forth in subsection a of this section

c The Interstate Commission is authorized to develop rules to facilitate redesignation of another member state as the physician's state of principal license

Section 5 Application and Issuance of Expedited Licensure

a A physician seeking licensure through the compact shall file an application for an expedited license with the member board of the state selected by the physician as the physician's state of principal license

b Upon receipt of an application for an expedited license, the member board within the state selected as the physician's state of principal license shall evaluate whether the physician is eligible for expedited licensure and issue a letter of qualification to the Interstate Commission verifying or denying the physician's eligibility

(1) Static qualifications, which include verification of medical education, graduate medical education, results of any medical or licensing examination, and other qualifications as determined by the Interstate Commission through rule, shall not be subject to additional primary source verification where already primary source verified by the physician's state of principal license

(2) The member board within the state selected as the physician's state of principal license shall, in the course of verifying eligibility, perform a criminal background check of an applicant, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, with the exception of federal employees who have suitability determination in accordance with 5 CFR 731 202

(3) Appeal on the determination of eligibility shall be made to the member state where the application was filed and shall be subject to the law of that state

c Upon verification of a physician's eligibility for expedited licensure pursuant to subsection b of this section, the physician shall complete the registration process established by the Interstate Commission to receive a license in a member state selected pursuant to subsection a of this section, including the payment of any applicable fees

d Upon receiving verification of a physician's eligibility for expedited licensure pursuant to subsection b of this section and payment of any applicable fees pursuant to subsection c of this section, a member board shall issue an expedited license to the physician The license shall authorize the physician to practice medicine in the issuing state consistent with the medical practice at and all applicable laws and regulations of the issuing member board and member state

e An expedited license shall be valid for a period consistent with the licensure period in the member state and in the same manner as required for other physicians holding a full and unrestricted license within the member state

f An expedited license obtained through the compact shall be terminated if the physician fails to maintain a license in the physician's state of principal licensure for a non-disciplinary reason, without redesignation of a new state of principal licensure

g The Interstate Commission is authorized to develop rules regarding the application process, including payment of any applicable fees and the issuance of an expedited license

Section 6 Fees for Expedited Licensure

a A member state issuing an expedited license authorizing the practice of medicine in that state may impose a fee for a license issued or renewed through the compact

b The Interstate Commission is authorized to develop rules regarding fees for expedited licenses

Section 7 Renewal and Continued Participation

a A physician seeking to renew an expedited license granted in a member state shall complete a renewal process with the Interstate Commission if the physician

(1) Maintains a full and unrestricted license in a state of principal license,

(2) Has not been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction,

(3) Has not had a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to non-payment of fees related to a license, and

(4) Has not had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration

b Physicians shall comply with all continuing professional development or continuing medical education requirements for renewal of a license issued by a member state

c The Interstate Commission shall collect any renewal fees charged for the renewal of a license and distribute the fees to the applicable member board

d Upon receipt of any renewal fees collected pursuant to subsection c of this section, a member board shall renew the physician's license

e Physician information collected by the Interstate Commission during the renewal process will be distributed to all member boards

f The Interstate Commission is authorized to develop rules to address renewal of licenses obtained through the compact

Section 8 Coordinated Information System

a The Interstate Commission shall establish a database of all physicians licensed, or who have applied for licensure, pursuant to section 5 of this compact

b Notwithstanding any other provision of law, member boards shall report to the Interstate Commission any public action or complaints against a licensed physician who has applied for or received an expedited license through the compact

c Member boards shall report disciplinary or investigatory information determined as necessary and proper by rule of the Interstate Commission

d Member boards may report any non-public complaint, disciplinary, or investigatory information not required pursuant to subsection c of this section

e Member boards shall share complaint or disciplinary information about a physician upon request of another member board

f All information provided to the Interstate Commission or distributed by member boards shall be confidential, filed under seal, and used only for investigatory or disciplinary matters

g The Interstate Commission is authorized to develop rules for mandated or discretionary sharing of information by member boards

Section 9 Joint Investigations

a Licensure and disciplinary records of physicians are deemed investigative

b In addition to the authority granted to a member board by its respective medical practice act or other applicable state law, a member board may participate with other member boards in joint investigations of physicians licensed by the member boards

c A subpoena issued by a member state shall be enforceable in other member states

d Member boards may share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact

e Any member state may investigate actual or alleged violations of the statutes authorizing the practice of medicine in any other member state in which a physician holds a license to practice medicine

Section 10 Disciplinary Actions

a Any disciplinary action taken by any member board against a physician licensed through the compact shall be deemed unprofessional conduct which may be subject to discipline by other member boards, in addition to any violation of the medical practice act or regulations in that state

b If a license granted to a physician by the member board in the state of principal license is revoked, surrendered, or relinquished in lieu of discipline, or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the medical practice act of that state

c If disciplinary action is taken against a physician by a member board not in the state of principal license, any other member board may deem the action conclusive as to matter of law and fact decided, and

(1) impose the same or a lesser sanction against the physician, provided that the sanction is consistent with the medical practice act of that state, or

(2) pursue separate disciplinary action against the physician under its respective medical practice act, regardless of the action taken in other member states

d If a license granted to a physician by a member board is revoked, surrendered, or relinquished in lieu of discipline, or suspended, then any license issued to the physician by any other member board shall be suspended, automatically and immediately without further action necessary by the other member board, for 90 days upon entry of the order by the disciplining board, to permit the member board to investigate the basis for the action under the medical practice act of that state A member board may terminate the automatic suspension of the license it issued prior to the completion of the 90 day suspension period in a manner consistent with the medical practice act of that state

Section 11 Interstate Medical Licensure Compact Commission

a The member states hereby create the "Interstate Medical Licensure Compact Commission "

b The purpose of the Interstate Commission is the administration of the Interstate Medical Licensure Compact, which is a discretionary state function

c The Interstate Commission shall be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth in the compact, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of the compact

d The Interstate Commission shall consist of two voting representatives appointed by each member state, who shall serve as commissioners In states where allopathic and osteopathic physicians are regulated by separate member boards, or if the licensing and disciplinary authority is split between multiple member boards within a member state, the member state shall appoint one representative from each member board Each commissioner shall be

(1) an allopathic or osteopathic physician appointed to a member board,

(2) an executive director, executive secretary, or similar executive of a member board, or

(3) a member of the public appointed to a member board

e The Interstate Commission shall meet at least once each calendar year A portion of the meeting shall be a business meeting to address such matters as may properly come before the commission, including the election of officers The chairperson may call additional meetings and shall call for a meeting upon the request of a majority of the member states

f The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication

g Each commissioner participating at a meeting of the Interstate Commission is entitled to one vote A majority of commissioners shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Intestate Commission A commissioner shall not delegate a vote to another commissioner In the absence of its commissioner, a member state may delegate voting authority for a specified meeting to another person from that state who meets the requirements to serve as a commissioner pursuant to subsection d of this section

h The Interstate Commission shall provide public notice of all meetings and all meetings shall be open to the public The Interstate Commission may close a meeting in full or in part, where it determines by a two-thirds vote of the commissioners present that an open meeting would be likely to

(1) Relate solely to the internal personnel practices and procedures of the Interstate Commission,

(2) Discuss matters specifically exempted from disclosure by federal statute,

(3) Discuss trade secrets or commercial or financial information that is privileged or confidential,

(4) Involve accusing a person of a crime, or formally censuring a person,

(5) Discuss information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,

(6) Discuss investigative records compiled for law enforcement purposes, or

(7) Specifically relate to the participation in a civil action or other legal proceeding

i The Interstate Commission shall keep minutes, which shall fully describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including a record of any roll call votes

j The Interstate Commission shall make its information and official records, to the extent not otherwise designated in the compact or by its rules, available to the public for inspection

k The Interstate Commission shall establish an executive committee, which shall include officers, members, and others as determined by the bylaws

The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session When acting on behalf of the Interstate Commission, the executive committee shall oversee the administration of the compact, including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as may be necessary

l The Interstate Commission may establish other committees for governance and administration of the compact

Section 12 Powers and Duties of the Interstate Commission

The Interstate Commission shall have the duty and power to

a Oversee and maintain the administration of the compact,

b Promulgate rules, which shall be binding to the extent and in the manner provided for in the compact,

c Issue, upon the request of a member state or member board, advisory opinions concerning the meaning or interpretation of the compact and its bylaws, rules, and actions,

d Enforce compliance with compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process,

e Establish and appoint committees, including, but not limited to, an executive committee as required pursuant to section 11 of this compact, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties,

f Pay, or provide for the payment of, the expenses related to the establishment, organization, and ongoing activities of the Interstate Commission,

g Establish and maintain one or more offices,

h Borrow, accept, hire, or contract for services of personnel,

i Purchase and maintain insurance and bonds,

j Employ an executive director, who shall have the power to employ, select, or appoint employees, agents, or consultants, and to determine their qualifications, define their duties, and fix their compensation,

k Establish personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel,

l Accept donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same in a manner consistent with the conflict of interest policies established by the Interstate Commission,

m Lease, purchase, accept contributions or donations of, or otherwise own, hold, improve, or use any real or personal property,

n Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any real or personal property,

o Establish a budget and make expenditures,

p Adopt a seal and bylaws governing the management and operation of the Interstate Commission,

q Report annually to the legislatures and governors of the member states concerning the activities of the Interstate Commission during the preceding year Such reports shall also include reports of financial audits and any recommendations that may have been adopted by the Interstate Commission,

r Coordinate education, training, and public awareness regarding the compact, its implementation, and its operation,

s Maintain records in accordance with the bylaws,

t Seek and obtain trademarks, copyrights, and patents, and

u Perform such functions as may be necessary or appropriate to achieve the purposes of the compact

Section 13 Finance Powers

a The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff The total assessment shall be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources The aggregate annual assessment amount shall be allocated upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states

b The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same

c The Interstate Commission shall not pledge the credit of any of the member states, except by, and with the authority of, the member state

d The Interstate Commission shall be subject to a yearly financial audit conducted by a certified or licensed public accountant and the report of the audit shall be included in the Interstate Commission's annual report

Section 14 Organization and Operation of the Interstate Commission

a The Interstate Commission shall, within 12 months of the first Interstate Compact meeting and by a majority of commissioners present and

voting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact

b The Interstate Commission shall elect or appoint annually from among its commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws The chairperson, or in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission

c Officers selected pursuant to subsection b of this section shall serve without remuneration from the Interstate Commission

d The officers and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of, or relating to, an actual or alleged act, error, or omission that occurred, or that such person has a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties, or responsibilities, provided that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person

(1) The liability of the executive director and employees of the Interstate Commission or representatives of the Interstate Commission, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state, may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person

(2) The Interstate Commission shall defend the executive director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person

(3) To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such person arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons

Section 15 Rulemaking Functions of the Interstate Commission

a The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the Compact Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect

b Rules deemed appropriate for the operations of the Interstate Commission shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act" of 2010, and subsequent amendments thereto

c No later than 30 days after a rule is promulgated, any person may file a petition for judicial review of the rule in the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices, provided that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the authority granted to the Interstate Commission

Section 16 Oversight of the Interstate Compact

a The executive, legislative, and judicial branches of state government in each member state shall enforce the compact and shall take all actions necessary and appropriate to effectuate the purposes and intent of the compact The provisions of the compact and the rules promulgated

hereunder shall have standing as statutory law but shall not override existing state authority to regulate the practice of medicine

b 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 the compact which may affect the powers, responsibilities, or actions of the Interstate Commission

c The Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, the compact, or promulgated rules

Section 17 Enforcement of Interstate Compact

a The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the compact

b The Interstate Commission may, by majority vote of the commissioners, initiate legal action in the United States District Court for the District of Columbia, or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the Compact, and its promulgated rules and bylaws, against a member state in default The relief sought may include both injunctive relief and damages In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees

c The remedies herein shall not be the exclusive remedies of the Interstate Commission The Interstate Commission may avail itself of any other remedies available under state law or the regulation of a profession

Section 18 Default Procedures

a The grounds for default include, but are not limited to, failure of a member state to perform such obligations or responsibilities imposed on it by the compact or the rules and bylaws of the Interstate Commission promulgated under the compact

b If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the compact, or the bylaws or promulgated rules, the Interstate Commission shall

(1) Provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default, and any action

taken by the Interstate Commission The Interstate Commission shall specify the conditions by which the defaulting state shall cure its default, and

(2) Provide remedial training and specific technical assistance regarding the default

c If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the commissioners and all rights, privileges, and benefits conferred by the compact shall terminate 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 the default

d Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted Notice of intent to terminate shall be given by the Interstate Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states

e The Interstate Commission shall establish rules and procedures to address licenses and physicians that are materially affected by the termination of a member state or the withdrawal of a member state

f The member state which has been terminated is responsible for all dues, obligations, and liabilities incurred through the effective date of termination, including any obligations for which the performance of the obligation extends beyond the effective date of termination

g The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or which has been terminated from the compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state

h The defaulting state may appeal the action of the Interstate Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees

Section 19 Dispute Resolution

a The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states or member boards

b The Interstate Commission shall promulgate rules providing for both mediation and binding dispute resolution, as appropriate

Section 20 Member States, Effective Date, and Amendment

a Any state is eligible to become a member state of the compact

b The compact shall become effective and binding upon legislative enactment of the compact into law by no less than seven states Thereafter, it shall become effective and binding on a state upon enactment of the compact into law by that state

c The governors of non-member states, or their designees, shall be invited to participate in the activities of the Interstate Compact on a non-voting basis prior to adoption of the compact by all states

d The Interstate Commission may propose amendments to the compact for enactment by member states No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states

Section 21 Withdrawal

a Once effective, the compact shall continue in force and remain binding upon each and every member state, provided that a member state may withdraw from the compact by specifically repealing the statute that enacted the compact into law

b Withdrawal from the compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each member state

c The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing the compact in the withdrawing state

d The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within 60 days after receiving notice provided pursuant to subsection c of this section

e The withdrawing state shall be responsible for all dues, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations for which the performance of the obligation extends beyond the effective date of withdrawal

f Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission

g The Interstate Commission shall be authorized to develop rules to address the effect of withdrawal of a member state on licenses granted in

other member states to physicians who designated the withdrawing member state as the state of principal licensure

Section 22 Dissolution

a The compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state

b Upon the dissolution of the compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus finds shall be distributed in accordance with the bylaws

Section 23 Severability and Construction

a The provisions of the compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable

b The provisions of the compact shall be liberally construed to effectuate its purposes

c Nothing in the compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members

Section 24 Binding Effect of Compact and Other Laws

a Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact

b All laws in a member state in conflict with the compact are superseded to the extent of the conflict

c All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Commission, are binding upon the member states

d All agreements between the Interstate Commission and the member states are binding in accordance with their terms

e In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state

2 This act shall take effect immediately

Approved January 10, 2022

CHAPTER 333

AN ACT concerning voluntary contributions through gross income tax returns to support ovarian cancer research, supplementing chapter 9 of Title 54A of the New Jersey Statutes

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

C 54A 9-25 49 "New Jersey Ovarian Cancer Research Fund"

1 a There is established in the Department of the Treasury a special fund to be known as the "New Jersey Ovarian Cancer Research Fund "

b Each taxpayer shall have the opportunity to indicate on the taxpayer's New Jersey gross income tax return that a portion of the taxpayer's refund or an enclosed contribution shall be deposited in the special fund

c Any costs incurred by the Division of Taxation for collection or administration attributable to this section may be deducted from receipts collected pursuant to this section, as determined by the Director of the Division of Budget and Accounting The State Treasurer shall deposit net contributions collected pursuant to this section into the "New Jersey Ovarian Cancer Research Fund "

d The Legislature shall annually appropriate all monies deposited in the "New Jersey Ovarian Cancer Research Fund" established pursuant to this section to the New Jersey State Commission on Cancer Research, established pursuant to section 4 of P L 1983, c 6 (C 52 9U-4), for ovarian cancer research projects As used in this section, "ovarian cancer research project" means a scientific research project which is approved by the commission and which focuses on the causes, prevention, education, screening, treatment, or cure of ovarian cancer and may include, but is not limited to, basic, clinical, and epidemiologic research

2 This act shall take effect immediately and apply to taxable years beginning on or after January 1 next following the date of enactment

Approved January 10, 2022

CHAPTER 334

AN ACT concerning workers' compensation and amending R S 34 15-36

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

1 R S 34 15-36 is amended to read as follows

Definitions

34 15-36 "Willful negligence" within the intent of this chapter shall consist of (1) deliberate act or deliberate failure to act, or (2) such conduct as evidences reckless indifference to safety, or (3) intoxication, operating as the proximate cause of injury, or (4) unlawful 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)

"Employer" is declared to be synonymous with master, and includes natural persons, partnerships, and corporations, "employee" is synonymous with servant, and includes all natural persons, including officers of corporations, who perform service for an employer for financial consideration, exclusive of (1) employees eligible under the federal "Longshore and Harbor Workers' Compensation Act," 44 Stat 1424 (33 U S C s 901 et seq), for benefits payable with respect to accidental death or injury, or occupational disease or infection, and (2) casual employments, which shall be defined, if in connection with the employer's business, as employment the occasion for which arises by chance or is purely accidental, or if not in connection with any business of the employer, as employment not regular, periodic or recurring, provided, however, that forest fire wardens and forest firefighters employed by the State of New Jersey shall, in no event, be deemed casual employees

A self-employed person, partners of a limited liability partnership, members of a limited liability company or partners of a partnership who actively perform services on behalf of the self-employed person's business, the limited liability partnership, limited liability company or the partnership shall be deemed an "employee" of the business, limited liability partnership, limited liability company or partnership for purposes of receipt of benefits and payment of premiums pursuant to this chapter, if the business, limited liability partnership, limited liability company or partnership elects, when the workers' compensation policy of the business, limited liability partnership, limited liability company or partnership is purchased or renewed, to obtain coverage for the person, the limited liability partners, the limited liability company members or the partners If the business, limited liability partnership, limited liability company or partnership elects to obtain coverage for the self-employed person, limited liability partners, limited liability company members

or the partners, the election may only be made at purchase or at renewal and may not be withdrawn during the policy term If the business, limited liability partnership, limited liability company or partnership performs services covered under a homeowner's policy or other policies providing comprehensive personal liability insurance for domestic servants, household employees or the dependents thereof, the workers' compensation policy of the business, limited liability partnership, limited liability company or partnership shall have primary responsibility for the payment of benefits Notwithstanding the provisions of R S 34 15-71 and 34 15-72, the business, limited liability partnership, limited liability company or partnership shall not be required to purchase a policy unless the business, limited liability partnership, limited liability company or partnership is an "employer" of a least one employee as defined in this section who is not a self-employed person, limited liability partner, limited liability company member or partner actively performing services on behalf of the business, limited liability partnership, limited liability company or partnership

Notwithstanding any other provision of law to the contrary, no insurer or insurance producer as defined in section 3 of P L 2001, c 210 (C 17 22A-28) shall be liable in an action for damages on account of the failure of a business, limited liability partnership, limited liability company or partnership to elect to obtain workers' compensation coverage for a self-employed person, limited liability partner, limited liability company member or partner, unless the insurer or insurance producer causes damage by a willful, wanton or grossly negligent act of commission or omission Every application for workers' compensation made on or after the effective date of this amendatory act shall include notice, as approved by the Commissioner of Banking and Insurance, concerning the availability of workers' compensation coverage for self-employed persons, limited liability partners, limited liability company members or partners That application shall also contain a notice of election of coverage and shall clearly state that coverage for self-employed persons, limited liability partners, limited liability company members and partners shall not be provided under the policy unless the application containing the notice of election is executed and filed with the insurer or insurance producer The application containing the notice of election shall also contain a statement that the insurer or insurance producer shall not be liable in an action for damages on account of the failure of a business, limited liability partnership, limited liability company or partnership to elect to obtain workers' compensation coverage for a self-employed person, limited liability partner, limited liability company member or partner, unless the insurer or insurance producer causes damage by a willful, wanton or grossly negligent

act of commission or omission The failure of a self-employed person, limited liability partnership, limited liability company or partnership to elect to obtain workers' compensation coverage for the self-employed person, the limited liability partners, the limited liability company members or the partners shall not affect benefits available under any other accident or health policy

Employment shall be deemed to commence when an employee arrives at the employer's place of employment to report for work and shall terminate when the employee leaves the employer's place of employment, excluding areas not under the control of the employer, provided, however, when the employee is required by the employer to be away from the employer's place of employment, the employee shall be deemed to be in the course of employment when the employee is engaged in the direct performance of duties assigned or directed by the employer, but the employment of employee paid travel time by an employer for time spent traveling to and from a job site or of any employee who utilizes an employer authorized vehicle shall commence and terminate with the time spent traveling to and from a job site or the authorized operation of a vehicle on business authorized by the employer Travel by a policeman, fireman, or a member of a first aid or rescue squad, in responding to and returning from an emergency, shall be deemed to be in the course of employment

Employment shall also be deemed to commence when an employee is traveling in a ridesharing arrangement between his or her place of residence or terminal near such place and his or her place of employment, if one of the following conditions is satisfied the vehicle used in the ridesharing arrangement is owned, leased or contracted for by the employer, or the employee is required by the employer to travel in a ridesharing arrangement as a condition of employment

Employment shall also be deemed to commence, if an employer provides or designates a parking area for use by an employee, when an employee arrives at the parking area prior to reporting for work and shall terminate when an employee leaves the parking area at the end of a work period, provided that, if the site of the parking area is separate from the place of employment, an employee shall be deemed to be in the course of employment while the employee travels directly from the parking area to the place of employment prior to reporting for work and while the employee travels directly from the place of employment to the parking area at the end of a work period

"Disability permanent in quality and partial in character" means a permanent impairment caused by a compensable accident or compensable

occupational disease, based upon demonstrable objective medical evidence, which restricts the function of the body or of its members or organs, included in the criteria which shall be considered shall be whether there has been a lessening to a material degree of an employee's working ability Subject to the above provisions, nothing in this definition shall be construed to preclude benefits to a worker who returns to work following a compensable accident even if there be no reduction in earnings Injuries such as minor lacerations, minor contusions, minor sprains, and scars which do not constitute significant permanent disfigurement, and occupational disease of a minor nature such as mild dermatitis and mild bronchitis shall not constitute permanent disability within the meaning of this definition

"Disability permanent in quality and total in character" means a physical or neuropsychiatric total permanent impairment caused by a compensable accident or compensable occupational disease, where no fundamental or marked improvement in such condition can be reasonably expected

Factors other than physical and neuropsychiatric impairments may be considered in the determination of permanent total disability, where such physical and neuropsychiatric impairments constitute at least 75% or higher of total disability

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

"Medical services, medical treatment, physicians' services and physicians' treatment" shall include, but not be limited to, the services which a chiropractor is authorized by law to perform and which are authorized by an employer pursuant to the provisions of R S 34 15-1 et seq

2 This act shall take effect immediately

Approved January 10, 2022

CHAPTER 335

AN ACT concerning health care professionals and the National Practitioner Data Bank and supplementing P L 2002, c 104 (C 45 1-28 et seq)

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

C 45 1-32 1 Health care professional licensing boards, use of National Practitioner Data Bank

1 a A professional and occupational licensing board within the Division of Consumer Affairs in the Department of Law and Public Safety that regulates the practice of a health care professional shall

(1) not issue an initial license or other authorization to practice a health care profession that is regulated by that board to any applicant therefor unless the board first determines that no information exists on file in the National Practitioner Data Bank which may disqualify the applicant from being licensed or otherwise authorized to practice as a health care professional, and

(2) utilize the continuous query function of the National Practitioner Data Bank for each person issued a license or authorization to practice as a health care professional

b A board shall not issue or renew or, if renewed, shall revoke or suspend a license or other authorization to practice a health care profession that is regulated by that board of any applicant therefor or person issued a license or authorization to practice a health care profession if, consistent with section 8 of P L 1978, c 73 (C 45 1-21), the board determines there is cause to refuse to issue or suspend or revoke any license or authorization of a health care professional as the result of information obtained through use of the National Practitioner Data Bank consistent with the provisions of this act

c As used in this section, "National Practitioner Data Bank" means the database established pursuant to 45 C F R s 60 1, and maintained by the United States Department of Health and Human Services

2 This act shall take effect on the 90th day next following enactment

Approved January 10, 2022

CHAPTER 336

AN ACT establishing waterfront prevailing wage standards and supplementing chapter 11 of Title 34 of the Revised Statutes

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

C 34 11-56 77 Definitions relative to waterfront prevailing wage standards

1 For the purposes of this act

"Applicable waterfront prevailing wage rates" means the wage rates paid by virtue of the multiemployer collective bargaining agreements with waterfront employers in the Port of New York District, provided that if a collective bargaining agreement applying to a smaller locality or single waterfront facility stipulates wage rates different from the levels stipulated by the multiemployer collective bargaining agreements with waterfront employers in the Port of New York district, those different rates shall be the applicable waterfront prevailing wage rates for that locality or facility Contributions by a waterfront employer for benefits made pursuant to a collective bargaining agreement shall be considered an integral part of the wage paid by the waterfront employer for the purpose of determining the applicable waterfront prevailing wage rates for purpose of this act

"Carrier of freight by water" shall mean any person engaged, or who may hold himself out as willing to be engaged, whether as a common carrier, as a contract carrier, or otherwise, in the carriage of freight by water, except for carriage of liquid cargoes in bulk in tank vessels designed for use exclusively in such service, and except for 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

"Classification" of longshoremen means categories of longshoremen, including the kind of cargo they handle, such as break-bulk terminal cargo, break-bulk vessel cargo, or containers, job categories, such as laborers, equipment operators, checkers, crane operators, or mechanics, and duration of employment

"Commissioner" means the Commissioner of Labor and Workforce Development or his duly authorized representatives

"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

"Department" means the Department of Labor and Workforce Development of the State of New Jersey

"Division" means the Division of Wage and Hour Compliance in the Department of Labor and Workforce Development

"Financial assistance" means any loan, loan guarantee, grant, incentive, tax exemption or other financial assistance that is approved, funded, authorized, or administered by a public body, or otherwise provided by the public body

"Hiring agent" means an individual, who on behalf of any other person selects longshoremen for employment

"Locality" means any political subdivision of the State, combination of the same or parts thereof, or any geographical area or areas classified, designated and fixed by the commissioner from time to time, provided that in determining the "locality," the commissioner shall be guided by the boundary lines of political subdivisions or parts thereof, or by a consideration of the areas with respect to which it has been the practice of waterfront employers of classifications of longshoremen to engage in collective bargaining with the representatives of those classifications of longshoremen

"Longshoreman" means an individual, other than a hiring agent, who is employed for work at a waterfront facility to

(a) move waterborne freight on a vessel berthed at waterfront facilities, or to or from a barge, lighter or railroad car for transfer to or from the vessel,

(b) engage in direct and immediate checking of the freight or its custodial accounting or in the recording or tabulation of the hours worked at waterfront facilities by longshoremen,

(c) directly and immediately supervise longshoremen, or

(d) perform any other labor or services incidental to the movement of waterborne freight on vessels berthed at waterfront facilities, including, but not limited to, cargo repairmen, coopers, general maintenance workers, mechanical and miscellaneous workers, horse and cattle fitters, grain ceilers, port watchmen, and marine carpenters

"Marine terminal" means an area located in the State which includes piers, and is used primarily for the moving, warehousing, distributing or packing of waterborne freight or freight to or from those piers, and which, inclusive of such piers, is under common ownership or control

"Person" means an individual or any partnership, joint venture, association, corporation or any other legal entity other than a governmental entity

"Pier" includes any wharf, pier, dock or quay

"Port watchman" includes any watchman, gateman, groundsman, 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 such capacity on any pier or other waterfront terminal

"Public body" means the State of New Jersey, any of its political subdivisions, and any authority, instrumentality, or agency of the State of New Jersey or of any of its political subdivisions

"Public waterfront facility" means a waterfront facility located in the State which

(a) is owned, operated or administered by a public body,

(b) receives financial assistance that is approved, funded, authorized, or administered by a public body, or otherwise provided by the public body, or

(c) is owned, operated or administered by a waterfront employer who receives financial assistance that is approved, funded, authorized, or administered by a public body, or otherwise provided by the public body

"Stevedore" means an employer of longshoremen who is a contractor or subcontractor, but not an employee, engaged for compensation pursuant to a contract or arrangement with a carrier of waterborne freight or operator of a waterfront facility, to move waterborne freight carried or consigned for carriage by the carrier on, onto, or from vessels of the carrier berthed at waterfront facilities, including

(a) a contractor engaged for compensation pursuant to a contract or arrangement with a public entity, the United States, or any other state or territory thereof, to move freight carried or consigned for carriage between any point in a waterfront facility and a point outside of the waterfront facility on vessels berthed at the waterfront facility, or

(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, onto, or from vessels berthed at waterfront facilities, including, but not limited to, cargo storage, cargo repairing, coopering, general maintenance, mechanical and miscellaneous work, horse and cattle fitting, grain ceiling, and marine carpentry, 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 waterfront facilities

"Waterborne freight" shall mean freight carried by or consigned for carriage by carriers of freight by water, including ships' stores, baggage and mail carried by or consigned for carriage by carriers of freight by water

"Waterfront employer" means an operator of a waterfront facility, stevedore, or carrier of freight by water who employs longshoremen at a waterfront facility

"Waterfront facility" means any marine terminal or pier, or any other waterfront terminal located in the State

"Waterfront terminal" includes any warehouse, depot or other terminal located in the State, whether enclosed or open, 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

C 34 11-56 78 Longshoreman's rate of wages

2 Any waterfront employer who employs longshoremen at a waterfront facility shall pay each longshoreman a rate of wages not less than the applicable waterfront prevailing wage rate Every waterfront employer employing longshoremen at waterfront facilities shall keep an accurate record showing the name, classification, and hourly rate of wages actually paid to each longshoreman employed by the employer in connection with waterfront facilities The records shall be preserved for two years from the date of payment, and shall be open at all reasonable hours to the inspection of the commissioner, of any public body which owns, administers or provides financial assistance to the waterfront facility where the longshoremen are employed, and of any labor organization representing longshoremen working at that waterfront facility or other waterfront facilities in the State

C 34 11-56 79 Determination, establishment, publicizing of waterfront prevailing wage rates

3 The commissioner shall determine, establish and make public the waterfront prevailing wage rates for each waterfront facility and for each classification of longshoremen working at the facility All determinations of the waterfront prevailing wage rates made pursuant to this section shall be announced by the commissioner and prominently displayed on a webpage maintained by the department

C 34 11-56 80 Authority of commissioner

4 The commissioner shall have the authority to

a investigate and ascertain the wages of longshoremen employed in any waterfront facility in the State,

b enter and inspect the place of business or employment of any waterfront employer employing longshoremen at any waterfront facility in the State, and question those employees and investigate any facts, conditions or matters which the commissioner deems appropriate to determine whether any person has violated any provision of this act or rule or regulation adopted pursuant to this act or which may aid in the enforcement of the provisions of this act,

c administer oaths and examine witnesses under oath, issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, records, payrolls, documents, and testimony, and take depositions and affidavits in any proceeding before the commissioner,

d Copy any books, registers, payrolls, and other records as the commissioner deems necessary or appropriate, obtain proof of, and question, any longshoreman's identity to determine whether the longshoreman's identity

is accurately and truthfully included or reported in any books, registers, payrolls, and other records of the waterfront employer and question the longshoremen for the purpose of ascertaining whether the provisions of this act have been and are being complied with,

e obtain from the waterfront employers full and correct statements in writing, including sworn statements, regarding wages, hours, names, addresses, and such other information pertaining to the waterfront employer's longshoremen and their employment as the commissioner deems necessary or appropriate, and

f require any waterfront employer to file, within 10 days of receipt of a request, any records enumerated in this section, sworn to as to their validity and accuracy In the case of a public waterfront facility in which a public body has an agreement to make payments to a waterfront employer, if the waterfront employer fails to provide the requested records within 10 days, the commissioner may direct within 15 days the fiscal or financial officer charged with the custody and disbursements of the funds of the public body immediately to withhold from payment to the waterfront employer up to 25 percent of the amount, not to exceed $100,000, to be paid to the waterfront employer under the terms of the agreement ' The amount withheld shall be immediately released upon receipt by the public body of a notice from the commissioner indicating that the request for records has been satisfied

If a person fails to comply with any subpoena lawfully issued, or on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of the Superior Court, on application by the commissioner, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify in the court

C 34 11-56 81 Posting of waterfront prevailing wage rates

5 Waterfront employers employing longshoremen at waterfront facilities shall post the waterfront prevailing wage rates for each classification involved as determined by the commissioner, including the effective date of any changes thereof, in prominent and easily accessible places at the site of the work or at such place or places as are used by them to pay longshoremen their wages

C 34 11-56 82 Filing complaint with commissioner

6 Any longshoreman or representative of longshoremen may file with the commissioner a written complaint that the amount of wages paid for work performed by the longshoreman at a waterfront facility is less than the applicable waterfront prevailing wage rate for that work, or a written complaint

the longshoreman has suffered a discharge or other discrimination in violation of section 11 of this act, but the complaint may not be filed later than two years after the alleged underpayment or discrimination occurs

C 34 11-56 83 Violations relative to performance of duties by the commissioner

7 a Any waterfront employer who willfully hinders or delays the commissioner in the performance of his duties in the enforcement of this act, or who fails to make, keep, and preserve any records as required under the provisions of this act, or falsifies any such record, or refuses to make any such record accessible to the commissioner upon demand, or refuses to furnish a sworn statement of such record or any other information required for the proper enforcement of this act to the commissioner upon demand, or pays or agrees to pay wages at a rate less than the rate applicable under this act, or, during the time that the waterfront employer is included on the debarment list established by the commissioner pursuant to section 9 of this act, employs longshoremen at a waterfront facility, or who discriminates against a longshoreman in violation of section 11 of this act, or otherwise violates any provision of this act or of any regulation or order issued under this act, shall have violated the provisions of this act and be guilty of a disorderly persons offense and shall, upon conviction therefor, be fined not less than $1,000 nor more than $2,500 or be imprisoned for not less than 10 nor more than 90 days, or by both such fine and imprisonment Each week, in which there is a day in which the waterfront employer employs longshoremen while on the debarment list or in which a longshoreman is paid less than the rate applicable under this act and each longshoreman so paid, shall constitute a separate offense Such fines shall be in addition to the payment of any wage deficiencies

b As an alternative to, or in addition to, any other sanctions provided by law for violations of any provision of this act, when the commissioner finds that an waterfront employer has violated that act, the commissioner is authorized to assess and collect administrative penalties, up to a maximum of $2,500 for a first violation and up to a maximum of $5,000 for each subsequent violation, specified in a schedule of penalties to be promulgated as a rule or regulation by the commissioner in accordance with the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq) When determining the amount of the penalty imposed because of a violation, the commissioner shall consider factors which include the history of previous violations by the waterfront employer, the seriousness of the violation, the good faith of the waterfront employer and the size of the waterfront employer's business No administrative penalty shall be levied pursuant to this section unless the commissioner provides the alleged violator with notification of the violation and of the amount of the penalty by

certified mail and an opportunity to request a hearing before the commissioner or his designee within 15 days following the receipt of the notice If a hearing is requested, the commissioner shall issue a final order upon such hearing and a finding that a violation has occurred If no hearing is requested, the notice shall become a final order upon expiration of the 15-day period Payment of the penalty is due when a final order is issued or when the notice becomes a final order Any penalty imposed pursuant to this section may be recovered with costs in a summary proceeding commenced by the commissioner pursuant to the "Penalty Enforcement Law of 1999," P L 1999, c 274 (C 2A 58-10 et seq) Any sum collected as a fine or penalty pursuant to this section shall be applied toward enforcement and administration costs of the division

c When the commissioner finds that the waterfront employer has violated provisions of this act, the commissioner may refer the matter to the Attorney General or his designee for criminal investigation and prosecution Nothing in this subsection shall be deemed to limit the authority of the Attorney General to investigate and prosecute violations of the New Jersey Code of Criminal Justice, nor to limit the commissioner's ability to refer any matter for criminal investigation or prosecution

C 34 11-56 84 Waterfront employer's payment to commissioner

8 As an alternative to, or in addition to, any other sanctions provided by law for violation of this act, the commissioner is authorized to supervise the payment of amounts due to longshoremen under this act, and the waterfront employer may be required to make these payments to the commissioner to be held in a special account in trust for the longshoremen, and paid on order of the commissioner directly to the longshoreman or longshoremen affected The waterfront employer shall also pay the commissioner an administrative fee equal to not less than 10 percent or more than 25 percent of any payment made to the commissioner pursuant to this section The amount of the administrative fee shall be specified in a schedule of fees to be promulgated by rule or regulation of the commissioner in accordance with the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq) The fee shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor

C 34 11-56 85 Debarment list

9 If the commissioner determines that a waterfront employer has on more than one occasion failed to pay the waterfront prevailing wage, the commissioner shall add the name of the waterfront employer to a debarment list established and maintained by the commissioner of waterfront employers

determined to have failed to pay the waterfront prevailing wage The debarment list and each updating of the list shall be prominently displayed on a website maintained by the department Any waterfront employer placed on the debarment list pursuant to this section shall remain on the list until three years have elapsed from the date of listing If the waterfront employer denies that a failure to pay the waterfront prevailing wage has occurred, the employer may request a hearing, which shall be conducted in accordance with the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq)

It shall be a violation of this act for any waterfront employer to employ longshoremen at a waterfront facility, whether or not the facility is a public waterfront facility, during the time that the waterfront employer is included on the debarment list established by the commissioner pursuant to this section

C 34 11-56 86 Financial assistance, contract restrictions by public body

10 No public body shall approve, fund, authorize, or administer, or otherwise provide financial assistance to a waterfront facility, by means of any new or renewed agreement to do so, without first ascertaining that no waterfront employer employing longshoreman at the facility is on the current debarment list of names of waterfront employers who have failed to pay waterfront prevailing wages required by this act No contract shall be awarded by a public body to any listed waterfront employer or to any other waterfront employer in which the listed waterfront employer has an interest

For purposes of this section, "interest" means an interest, affiliation, relationship or connection of a waterfront employer listed pursuant to section 9 of this act in or with another waterfront employer employing, or seeking to employ, longshoremen at a waterfront facility, whether having the interest is as an owner, partner, officer, manager, employee, agent, consultant or representative The listed waterfront employer shall be regarded as having an interest in another waterfront employer if the listed waterfront employer enters into a contract or agreement with the other waterfront employer for services performed or to be performed, for services that have been or will be assigned or subletted, or for the sale, rental or lease of vehicles, tools, equipment or supplies during the period from the initiation of the proceedings under section 9 of this act against the waterfront employer until three years have elapsed from the date that the waterfront employer was listed by the commissioner under section 9 of this act The term "interest" shall not include shares held in a publicly traded corporation if the shares were not received as compensation after the initiation of proceedings under section 9 of this act

A rebuttable presumption that a waterfront employer listed by the commissioner under section 9 of this act has an interest in another waterfront employer may arise if the two share any of the following capacities or characteristics occupy the same premises, have the same telephone number or fax number, have the same email address or internet website, employ substantially the same administrative employees, utilize the same tools and equipment, or employ or engage the services of any listed person or persons involved in the direction or control of the other

If the rebuttable presumption that a listed waterfront employer has an interest in another waterfront employer results in a determination to include of the other waterfront employer in the debarment list, the other waterfront employer may request a hearing to challenge the determination, to be conducted in accordance with the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq)

C 34 11-56 87 Penalty for discharging complaining longshoreman

11 Any waterfront employer who discharges or in any other manner discriminates against any longshoreman because the longshoreman has made any complaint to his waterfront employer, to a representative of the longshoreman, a public body, or the commissioner that he has not been paid wages in accordance with the provisions of this act, or because the longshoreman has caused to be instituted or is about to cause to be instituted any proceeding under or related to this act, or because the longshoreman has testified or is about to testify in any such proceeding, or because the longshoreman has requested information from the waterfront employer relevant to such a proceeding, shall be in violation of this act, shall be guilty of a disorderly persons offense, and shall, upon conviction therefor, be fined not less than $1,000 nor more than $2,500 Such fines shall be in addition to the payment of any wage deficiencies

C 34 11-56 88 Recovery of funds by longshoreman

12 If any longshoreman is paid by a waterfront employer less than the waterfront prevailing wage to which the longshoreman is entitled under the provisions of this act, or suffers discharge or other discrimination in violation of section 11 of this act, that longshoreman may recover in a civil action the full amount of such waterfront prevailing wage less any amount actually paid to the longshoremen by the waterfront employer together with costs and reasonable attorney's fees as allowed by the court, and in the case of discharge or other discrimination, reinstatement to employment with payment of any wages lost because of the discharge or discrimination An agreement between

longshoremen and a waterfront employer to pay less than the prevailing wage shall not be a defense to the action Any longshoreman shall be entitled to maintain such action for and on behalf of himself or other longshoremen similarly situated, and the longshoreman or longshoremen may designate an agent or representative to maintain such action for and on behalf of all longshoremen similarly situated At the request of any longshoreman paid less than the waterfront prevailing wage to which such longshoreman was entitled under the provisions of this act, the commissioner may take an assignment of the wage claim in trust for the assigning longshoreman and may bring any legal action necessary to collect the claim, and the waterfront employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court

C 34 11-56 89 Immunity

13 Nothing in this act shall be deemed to interfere with, impede, or in any way diminish the right of longshoremen to bargain collectively through representatives of their own choosing in order to establish wage rates that are different than wage rates set by this act

C 34 11-56 90 Registration form for waterfront employer

14 Except for waterfront employers located in the Port of New York district, no waterfront employer shall be permitted to operate in New Jersey, unless it is registered with the department as a waterfront employer on a form, which may be an electronic form provided by the commissioner The form shall require the following information

a The name, principal business address and telephone number of the waterfront employer,

b Whether the waterfront employer is a corporation, partnership, sole proprietorship, or other form of business entity,

c If the waterfront employer's principal business address is not within the State, the name and address of the waterfront employer's custodian of records and agent for service of process in this State,

d The name and address of each person with a financial interest in the waterfront employer and the percentage interest, except that if the waterfront employer is a publicly-traded corporation, the waterfront employer shall supply the names and addresses of the corporation's officers,

e The waterfront employer's tax identification number and unemployment insurance registration number,

f A certification form provided by the commissioner, with documentation satisfactory to the commissioner, that the waterfront

employer has all valid and effective licenses, registrations or certificates required by State law, including registrations or certifications required to do business in the State of New Jersey, and

g Other relevant and appropriate information as determined by the commissioner

At the time of registration, and subsequently upon request, the waterfront employer shall submit to the commissioner documentation demonstrating that the waterfront employer has workers' compensation insurance coverage for all workers as required by law

C 34 11-56 91 Registration fee

15 The waterfront employer shall pay an initial annual non-refundable registration fee of $300 to the commissioner The non-refundable registration fee for the second annual registration shall be $300 Upon successful completion of two consecutive years of registration, a waterfront employer may elect to register for a two-year period and pay a non-refundable registration fee of $500

C 34 11-56 92 Registration of contractor operating on the effective date of this act

16 A contractor who is operating on the effective date of this act shall submit the registration application form and fee to the Commissioner within 30 days of the effective date of this act

C 34 11-56 93 Use of registration fees

17 Registration fees collected pursuant to this act shall be applied toward the enforcement and administration costs of the division

C 34 11-56 94 Certificate of registration issuance

18 Upon receipt of the fee, form and documentation required by sections 14 and 15 of this act, the commissioner shall issue a certificate of registration to the waterfront employer A registration certificate shall be valid for one calendar year from the date of registration Registrations shall be renewed not less than 30 days prior to the expiration date of the immediately preceding registration

C 34 11-56 95 Submission of waterfront employer's certificate to public body

19 Each waterfront employer shall, as a condition to receipt of any financial assistance from a public body, submit to the public body the waterfront employer's certificate of registration and the certificates of registration for all known subcontractors who are waterfront employers Applications for registration shall not be acceptable as a substitute for a certificate of registration for the purposes of compliance with this section

C 34 11-56 96 Commissioner's authorization of sanctions

20 a The commissioner is authorized, as an alternative to or in addition to any other sanctions or remedies provided by this act, to take the actions indicated in subsection b of this section if a waterfront employer

(1) Willfully hinders or delays the commissioner in the performance of his duties under this act,

(2) Fails to make, keep and preserve any records required under the provisions of this act,

(3) Falsifies any required record, or refuses to make it accessible to the commissioner upon demand,

(4) Refuses to furnish a sworn statement of any records or other information required for the enforcement of this act to the commissioner on demand,

(5) Pays or agrees to pay wages at a rate less than the rate prescribed under this act, or

(6) Otherwise violates any provision of this act

b The commissioner may, after providing the waterfront employer with notice of the alleged violation and an opportunity to request a hearing before the commissioner or his designee

(1) Deny renewal, revoke or suspend the registration of a waterfront employer for a period of not more than five years, or

(2) Require a waterfront employer, as a condition of initial or continued registration, to provide a surety bond payable to the State The surety bond shall be for the benefit of workers damaged by any failure of a waterfront employer to pay wages or benefits pursuant to or otherwise comply with the provisions of this act The surety bond shall be in the amount and form that the Commissioner deems necessary for the protection of the waterfront employer's workers, but shall not exceed $10,000 per worker The surety bond shall be issued by surety that meets the requirements of N J S 2A 44-143

c The commissioner is authorized and empowered to prescribe, adopt, promulgate, rescind and enforce rules and regulations as may be required for the administration and enforcement of the provisions of this act

C 34 11-56 97 Rules, regulations

21 The commissioner is authorized and empowered to prescribe, adopt, promulgate, rescind and enforce rules and regulations as may be required for the administration and enforcement of the provisions of this act

C 34 11-56 98 Severability

22 The provisions of this act shall be deemed to be severable and if any section, subsection, paragraph, sentence or other part of this act is declared

to be unconstitutional or preempted by federal law, or the applicability thereof to any person or facility is held invalid, the remainder of this act shall not thereby be deemed to be unconstitutional, preempted or invalid

23 This act shall take effect on the 180th day following enactment, but the commissioner shall take any anticipatory action in advance as shall be necessary for the implementation of this act

Approved January 10, 2022

CHAPTER 337

AN ACT concerning residential mortgage foreclosures and supplementing P L 1995, c 244 (C 2A 50-53 et seq)

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

C 2A 50-56 4 Certification of diligent inquiry

1 a In addition to any other requirements under law, regulation or court rule, in all residential mortgage foreclosure actions, an attorney filing a foreclosure complaint shall include a certification of diligent inquiry The certification of diligent inquiry shall certify

(1) that the attorney has communicated with an employee or employees of the plaintiff or of the plaintiff's mortgage loan servicer who (a) personally reviewed the complaint and confirmed the accuracy of its content, based on business records kept in the regular course of business by the plaintiff or the plaintiff's mortgage loan servicer, and who, if employed by the plaintiff's mortgage loan servicer, identified the relationship between the mortgage loan servicer and the plaintiff, and (b) confirmed the authority of the mortgage loan servicer to act on behalf of the plaintiff,

(2) the names and titles, and the responsibilities in those titles, of the plaintiff's or plaintiff's mortgage loan servicer's employees with whom the attorney communicated pursuant to paragraph (1) of this section and the date and mode of communication employed to contact them,

(3) that the attorney has reviewed the facts of the case and that, based on the information received pursuant to this section and the attorney's review of the pertinent documents, to the best of the attorney's knowledge, information and belief there is a reasonable basis for the commencement of the action and

that the plaintiff is currently the residential mortgage lender entitled to enforce rights under those documents, and

(4) that the attorney is aware that the failure to comply with the provisions of this section may result in the penalties provided for in subsection b of this section or, where the failure constitutes a violation of the Rules of Professional Conduct, may include sanctions imposed by the Supreme Court of New Jersey

b If the court finds that the plaintiff has failed to comply with the provisions of subsection a of this section, the court may dismiss the complaint or deny the accrual of any costs, attorney's fees and other fees relating to the mortgage debt

2 This act shall take effect immediately and shall apply to mortgage foreclosure actions filed on or after the effective date

Approved January 10, 2022

CHAPTER 338

AN ACT concerning bullying, revising various parts of the statutory law, and supplementing Title 2A and Title 18A of the New Jersey Statutes

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

1 Section 1 of P L 2013, c 272 (C 2C 33-4 1) is amended to read as follows

C 2C 33-4 1 Crime of cyber-harassment

1 a A person commits the crime of cyber-harassment if, while making one or more communications in an online capacity via any electronic device or through a social networking site and with the purpose to harass another, the person

(1) threatens to inflict injury or physical harm to any person or the property of any person,

(2) knowingly sends, posts, comments, requests, suggests, or proposes any lewd, indecent, or obscene material to or about a person with the intent to emotionally harm a reasonable person or place a reasonable person in fear of physical or emotional harm to his person, or

(3) threatens to commit any crime against the person or the person's property

b Cyber-harassment is a crime of the fourth degree, unless the person is 21 years of age or older at the time of the offense and impersonates a minor for the purpose of cyber-harassing a minor, in which case it is a crime of the third degree

c If a minor under the age of 16 is adjudicated delinquent for cyber-harassment, the court may order as a condition of the sentence that the minor, accompanied by a parent or guardian, complete, in a satisfactory manner, one or both of the following

(1) a class or training program intended to reduce the tendency toward cyber-harassment behavior, or

(2) a class or training program intended to bring awareness to the dangers associated with cyber-harassment

d A parent or guardian who fails to comply with a condition imposed by the court pursuant to subsection c of this section is a disorderly person and shall be fined not more than $100 for a first offense and not more than $500 for each subsequent offense

e The trier of fact may infer that a person acted with a purpose to harass another if the person knows or should have known that any of the person's actions constituting an offense under this section are knowingly directed to or are about a judicial officer, and there is a nexus between the offense and relates to the performance of the judge's public duties For the purposes of this subsection, "judicial officer" has the same meaning as defined in section 1 of P L 1995, c 23 (C 47 1A-1 1)

f In addition to any other disposition or condition imposed pursuant to this section, a parent or guardian having legal custody of a minor who demonstrates willful or wanton disregard in the exercise of the supervision and control of the conduct of a minor adjudicated delinquent of cyber-harassment pursuant to this section may be liable in a civil action pursuant to section 4 of P L 2021, c 338 (C 2A 53A-17 1)

2 Section 1 of P L 1982, c 163 (C 18A 17-46) is amended to read as follows

C 18A 17-46 Reporting of certain acts by school employee, report, public hearing

1 Any school employee observing or having direct knowledge from a participant or victim of an act of violence shall, in accordance with standards established by the commissioner, file a report describing the incident to the school principal in a manner prescribed by the commissioner, and copy of same shall be forwarded to the district superintendent

The principal shall notify the district superintendent of schools of the action taken regarding the incident Two times each school year, between September 1 and January 1 and between January 1 and June 30, at a public hearing, the superintendent of schools shall report to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying which occurred during the previous reporting period The report shall include the number of reports of harassment, intimidation, or bullying, the status of all investigations, the nature of the bullying based on one of the protected categories identified in section 2 of P L 2002, c 83 (C 18A 37-14), the names of the investigators, the type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying, and any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying The information shall also be reported once during each reporting period to the Department of Education The report must include data broken down by the enumerated categories as listed in section 2 of P L 2002, c 83 (C 18A 37-14), and data broken down by each school in the district, in addition to district-wide data It shall be a violation to improperly release any confidential information not authorized by federal or State law for public release

The report shall be used to grade each school for the purpose of assessing its effort to implement policies and programs consistent with the provisions of P L 2002, c 83 (C 18A 37-13 et seq) The district shall receive a grade determined by averaging the grades of all the schools in the district The commissioner shall promulgate guidelines for a program to grade schools for the purposes of this section

The grade received by a school and the district shall be posted on the homepage of the school's website. The grade for the district and each school of the district shall be posted on the homepage of the district's website A link to the report shall be available on the district's website The information shall be posted on the websites within 10 days of the receipt of a grade by the school and district

If a school district's policy permits a preliminary determination to be made on whether a reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying pursuant to section 2 of P L 2002, c 83 (C 18A 37-14), the superintendent shall also provide annually to the board of education information on the number of times a preliminary determination was made that an incident or complaint was outside the scope of that definition for the purposes of the State's monitoring of the school district

Verification of the reports on violence, vandalism, and harassment, intimidation, or bullying shall be part of the State's monitoring of the school

district, and the State Board of Education shall adopt regulations that impose a penalty on a school employee who knowingly falsifies the report A board of education shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements pursuant to this section The majority representative of the school employees shall have access monthly to the number and disposition of all reported acts of school violence, vandalism, and harassment, intimidation, or bullying

3 Section 3 of P L 2002, c 83 (C 18A 37-15) is amended to read as follows

C 18A 37-15 Adoption of policy concerning harassment, intimidating or bullying by each school district

3 a Each school district shall adopt a policy prohibiting harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus The school district shall adopt the policy through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives

b A school district shall have local control over the content of the policy, except that the policy shall contain, at a minimum, the following components

(1) a statement prohibiting harassment, intimidation or bullying of a student,

(2) a definition of harassment, intimidation or bullying no less inclusive than that set forth in section 2 of P L 2002, c 83 (C 18A 37-14),

(3) a description of the type of behavior expected from each student,

(4) consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying The consequences for a student who commits an act of harassment, intimidation, or bullying may include for the first act of harassment, intimidation, or bullying committed by a student, a copy of the results of the investigation shall be placed in the student's record and the student may be subject to remedial actions, including the provision of counseling or behavioral intervention services, or discipline, or both, as determined by the principal in consultation with appropriate school staff, for the second act, a copy of the results of the investigation shall be placed in the student's record and the student may be subject to remedial actions, including the provision of counseling or behavioral intervention services, or discipline, or both, as determined by the principal, in consultation with appropriate school staff, and for the third and each subsequent act, a copy of the results of the investigation shall be placed in the student's record, and the principal, in consultation with appropriate school staff, shall develop an

individual student intervention plan which shall be approved by the superintendent of schools or the superintendent's designee, and may include remedial actions including counseling or behavioral intervention services, or progressive discipline, or both, and may require the student, accompanied by a parent or guardian, to complete in a satisfactory manner a class or training program to reduce harassment, intimidation or bullying behavior

The superintendent of schools or the superintendent's designee and the principal shall consult law enforcement, as appropriate, pursuant to the provisions of the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials, if the student's behavior may constitute a possible violation of the New Jersey Code of Criminal Justice,

(5) a procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report an act of harassment, intimidation or bullying anonymously, however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report

All acts of harassment, intimidation, or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident The principal shall inform the parents or guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services The principal shall keep a written record of the date, time, and manner of notification to the parents or guardians All acts of harassment, intimidation, or bullying shall be reported in writing to the school principal within two school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying The written report shall be on a numbered form developed by the Department of Education A copy of the form shall be submitted promptly by the principal to the superintendent of schools The form shall be completed even if a preliminary determination is made under the school district's policy that the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying pursuant to section 2 of P L 2002, c 83 (C 18A 37-14), and shall be kept on file at the school but shall not be included in any student record, unless the incident results in disciplinary action or is otherwise required to be contained in a student's record under State or federal law A redacted copy of the form that removes all student identification information shall be confidentially shared with the board of education after

the conclusion of the investigation, if a hearing is requested by a parent or guardian pursuant to subparagraph (d) of paragraph (6) of this subsection

The school district shall provide a means for a parent or guardian to complete an online numbered form developed by the Department of Education to confidentially report an incident of harassment, intimidation, or bullying

The principal shall report to the superintendent if a preliminary determination is made under the school district's policy that the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying, and the superintendent may require the principal to conduct an investigation of the incident, if the superintendent determines that an investigation is necessary because the incident is within the scope of the definition of harassment, intimidation, or bullying The superintendent shall notify the principal of this determination in writing,

(6) a procedure for prompt investigation of reports of violations and complaints, which procedure shall at a minimum provide that

(a) the investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying or from the date of the written notification from the superintendent to the principal to initiate an investigation pursuant to paragraph (5) of this subsection In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information,

(b) the results of the investigation shall be reported to the superintendent of schools within two school days of the completion of the investigation, and in accordance with regulations promulgated by the State Board of Education pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), the superintendent may decide to provide intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action including seeking further information,

(c) the results of each investigation shall be reported to the board of education no later than the date of the board of education meeting next

following the completion of the investigation, along with information on any services provided, training established, discipline imposed, or other action taken or recommended by the superintendent,

(d) parents or guardians of the students who are parties to the investigation shall be entitled to receive information about the investigation, in accordance with federal and State law and regulation, including the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board A parent or guardian may request a hearing before the board after receiving the information, and the hearing shall be held within 10 days of the request The board shall meet in executive session for the hearing to protect the confidentiality of the students At the hearing the board may hear from the school anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents,

(e) at the next board of education meeting following its receipt of the report pursuant to subparagraph (c) of paragraph (6) of this subsection, the board shall issue a decision, in writing, to affirm, reject, or modify the superintendent's decision The board's decision may be appealed to the Commissioner of Education, in accordance with the procedures set forth in law and regulation, no later than 90 days after the issuance of the board's decision, and

(f) a parent, student, guardian, or organization may file a complaint with the Division on Civil Rights within 180 days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination," P L 1945, c 169 (C 10 5-1 et seq),

(7) the range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified, which shall be defined by the principal in conjunction with the school anti-bullying specialist, but shall include an appropriate combination of services that are available within the district such as counseling, support services, intervention services, and other programs, as defined by the commissioner In the event that the necessary programs and services are not available within the district, the district may apply to the Department of Education for a grant from the "Bullying Prevention Fund" established pursuant to section 25 of P L 2010, c 122 (C 18A 37-28) to support the provision of out-of-district programs and services,

(8) a statement that prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation,

(9) consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means of harassment, intimidation or bullying,

(10) a statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions,

(11) a requirement that a link to the policy be prominently posted on the home page of the school district's website and distributed annually to parents and guardians who have children enrolled in a school in the school district,

(12) a requirement that the name, school phone number, school address and school email address of the district anti-bullying coordinator be listed on the home page of the school district's website and that on the home page of each school's website the name, school phone number, school address and school email address of the school anti-bullying specialist and the district anti-bullying coordinator be listed The information concerning the district anti-bullying coordinator and the school anti-bullying specialists shall also be maintained on the department's website, and

(13) a requirement that the school district and each school in the district with a website post on its homepage the current version of the document, Guidance for Parents on the Anti-Bullying Bill of Rights Act, developed by the Department of Education The School Climate State Coordinator shall ensure that this document is updated as needed and then promptly disseminated to all school districts

c A school district shall adopt a policy and transmit a copy of its policy to the appropriate executive county superintendent of schools by September 1, 2003 A school district shall annually conduct a re-evaluation, reassessment, and review of its policy, making any necessary revisions and additions The board shall include input from the school anti-bullying specialists in conducting its re-evaluation, reassessment, and review The district shall transmit a copy of the revised policy to the appropriate executive county superintendent of schools within 30 school days of the revision The first revised policy following the effective date of P L 2010, c 122 (C 18A 37-13 1 et al) shall be transmitted to the executive county superintendent of schools by September 1, 2011

d (1) To assist school districts in developing policies for the prevention of harassment, intimidation, or bullying, the Commissioner of Education shall develop a model policy applicable to grades kindergarten through 12 This model policy shall be issued no later than December 1, 2002

(2) The commissioner shall adopt amendments to the model policy which reflect the provisions of P L 2010, c 122 (C 18A 37-13 1 et al) no later than 90 days after the effective date of that act and shall subsequently update the model policy as the commissioner deems necessary

e Notice of the school district's policy shall appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of conduct for schools within the school district, and in any student handbook

f Nothing in this section shall prohibit a school district from adopting a policy that includes components that are more stringent than the components set forth in this section

C 2A 53A-17 1 Liability of parent or guardian

4 Notwithstanding any other provision of law to the contrary, a parent or guardian having legal custody of a minor who demonstrates willful or wanton disregard in the exercise of the supervision and control of the conduct of a minor adjudicated delinquent of cyber-harassment, pursuant to section 1 of P L 2013, c 272 (C 2C 33-4 1), or harassment, pursuant to N J S 2C 33-4, may be liable in a civil action

C 18A 37-37 1 School Climate State Coordinator, established

5 There is hereby established within the Department of Education a School Climate State Coordinator to serve as a resource to parents, students, and educators The duties and responsibilities of the State coordinator shall include

a Identifying and disseminating research and resources, including professional development resources, to promote best practices in student social-emotional learning and the development of a positive, supportive school climate in New Jersey schools,

b Providing information regarding the provisions and procedures of the "Anti-Bullying Bill of Rights Act," P L 2002, c 83 (C 18A 37-13 et seq), and regulations promulgated thereto, relevant provisions of the "Law Against Discrimination," P L 1945, c 169 (C 10 5-1 et seq), and other State and federal laws addressing harassment, intimidation, and bullying,

c Reviewing and reporting data collected on harassment, intimidation and bullying pursuant to section 1 of P L 1982, c 163 (C 18A 17-46) to identify and report to the Department of Education any patterns of harassment, intimidation, or bullying in public schools The department shall review the information provided by the State coordinator to develop guidance and strategies for public schools, parents, school staff, and other agencies, as appropriate,

d Assisting the Department of Education in creating public information programs that educate parents, educators, and the public concerning the duties of the State coordinator, the issue of harassment, intimidation, and bullying, and the resources available to address and prevent harassment, intimidation, and bullying,

e Working collaboratively with law enforcement, the Department of Education, the Division on Civil Rights in the Department of Law and Public Safety, and the Department of Health to develop a training program on the impact of harassment, intimidation, and bullying on students and schools, that will be available for school districts to use in local anti-bullying programs and intervention plans,

f Working collaboratively with law enforcement, including organizations representing school resource officers, to develop resources and training for law enforcement concerning the impact of harassment, intimidation, and bullying on students and schools, and the appropriate role of law enforcement in such matters pursuant to the Uniform Memorandum of Agreement Between Education and Law Enforcement Officials, and

g Annually providing to the Commissioner of Education, the State Board of Education, and pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1) the Legislature, a report summarizing the activities of the State coordinator, and any specific recommendations concerning school climate best practices and procedures

C 18A 37-37 2 Confidentiality

6 The School Climate State Coordinator shall consider communications received in the course of his duties, including personally identifiable information regarding students, parents, and others from whom information is acquired, as confidential and shall not disclose this information, in accordance with State and federal law

C 18A 37-37 3 Contact information for School Climate State Coordinator

7 The Department of Education shall post in a prominent location on the homepage of its Internet website the contact information for the School Climate State Coordinator Each school district shall post this information on its website at the same location it makes its policy on harassment, intimidation, and bullying available

C 18A 37-37 4 State assistance for School Climate State Coordinator

8 The School Climate State Coordinator is authorized to call upon any department, office, division, or agency of the State to supply the State

coordinator with data and any other information or assistance available to the department, office, division, or agency as the State coordinator deems necessary to discharge the duties under P L 2021, c 338 (C 2A 53A-17 1 et al) Each department, office, division, or agency, to the extent not inconsistent with law, shall cooperate fully with the State coordinator within the limits of its statutory authority, and provide such assistance on as timely a basis as is necessary to enable the State coordinator to accomplish his duties pursuant to P L 2021, c 338 (C 2A 53A-17 1 et al) The State coordinator may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of the State coordinator's mission

C 18A 37-37 5 Funding of School Climate State Coordinator position

9 The Legislature shall appropriate such monies as necessary to fund the position of School Climate State Coordinator established pursuant to section 5 of P L 2021, c 338 (C 18A 37-37 1), and the "Bullying Prevention Fund" established pursuant to section 25 of P L 2010, c 122 (C 18A 37-28), and such other monies as necessary to implement the provisions of this act

10 Sections 1 and 4 of this act shall take effect immediately and the remainder of this act shall take effect on July 1 of the first full school year following the date of enactment, or 180 days following the date of enactment, whichever is later

Approved January 10, 2022

CHAPTER 339

AN ACT concerning the New Jersey School Report Card and amending P L 1995, c 235

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

1 Section 3 of P L 1995, c 235 (C 18A 7E-3) is amended to read as follows

C 18A 7E-3 Report card information

3 Report cards issued pursuant to section 2 of P L 1995, c 235 (C 18A 7E-2) shall include, but not be limited to, the following information for

a the school district and for each school within the district, as appropriate

(1) results of the elementary assessment programs,

(2) results of the Early Warning Test,

(3) results of the High School Proficiency Test,

(4) daily attendance records for students and professional staff,

(5) student graduation and dropout rates,

(6) annual student scores on the Scholastic Aptitude Test,

(7) total student enrollment, percentage of limited English proficient students, percentage of students in advanced placement courses, and any other school characteristics which the commissioner deems appropriate,

(8) instructional resources including teacher/student ratio, average class size and amount of instructional time per day, as calculated by formulas specified by the commissioner,

(9) a written narrative by the school principal or a designee which describes any special achievements, events, problems or initiatives of the school or district,

(10) data identifying the number and nature of all reports of harassment, intimidation, or bullying,

(11) indicators of student career readiness,

(12) the number and percentage of students who were chronically absent, as defined in rules and regulations promulgated by the Commissioner of Education within 90 days of the effective date of P L 2018, c 23 (C 18A 38-25 1 et al), including the number and percentage of students who were chronically absent disaggregated by multiple student subgroups to be determined by the commissioner,

(13) the number and percentage of students who received a disciplinary suspension,

(14) the number of school psychologists, school counselors, social workers, student assistance coordinators, and other mental health professionals employed by, or under contract with, the school district to provide mental health services to students, and the ratio of students to the total number of mental health professionals providing services in the school and the district, and

(15) the number of school safety specialists, and

b the school district, as appropriate

(1) per pupil expenditures and State aid ratio,

(2) percent of budget allocated for salaries and benefits of administrative personnel,

(3) percent of budget allocated for salaries and benefits of teachers,

(4) percentage increase over the previous year for salaries and benefits of administrative and instructional personnel,

(5) the number of administrative personnel and the ratio of administrative personnel to instructional personnel,

(6) a profile of the most recent graduating class concerning their educational or employment plans following graduation, and

(7) any other information which the commissioner deems appropriate

For the purposes of this section, the Commissioner of Education shall establish a uniform methodology for the reporting of the data concerning administrative personnel on a full-time equivalent basis

2 This act shall take effect immediately and shall first apply to the school report card issued for the first full school year following the date of enactment

Approved January 10, 2022

CHAPTER 340

AN ACT concerning document required to claim veterans' preference for civil service and amending P L 2000, c 127

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

1 Section 3 of P L 2000, c 127 (C 11A 5-1 1) is amended to read as follows

C 11A 5-1 1 Veteran status determined for civil service preference

3 a The Adjutant General of the Department of Military and Veterans' Affairs shall be responsible for determining whether any person seeking to be considered a "veteran" or a "disabled veteran" under N J S 11A 5-1, for the purpose of receiving civil service preference, meets the criteria set forth therein and adjudicating an appeal from any person disputing this determination The determination of the Adjutant General shall apply only prospectively from the date of initial determination or date of determination from an appeal, as appropriate, and shall be binding upon the commission

b A person seeking to be considered a "veteran" or a "disabled veteran" under N J S 11A 5-1, for the purpose of receiving civil service preference, who has not yet been issued Form DD-214 as proof of military service may submit, in lieu thereof, an official certification or verification of military

service statement or letter that provides the date of entry into military service, the estimated date of discharge or release, the character of the discharge, and such other information as the Adjutant General shall require The Adjutant General shall specify the form, content, and source for an official certification or verification of military service statement or letter based on such statements or letters that are approved and provided by the federal military authorities

The person shall submit to the Adjutant General the Form DD-214 no later than 30 days from the date the person receives the form If a copy is not provided, the prior determination of veteran status shall be revoked

2 This act shall take effect immediately

Approved January 10, 2022

CHAPTER 341

AN ACT concerning tuition rates and eligibility for student financial aid, amending P L 2019, c 411 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*

1 Section 1 of P L 2019, c 411 (C 18A 62-4 6) is amended to read as follows

C 18A 62-4 6 Certain students qualified for in-State tuition at public institutions of higher education

1 Notwithstanding any provision of section 1 of P L 2013, c 170 (C 18A 62-4 4) or any other section of law to the contrary, a student who holds a T or U visa or a dependent student whose parent or guardian holds an H-1B, O-1 or O-2 visa shall be exempt from paying out-of-State tuition at a public institution of higher education, provided the student meets the conditions set forth in paragraphs (1) through (4) of subsection a of section 1 of P L 2013, c 170 (C 18A 62-4 4)

C 18A 71B-2 6 Certain students qualified for student financial aid, grant, scholarship program

2 Notwithstanding the provisions of any other section of law to the contrary, a student who is a victim of trafficking, domestic violence, or other serious crime who has been granted a status under 8 U S C s 1101 (a)(15)(T)

or 8 U S C s 1101 (a)(15)(U) shall be eligible to participate in any student financial aid, grant, or scholarship program under chapter 71B of Title 18A of the New Jersey Statutes, provided the student meets the conditions set forth in paragraphs (1) through (4) of subsection a of section 1 of P L 2013, c 170 (C 18A 62-4 4)

3 This act shall take effect immediately

Approved January 10, 2022

CHAPTER 342

AN ACT concerning certain juvenile justice costs, fees, and monetary penalties, amending various parts of the statutory law, and supplementing chapter 17B of Title 52 of the Revised Statutes

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

1 Section 24 of P L 1982, c 77 (C 2A 4A-43) is amended to read as follows

C 2A 4A-43 Disposition of delinquency cases

24 Disposition of delinquency cases a In determining the appropriate disposition for a juvenile adjudicated delinquent the court shall weigh the following factors

(1) The nature and circumstances of the offense,

(2) The degree of injury to persons or damage to property caused by the juvenile's offense,

(3) The juvenile's age, previous record, prior social service received, and out-of-home placement history,

(4) Whether the disposition supports family strength, responsibility, and unity and the well-being and physical safety of the juvenile,

(5) Whether the disposition provides for reasonable participation by the child's parent, guardian, or custodian, provided, however, that the failure of a parent or parents to cooperate in the disposition shall not be weighed against the juvenile in arriving at an appropriate disposition,

(6) Whether the disposition recognizes and treats the unique physical, psychological, and social characteristics and needs of the child,

(7) Whether the disposition contributes to the developmental needs of the child, including the academic and social needs of the child where the child has intellectual disabilities or learning disabilities,

(8) Any other circumstances related to the offense and the juvenile's social history as deemed appropriate by the court,

(9) The impact of the offense on the victim or victims,

(10) The impact of the offense on the community, and

(11) The threat to the safety of the public or any individual posed by the child

b If a juvenile is adjudged delinquent, and except to the extent that an additional specific disposition is required pursuant to this section, the court, in accordance with subsection i of section 2 of P L 1982, c 77 (C 2A 4A-21), may order incarceration pursuant to section 25 of P L 1982, c 77 (C 2A 4A-44) or the court may order any one or more of the following dispositions

(1) Adjourn formal entry of disposition of the case for a period not to exceed 12 months for the purpose of determining whether the juvenile makes a satisfactory adjustment, and if during the period of continuance the juvenile makes such an adjustment, dismiss the complaint,

(2) Release the juvenile to the supervision of the juvenile's parent or guardian,

(3) Place the juvenile on probation to the chief probation officer of the county or to any other suitable person who agrees to accept the duty of probation supervision for a period not to exceed three years upon such written conditions as the court deems will aid rehabilitation of the juvenile,

(4) Transfer custody of the juvenile to any relative or other person determined by the court to be qualified to care for the juvenile,

(5) Place the juvenile under the care and responsibility of the Department of Children and Families so that the commissioner may designate a division or organizational unit in the department pursuant to P L 1951, c 138 (C 30 4C-1 et seq) for the purpose of providing services in or out of the home Within 14 days, unless for good cause shown, but not later than 30 days, the Department of Children and Families shall submit to the court a service plan, which shall be presumed valid, detailing the specifics of any disposition order The plan shall be developed within the limits of fiscal and other resources available to the department If the court determines that the service plan is inappropriate, given existing resources, the department may request a hearing on that determination,

(6) Place the juvenile under the care and custody of the Commissioner of Children and Families for the purpose of receiving the services of the Division of Children's System of Care of that department, provided that the

juvenile has been determined to be eligible for those services under P L 1965, c 59, s 16 (C 30 4-25 4),

(7) Commit the juvenile, pursuant to applicable laws and the Rules of Court governing civil commitment, to the Department of Children and Families under the responsibility of the Division of Children's System of Care for the purpose of placement in a suitable public or private hospital or other residential facility for the treatment of persons who are mentally ill, on the ground that the juvenile is in need of involuntary commitment,

(8) (Deleted by amendment, P L 2019, c 363)

(9) Order the juvenile to make restitution to a person or entity who has suffered loss resulting from personal injuries or damage to property as a result of the offense for which the juvenile has been adjudicated delinquent The court may determine the reasonable amount, terms, and conditions of restitution If the juvenile participated in the offense with other persons, the participants shall be jointly and severally responsible for the payment of restitution The court shall not require a juvenile to make full or partial restitution if the juvenile reasonably satisfies the court that the juvenile does not have the means to make restitution and could not reasonably acquire the means to pay restitution,

(10) Order that the juvenile perform community services under the supervision of a probation division or other agency or individual deemed appropriate by the court Such services shall be compulsory and reasonable in terms of nature and duration Such services may be performed without compensation, provided that any money earned by the juvenile from the performance of community services may be applied towards any payment of restitution or fine which the court has ordered the juvenile to pay,

(11) Order that the juvenile participate in work programs which are designed to provide job skills and specific employment training to enhance the employability of job participants Such programs may be without compensation, provided that any money earned by the juvenile from participation in a work program may be applied towards any payment of restitution or fine which the court has ordered the juvenile to pay,

(12) Order that the juvenile participate in programs emphasizing self-reliance, such as intensive outdoor programs teaching survival skills, including but not limited to camping, hiking, and other appropriate activities,

(13) Order that the juvenile participate in a program of academic or vocational education or counseling, such as a youth service bureau, requiring attendance at sessions designed to afford access to opportunities for normal growth and development This may require attendance after school, evenings, and weekends,

(14) Place the juvenile in a suitable residential or nonresidential program for the treatment of alcohol or narcotic abuse, provided that the juvenile has been determined to be in need of such services,

(15) Order the parent or guardian of the juvenile to participate in appropriate programs or services when the court has found either that such person's omission or conduct was a significant contributing factor towards the commission of the delinquent act, or, under its authority to enforce litigant's rights, that such person's omission or conduct has been a significant contributing factor towards the ineffective implementation of a court order previously entered in relation to the juvenile,

(16) (a) Place the juvenile in a nonresidential program operated by a public or private agency, providing intensive services to juveniles for specified hours, which may include education, counseling to the juvenile and the juvenile's family if appropriate, vocational training, employment counseling, work, or other services,

(b) Place the juvenile under the custody of the Juvenile Justice Commission established pursuant to section 2 of P L 1995, c 284 (C 52 17B-170) for placement with any private group home or private residential facility with which the commission has entered into a purchase of service contract,

(17) Instead of or in addition to any disposition made according to this section, the court may postpone, suspend, or revoke for a period not to exceed two years the driver's license, registration certificate, or both of any juvenile who used a motor vehicle in the course of committing an act for which the juvenile was adjudicated delinquent In imposing this disposition and in deciding the duration of the postponement, suspension, or revocation, the court shall consider the circumstances of the act for which the juvenile was adjudicated delinquent and the potential effect of the loss of driving privileges on the juvenile's ability to be rehabilitated Any postponement, suspension, or revocation shall be imposed consecutively with any custodial commitment,

(18) Order that the juvenile satisfy any other conditions reasonably related to the rehabilitation of the juvenile,

(19) Order a parent or guardian who has failed or neglected to exercise reasonable supervision or control of a juvenile who has been adjudicated delinquent to make restitution to any person or entity who has suffered a loss as a result of that offense The court may determine the reasonable amount, terms, and conditions of restitution, or

(20) Place the juvenile, if eligible, in an appropriate juvenile offender program established pursuant to P L 1997, c 81 (C 30 8-61 et al)

c (1) If the county in which the juvenile has been adjudicated delinquent has a juvenile detention facility meeting the physical and program standards established pursuant to this subsection by the Juvenile Justice Commission, the court may, in addition to any of the dispositions not involving placement out of the home enumerated in this section, incarcerate the juvenile in the youth detention facility in that county for a term not to exceed 60 consecutive days The decision by the court to incarcerate a juvenile shall be made in accordance with subsection i of section 2 of P L 1982, c 77 (C 2A 4A-21) Counties which do not operate their own juvenile detention facilities may contract for the use of approved commitment programs with counties with which they have established agreements for the use of pre-disposition juvenile detention facilities The Juvenile Justice Commission shall promulgate such rules and regulations from time to time as deemed necessary to establish minimum physical facility and program standards for the use of juvenile detention facilities pursuant to this subsection

(2) A juvenile shall not be incarcerated in any county detention facility unless the county has entered into an agreement with the Juvenile Justice Commission concerning the use of the facility for sentenced juveniles Upon agreement with the county, the Juvenile Justice Commission shall certify detention facilities which may receive juveniles sentenced pursuant to this subsection and shall specify the capacity of the facility that may be made available to receive such juveniles, provided, however, that in no event shall the number of juveniles incarcerated pursuant to this subsection exceed 50% of the maximum capacity of the facility

(3) The court may fix a term of incarceration under this subsection that is in accordance with subsection i of section 2 of P L 1982, c 77 (C 2A 4A-21) and

(a) The act for which the juvenile was adjudicated delinquent, if committed by an adult, would have constituted a crime or repetitive disorderly persons offense,

(b) Incarceration of the juvenile is consistent with the goals of public safety, accountability, and rehabilitation and the court is clearly convinced that the aggravating factors substantially outweigh the mitigating factors as set forth in section 25 of P L 1982, c 77 (C 2A 4A-44), and

(c) The detention facility has been certified for admission of adjudicated juveniles pursuant to paragraph (2)

(4) If as a result of incarceration of adjudicated juveniles pursuant to this subsection, a county is required to transport a predisposition juvenile to a juvenile detention facility in another county, the costs of such transportation shall be borne by the Juvenile Justice Commission

d Whenever the court imposes a disposition upon an adjudicated delinquent which requires the juvenile to perform a community service, restitution, or to participate in any other program provided for in this section other than subsection c , the duration of the juvenile's mandatory participation in such alternative programs shall extend for a period consistent with the program goal for the juvenile and shall in no event exceed one year beyond the maximum duration permissible for the delinquent if the juvenile had been committed to a term of incarceration

e In addition to any disposition the court may impose pursuant to this section or section 25 of P L 1982, c 77 (C 2A 4A-44), the following orders shall be included in dispositions of the adjudications set forth below

(1) An order to perform community service pursuant to paragraph (10) of subsection b of this section for a period of at least 60 days, if the juvenile has been adjudicated delinquent for an act which, if committed by an adult, would constitute the crime of theft of a motor vehicle, or the crime of unlawful taking of a motor vehicle in violation of subsection c of N J S 2C 20-10, or the third-degree crime of eluding in violation of subsection b of N J S 2C 29-2, and

(2) (Deleted by amendment, P L 2019, c 363)

(3) An order to perform community service pursuant to paragraph (10) of subsection b of this section for a period of at least 30 days, if the juvenile has been adjudicated delinquent for an act which, if committed by an adult, would constitute the fourth-degree crime of unlawful taking of a motor vehicle in violation of subsection b of N J S 2C 20-10

(4) (Deleted by amendment, P L 2019, c 363)

f (1) (Deleted by amendment, P L 2019, c 363)

(2) (Deleted by amendment, P L 2019, c 363)

(3) (Deleted by amendment, P L 2019, c 363)

g Whenever the court imposes a disposition upon an adjudicated delinquent which requires the juvenile to perform a community service, restitution, or to participate in any other program provided for in this section, the order shall include provisions which provide balanced attention to the protection of the community, accountability for offenses committed, fostering interaction and dialogue between the offender, victim, and community and the development of competencies to enable the child to become a responsible and productive member of the community

2 Section 8 of P L 1996, c 115 (C 2A 4A-43 4) is amended to read as follows

C 2A 4A-43 4 Orders for certain serological testing of juveniles required under certain circumstances

8 a In addition to any other disposition made pursuant to law, a court shall order a juvenile charged with delinquency or adjudicated delinquent for an act which, if committed by an adult, would constitute a crime, a disorderly persons offense or a petty disorderly persons offense, to submit to an approved serological test for acquired immune deficiency syndrome (AIDS) or infection with the human immunodeficiency virus (HIV) or any other related virus identified as a probable causative agent of AIDS if

(1) in the course of the commission of the act, including the immediate flight thereafter or during any investigation or arrest related to that act, a law enforcement officer, the victim or other person suffered a prick from a hypodermic needle, provided there is probable cause to believe that the juvenile is an intravenous user of controlled dangerous substances, or

(2) in the course of the commission of the act, including the immediate flight thereafter or during any investigation or arrest related to that act, a law enforcement officer, the victim or other person had contact with the juvenile which involved or was likely to involve the transmission of bodily fluids

The court may order a juvenile to submit to an approved serological test for AIDS or infection with the HIV or any other related virus identified as a probable causative agent of AIDS if in the course of the performance of any other law enforcement duties, a law enforcement officer suffers a prick from a hypodermic needle, provided that there is probable cause to believe that the defendant is an intravenous user of controlled dangerous substances, or had contact with the defendant which involved or was likely to involve the transmission of bodily fluids The court shall issue such an order only upon the request of the law enforcement officer, victim of the offense or other affected person made at the time of indictment, charge or conviction If a county prosecutor declines to make such an application within 72 hours of being requested to do so by the law enforcement officer, the law enforcement officer may appeal to the Division of Criminal Justice in the Department of Law and Public Safety for that officer to bring the application The juvenile shall be ordered by the court to submit to such repeat or confirmatory tests as may be medically necessary

b A court order issued pursuant to subsection a of this section shall require testing to be performed as soon as practicable by the Executive Director of the Juvenile Justice Commission pursuant to authority granted to the executive director by sections 6 and 10 of P L 1976, c 98 (C 30 1B-6 and 30 1B-10) or by a provider of health care or at a health care facility licensed pursuant to section 12 of P L 1971, c 136 (C 26 2H-12) The order shall also require that the results of the test be reported to the offender, the appropriate

Office of Victim-Witness Advocacy if a victim of an offense is tested, and the affected law enforcement officer Upon receipt of the result of a test ordered pursuant to subsection a of this section, the Office of Victim-Witness Advocacy shall provide the victim with appropriate counseling, referral for counseling and if appropriate, referral for health care The office shall notify the victim or make appropriate arrangements for the victim to be notified of the test result

c (Deleted by amendment, P L 2021, c 342)

d The result of a test ordered pursuant to subsection a of this section shall be confidential and health care providers and employees of the Juvenile Justice Commission, the Office of Victim-Witness Advocacy, a health care facility or counseling service shall not disclose the result of a test performed pursuant to this section except as authorized herein or as otherwise authorized by law or court order The provisions of this section shall not be deemed to prohibit disclosure of a test result to the person tested

e Persons who perform tests ordered pursuant to subsection a of this section in accordance with accepted medical standards for the performance of such tests shall be immune from civil and criminal liability arising from their conduct

f This section shall not be construed to preclude or limit any other testing for AIDS or infection with the HIV or any other related virus identified as a probable causative agent of AIDS which is otherwise permitted by statute, court rule or common law

3 Section 2 of P L 2011, c 128 (C 2A 4A-71 1) is amended to read as follows

C 2A 4A-71 1 Diversionary programs for certain juveniles

2 a Where a complaint against a juvenile pursuant to section 11 of P L 1982, c 77 (C 2A 4A-30) alleges that the juvenile has committed an eligible offense as defined in subsection c of this section and the court has approved diversion of the complaint pursuant to section 4 of P L 1982, c 81 (C 2A 4A-73), the resolution of the complaint shall include the juvenile's participation in a remedial education or counseling program The court shall take into consideration the availability of such a program in the area in which the juvenile resides and, where appropriate, may permit the juvenile to participate in a self-guided awareness program in lieu of a remedial education or counseling program provided that it satisfies the requirements of subsection b of this section

b A remedial education or counseling program satisfies the requirements of P L 2011, c 128 if the program is designed to increase the juvenile's awareness of

(1) the legal consequences and penalties for sharing sexually suggestive or explicit materials, including applicable federal and State statutes,

(2) the non-legal consequences of sharing sexually suggestive or explicit materials including, but not limited to, the effect on relationships, loss of educational and employment opportunities, and being barred or removed from school programs and extracurricular activities,

(3) the potential, based upon the unique characteristics of cyberspace and the Internet, of long-term and unforeseen consequences for sharing sexually suggestive or explicit materials, and

(4) the possible connection between bullying and cyber-bullying and juveniles sharing sexually suggestive or explicit materials

c As used in P L 2011, c 128, "eligible offense" means an offense in which

(1) the facts of the case involve the creation, exhibition, or distribution of a photograph depicting nudity or portraying a child in a sexually suggestive manner, as defined in N J S 2C 24-4, through the use of an electronic communication device, an interactive wireless communications device, or a computer, and

(2) the creator and subject of the photograph are juveniles or were juveniles at the time of its making

4 Section 3 of P L 1999, c 195 (C 2C 33-3 2) is amended to read as follows

C 2C 33-3 2 Fines for violation of N J S 2C 33-3

3 a Any person who violates the provisions of N J S 2C 33-3 shall be liable for a civil penalty of not less than $2,000 or actual costs incurred by or resulting from the law enforcement and emergency services response to the false alarm, whichever is higher

b Any monies collected pursuant to this section shall be made payable to the municipality or other entity providing the law enforcement or emergency services response to the false alarm

c For the purposes of this section

"Emergency services" includes, but is not limited to, paid or volunteer fire fighters, paramedics, members of an ambulance team, rescue squad or mobile intensive care unit

"Person" excludes a juvenile as defined in section 3 of P L 1982, c 77 (C 2A 4A-22)

5 Section 1 of P L 1987, c 106 (C 2C 35-20) is amended to read as follows

C 2C 35-20 Forensic laboratory fees

2C 35-20 Forensic Laboratory Fees a In addition to any disposition made pursuant to the provisions of N J S 2C 43-2, any person convicted of an offense under this chapter shall be assessed a criminal laboratory analysis fee of $50 for each offense for which the person was convicted Any person who is placed in supervisory treatment pursuant to N J S 2C 36A-1 or N J S 2 C 43-12 shall be assessed a criminal laboratory analysis fee of $50 for each offense for which the person was charged

b (Deleted by amendment, P L 2021, c 342)

c All criminal laboratory analysis fees provided for in this section shall be collected as provided for the collection of fines and restitutions in section 3 of P L 1979, c 396 (C 2C 46-4), and shall be forwarded to the appropriate forensic laboratory fund as provided in subsection d of this section

d Forensic laboratory funds shall be established as follows

(1) Any county or municipality which maintains a publicly funded forensic laboratory that regularly employs at least one forensic chemist or scientist engaged in the analysis of controlled dangerous substances may establish a forensic laboratory fund within the office of the county or municipal treasurer

(2) Any other county or municipality which has agreed by contract to pay or reimburse the entire salary of at least one forensic chemist or scientist employed by a laboratory designated as a State Forensic Laboratory pursuant to N J S 2C 35-19, may establish a forensic laboratory fund within the office of the county or municipal treasurer

(3) A separate account shall be established in the State Treasury and shall be designated the "State Forensic Laboratory Fund "

e The analysis fee provided for in subsections a and b of this section shall be forwarded to the office of the treasurer of the county or municipality that performed the laboratory analysis if that county or municipality has established a forensic laboratory fund or to the State forensic laboratory fund if the analysis was performed by a laboratory operated by the State If the county or municipality has not established a forensic laboratory fund, then the analysis fee shall be forwarded to the State forensic laboratory fund within the State Treasury If the analysis was performed by a forensic chemist or scientist

whose salary was paid or reimbursed by a county or municipality pursuant to a contract, the analysis fee shall be forwarded to the appropriate forensic laboratory fund established pursuant to paragraph (2) of subsection d of this section unless the contract provides for a different means of allocating and distributing forensic laboratory fees, in which event the terms of the contract may determine the amounts to be forwarded to each forensic laboratory fund The county or municipal treasurer and State Treasurer may retain an amount of the total of all collected analysis fees equal to the administrative costs incurred pursuant to carrying out their respective responsibilities under this section

f Moneys deposited in the county or municipal forensic laboratory fund created pursuant to paragraph (1) of subsection d of this section shall be in addition to any allocations pursuant to existing law and shall be designated for the exclusive use of the county or municipal forensic laboratory These uses may include, but are not limited to, the following

(1) costs incurred in providing analyses for controlled substances in connection with criminal investigations conducted within this State,

(2) purchase and maintenance of equipment for use in performing analyses, and

(3) continuing education, training, and scientific development of forensic scientists regularly employed by these laboratories

g Moneys deposited in the State forensic laboratory fund created pursuant to paragraph (3) of subsection d of this section shall be used by State forensic laboratories that the Attorney General designates pursuant to N J S 2C 35-19, and the Division of State Police in the Department of Law and Public Safety These moneys shall be in addition to any allocations pursuant to existing law and shall be designated for the exclusive use of State forensic facilities These uses may include those enumerated in subsection f of this section

h For the purposes of this section, "person" excludes a juvenile as defined in section 3 of P L 1982, c 77 (C 2A 4A-22)

6 Section 9 of P L 1996, c 115 (C 2C 43-3 3) is amended to read as follows

C 2C 43-3 3 Additional penalties for persons convicted of crime deposited in "Law Enforcement Officers Training and Equipment Fund "

9 a In addition to any disposition made pursuant to the provisions of Title 2C of the New Jersey Statutes, any person convicted of a crime shall be assessed a penalty of $30

b (Deleted by amendment, P L 2021, c 342)

c The penalties assessed under subsections a and b of this section shall be collected as provided for the collection of fines and restitution in section 3 of P L 1979, c 396 (C 2C 46-4) and forwarded to the State Treasury for deposit in a separate account to be known as the "Law Enforcement Officers Training and Equipment Fund " The penalty assessed in this section shall be collected only after a penalty assessed in section 2 of P L 1979, c 396 (C 2C 43-3 1) and any restitution ordered is collected

The fund shall be used to support the development and provision of basic and in-service training courses for law enforcement officers by police training schools approved pursuant to P L 1961, c 56 (C 52 17B-66 et seq) In addition, the fund shall also be used to enable police training schools to purchase equipment needed for the training of law enforcement officers Distributions from the fund shall only be made directly to such approved schools

d The Police Training Commission in the Department of Law and Public Safety shall be responsible for the administration and distribution of the fund pursuant to its authority under section 6 of P L 1961, c 56 (C 52 17B-71)

e An adult prisoner of a State correctional institution who does not pay the penalty imposed pursuant to this section shall have the penalty deducted from any income the inmate receives as a result of labor performed at the institution or any type of work release program If any person, including an inmate, fails to pay the penalty imposed pursuant to this section, the court may order the suspension of the person's driver's license or nonresident reciprocity privilege, or prohibit the person from receiving or obtaining a license until the assessment is paid The court shall notify the Director of the Division of Motor Vehicles of such an action Prior to any action being taken pursuant to this subsection, the person shall be given notice and a hearing before the court to contest the charge of the failure to pay the assessment

f For the purposes of this section, "person" excludes a juvenile as defined in section 3 of P L 1982, c 77 (C 2A 4A-22)

C 52 17B-171 15 Statutory or court-ordered fines, fees, costs, or other monetary penalties

7 On or after the effective date of P L 2021, c 342

a any unpaid outstanding balance of any statutory or court–ordered fines, fees, costs, or other monetary penalties previously assessed or imposed upon a juvenile or the juvenile's parent or guardian in relation to a juvenile delinquency complaint shall be unenforceable and uncollectable and the portion of any judgment that imposed those fines, fees, costs, or monetary penalties shall be vacated,

b all unsatisfied civil judgments based on statutory or court-ordered fines, fees, costs, or other monetary penalties previously assessed or imposed upon a juvenile or the juvenile's parent or guardian in relation to a juvenile delinquency complaint are deemed to be null and void and, for all legal purposes, shall be vacated and discharged, and

c all warrants issued solely based on the alleged failure of a juvenile or a juvenile's parent or guardian to pay or to appear on a court date set for the sole purpose of payment of statutory or court-ordered fines, fees, costs, or other monetary penalties previously assessed or imposed in relation to a juvenile delinquency complaint shall be reviewed and vacated consistent with the provisions of P L 2021, c 342

The provisions of this section shall apply to any fines, fees, costs, or other monetary penalties which were imposed prior to, and which are imposed subsequent to, the effective date of this act

8 N J S 2C 46-2 is amended to read as follows

Consequences of nonpayment, summary collection

2C 46-2 a When a defendant sentenced to pay an assessment imposed pursuant to section 2 of P L 1979, c 396 (C 2C 43-3 1), a penalty imposed pursuant to section 11 of P L 2001, c 81 (C 2C 43-3 6), a penalty imposed pursuant to section 1 of P L 2005, c 73 (C 2C 14-10), monthly probation fee, fine, a penalty imposed pursuant to section 1 of P L 1999, c 295 (C 2C 43-3 5), other court-imposed financial obligations or to make restitution or pay child support or other support or maintenance ordered by a court defaults in the payment thereof or of any installment, upon the motion of the person authorized by law to collect the payment, the motion of the prosecutor, the motion of the victim entitled to payment of restitution, the motion of the Victims of Crime Compensation Office, the motion of the State or county Office of Victim and Witness Advocacy or upon its own motion, the court shall recall the defendant, or issue a summons or a warrant of arrest for the defendant's appearance A warrant shall not be issued for a juvenile defendant or the parent or guardian of a juvenile defendant The court shall afford the person notice and an opportunity to be heard on the issue of default Failure to make any payment when due shall be considered a default The standard of proof shall be by a preponderance of the evidence, and the burden of establishing good cause for a default shall be on the person who has defaulted

(1) If the court finds that the person has defaulted without good cause, the court may

(a) order the suspension of the driver's license or the nonresident reciprocity driving privilege of the person, or

(b) prohibit the person from obtaining a driver's license or exercising reciprocity driving privileges until the person has made all past due payments, or

(c) take any other actions authorized by law

The court shall notify the Chief Administrator of the New Jersey Motor Vehicle Commission of the action taken pursuant to this paragraph

(2) If the court finds that the person defaulted on payment of a court-imposed financial obligation, restitution, or child support or other support or maintenance ordered by a court without good cause and finds that the default was willful, the court may, in addition to the action authorized by paragraph (1) of subsection a of this section, impose a term of imprisonment or participation in a labor assistance program or enforced community service to achieve the objective of the court-imposed financial obligation, restitution, or child support or other support or maintenance ordered by a court These options shall not reduce the amount owed by the person in default The term of imprisonment or enforced community service or participation in a labor assistance program shall be specified in the order of commitment It need not be equated with any particular dollar amount but, in the case of a fine it shall not exceed one day for each $50 of the fine nor shall it exceed a period of 90 consecutive days In no case shall the total period of imprisonment in the case of a disorderly persons offense for both the sentence of imprisonment and for failure to pay a fine exceed six months

(3) Except where incarceration is ordered pursuant to paragraph (2) of subsection a of this section, if the court finds that the person has defaulted the court may take one or more of the following actions

(a) the court shall take appropriate action to modify or establish a reasonable schedule for payment,

(b) in the case of a fine, if the court finds that the circumstances that warranted the fine have changed or that it would be unjust to require payment, the court may revoke or suspend the fine or the unpaid portion of the fine, or

(c) if the defendant has served jail time for default on a court-imposed financial obligation, the court may order that credit for each day of confinement be given against the amount owed The amount of the credit shall be determined at the discretion of the court but shall be not less than $50 for each day of confinement served

(4) When failure to pay an assessment imposed pursuant to section 2 of P L 1979, c 396 (C 2C 43-3 1), monthly probation fee, restitution, a penalty imposed pursuant to section 1 of P L 1999, c 295 (C 2C 43-3 5), a penalty

imposed pursuant to section 11 of P.L. 2001, c. 81 (C. 2C:43-3.6), a penalty imposed pursuant to section 1 of P.L. 2005, c. 73 (C. 2C:14-10), or other financial penalties or to perform enforced community service or to participate in a labor assistance program is determined to be willful, the failure to do so shall be considered to be contumacious.

(5) When a fine, assessment imposed pursuant to section 2 of P.L. 1979, c. 396 (C. 2C:43-3.1), other financial penalty or restitution is imposed on a corporation, it is the duty of the person or persons authorized to make disbursements from the assets of the corporation or association to pay it from such assets and their failure so to do may be held to be contumacious.

b. Upon any default in the payment of a fine, assessment imposed pursuant to section 2 of P.L. 1979, c. 396 (C. 2C:43-3.1), monthly probation fee, a penalty imposed pursuant to section 1 of P.L. 1999, c. 295 (C. 2C:43-3.5), a penalty imposed pursuant to section 11 of P.L. 2001, c. 81 (C. 2C:43-3.6), a penalty imposed pursuant to section 1 of P.L. 2005, c. 73 (C. 2C:14-10), other financial penalties, restitution, or any installment thereof, execution may be levied and such other measures may be taken for collection of it or the unpaid balance thereof as are authorized for the collection of an unpaid civil judgment entered against the defendant in an action on a debt.

c. Upon any default in the payment of restitution or any installment thereof, the victim entitled to the payment may institute summary collection proceedings authorized by subsection b. of this section.

d. Upon any default in the payment of an assessment imposed pursuant to section 2 of P.L. 1979, c. 396 (C. 2C:43-3.1) or any installment thereof, the Victims of Crime Compensation Office or the party responsible for collection may institute summary collection proceedings authorized by subsection b. of this section.

e. When a defendant sentenced to make restitution to a public entity other than the Victims of Crime Compensation Office defaults in the payment thereof or any installment, the court may, in lieu of other modification of the sentence, order the defendant to perform work in a labor assistance program or enforced community service program.

f. If a defendant ordered to participate in a labor assistance program or enforced community service program fails to report for work or to perform the assigned work, the comprehensive enforcement hearing officer may revoke the work order and impose any sentence permitted as a consequence of the original conviction.

g. If a defendant ordered to participate in a labor assistance program or an enforced community service program pays all outstanding assessments,

the comprehensive enforcement hearing officer may review the work order, and modify the same to reflect the objective of the sentence

h As used in this section

(1) "Comprehensive enforcement program" means the program established pursuant to the "Comprehensive Enforcement Program Fund Act," sections 1 through 9 of P L 1995, c 9 (C 2B 19-1 et seq)

(2) The terms "labor assistance program" and "enforced community service" have the same meaning as those terms are defined in section 5 of the "Comprehensive Enforcement Program Fund Act," P L 1995, c 9 (C 2B 19-5)

(3) "Public entity" means the State, any county, municipality, district, public authority, public agency and any other political subdivision or public body in the State

(4) "Court-imposed financial obligation" means any fine, statutorily-mandated assessment, surcharge, or other financial penalty imposed by a court, but does not include restitution or child support or other support or maintenance ordered by a court

9 This act shall take effect immediately, except that section 7 shall take effect on the first day of the 10th month next following enactment and the Administrative Director of the Courts may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act

Approved January 10, 2022

CHAPTER 343

AN ACT concerning marriage, amending R S 37 1-1, repealing section 94 of P L 2006, c 103, and supplementing Title 37 of the Revised Statutes

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

C 37 1-1 1 Findings, declarations regarding same-sex marriage

1 The Legislature finds and declares

a On September 27, 2013, Hon Mary C Jacobson, A J S C ruled in Garden State Equality v Dow, 434 N J Super 163 (Law Div 2013) that New Jersey's exclusion of same-sex couples from civil marriage violated the equal protection guarantee of the New Jersey Constitution The New Jersey Supreme Court declined to issue a stay of the lower court's order Same-sex

couples have been getting married in New Jersey since October 18, 2013, the day the State withdrew its appeal in the case

b Seven years before Garden State Equality v Dow, the New Jersey Supreme Court had ruled unanimously in Lewis v Harris, 188 N J 415 (2006) that same-sex couples are entitled to all of the rights, privileges, and obligations of marriage as opposite-sex couples In response to the Lewis v Harris decision, the Legislature enacted P L 2006, c 103 (C 37 1-28 et al), which established same-sex civil unions in New Jersey

c The New Jersey Civil Union Review Commission created by the Legislature concluded in 2008, after significant public hearings and discussion, that same-sex civil unions provided unequal treatment to same-sex couples in the State In addition, under federal law, same-sex civil union couples did not have access to federal benefits available to married couples

d Section 2 of P L 2021, c 343, amending N J S 37 1-1 is intended to bring New Jersey statutory law into conformance with the 2013 decision in Garden State Equality v Dow as well as the 2015 United States Supreme Court decision in Obergefell et al v Hodges, Director, Ohio Department of Health, et al , 576 U S 644 (2015) Obergefell held that same-sex marriage is a fundamental right and that all states are required to allow same-sex couples to marry

e This Legislature, in recognition of the New Jersey Supreme Court's unanimous holding in Lewis v Harris, the New Jersey Superior Court's ruling in Garden State Equality v Dow, and the United States Supreme Court's decision in Obergefell v Hodges, and recognizing that New Jersey same-sex couples' right to marry has never been codified and made more secure by the enactment of a statute, finds that it is necessary to enact this legislation

2 R S 37 1-1 is amended to read as follows

Marriages and civil unions

37 1-1 Marriages and civil unions

a (Deleted by amendment, P L 2021, c 343)

b (Deleted by amendment, P L 2021, c 343)

c Laws concerning marriage and civil union shall be read with gender-neutral intent

d No person shall marry or enter into a civil union with any of the person's ancestors or descendants, or the person's sibling, or the child of the person's sibling, or the sibling of the person's parent, whether such collateral kindred be of the whole or half blood

e A marriage or civil union in violation of subsection d of this section shall be absolutely void

Repealer

3 Section 94 of P L 2006, c 103 (C 37 1-36) is repealed

4 This act shall take effect immediately

Approved January 10, 2022

CHAPTER 344

AN ACT concerning medical and support services provided to certain working individuals with disabilities and amending P L 1968, c 410 and P L 1987, c 350

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

1 Section 3 of P L 1968, c 413 (C 30 4D-3) is amended to read as follows

C 30 4D-3 Definitions

3 Definitions As used in P L 1968, c 413 (C 30 4D-1 et seq), and unless the context otherwise requires

a "Applicant" means any person who has made application for purposes of becoming a "qualified applicant "

b "Commissioner" means the Commissioner of Human Services

c "Department" means the Department of Human Services, which is herein designated as the single State agency to administer the provisions of this act

d "Director" means the Director of the Division of Medical Assistance and Health Services

e "Division" means the Division of Medical Assistance and Health Services

f "Medicaid" means the New Jersey Medical Assistance and Health Services Program

g "Medical assistance" means payments on behalf of recipients to providers for medical care and services authorized under P L 1968, c 413

h "Provider" means any person, public or private institution, agency, or business concern approved by the division lawfully providing medical

care, services, goods, and supplies authorized under P L 1968, c 413, holding, where applicable, a current valid license to provide such services or to dispense such goods or supplies

1 "Qualified applicant" means a person who is a resident of this State, and either a citizen of the United States or an eligible alien, and is determined to need medical care and services as provided under P L 1968, c 413, with respect to whom the period for which eligibility to be a recipient is determined shall be the maximum period permitted under federal law, and who

(1) Is a dependent child or parent or caretaker relative of a dependent child who would be, except for resources, eligible for the aid to families with dependent children program under the State Plan for Title IV-A of the federal Social Security Act as of July 16, 1996,

(2) Is a recipient of Supplemental Security Income for the Aged, Blind and Disabled under Title XVI of the Social Security Act,

(3) Is an "ineligible spouse" of a recipient of Supplemental Security Income for the Aged, Blind and Disabled under Title XVI of the Social Security Act, as defined by the federal Social Security Administration,

(4) Would be eligible to receive Supplemental Security Income under Title XVI of the federal Social Security Act or, without regard to resources, would be eligible for the aid to families with dependent children program under the State Plan for Title IV-A of the federal Social Security Act as of July 16, 1996, except for failure to meet an eligibility condition or requirement imposed under such State program which is prohibited under Title XIX of the federal Social Security Act such as a durational residency requirement, relative responsibility, consent to imposition of a lien,

(5) (Deleted by amendment, P L 2000, c 71)

(6) Is an individual under 21 years of age who, without regard to resources, would be, except for dependent child requirements, eligible for the aid to families with dependent children program under the State Plan for Title IV-A of the federal Social Security Act as of July 16, 1996, or groups of such individuals, including but not limited to, children in resource family placement under supervision of the Division of Child Protection and Permanency in the Department of Children and Families whose maintenance is being paid in whole or in part from public funds, children placed in a resource family home or institution by a private adoption agency in New Jersey or children in intermediate care facilities, including developmental centers for the developmentally disabled, or in psychiatric hospitals,

(7) Would be eligible for the Supplemental Security Income program, but is not receiving such assistance and applies for medical assistance only,

(8) Is determined to be medically needy and meets all the eligibility requirements described below

(a) The following individuals are eligible for services, if they are determined to be medically needy

(i) Pregnant women,

(ii) Dependent children under the age of 21,

(iii) Individuals who are 65 years of age and older, and

(iv) Individuals who are blind or disabled pursuant to either 42 C F R 435 530 et seq or 42 C F R 435 540 et seq , respectively

(b) The following income standard shall be used to determine medically needy eligibility

(i) For one-person and two-person households, the income standard shall be the maximum allowable under federal law, but shall not exceed 133 1/3% of the State's payment level to two person households under the aid to families with dependent children program under the State Plan for Title IV-A of the federal Social Security Act in effect as of July 16, 1996, and

(ii) For households of three or more persons, the income standard shall be set at 133 1/3% of the State's payment level to similar size households under the aid to families with dependent children program under the State Plan for Title IV-A of the federal Social Security Act in effect as of July 16, 1996

(c) The following resource standard shall be used to determine medically needy eligibility

(i) For one-person households, the resource standard shall be 200% of the resource standard for recipients of Supplemental Security Income pursuant to 42 U S C s 1382(1)(B),

(ii) For two-person households, the resource standard shall be 200% of the resource standard for recipients of Supplemental Security Income pursuant to 42 U S C s 1382(2)(B),

(iii) For households of three or more persons, the resource standard in subparagraph (c)(ii) above shall be increased by $100 00 for each additional person, and

(iv) The resource standards established in (i), (ii), and (iii) are subject to federal approval and the resource standard may be lower if required by the federal Department of Health and Human Services

(d) Individuals whose income exceeds those established in subparagraph (b) of paragraph (8) of this subsection may become medically needy by incurring medical expenses as defined in 42 C F R 435 831(c) which will reduce their income to the applicable medically needy income established in subparagraph (b) of paragraph (8) of this subsection

(e) A six-month period shall be used to determine whether an individual is medically needy

(f) Eligibility determinations for the medically needy program shall be administered as follows

(i) County welfare agencies and other entities designated by the commissioner are responsible for determining and certifying the eligibility of pregnant women and dependent children The division shall reimburse county welfare agencies for 100% of the reasonable costs of administration which are not reimbursed by the federal government for the first 12 months of this program's operation Thereafter, 75% of the administrative costs incurred by county welfare agencies which are not reimbursed by the federal government shall be reimbursed by the division,

(ii) The division is responsible for certifying the eligibility of individuals who are 65 years of age and older and individuals who are blind or disabled The division may enter into contracts with county welfare agencies to determine certain aspects of eligibility In such instances the division shall provide county welfare agencies with all information the division may have available on the individual

The division shall notify all eligible recipients of the Pharmaceutical Assistance to the Aged and Disabled program, P L 1975, c 194 (C 30 4D-20 et seq) on an annual basis of the medically needy program and the program's general requirements The division shall take all reasonable administrative actions to ensure that Pharmaceutical Assistance to the Aged and Disabled recipients, who notify the division that they may be eligible for the program, have their applications processed expeditiously, at times and locations convenient to the recipients, and

(iii) The division is responsible for certifying incurred medical expenses for all eligible persons who attempt to qualify for the program pursuant to subparagraph (d) of paragraph (8) of this subsection,

(9) (a) Is a child who is at least one year of age and under 19 years of age and, if older than six years of age but under 19 years of age, is uninsured, and

(b) Is a member of a family whose income does not exceed 133% of the poverty level and who meets the federal Medicaid eligibility requirements set forth in section 9401 of Pub L 99-509 (42 U S C s 1396a),

(10) Is a pregnant woman who is determined by a provider to be presumptively eligible for medical assistance based on criteria established by the commissioner, pursuant to section 9407 of Pub L 99-509 (42 U S C s 1396a(a)),

(11) Is an individual 65 years of age and older, or an individual who is blind or disabled pursuant to section 301 of Pub L 92-603 (42 U S C s 1382c), whose income does not exceed 100% of the poverty level, adjusted

for family size, and whose resources do not exceed 100% of the resource standard used to determine medically needy eligibility pursuant to paragraph (8) of this subsection,

(12) Is a qualified disabled and working individual pursuant to section 6408 of Pub L 101-239 (42 U S C s 1396d) whose income does not exceed 200% of the poverty level and whose resources do not exceed 200% of the resource standard used to determine eligibility under the Supplemental Security Income Program, P L 1973, c 256 (C 44 7-85 et seq),

(13) Is a pregnant woman or is a child who is under one year of age and is a member of a family whose income does not exceed 185% of the poverty level and who meets the federal Medicaid eligibility requirements set forth in section 9401 of Pub L 99-509 (42 U S C s 1396a), except that a pregnant woman who is determined to be a qualified applicant shall, notwithstanding any change in the income of the family of which she is a member, continue to be deemed a qualified applicant until the end of the 60-day period beginning on the last day of her pregnancy,

(14) (Deleted by amendment, P L 1997, c 272)

(15) (a) Is a specified low-income Medicare beneficiary pursuant to 42 U S C s 1396a(a)10(E)iii whose resources beginning January 1, 1993 do not exceed 200% of the resource standard used to determine eligibility under the Supplemental Security Income program, P L 1973, c 256 (C 44 7-85 et seq) and whose income beginning January 1, 1993 does not exceed 110% of the poverty level, and beginning January 1, 1995 does not exceed 120% of the poverty level

(b) An individual who has, within 36 months, or within 60 months in the case of funds transferred into a trust, of applying to be a qualified applicant for Medicaid services in a nursing facility or a medical institution, or for home or community-based services under section 1915(c) of the federal Social Security Act (42 U S C s 1396n(c)), disposed of resources or income for less than fair market value shall be ineligible for assistance for nursing facility services, an equivalent level of services in a medical institution, or home or community-based services under section 1915(c) of the federal Social Security Act (42 U S C s 1396n(c)) The period of the ineligibility shall be the number of months resulting from dividing the uncompensated value of the transferred resources or income by the average monthly private payment rate for nursing facility services in the State as determined annually by the commissioner In the case of multiple resource or income transfers, the resulting penalty periods shall be imposed sequentially Application of this requirement shall be governed by 42 U S C s 1396p(c) In accordance with federal law, this provision is effective for all transfers of resources or income made on or after August 11, 1993 Notwithstanding the provisions of this subsection to the contrary, the State

eligibility requirements concerning resource or income transfers shall not be more restrictive than those enacted pursuant to 42 U S C s 1396p(c)

(c) An individual seeking nursing facility services or home or community-based services and who has a community spouse shall be required to expend those resources which are not protected for the needs of the community spouse in accordance with section 1924(c) of the federal Social Security Act (42 U S C s 1396r-5(c)) on the costs of long-term care, burial arrangements, and any other expense deemed appropriate and authorized by the commissioner An individual shall be ineligible for Medicaid services in a nursing facility or for home or community-based services under section 1915(c) of the federal Social Security Act (42 U S C s 1396n(c)) if the individual expends funds in violation of this subparagraph The period of ineligibility shall be the number of months resulting from dividing the uncompensated value of transferred resources and income by the average monthly private payment rate for nursing facility services in the State as determined by the commissioner The period of ineligibility shall begin with the month that the individual would otherwise be eligible for Medicaid coverage for nursing facility services or home or community-based services

This subparagraph shall be operative only if all necessary approvals are received from the federal government including, but not limited to, approval of necessary State plan amendments and approval of any waivers,

(16) Subject to federal approval under Title XIX of the federal Social Security Act, is a dependent child, parent or specified caretaker relative of a child who is a qualified applicant, who would be eligible, without regard to resources, for the aid to families with dependent children program under the State Plan for Title IV-A of the federal Social Security Act as of July 16, 1996, except for the income eligibility requirements of that program, and whose family earned income,

(a) if a dependent child, does not exceed 133% of the poverty level, and

(b) if a parent or specified caretaker relative, beginning September 1, 2005 does not exceed 100% of the poverty level, beginning September 1, 2006 does not exceed 115% of the poverty level and beginning September 1, 2007 does not exceed 133% of the poverty level, plus such earned income disregards as shall be determined according to a methodology to be established by regulation of the commissioner,

The commissioner may increase the income eligibility limits for children and parents and specified caretaker relatives, as funding permits,

(17) Is an individual from 18 through 20 years of age who is not a dependent child and would be eligible for medical assistance pursuant to P L 1968, c 413 (C 30 4D-1 et seq), without regard to income or resources, who, on the individual's 18th birthday, was in resource family care under the

care and custody of the Division of Child Protection and Permanency in the Department of Children and Families and whose maintenance was being paid in whole or in part from public funds,

(18) Is a person 16 years of age or older and who is permanently disabled and working, and who pays the premium contribution and other cost-sharing as established by the commissioner based solely on the applicant's earned and unearned income, subject to the limits and conditions of federal law

A qualified applicant pursuant to this paragraph shall (a) not be subject to any eligibility requirements regarding the earned or unearned income of the applicant or the applicant's spouse, and (b) remain eligible for medical care and services as provided under P L 1968, c 413 for up to a period of one year if, through no fault of the applicant, a job loss occurs,

(19) Is an uninsured individual under 65 years of age who

(a) has been screened for breast or cervical cancer under the federal Centers for Disease Control and Prevention breast and cervical cancer early detection program,

(b) requires treatment for breast or cervical cancer based upon criteria established by the commissioner,

(c) has an income that does not exceed the income standard established by the commissioner pursuant to federal guidelines,

(d) meets all other Medicaid eligibility requirements, and

(e) in accordance with Pub L 106-354, is determined by a qualified entity to be presumptively eligible for medical assistance pursuant to 42 U S C s 1396a(aa), based upon criteria established by the commissioner pursuant to section 1920B of the federal Social Security Act (42 U S C s 1396r-1b),

(20) Subject to federal approval under Title XIX of the federal Social Security Act, is a single adult or couple, without dependent children, whose income in 2006 does not exceed 50% of the poverty level, in 2007 does not exceed 75% of the poverty level and in 2008 and each year thereafter does not exceed 100% of the poverty level, except that a person who is a recipient of Work First New Jersey general public assistance, pursuant to P L 1947, c 156 (C 44 8-107 et seq), shall not be a qualified applicant, or

(21) is an individual who

(a) has an income that does not exceed the highest income eligibility level for pregnant women established under the State plan under Title XIX or Title XXI of the federal Social Security Act,

(b) is not pregnant, and

(c) is eligible to receive family planning services provided under the Medicaid program pursuant to subsection k of section 6 of P L 1968, c 413 (C 30 4D-6) and in accordance with 42 U S C s 1396a(ii)

j "Recipient" means any qualified applicant receiving benefits under this act

k "Resident" means a person who is living in the State voluntarily with the intention of making his home here and not for a temporary purpose Temporary absences from the State, with subsequent returns to the State or intent to return when the purposes of the absences have been accomplished, do not interrupt continuity of residence

l "State Medicaid Commission" means the Governor, the Commissioner of Human Services, the President of the Senate and the Speaker of the General Assembly, hereby constituted a commission to approve and direct the means and method for the payment of claims pursuant to P L 1968, c 413

m "Third party" means any person, institution, corporation, insurance company, group health plan as defined in section 607(1) of the federal "Employee Retirement and Income Security Act of 1974," 29 U S C s 1167(1), service benefit plan, health maintenance organization, or other prepaid health plan, or public, private or governmental entity who is or may be liable in contract, tort, or otherwise by law or equity to pay all or part of the medical cost of injury, disease or disability of an applicant for or recipient of medical assistance payable under P L 1968, c 413

n "Governmental peer grouping system" means a separate class of skilled nursing and intermediate care facilities administered by the State or county governments, established for the purpose of screening their reported costs and setting reimbursement rates under the Medicaid program that are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated State or county skilled nursing and intermediate care facilities

o "Comprehensive maternity or pediatric care provider" means any person or public or private health care facility that is a provider and that is approved by the commissioner to provide comprehensive maternity care or comprehensive pediatric care as defined in subsection b (18) and (19) of section 6 of P L 1968, c 413 (C 30 4D-6)

p "Poverty level" means the official poverty level based on family size established and adjusted under Section 673(2) of Subtitle B, the "Community Services Block Grant Act," of Pub L 97-35 (42 U S C s 9902(2))

q "Eligible alien" means one of the following

(1) an alien present in the United States prior to August 22, 1996, who is

(a) a lawful permanent resident,

(b) a refugee pursuant to section 207 of the federal "Immigration and Nationality Act" (8 U S C s 1157),

(c) an asylee pursuant to section 208 of the federal "Immigration and Nationality Act" (8 U S C s 1158),

(d) an alien who has had deportation withheld pursuant to section 243(h) of the federal "Immigration and Nationality Act" (8 U S C s 1253 (h)),

(e) an alien who has been granted parole for less than one year by the U S Citizenship and Immigration Services pursuant to section 212(d)(5) of the federal "Immigration and Nationality Act" (8 U S C s 1182(d)(5)),

(f) an alien granted conditional entry pursuant to section 203(a)(7) of the federal "Immigration and Nationality Act" (8 U S C s 1153(a)(7)) in effect prior to April 1, 1980, or

(g) an alien who is honorably discharged from or on active duty in the United States armed forces and the alien's spouse and unmarried dependent child

(2) An alien who entered the United States on or after August 22, 1996, who is

(a) an alien as described in paragraph (1)(b), (c), (d) or (g) of this subsection, or

(b) an alien as described in paragraph (1)(a), (e) or (f) of this subsection who entered the United States at least five years ago

(3) A legal alien who is a victim of domestic violence in accordance with criteria specified for eligibility for public benefits as provided in Title V of the federal "Illegal Immigration Reform and Immigrant Responsibility Act of 1996" (8 U S C s 1641)

2 Section 4 of P L 1987, c 350 (C 30 4G-16) is amended to read as follows

C 30 4G-16 Eligibility

4 A person is eligible for the personal assistance services program if

a The person has a permanent physical disability,

b The person is 18 years of age or older,

c The person is a resident of this State,

d The person is in need of personal assistance services pursuant to a written plan of service,

e The person is capable of managing and supervising their personal assistance services,

f A relative or other informal caregiver is not available to provide the services that the person needs,

g The person lives or plans to live in a private house or apartment, rooming or boarding house, group home, educational facility or residential health care facility, and the personal assistance services that the person shall receive are supplemental to, and not duplicative of, services provided to the person in the rooming or boarding house, group home, educational facility or residential health care facility pursuant to licensure requirements A person who resides, or is a patient, in a nursing, assisted living, or intermediate care facility, special hospital or other inpatient medical setting is not eligible for the personal assistance services program,

h The attending physician of the person who shall receive the personal assistance services has confirmed in writing that the person has a permanent physical disability, requires no assistance in the coordination of therapeutic regimes, and that the personal assistance services will be appropriate to meet the person's needs, and

i The person receives no more than 40 hours of personal assistance services from this program or any other program per week The commissioner shall develop rules for individual exceptions to this requirement

j The commissioner shall develop rules for individual exceptions to the age criteria

3 The Commissioner of Human Services shall apply for such State plan amendments or waivers as may be necessary to implement the provisions of this act and to continue to secure federal financial participation for the New Jersey Medicaid program In applying for State plan amendments or waivers, the commissioner shall seek authorization under the "Balanced Budget Act of 1997," Pub L 105-33, as may be necessary to ensure the provisions of this act are authorized under the "Ticket to Work and Work Incentives Improvement Act of 1999," Pub L 106-170, to the extent necessary to enable individuals age 65 and older who are no longer eligible for benefits under the "Ticket to Work and Work Incentives Improvement Act" to have the opportunity to buy into Medicaid under the NJ WorkAbility Program

4 The Commissioner of Human Services, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq) shall adopt such rules and regulations as are necessary to implement the provisions of this act

5 This act shall take effect immediately, but shall remain inoperative until the Commissioner of Human Services receives any federal approvals following the submission of applications for State plan amendments or waivers pursuant to section 3 of this act

Approved January 10, 2022

CHAPTER 345

AN ACT concerning the State Board of Chiropractic Examiners and criminal record of applicants to the board, and amending 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 4 of P L 1989, c 153 (C 45 9-41 20) is amended to read as follows

C 45 9-41 20 State Board of Chiropractic Examiners created

4 There is created within the Division of Consumer Affairs in the Department of Law and Public Safety the State Board of Chiropractic Examiners The board shall consist of 13 members who are residents of the State, four of whom shall be public members and one of whom shall be a State executive department member appointed pursuant to the provisions of P L 1971, c 60 (C 45 1-2 1 et seq) The remaining eight members shall be licensed chiropractors who have been actively engaged in the practice of chiropractic in this State for at least five years immediately preceding their appointments

The Governor shall appoint each member, other than the State executive department member, with the advice and consent of the Senate, for a term of three years Each member shall hold office until his successor has been qualified Any vacancy in the membership of the board shall be filled for the unexpired term in the manner provided for the original appointment No member of the board may serve more than two successive terms in addition to any unexpired term to which he has been appointed

2 Section 7 of P L 1989, c 153 (C 45 9-41 23) is amended to read as follows

C 45 9-41 23 Duties of the board

7 The board shall

a Appoint and prescribe the duties of an executive secretary The executive secretary shall serve at its pleasure,

b Review the qualifications of applicants for initial licensure, or licensure renewal, reactivation, or reinstatement The review of qualifications shall include a review of the results from the submission of fingerprints required of each applicant pursuant to section 3 of P L 2002, c 104 (C 45 1-30) and of each applicant in the National Practitioner Data Bank to ensure, at a minimum, that no information demonstrates an applicant has been convicted of sexual assault, criminal sexual contact or lewdness pursuant to N J S 2C 14-2, N J S 2C 14-3, and N J S 2C 14-4 that is of the first, second, third or fourth degree, endangering the welfare of a child pursuant to paragraph (1) of subsection a of N J S 2C 24-4, attempting to lure or entice a child pursuant to section 1 of P L 1993, c 291 (C 2C 13-6), or equivalent offenses in another jurisdiction,

c Insure the proper conduct and standards of examinations,

d Issue, renew, reactivate or reinstate licenses for chiropractors pursuant to this act, R S 45 9-14 5, R S 45 9-14 6 and R S 45 9-14 10, P L 1953, c 233 (C 45 9-41 5 et al), and chiropractic assistants pursuant to sections 5 through 8 of P L 2015, c 283 (C 45 9-41 33 et seq),

e Refuse to admit a person to an examination, or refuse to issue a license, or suspend, revoke or fail to renew, reactivate or reinstate the license of a chiropractor or chiropractic assistant pursuant to the provisions of P L 1978, c 73 (C 45 1-14 et seq) or if an applicant, chiropractor, or chiropractic assistant is found to have been convicted of sexual assault, criminal sexual contact or lewdness pursuant to N J S 2C 14-2, N J S 2C 14-3, and N J S 2C 14-4 that is of the first, second, third or fourth degree, endangering the welfare of a child pursuant to paragraph (1) of subsection a of N J S 2C 24-4, attempting to lure or entice a child pursuant to section 1 of P L 1993, c 291 (C 2C 13-6), or equivalent offenses in another jurisdiction through utilization of the continuous query function in the National Practitioner Data Bank or review of the results from the submission of fingerprints required of the applicant pursuant to section 3 of P L 2002, c 104 (C 45 1-30), or any other means,

f Maintain a record of chiropractors and chiropractic assistants licensed in this State, their places of business, places of residence and the date and number of their licenses,

g Prescribe or change the charges for examinations, licensures, renewals and other services it performs pursuant to P L 1974, c 46 (C 45 1-

3 1 et seq) and sections 5 through 8 of P L 2015, c 283 (C 45 9-41 33 et seq),

h Establish standards pursuant to which a chiropractor shall maintain medical malpractice liability insurance coverage, at appropriate amounts, as set forth in regulations, and

i Adopt and promulgate rules and regulations pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq) necessary to effectuate the purposes of this act, R S 45 9-14 5, R S 45 9-14 6 and R S 45 9-14 10, and sections 5 through 8 of P L 2015, c 283 (C 45 9-41 33 et seq), and P L 1953, c 233 (C 45 9-41 5 et al)

j Nothing in this section shall preclude the board from considering criminal convictions for offenses other than those offenses included in subsections a and b of this section, pursuant to section 8 of P L 1978, c 73 (C 45 1-21), or from considering other information provided by the National Practitioner Data Bank or any other source when reviewing an applicant's qualifications for licensure as authorized pursuant to this section

C 45 1-15 9 Issuance of license, certification, registration

3 a Any entity designated in section 2 of P L 1978, c 73 (C 45 1-15), or any principal department of the Executive Branch of State government or any entity within any department or any other entity hereafter created to license or otherwise regulate a health care profession or occupation shall not issue an initial license, certification or registration, or renew, reinstate or reactivate a license, certification or registration unless the entity has first determined that no criminal history record or record with the National Practitioner Data Bank exists demonstrating that an applicant for a license, certification, or registration in a health care profession or occupation has been convicted of sexual assault, criminal sexual contact or lewdness pursuant to N J S 2C 14-2, N J S 2C 14-3, and N J S 2C 14-4 that is of the first, second, third or fourth degree, endangering the welfare of a child pursuant to paragraph (1) of subsection a of N J S 2C 24-4, attempting to lure or entice a child pursuant to section 1 of P L 1993, c 291 (C 2C 13-6), or equivalent offenses in another jurisdiction

b Nothing in this section shall preclude any entity designated in section 2 of P L 1978, c 73 (C 45 1-15), or any principal department of the Executive Branch of State government or any entity within any department or any other entity hereafter created to license or otherwise regulate a health care profession or occupation from considering criminal convictions for offenses other than those offenses included in subsection a of this section, pursuant to section 8 of P L 1978, c 73 (C 45 1-21), or from considering other information provided

by the National Practitioner Data Bank or any other source when reviewing the qualifications of an applicant for licensure, certification, or registration

4 This act shall take effect immediately

Approved January 10, 2022

CHAPTER 346

AN ACT exempting certain commercial fishermen from coverage under the "unemployment compensation law" and amending R S 43 21-19

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

1 R S 43 21-19 is amended to read as follows

Definitions

43 21-19 Definitions As used in this chapter (R S 43 21-1 et seq), unless the context clearly requires otherwise

(a) (1) "Annual payroll" means the total amount of wages paid during a calendar year (regardless of when earned) by an employer for employment

(2) "Average annual payroll" means the average of the annual payrolls of any employer for the last three or five preceding calendar years, whichever average is higher, except that any year or years throughout which an employer has had no "annual payroll" because of military service shall be deleted from the reckoning, the "average annual payroll" in such case is to be determined on the basis of the prior three or five calendar years in each of which the employer had an "annual payroll" in the operation of his business, if the employer resumes his business within 12 months after separation, discharge or release from such service, under conditions other than dishonorable, and makes application to have his "average annual payroll" determined on the basis of such deletion within 12 months after he resumes his business, provided, however, that "average annual payroll" solely for the purposes of paragraph (3) of subsection (e) of R S 43 21-7 means the average of the annual payrolls of any employer on which he paid contributions to the State disability benefits fund for the last three or five preceding calendar years, whichever average is higher, provided further that only those wages be included on which employer contributions have been paid on or before January 31 (or the next succeeding

day if such January 31 is a Saturday or Sunday) immediately preceding the beginning of the 12-month period for which the employer's contribution rate is computed

(b) "Benefits" means the money payments payable to an individual, as provided in this chapter (R S 43 21-1 et seq), with respect to his unemployment

(c) (1) "Base year" with respect to benefit years commencing on or after July 1, 1986, shall mean the first four of the last five completed calendar quarters immediately preceding an individual's benefit year

With respect to a benefit year commencing on or after July 1, 1995, if an individual does not have sufficient qualifying weeks or wages in his base year to qualify for benefits, the individual shall have the option of designating that his base year shall be the "alternative base year," which means the last four completed calendar quarters immediately preceding the individual's benefit year, except that, with respect to a benefit year commencing on or after October 1, 1995, if the individual also does not have sufficient qualifying weeks or wages in the last four completed calendar quarters immediately preceding his benefit year to qualify for benefits, "alternative base year" means the last three completed calendar quarters immediately preceding his benefit year and, of the calendar quarter in which the benefit year commences, the portion of the quarter which occurs before the commencing of the benefit year

The division shall inform the individual of his options under this section as amended by P L 1995, c 234 If information regarding weeks and wages for the calendar quarter or quarters immediately preceding the benefit year is not available to the division from the regular quarterly reports of wage information and the division is not able to obtain the information using other means pursuant to State or federal law, the division may base the determination of eligibility for benefits on the affidavit of an individual with respect to weeks and wages for that calendar quarter The individual shall furnish payroll documentation, if available, in support of the affidavit A determination of benefits based on an alternative base year shall be adjusted when the quarterly report of wage information from the employer is received if that information causes a change in the determination

(2) With respect to a benefit year commencing on or after June 1, 1990 for an individual who immediately preceding the benefit year was subject to a disability compensable under the provisions of the "Temporary Disability Benefits Law," P L 1948, c 110 (C 43 21-25 et seq), "base year" shall mean the first four of the last five completed calendar quarters immediately preceding the individual's period of disability, if the employment held by the individual immediately preceding the period of disability is no longer available at the conclusion of that period and the individual files a valid claim

for unemployment benefits after the conclusion of that period For the purposes of this paragraph, "period of disability" means the period defined as a period of disability by section 3 of the "Temporary Disability Benefits Law," P L 1948, c 110 (C 43 21-27) An individual who files a claim under the provisions of this paragraph (2) shall not be regarded as having left work voluntarily for the purposes of subsection (a) of R S 43 21-5

(3) With respect to a benefit year commencing on or after June 1, 1990 for an individual who immediately preceding the benefit year was subject to a disability compensable under the provisions of the workers' compensation law (chapter 15 of Title 34 of the Revised Statutes), "base year" shall mean the first four of the last five completed calendar quarters immediately preceding the individual's period of disability, if the period of disability was not longer than two years, if the employment held by the individual immediately preceding the period of disability is no longer available at the conclusion of that period and if the individual files a valid claim for unemployment benefits after the conclusion of that period For the purposes of this paragraph, "period of disability" means the period from the time at which the individual becomes unable to work because of the compensable disability until the time that the individual becomes able to resume work and continue work on a permanent basis An individual who files a claim under the provisions of this paragraph (3) shall not be regarded as having left work voluntarily for the purposes of subsection (a) of R S 43 21-5

(d) "Benefit year" with respect to any individual means the 364 consecutive calendar days beginning with the day on, or as of, which he first files a valid claim for benefits, and thereafter beginning with the day on, or as of, which the individual next files a valid claim for benefits after the termination of his last preceding benefit year Any claim for benefits made in accordance with subsection (a) of R S 43 21-6 shall be deemed to be a "valid claim" for the purpose of this subsection if (1) he is unemployed for the week in which, or as of which, he files a claim for benefits, and (2) he has fulfilled the conditions imposed by subsection (e) of R S 43 21-4

(e) (1) "Division" means the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development, and any transaction or exercise of authority by the director of the division thereunder, or under this chapter (R S 43 21-1 et seq), shall be deemed to be performed by the division

(2) "Controller" means the Office of the Assistant Commissioner for Finance and Controller of the Department of Labor and Workforce Development, established by the 1982 Reorganization Plan of the Department of Labor

(f) "Contributions" means the money payments to the State Unemployment Compensation Fund, required by R S 43 21-7 "Payments in lieu of contributions" means the money payments to the State Unemployment Compensation Fund by employers electing or required to make payments in lieu of contributions, as provided in section 3 or section 4 of P L 1971, c 346 (C 43 21-7 2 or 43 21-7 3)

(g) "Employing unit" means the State or any of its instrumentalities or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of any of the foregoing and one or more other states or political subdivisions or any individual or type of organization, any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had in its employ one or more individuals performing services for it within this State All individuals performing services within this State for any employing unit which maintains two or more separate establishments within this State shall be deemed to be employed by a single employing unit for all the purposes of this chapter (R S 43 21-1 et seq) Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this chapter (R S 43 21-1 et seq), whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of the work

(h) "Employer" means

(1) Any employing unit which in either the current or the preceding calendar year paid remuneration for employment in the amount of $1,000 00 or more,

(2) Any employing unit (whether or not an employing unit at the time of acquisition) which acquired the organization, trade or business, or substantially all the assets thereof, of another which, at the time of such acquisition, was an employer subject to this chapter (R S 43 21-1 et seq),

(3) Any employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit and which, if treated as a single unit with such other employing unit, would be an employer under paragraph (1) of this subsection,

(4) Any employing unit which together with one or more other employing units is owned or controlled (by legally enforceable means or otherwise), directly or indirectly by the same interests, or which owns or controls one or more other employing units (by legally enforceable means or

otherwise), and which, if treated as a single unit with such other employing unit or interest, would be an employer under paragraph (1) of this subsection,

(5) Any employing unit for which service in employment as defined in R S 43 21-19 (i) (1) (B) (i) is performed after December 31, 1971, and as defined in R S 43 21-19 (i) (1) (B) (ii) is performed after December 31, 1977,

(6) Any employing unit for which service in employment as defined in R S 43 21-19 (i) (1) (c) is performed after December 31, 1971 and which in either the current or the preceding calendar year paid remuneration for employment in the amount of $1,000 00 or more,

(7) Any employing unit not an employer by reason of any other paragraph of this subsection (h) for which, within either the current or preceding calendar year, service is or was performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund, or which, as a condition for approval of the "unemployment compensation law" for full tax credit against the tax imposed by the Federal Unemployment Tax Act, is required pursuant to such act to be an employer under this chapter (R S 43 21-1 et seq),

(8) (Deleted by amendment, P L 1977, c 307)

(9) (Deleted by amendment, P L 1977, c 307)

(10) (Deleted by amendment, P L 1977, c 307)

(11) Any employing unit subject to the provisions of the Federal Unemployment Tax Act within either the current or the preceding calendar year, except for employment hereinafter excluded under paragraph (7) of subsection (i) of this section,

(12) Any employing unit for which agricultural labor in employment as defined in R S 43 21-19 (i) (1) (I) is performed after December 31, 1977,

(13) Any employing unit for which domestic service in employment as defined in R S 43 21-19 (i) (1) (J) is performed after December 31, 1977,

(14) Any employing unit which, having become an employer under the "unemployment compensation law" (R S 43 21-1 et seq), has not under R S 43 21-8 ceased to be an employer, or for the effective period of its election pursuant to R S 43 21-8, any other employing unit which has elected to become fully subject to this chapter (R S 43 21-1 et seq)

(i) (1) "Employment" means

(A) Any service performed prior to January 1, 1972, which was employment as defined in the "unemployment compensation law" (R S 43 21-1 et seq) prior to such date, and, subject to the other provisions of this subsection, service performed on or after January 1, 1972, including

service in interstate commerce, performed for remuneration or under any contract of hire, written or oral, express or implied

(B) (i) Service performed after December 31, 1971 by an individual in the employ of this State or any of its instrumentalities or in the employ of this State and one or more other states or their instrumentalities for a hospital or institution of higher education located in this State, if such service is not excluded from "employment" under paragraph (D) below

(ii) Service performed after December 31, 1977, in the employ of this State or any of its instrumentalities or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of the foregoing and one or more other states or political subdivisions, if such service is not excluded from "employment" under paragraph (D) below

(C) Service performed after December 31, 1971 by an individual in the employ of a religious, charitable, educational, or other organization, which is excluded from "employment" as defined in the Federal Unemployment Tax Act, solely by reason of section 3306 (c)(8) of that act, if such service is not excluded from "employment" under paragraph (D) below

(D) For the purposes of paragraphs (B) and (C), the term "employment" does not apply to services performed

(i) In the employ of (I) a church or convention or association of churches, or (II) an organization, or school which is operated primarily for religious purposes and which is operated, supervised, controlled or principally supported by a church or convention or association of churches,

(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order,

(iii) Prior to January 1, 1978, in the employ of a school which is not an institution of higher education, and after December 31, 1977, in the employ of a governmental entity referred to in R S 43 21-19 (i) (1) (B), if such service is performed by an individual in the exercise of duties

(aa) as an elected official,

(bb) as a member of a legislative body, or a member of the judiciary, of a state or political subdivision,

(cc) as a member of the State National Guard or Air National Guard,

(dd) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency,

(ee) in a position which, under or pursuant to the laws of this State, is designated as a major nontenured policy-making or advisory position, or a

policy-making or advisory position, the performance of the duties of which ordinarily does not require more than eight hours per week, or

(iv) By an individual receiving rehabilitation or remunerative work in a facility conducted for the purpose of carrying out a program of rehabilitation of individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market,

(v) By an individual receiving work relief or work training as part of an unemployment work-relief or work-training program assisted in whole or in part by any federal agency or an agency of a state or political subdivision thereof, or

(vi) Prior to January 1, 1978, for a hospital in a State prison or other State correctional institution by an inmate of the prison or correctional institution and after December 31, 1977, by an inmate of a custodial or penal institution

(E) The term "employment" shall include the services of an individual who is a citizen of the United States, performed outside the United States after December 31, 1971 (except in Canada and in the case of the Virgin Islands, after December 31, 1971) and prior to January 1 of the year following the year in which the U S Secretary of Labor approves the unemployment compensation law of the Virgin Islands, under section 3304 (a) of the Internal Revenue Code of 1986 (26 U S C s 3304 (a)) in the employ of an American employer (other than the service which is deemed employment under the provisions of R S 43 21-19 (i) (2) or (5) or the parallel provisions of another state's unemployment compensation law), if

(i) The American employer's principal place of business in the United States is located in this State, or

(ii) The American employer has no place of business in the United States, but (I) the American employer is an individual who is a resident of this State, or (II) the American employer is a corporation which is organized under the laws of this State, or (III) the American employer is a partnership or trust and the number of partners or trustees who are residents of this State is greater than the number who are residents of another state, or

(iii) None of the criteria of divisions (i) and (ii) of this subparagraph (E) is met but the American employer has elected to become an employer subject to the "unemployment compensation law" (R S 43 21-1 et seq) in this State, or the American employer having failed to elect to become an employer in any state, the individual has filed a claim for benefits, based on such service, under the law of this State,

(iv) An "American employer," for the purposes of this subparagraph (E), means (I) an individual who is a resident of the United States, or (II) a partnership, if two-thirds or more of the partners are residents of the United States, or (III) a trust, if all the trustees are residents of the United States, or (IV) a corporation organized under the laws of the United States or of any state

(F) Notwithstanding R S 43 21-19 (i) (2), all service performed after January 1, 1972 by an officer or member of the crew of an American vessel or American aircraft on or in connection with such vessel or aircraft, if the operating office from which the operations of such vessel or aircraft operating within, or within and without, the United States are ordinarily and regularly supervised, managed, directed, and controlled, is within this State

(G) Notwithstanding any other provision of this subsection, service in this State with respect to which the taxes required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under the "unemployment compensation law" (R S 43 21-1 et seq)

(H) The term "United States" when used in a geographical sense in subsection R S 43 21-19 (i) includes the states, the District of Columbia, the Commonwealth of Puerto Rico and, effective on the day after the day on which the U S Secretary of Labor approves for the first time under section 3304 (a) of the Internal Revenue Code of 1986 (26 U S C s 3304 (a)) an unemployment compensation law submitted to the Secretary by the Virgin Islands for such approval, the Virgin Islands

(I) (i) Service performed after December 31, 1977 in agricultural labor in a calendar year for an entity which is an employer as defined in the "unemployment compensation law," (R S 43 21-1 et seq) as of January 1 of such year, or for an employing unit which

(aa) during any calendar quarter in either the current or the preceding calendar year paid remuneration in cash of $20,000 00 or more for individuals employed in agricultural labor, or

(bb) for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor 10 or more individuals, regardless of whether they were employed at the same moment in time

(ii) for the purposes of this subsection any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other entity shall be treated as an employee of such crew leader

(aa) if such crew leader holds a certification of registration under the Migrant and Seasonal Agricultural Worker Protection Act, Pub L 97-470 (29 U S C s 1801 et seq), or P L 1971, c 192 (C 34 8A-7 et seq), or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or cropdusting equipment, or any other mechanized equipment, which is provided by such crew leader, and

(bb) if such individual is not an employee of such other person for whom services were performed

(iii) For the purposes of subparagraph (I) (i) in the case of any individual who is furnished by a crew leader to perform service in agricultural labor or any other entity and who is not treated as an employee of such crew leader under (I) (ii)

(aa) such other entity and not the crew leader shall be treated as the employer of such individual, and

(bb) such other entity shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his own behalf or on behalf of such other entity) for the service in agricultural labor performed for such other entity

(iv) For the purpose of subparagraph (I)(ii), the term "crew leader" means an individual who

(aa) furnishes individuals to perform service in agricultural labor for any other entity,

(bb) pays (either on his own behalf or on behalf of such other entity) the individuals so furnished by him for the service in agricultural labor performed by them, and

(cc) has not entered into a written agreement with such other entity under which such individual is designated as an employee of such other entity

(J) Domestic service after December 31, 1977 performed in the private home of an employing unit which paid cash remuneration of $1,000 00 or more to one or more individuals for such domestic service in any calendar quarter in the current or preceding calendar year

(2) The term "employment" shall include an individual's entire service performed within or both within and without this State if

(A) The service is localized in this State, or

(B) The service is not localized in any state but some of the service is performed in this State, and (i) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this State, or (ii) the base of operations or place from which

such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this State

(3) Services performed within this State but not covered under paragraph (2) of this subsection shall be deemed to be employment subject to this chapter (R S 43 21-1 et seq) if contributions are not required and paid with respect to such services under an unemployment compensation law of any other state or of the federal government

(4) Services not covered under paragraph (2) of this subsection and performed entirely without this State, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this chapter (R S 43 21-1 et seq) if the individual performing such services is a resident of this State and the employing unit for whom such services are performed files with the division an election that the entire service of such individual shall be deemed to be employment subject to this chapter (R S 43 21-1 et seq)

(5) Service shall be deemed to be localized within a state if

(A) The service is performed entirely within such state, or

(B) The service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions

(6) Services performed by an individual for remuneration shall be deemed to be employment subject to this chapter (R S 43 21-1 et seq) unless and until it is shown to the satisfaction of the division that

(A) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his contract of service and in fact,

(B) Such service is either outside the usual course of the business for which such service is performed, or that such service is performed outside of all the places of business of the enterprise for which such service is performed, and

(C) Such individual is customarily engaged in an independently established trade, occupation, profession or business

(7) Provided that such services are also exempt under the Federal Unemployment Tax Act, as amended, or that contributions with respect to such services are not required to be paid into a state unemployment fund as a condition for a tax offset credit against the tax imposed by the Federal Unemployment Tax Act, as amended, the term "employment" shall not include

(A) Agricultural labor performed prior to January 1, 1978, and after December 31, 1977, only if performed in a calendar year for an entity which is not an employer as defined in the "unemployment compensation law," (R S 43 21-1 et seq) as of January 1 of such calendar year, or unless performed for an employing unit which

(i) during a calendar quarter in either the current or the preceding calendar year paid remuneration in cash of $20,000 00 or more to individuals employed in agricultural labor, or

(ii) for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor 10 or more individuals, regardless of whether they were employed at the same moment in time,

(B) Domestic service in a private home performed prior to January 1, 1978, and after December 31, 1977, unless performed in the private home of an employing unit which paid cash remuneration of $1,000 00 or more to one or more individuals for such domestic service in any calendar quarter in the current or preceding calendar year,

(C) Service performed by an individual in the employ of his son, daughter or spouse, and service performed by a child under the age of 18 in the employ of his father or mother,

(D) Service performed prior to January 1, 1978, in the employ of this State or of any political subdivision thereof or of any instrumentality of this State or its political subdivisions, except as provided in R S 43 21-19 (i) (1) (B) above, and service in the employ of the South Jersey Port Corporation or its successors,

(E) Service performed in the employ of any other state or its political subdivisions or of an instrumentality of any other state or states or their political subdivisions to the extent that such instrumentality is with respect to such service exempt under the Constitution of the United States from the tax imposed under the Federal Unemployment Tax Act, as amended, except as provided in R S 43 21-19 (i) (1) (B) above,

(F) Service performed in the employ of the United States Government or of any instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by the "unemployment compensation law," except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this act shall be applicable to such instrumentalities, and to service performed for such instrumentalities, in the same manner, to the same extent and on the same terms as to all other

employers, employing units, individuals and services, provided that if this State shall not be certified for any year by the Secretary of Labor of the United States under section 3304 of the federal Internal Revenue Code of 1986 (26 U S C s 3304), the payments required of such instrumentalities with respect to such year shall be refunded by the division from the fund in the same manner and within the same period as is provided in R S 43 21-14 (f) with respect to contributions erroneously paid to or collected by the division,

(G) Services performed in the employ of fraternal beneficiary societies, orders, or associations operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system and providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association, or their dependents,

(H) Services performed as a member of the board of directors, a board of trustees, a board of managers, or a committee of any bank, building and loan, or savings and loan association, incorporated or organized under the laws of this State or of the United States, where such services do not constitute the principal employment of the individual,

(I) Service with respect to which unemployment insurance is payable under an unemployment insurance program established by an Act of Congress,

(J) Service performed by agents of mutual fund brokers or dealers in the sale of mutual funds or other securities, by agents of insurance companies, exclusive of industrial insurance agents or by agents of investment companies, if the compensation to such agents for such services is wholly on a commission basis,

(K) Services performed by real estate salesmen or brokers who are compensated wholly on a commission basis,

(L) Services performed in the employ of any veterans' organization chartered by an Act of Congress or of any auxiliary thereof, no part of the net earnings of which organization, or auxiliary thereof, inures to the benefit of any private shareholder or individual,

(M) Service performed for or in behalf of the owner or operator of any theater, ballroom, amusement hall or other place of entertainment, not in excess of 10 weeks in any calendar year for the same owner or operator, by any leader or musician of a band or orchestra, commonly called a "name band," entertainer, vaudeville artist, actor, actress, singer or other entertainer,

(N) Services performed after January 1, 1973 by an individual for a labor union organization, known and recognized as a union local, as a member of a committee or committees reimbursed by the union local for time lost from

regular employment, or as a part-time officer of a union local and the remuneration for such services is less than $1,000 00 in a calendar year,

(O) Services performed in the sale or distribution of merchandise by home-to-home salespersons or in-the-home demonstrators whose remuneration consists wholly of commissions or commissions and bonuses,

(P) Service performed in the employ of a foreign government, including service as a consular, nondiplomatic representative, or other officer or employee,

(Q) Service performed in the employ of an instrumentality wholly owned by a foreign government if (i) the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof, and (ii) the division finds that the United States Secretary of State has certified to the United States Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar services performed in the foreign country by employees of the United States Government and of instrumentalities thereof,

(R) Service in the employ of an international organization entitled to enjoy the privileges, exemptions and immunities under the International Organizations Immunities Act (22 U S C s 288 et seq),

(S) Service covered by an election duly approved by an agency charged with the administration of any other state or federal unemployment compensation or employment security law, in accordance with an arrangement pursuant to R S 43 21-21 during the effective period of such election,

(T) Service performed in the employ of a school, college, or university if such service is performed (i) by a student enrolled at such school, college, or university on a full-time basis in an educational program or completing such educational program leading to a degree at any of the severally recognized levels, or (ii) by the spouse of such a student, if such spouse is advised at the time such spouse commences to perform such service that (I) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (II) such employment will not be covered by any program of unemployment insurance,

(U) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an

integral part of such program, and such institution has so certified to the employer, except that this subparagraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers,

(V) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital, service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and regularly attending classes in a nurses' training school approved under the laws of this State,

(W) Services performed after the effective date of this amendatory act by agents of mutual benefit associations if the compensation to such agents for such services is wholly on a commission basis,

(X) Services performed by operators of motor vehicles weighing 18,000 pounds or more, licensed for commercial use and used for the highway movement of motor freight, who own their equipment or who lease or finance the purchase of their equipment through an entity which is not owned or controlled directly or indirectly by the entity for which the services were performed and who were compensated by receiving a percentage of the gross revenue generated by the transportation move or by a schedule of payment based on the distance and weight of the transportation move,

(Y) (Deleted by amendment, P L 2009, c 211)

(Z) Services performed, using facilities provided by a travel agent, by a person, commonly known as an outside travel agent, who acts as an independent contractor, is paid on a commission basis, sets his own work schedule and receives no benefits, sick leave, vacation or other leave from the travel agent owning the facilities

(AA) Services provided by a commercial fisherman whose compensation is comprised solely of a percentage of fish caught or a percentage of the proceeds from the sale of the catch

(8) If one-half or more of the services in any pay period performed by an individual for an employing unit constitutes employment, all the services of such individual shall be deemed to be employment, but if more than one-half of the service in any pay period performed by an individual for an employing unit does not constitute employment, then none of the service of such individual shall be deemed to be employment As used in this paragraph, the term "pay period" means a period of not more than 31 consecutive days for which a payment for service is ordinarily made by an employing unit to individuals in its employ

(9) Services performed by the owner of a limousine franchise (franchisee) shall not be deemed to be employment subject to the

"unemployment compensation law," R S 43 21-1 et seq , with regard to the franchisor if

(A) The limousine franchisee is incorporated,

(B) The franchisee is subject to regulation by the Interstate Commerce Commission,

(C) The limousine franchise exists pursuant to a written franchise arrangement between the franchisee and the franchisor as defined by section 3 of P L 1971, c 356 (C 56 10-3), and

(D) The franchisee registers with the Department of Labor and Workforce Development and receives an employer registration number

(10) Services performed by a legal transcriber, or certified court reporter certified pursuant to P L 1940, c 175 (C 45 15B-1 et seq), shall not be deemed to be employment subject to the "unemployment compensation law," R S 43 21-1 et seq , if those services are provided to a third party by the transcriber or reporter who is referred to the third party pursuant to an agreement with another legal transcriber or legal transcription service, or certified court reporter or court reporting service, on a freelance basis, compensation for which is based upon a fee per transcript page, flat attendance fee, or other flat minimum fee, or combination thereof, set forth in the agreement

For purposes of this paragraph (10) "legal transcription service" and "legal transcribing" mean making use, by audio, video or voice recording, of a verbatim record of court proceedings, depositions, other judicial proceedings, meetings of boards, agencies, corporations, or other bodies or groups, and causing that record to be printed in readable form or produced on a computer screen in readable form, and "legal transcriber" means a person who engages in "legal transcribing."

(j) "Employment office" means a free public employment office, or branch thereof operated by this State or maintained as a part of a State-controlled system of public employment offices

(k) (Deleted by amendment, P L 1984, c 24)

(l) "State" includes, in addition to the states of the United States of America, the District of Columbia, the Virgin Islands and Puerto Rico

(m) "Unemployment "

(1) An individual shall be deemed "unemployed" for any week during which

(A) The individual is not engaged in full-time work and with respect to which his remuneration is less than his weekly benefit rate, including any week during which he is on vacation without pay, provided such vacation is not the result of the individual's voluntary action, except that for benefit years

commencing on or after July 1, 1984, an officer of a corporation, or a person who has more than a 5% equitable or debt interest in the corporation, whose claim for benefits is based on wages with that corporation shall not be deemed to be unemployed in any week during the individual's term of office or ownership in the corporation, or

(B) The individual is eligible for and receiving a self-employment assistance allowance pursuant to the requirements of P L 1995, c 394 (C 43 21-67 et al)

(2) The term "remuneration" with respect to any individual for benefit years commencing on or after July 1, 1961, and as used in this subsection, shall include only that part of the same which in any week exceeds 20% of his weekly benefit rate (fractional parts of a dollar omitted) or $5 00, whichever is the larger, and shall not include any moneys paid to an individual by a county board of elections for work as a board worker on an election day

(3) An individual's week of unemployment shall be deemed to commence only after the individual has filed a claim at an unemployment insurance claims office, except as the division may by regulation otherwise prescribe

(n) "Unemployment compensation administration fund" means the unemployment compensation administration fund established by this chapter (R S 43 21-1 et seq), from which administrative expenses under this chapter (R S 43 21-1 et seq) shall be paid

(o) "Wages" means remuneration paid by employers for employment If a worker receives gratuities regularly in the course of his employment from other than his employer, his "wages" shall also include the gratuities so received, if reported in writing to his employer in accordance with regulations of the division, and if not so reported, his "wages" shall be determined in accordance with the minimum wage rates prescribed under any labor law or regulation of this State or of the United States, or the amount of remuneration actually received by the employee from his employer, whichever is the higher

(p) "Remuneration" means all compensation for personal services, including commission and bonuses and the cash value of all compensation in any medium other than cash

(q) "Week" means for benefit years commencing on or after October 1, 1984, the calendar week ending at midnight Saturday, or as the division may by regulation prescribe

(r) "Calendar quarter" means the period of three consecutive calendar months ending March 31, June 30, September 30, or December 31

(s) "Investment company" means any company as defined in subsection a of section 1 of P L 1938, c 322 (C 17 16A-1)

(t) (1) (Deleted by amendment, P L 2001, c 17)

(2) "Base week," commencing on or after January 1, 1996 and before January 1, 2001, means

(A) Any calendar week during which the individual earned in employment from an employer remuneration not less than an amount which is 20% of the Statewide average weekly remuneration defined in subsection (c) of R S 43 21-3 which amount shall be adjusted to the next higher multiple of $1 00 if not already a multiple thereof, except that if in any calendar week an individual subject to this subparagraph (A) is in employment with more than one employer, the individual may in that calendar week establish a base week with respect to each of the employers from whom the individual earns remuneration equal to not less than the amount defined in this subparagraph (A) during that week, or

(B) If the individual does not establish in his base year 20 or more base weeks as defined in subparagraph (A) of this paragraph (2), any calendar week of an individual's base year during which the individual earned in employment from an employer remuneration not less than an amount 20 times the minimum wage in effect pursuant to section 5 of P L 1966, c 113 (C 34 11-56a4) on October 1 of the calendar year preceding the calendar year in which the benefit year commences, which amount shall be adjusted to the next higher multiple of $1 00 if not already a multiple thereof, except that if in any calendar week an individual subject to this subparagraph (B) is in employment with more than one employer, the individual may in that calendar week establish a base week with respect to each of the employers from whom the individual earns remuneration not less than the amount defined in this subparagraph (B) during that week

(3) "Base week," commencing on or after January 1, 2001, means any calendar week during which the individual earned in employment from an employer remuneration not less than an amount 20 times the minimum wage in effect pursuant to section 5 of P L 1966, c 113 (C 34 11-56a4) on October 1 of the calendar year preceding the calendar year in which the benefit year commences, which amount shall be adjusted to the next higher multiple of $1 00 if not already a multiple thereof, except that if in any calendar week an individual subject to this paragraph (3) is in employment with more than one employer, the individual may in that calendar week establish a base week with respect to each of the employers from whom the individual earns remuneration equal to not less than the amount defined in this paragraph (3) during that week

(u) "Average weekly wage" means the amount derived by dividing an individual's total wages received during his base year base weeks (as defined in subsection (t) of this section) from that most recent base year employer with whom he has established at least 20 base weeks, by the

number of base weeks in which such wages were earned In the event that such claimant had no employer in his base year with whom he had established at least 20 base weeks, then such individual's average weekly wage shall be computed as if all of his base week wages were received from one employer and as if all his base weeks of employment had been performed in the employ of one employer

For the purpose of computing the average weekly wage, the monetary alternative in subparagraph (B) of paragraph (2) of subsection (e) of R S 43 21-4 shall only apply in those instances where the individual did not have at least 20 base weeks in the base year For benefit years commencing on or after July 1, 1986, "average weekly wage" means the amount derived by dividing an individual's total base year wages by the number of base weeks worked by the individual during the base year, provided that for the purpose of computing the average weekly wage, the maximum number of base weeks used in the divisor shall be 52

(v) "Initial determination" means, subject to the provisions of R S 43 21-6(b)(2) and (3), a determination of benefit rights as measured by an eligible individual's base year employment with a single employer covering all periods of employment with that employer during the base year

(w) "Last date of employment" means the last calendar day in the base year of an individual on which he performed services in employment for a given employer

(x) "Most recent base year employer" means that employer with whom the individual most recently, in point of time, performed service in employment in the base year

(y) (1) "Educational institution" means any public or other nonprofit institution (including an institution of higher education)

(A) In which participants, trainees, or students are offered an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes or abilities from, by or under the guidance of an instructor or teacher,

(B) Which is approved, licensed or issued a permit to operate as a school by the State Department of Education or other government agency that is authorized within the State to approve, license or issue a permit for the operation of a school, and

(C) Which offers courses of study or training which may be academic, technical, trade, or preparation for gainful employment in a recognized occupation

(2) "Institution of higher education" means an educational institution which

(A) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate,

(B) Is legally authorized in this State to provide a program of education beyond high school,

(C) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation, and

(D) Is a public or other nonprofit institution

Notwithstanding any of the foregoing provisions of this subsection, all colleges and universities in this State are institutions of higher education for purposes of this section

(z) "Hospital" means an institution which has been licensed, certified or approved under the law of this State as a hospital

2 This act shall take effect immediately

Approved January 10, 2022

CHAPTER 347

AN ACT concerning health care practitioner referrals and amending P L 1989, c 19

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

1 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),

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

(5) a value-based arrangement made in accordance with 42 C F R 411 357(aa), a payment model authorized under a Medicare shared savings

program pursuant to 42 U S C s 1395jjj, or a demonstration operated by the Center for Medicare and Medicaid Innovation established pursuant to at 42 U S C s 1315a, and

(6) 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, and the referral is made in accordance with alternative payment model standards and professional standards applicable to the health care service in which the referring practitioner has a significant beneficial interest

2 This act shall take effect immediately

Approved January 10, 2022

CHAPTER 348

AN ACT concerning certain parking taxes and amending P L 2019, c 289

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

1 Section 1 of P L 2019, c 289 (C 40 48C-1 7) is amended to read as follows

C 40 48C-1 7 Imposition of mass transit access parking tax

1 a Any municipality with a population of 100,000 or greater according to the most recent American Community Survey five-year estimate by the United States Census Bureau may adopt an ordinance imposing a mass transit access parking tax of three and one-half percent on fees for the parking, garaging, or storing of motor vehicles at public parking garages, lots, or facilities only No such parking tax shall be imposed on the parking, garaging, or storing of motor vehicles at a parking lot, garage, or facility that is part of a private single or multi-family dwelling, or a condominium building, a cooperative building, or an apartment building

b All parking taxes collected pursuant to this section shall be anticipated and appropriated in the municipal budget as dedicated revenue pursuant to N J S 40A 4-39 for the exclusive purpose of funding or financing capital improvements for pedestrian access to mass transit stations, including, but not limited to, the construction of bridges, tunnels, platforms, walkways, elevators, escalators, and stairways directly related to mass transit pedestrian accessibility, provided, however, that any parking tax revenues remaining after all the budgeted mass transit pedestrian access capital improvement expenditures have been used in a fiscal year may be used to fund quality of life projects within the municipality

c The parking tax authorized by this section may be collected in addition to a surcharge collected pursuant to section 3 of P L 2013, c 284 (C 40 48C-1 6) or a tax collected pursuant to subsection a of section 6 of P L 1970, c 326 (C 40 48C-6), but the parking tax authorized by this section shall not be collected whenever a special event parking tax surcharge is collected pursuant to subsection b of section 6 of P L 1970, c 326 (C 40 48C-6)

d An ordinance adopted pursuant to subsection a of this section shall exempt residents of the municipality from the full amount of the three and one-half percent parking tax The exemption shall be implemented as follows

(1) For short-term parking, a resident may apply to the municipality for a rebate of the total three and one-half percent parking tax charged as provided in the ordinance, and

(2) For long-term parking, a parking facility operator shall not charge a resident the three and one-half percent parking tax upon a display of proof of residence as provided in the ordinance

2 This act shall take effect immediately

Approved January 10, 2022

CHAPTER 349

AN ACT concerning information provided by institutions of higher education and supplementing and amending P L 2009, c 197

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

C 18A 3B-43 1 Findings, declarations relevant to student loan borrower demographics

1 The Legislature finds and declares that

a According to the Institute for College Access & Success, New Jersey ranks in the top five states nationally for student loan debt amounts, with the average graduate leaving college approximately $34,000 in debt,

b Despite New Jersey students graduating with significant debt, there is insufficient publicly-available demographic information on the State's over one million student loan borrowers,

c The demographic information that is available, however, shows significant racial disparities in student loan outcomes Borrowers in New Jersey's communities of color face default rates two-to-five times higher than white borrowers in the State,

d Even after factoring in financial aid, the average price of attendance at New Jersey's four-year public institutions of higher education represents about one-third of household income for the State's Black and Latino families, compared to just 17 percent of the State's white families,

e Stark differences in family wealth in New Jersey have resulted in enormous disparities for students based on race and ethnicity relating to their financial need for college and their ability to pay off student loans,

f The development and implementation of informed policy to understand and address issues related to student loan debt, including related racial disparities in outcomes, requires access to reliable State-level data on how borrowers experience their debt burden, and

g Expanding data collection and dissemination of information is crucial for understanding the extent of the burgeoning student debt crisis in particular communities in the State and for developing policies that prioritize equity in loan outcomes for borrowers

2 Section 2 of P L 2009, c 197 (C 18A 3B-44) is amended to read as follows

C 18A 3B-44 Information provided by certain colleges, universities

2 a An institution of higher education shall provide for public inspection on its website comprehensive information on the cost of attendance, the graduation rates of admitted students, and the faculty of the institution The purpose of the information shall be to maximize the awareness of students and their families of the costs associated with enrollment in the institution, the institution's success in ensuring the graduation of its students, and the composition of the teaching faculty that a student will encounter in his coursework The institution shall post, and

annually update, a student consumer information report on its website that includes, if applicable

(1) overall three-year, four-year, and six-year graduation rates, as applicable,

(2) three-year, four-year, and six-year graduation rates by demographic group, as applicable,

(3) three-year, four-year, and six-year graduation rates by major, as applicable,

(4) three-year, four-year, and six-year graduation rates for student-athletes, as applicable,

(5) the student transfer rate,

(6) an overview of the institutions to which former students of that college or university have transferred prior to the completion of a degree,

(7) the cost for the current academic year of attending the institution including tuition, student fees, room and board, and books and materials,

(8) a description of the types of financial assistance offered directly by the institution to both student-athletes and to students who do not participate in athletic programs at the institution,

(9) the percent of student-athletes who receive financial assistance directly from the institution and the average value of the assistance and the percent of students who do not participate in athletic programs at the institution who receive financial assistance directly from the institution and the average value of the assistance,

(10) for four-year institutions of higher education, the total projected cost for an incoming freshman to live on campus and complete a degree in four years and the total projected cost for an incoming freshman to commute to school and complete a degree in four years,

(11) for four-year institutions of higher education, the total projected cost for an incoming freshman to live on campus and complete a degree in six years and the total projected cost for an incoming freshman to commute to school and complete a degree in six years,

(12) average student loan indebtedness of two-year and four-year graduates for both students who live on campus and students who commute, as applicable The institution shall disaggregate the data by race, ethnicity, age, family income at the time of admission, gender, and first-generation status,

(13) average student loan indebtedness of three-year and six-year graduates for both students who live on campus and students who commute, as applicable The institution shall disaggregate the data by race, ethnicity, age, family income at the time of admission, gender, and first-generation status,

(14) average student loan indebtedness of a student who transfers or withdraws from the institution prior to the completion of a degree program for both students who live on campus and who commute The institution shall disaggregate the data by race, ethnicity, age, family income at the time of admission, gender, and first-generation status,

(15) an overview of the institution's faculty, including the percentage of faculty employed as a tenured professor, the percentage of faculty employed as a full-time non-tenured professor, and the percentage of faculty employed as an adjunct or visiting professor,

(16) the percentage of courses taught by each of the different categories of faculty,

(17) an indicator of each academic department's capacity to serve the students majoring within that department's programs, as determined by the Secretary of Higher Education, and

(18) the number and percentage of borrowers for whom the institution has certified a supplemental student loan, disaggregated by race, ethnicity, age, family income at the time of admission, gender, and first-generation status

The institution shall provide with all paper applications for admission to the institution a hard copy of the information prepared pursuant to this section

b An institution of higher education shall conform to the guidelines, criteria, and format prescribed by the Secretary of Higher Education in reporting the information required pursuant to this section

c An institution of higher education shall submit its student consumer information report to the Secretary of Higher Education for inclusion in a comparative profile of the student consumer information reports of all institutions of higher education

In addition to the information contained in the institutional student consumer information reports pursuant to this section, the comparative profile shall identify the existence of any racial disparities in student loan indebtedness and loan default rates

d An institution of higher education shall ensure that the page of its Internet site which includes its student consumer information report contains a link to the page of the Secretary of Higher Education's Internet site that includes the comparative profile required pursuant to subsection b of section 3 of this act

e An institution of higher education shall ensure that the Internet site for submitting an online application to the institution contains a link to the institution's student consumer information report

f An institution of higher education shall require the parent or guardian of a student applying for admission into the institution, or the

student if he is an independent adult, to sign and submit a statement acknowledging that he has reviewed the institution's student consumer information report

3 Section 3 of P L 2009, c 197 (C 18A 3B-45) is amended to read as follows

C 18A 3B-45 Guidelines, criteria for collection, calculation of information

3 a The Secretary of Higher Education shall issue guidelines and criteria for collecting and calculating the information required pursuant to section 2 of this act and shall prescribe a uniform reporting method for posting the information

b The Secretary of Higher Education shall annually compile the student consumer information reports submitted pursuant to subsection c of section 2 of this act into a comparative profile of all four-year public institutions of higher education The secretary shall present the information on its website in a manner that allows college students and their families to easily compare student consumer information across institutions

4 This act shall take effect in the first full academic year following the date of enactment

Approved January 10, 2022

CHAPTER 350

AN ACT concerning sports wagering licenses held by standardbred racetracks and amending P L 2018, c 33

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

1 Section 2 of P L 2018, c 33 (C 5 12A-11) is amended to read as follows

C 5 12A-11 Issuance, renewal of sports wagering licenses

2 a The division shall issue all sports wagering licenses and renewals thereof to casinos The racing commission shall issue all initial sports wagering licenses to racetracks but the division shall have responsibility for the renewal thereof In addition to casino games permitted pursuant to the

provisions of P L 1977, c 110 (C 5 12-1 et seq), a casino which holds a sports wagering license issued by the division may operate a sports pool in accordance with the provisions of this act and applicable regulations promulgated pursuant to this act A racetrack which holds an initial sports wagering license issued by the racing commission or a sports wagering license that has been renewed by the division may operate a sports pool in accordance with the provisions of this act and applicable regulations promulgated pursuant to this act

The division may issue a transactional waiver to allow the continued operation of an established sports wagering lounge and authorization to conduct up to three online sports wagering operations when a racetrack that holds a license issued by the racing commission pursuant to P L 1940, c 17 (C 5 5-22 et seq) undergoes a material change in ownership to a degree such that it would be required to file a new application with the racing commission in order to continue to operate pursuant to P L 1940, c 17 (C 5 5-22 et seq) A transactional waiver issued pursuant to this section shall be for an initial period of up to six months and may be renewed during the pendency of the racing commission's consideration of a new application for up to three one-year periods, but the division shall have the right to reexamine and rescind the grant of the waiver at any time

A racetrack at which a permit holder has scheduled a standardbred horse race meeting within one year preceding the effective date of P L 2018, c 33 (C 5 12A-10 et al) and that met the definition of a racetrack under P L 2018, c 33 (C 5 12A-10 et al) on the effective date thereof

shall not be permitted to hold a sports wagering license as a former racetrack on or after the effective date of P L 2021, c 350, and

shall, as a condition of holding a sports wagering license after the effective date of P L 2021, c 350, schedule annually no fewer than 151 standardbred race dates, except that the annual number of scheduled standardbred race dates may be decreased to no fewer than 75 standardbred race dates upon written consent from the Standardbred Breeders' and Owners' Association of New Jersey

A casino which holds a sports wagering license and a racetrack which holds a sports wagering license may enter into an agreement to jointly operate a sports pool at the racetrack, in accordance with the provisions of this act and applicable regulations promulgated pursuant to this act A casino or racetrack that holds a sports wagering license may conduct an online sports pool or may authorize an internet sports pool operator licensed as a casino service industry enterprise pursuant to section 92 of P L 1977, c 110 (C 5 12-92), or an applicant for such license, to operate an online sports pool on its behalf

provided the terms of the agreement are approved by the division, provided, however, that each sports wagering licensee may provide no more than three individually branded websites, each of which may have an accompanying mobile application bearing the same brand as the website for an online sports pool, those websites and mobile applications, in the case of a casino being in addition to or, in the discretion of the casino, in conjunction with, any websites and mobile applications that also offer other types of Internet gaming pursuant to P L 2013, c 27 (C 5 12-95 17 et seq) No online sports pool shall be opened to the public, and no sports wagering, except for test purposes, may be conducted therein, until an Internet sports pool operator receives approval from the division to conduct an online sports pool on behalf of a casino or racetrack that holds a sports wagering license Sports wagering licensees and operators may provide promotional credits, incentives, bonuses, complimentaries, or similar benefits designed to induce sports betters to wager The division, in consultation with the commission, shall establish by rule standards governing the provision of these measures The server or other equipment used by a racetrack to accept wagers at a sports pool or online sports pool shall be located in that racetrack or in any location in Atlantic City which conforms to the requirements of section 20 of P L 2013, c 27 (C 5 12-95 22) and any additional requirements which the division may impose by regulation The server or other equipment used by a casino to accept wagers at a sports pool or online sports pool shall conform to the requirements of section 20 of P L 2013, c 27 (C 5 12-95 22) and any additional requirements which the division may impose by regulation

With regard to this act, P L 2018, c 33 (C 5 12A-10 et al), the duties specified in section 63 of P L 1977, c 110 (C 5 12-63) of the Casino Control Commission shall apply to the extent not inconsistent with the provisions of this act In addition to the duties specified in section 76 of P L 1977, c 110 (C 5 12-76), the division or racing commission, as required pursuant to this act, shall hear and decide promptly and in reasonable order all applications for a license to operate a sports pool In addition to the duties specified in section 76 of P L 1977, c 110 (C 5 12-76), the division shall have the general responsibility for the implementation of this act, except with respect to the authority to issue sports wagering licenses to a racetrack as provided by this act, and shall have all other duties specified in that section with regard to the operation of a sports pool

The license to operate a sports pool shall be in addition to any other license required to be issued pursuant to P L 1977, c 110 (C 5 12-1 et seq) to operate a casino or pursuant to P L 1940, c 17 (C 5 5-22 et seq) to conduct horse racing The division and the racing commission shall each have the

authority to charge a casino or a racetrack a fee for the issuance or, in the case of the division renewal, of a sports wagering license in an amount of $100,000 for initial issuance and in the case of a renewal a reasonable fee that is based upon the expense associated with renewal, enforcement, and gambling addiction programs No sports wagering license shall be issued by the division or racing commission to any entity unless it has established its financial stability, integrity and responsibility and its good character, honesty and integrity No casino or racetrack shall be permitted to operate a sports pool or accept wagers via an online sports pool unless a sports wagering lounge is established and has commenced operation in its facility, provided, however, that an applicant for a sports wagering license may petition the agency issuing the sports wagering license pursuant to this act to commence operation of the sports pool at a temporary facility and/or an online sports pool during the pendency of construction of a sports wagering lounge in its facility Such temporary facility may include, at the discretion of the agency issuing the sports wagering license pursuant to this act, the utilization of designated windows at the current casino cage or racetrack betting window for purposes of placing sports betting wagers and self-service wagering machines located at the racetrack or casino hotel complex No license to operate a sports pool shall be issued to any entity which is disqualified under the criteria of section 86 of P L 1977, c 110 (C 5 12-86)

No later than five years after the date of the issuance of a license and every five years thereafter or within such lesser periods as the agency issuing the sports wagering license pursuant to this act may direct, a licensee shall submit to the said agency such documentation or information as the division or racing commission may by regulation require, to demonstrate to the satisfaction of the agency that the licensee continues to meet the requirements of the law and regulations

The division and the racing commission following consultation with the sports wagering licensees shall annually cause a report to be prepared and distributed to the Governor on the impact of sports wagering, including Internet wagering on sports events, on problem gamblers and gambling addiction in New Jersey The report shall be prepared by a private organization or entity with expertise in serving the needs of persons with gambling addictions, which organization or entity shall be selected jointly by the division and the racing commission The report shall be prepared and distributed under the supervision of, and in coordination with, the division and the racing commission Any costs associated with the preparation and distribution of the report shall be borne by casino and racetrack licensees who have been authorized by the division or the racing commission to

conduct Internet gaming and the division and the racing commission shall be authorized to assess a fee against such licensees for these purposes The division and the racing commission may also report periodically to the Governor on the effectiveness of the statutory and regulatory controls in place to ensure the integrity of gaming operations through the Internet

b A sports pool shall be operated in a sports wagering lounge located at a casino or racetrack A sports wagering lounge may be located at a casino simulcasting facility The lounge shall conform to all requirements concerning square footage, design, equipment, security measures and related matters which the division shall by regulation prescribe The space required for the establishment of a lounge shall not reduce the space authorized for casino gaming activities as specified in section 83 of P L 1977, c 110 (C 5 12-83)

c No sports pool or online sports pool shall be offered or made available for wagering to the public by any entity other than a sports wagering licensee, pursuant to P L 2018, c 33 (C 5 12A-10 et al), an applicant for such license, operating such pool on behalf of a licensee, or an Internet sports pool operator, on behalf of a sports wagering licensee Any person who offers a sports pool or an online sports pool without approval of the division or racing commission to do so is guilty of a crime of the fourth degree and notwithstanding the provisions of N J S 2C 43-3, shall be subject to a fine of not more than $25,000 and in the case of a person other than a natural person, to a fine of not more than $100,000 and any other appropriate disposition authorized by subsection b of N J S 2C 43-2

d The operator shall establish or display the odds at which wagers may be placed on sports events

e An operator shall accept wagers on sports events only from persons physically present in the sports wagering lounge, through self-service wagering machines located in its facility as authorized by the agency issuing the sports wagering license, or through an online sports pool A person placing a wager on a sports event shall be at least 21 years of age

f (1) Any person who is

an athlete, coach, referee, or director of a sports governing body or any of its member teams,

a sports governing body or any of its member teams,

a player or a referee personnel member, in or on any sports event overseen by that person's sports governing body based on publicly available information,

a person who holds a position of authority or influence sufficient to exert influence over the participants in a sporting contest, including but not limited to coaches, managers, handlers, athletic trainers, or horse trainers,

a person with access to certain types of exclusive information on any sports event overseen by that person's sports governing body based on publicly available information, or

a person identified by any lists provided by the sports governing body to the division and the racing commission,

shall not be permitted to have any ownership interest in, control of, or otherwise be employed by an operator, a sports wagering licensee, or a facility in which a sports wagering lounge is located or place a wager on a sports event that is overseen by that person's sports governing body based on publicly available information

Any employee of a sports governing body or its member teams who is not prohibited from wagering on a sports event shall, nevertheless, provide notice to the division prior to placing a wager on a sports event The direct or indirect legal or beneficial owner of 10 percent or more of a sports governing body shall not place or accept any wager on a sports event in which any member team of that sports governing body participates The direct or indirect legal or beneficial owner of 10 percent or more of a member team of a sports governing body shall not place or accept any wager on a sports event in which that member team participates Any person who violates this paragraph shall be guilty of a disorderly persons offense and shall be fined not less than $500 and not more than $1,000

(2) The prohibition set forth in paragraph (1) of this subsection shall not apply to any person who is a direct or indirect owner of a specific sports governing body member team and (i) has less than 10 percent direct or indirect ownership interest in a casino or racetrack or (ii) the shares of such person are registered pursuant to section 12 of the Securities Exchange Act of 1934, as amended (15 U S C s 781), and the value of the ownership of such team represents less than one percent of the person's total enterprise value

(3) An operator shall adopt procedures to prevent persons from wagering on sports events who are prohibited from placing sports wagers An operator shall not accept wagers from any person whose identity is known to the operator and

whose name appears on the exclusion list maintained by the division pursuant to section 71 of P L 1977, c 110 (C 5 12-71),

whose name appears on any self-exclusion list maintained by the division pursuant to sections 1 and 2 of P L 2001, c 39 (C 5 12-71 2 and C 5 12-71 3, respectively),

who is the operator, director, officer, owner, or employee of the operator or any relative thereof living in the same household as the operator,

who has access to nonpublic confidential information held by the operator, or

who is an agent or proxy for any other person

(4) An operator shall adopt procedures to obtain personally identifiable information from any individual who places any single wager in an amount of $10,000 or greater on a sports event while physically present in a racetrack facility or a casino

Sections 1 and 2 of P L 2002, c 89 (C 5 5-65 1 and C 5 5-65 2, respectively) shall apply to the conduct of sports wagering under this act

g The holder of a sports wagering license may contract with an entity to conduct that operation, in accordance with the regulations of and approval by the division That entity shall obtain a license as a casino service industry enterprise prior to the execution of any such contract, and such license shall be issued pursuant to the provisions of P L 1977, c 110 (C 5 12-1 et seq) and in accordance with the regulations promulgated by the division in consultation with the commission That entity shall, upon approval of the division, expand on any initial license granted by the division prior to entering into any such contract The approval shall be in accordance with the terms and conditions set forth by the division

h If any provision of this act, P L 2018, c 33 (C 5 12A-10 et al), or its application to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable

i An operator shall promptly report to the division

any criminal or disciplinary proceedings commenced against the operator or its employees in connection with the operations of the sports pool or online sports pool,

any abnormal betting activity or patterns that may indicate a concern about the integrity of a sports event or events,

any other conduct with the potential to corrupt a betting outcome of a sports event for purposes of financial gain, including but not limited to match fixing, and

suspicious or illegal wagering activities, including the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, use of agents to place wagers, or use of false identification

The division is authorized to share any information under this section with any law enforcement entity, team, sports governing body, or regulatory agency the division deems appropriate

j An operator shall maintain records of sports wagering operations in accordance with regulations promulgated by the division

k A sports wagering licensee may, in addition to having a sports wagering lounge, conduct wagering on authorized sports events through one or more kiosks or self-service wagering stations located within its facility Such self-service wagering stations located at a casino may offer any game authorized under rules established by the division Such self-service wagering stations located at a racetrack may offer wagering only on authorized sports events and horse races

l All wagers on sports events authorized under this provision shall be initiated, received and otherwise made within this State unless otherwise determined by the division in accordance with applicable federal and State laws Consistent with the intent of the United States Congress as articulated in the Unlawful Internet Gambling Enforcement Act of 2006 (31 U S C s 5361 et seq), the intermediate routing of electronic data relating to a lawful intrastate wager authorized under this provision shall not determine the location or locations in which such wager is initiated, received or otherwise made

m A sports wagering licensee shall not accept any wager on any sports event unless the sports event has been approved for wagering by the director Except as otherwise provided in this subsection, no sports event shall be approved for wagering unless the director has certified that the sports event has appropriate policies and procedures to monitor the integrity of the athletes or competitors In the absence of such certification, the director shall impose a wager limit of not more than $100 or a win limit of $500, whichever is greater, on the amount permitted to be wagered or won on such competitions or contests by any individual

2 This act shall take effect immediately

Approved January 10, 2022

CHAPTER 351

AN ACT concerning environmental assessments for certain transportation projects and supplementing P L 1984, c 73 (C 27 1B-1 et seq)

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

C 27 1B-22 6 Reporting environmental assessments

1 a Notwithstanding the provisions of Executive Order No 215 of 1989 to the contrary, toll road authorities, the New Jersey Transit Corporation, and

the department shall not be required to prepare and submit to the Department of Environmental Protection, pursuant to Executive Order No 215 of 1989, an environmental assessment for a public highway or public transportation project that has anticipated construction costs of $3 million or less

b (1) Notwithstanding the provisions of Executive Order No 215 of 1989 to the contrary, toll road authorities, the New Jersey Transit Corporation, and the department shall not be required to prepare and submit to the Department of Environmental Protection, pursuant to Executive Order No 215 of 1989, an environmental impact statement for a public highway or public transportation project that has anticipated construction costs of $7 million or less and land disturbance in excess of five acres

(2) Notwithstanding the provisions of paragraph (1) of this subsection, the Department of Environmental Protection may require a toll road authority, the New Jersey Transit Corporation, or the department to submit an environmental assessment for a public highway or public transportation project that has anticipated construction costs between $5 and $7 million and land disturbance in excess of five acres

c The Department of Environmental Protection shall annually increase the thresholds established in subsections a and b of this section to appropriately account for inflation utilizing a federally published measure of inflation that indexes construction costs over an area encompassing New Jersey, and shall publish notice of this increase on its Internet website and in the New Jersey Register

d Nothing in this section shall be construed to abrogate or limit the authority of the Department of Environmental Protection to require the submission of an environmental assessment or environmental impact statement for a public highway or public transportation project pursuant to any other law

2 This act shall take effect immediately

Approved January 10, 2022

CHAPTER 352

AN ACT concerning the prevention of violence against motorbus and passenger rail service employees, designated as the "Motorbus and Passenger Rail Service Employee Violence Prevention Act," amending

N J S 2C 12-1 and P L 1979, c 150, and supplementing Title 27 and Title 48 of the Revised Statutes

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 the person

(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 the person

(1) Attempts to cause serious bodily injury to another, or causes 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 the officer's duties while in uniform or exhibiting evidence of authority or because of the officer's status as a law enforcement officer, or

(b) Any paid or volunteer firefighter acting in the performance of the firefighter's duties while in uniform or otherwise clearly identifiable as being engaged in the performance of the duties of a firefighter, or

(c) Any person engaged in emergency first-aid or medical services acting in the performance of the person's 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 the person's duties or because of the person's 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 the person's duties or because of the person's 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 the employee's duties or because of the 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 the 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 the person's duties or because of the 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 correctional police officer, juvenile correctional police 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 the person's duties while in uniform or exhibiting evidence of the person's authority or because of the status as a Department of Corrections employee, county correctional police officer, juvenile correctional police 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 PL 1971, c 224 (C 2A 42-86) or a cable television company subject to the provisions of the "Cable Television Act," PL 1972, c 186 (C 48 5A-1 et seq) while clearly identifiable as being engaged in the performance of the employee's 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 firefighter, 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 the officer's duties while in uniform or exhibiting evidence of the officer's 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, except that any aggravated assault under subparagraph (g) of paragraph (5) of subsection b of this section shall be a crime of the third degree Aggravated assault under paragraph (8) of subsection b of this section is a crime of the third degree if the victim suffers bodily injury, if the victim suffers significant bodily injury or serious bodily injury it is a crime of the second degree Aggravated assault under paragraph (11) of subsection b of this

section is a crime of the third degree Aggravated assault under paragraph (12) of subsection b of this section is a crime of the third degree but the presumption of non-imprisonment set forth in subsection e of N J S 2C 44-1 for a first offense of a crime of the third degree shall not apply Aggravated assault under paragraph (13) of subsection b of this section is a crime of the second degree

c (1) A person is guilty of assault by auto or vessel when the person drives a vehicle or vessel recklessly and causes either serious bodily injury or bodily injury to another Assault by auto or vessel is a crime of the fourth degree if serious bodily injury results and is a disorderly persons offense if bodily injury results Proof that the defendant was operating a hand-held wireless telephone while driving a motor vehicle in violation of section 1 of P L 2003, c 310 (C 39 4-97 3) may give rise to an inference that the defendant was driving recklessly

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

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

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

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

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

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

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

It shall be no defense to a prosecution for a violation of subparagraph (a) or (b) of paragraph (3) of this subsection that the defendant was unaware that

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

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

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

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

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

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

2 Section 5 of P L 1979, c 150 (C 27 25-5) is amended to read as follows

C 27 25-5 Powers and duties of corporation

5 In addition to the powers and duties conferred upon it elsewhere in this act, the corporation may do all acts necessary and reasonably incident to carrying out the objectives of this act, including but not in limitation thereof the following

a Sue and be sued,

b Have an official seal and alter the same at pleasure,

c Make and alter bylaws for its organization and internal management and for the conduct of its affairs and business,

d Maintain an office at such place or places within the State as it may determine,

e Adopt, amend and repeal such rules and regulations as it may deem necessary to effectuate the purposes of this act, which shall have the force and effect of law, it shall publish the same and file them in accordance with the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq) with the Director of the Office of Administrative Law,

f Call to its assistance and avail itself of the service of such employees of any federal, State, county or municipal department or agency as it may require and as may be available to it for said purpose,

g Apply for, accept and expend money from any federal, State, county or municipal agency or instrumentality and from any private source as gifts, grants, or loans, comply with federal statutes, rules and regulations, and qualify for and receive all forms of financial assistance available under federal law to assure the continuance of, or for the support or improvement of public transportation and as may be necessary for that purpose to enter into agreements, including federally required labor protective agreements,

h Plan, design, construct, equip, operate, improve, maintain, and, through the New Jersey Transportation Trust Fund Authority, finance either directly or by contract with any public or private entity, public transportation services, capital equipment and facilities or any parts or functions thereof, and other transportation projects, or any parts or functions thereof, which may be funded under section 3 of the federal Urban Mass Transportation Act of 1964, Pub L 88-365 (49 U S C s 1602), or any successor or additional federal act having substantially the same or similar purposes or functions, the operation of the facilities of the corporation, by the corporation or any public or private entity, may include appropriate and reasonable limitations on competition in order that maximum service may be provided most efficiently to the public,

i Apply for and accept, from appropriate regulatory bodies, authority to operate public transportation services where necessary,

j Purchase, lease as lessee, or otherwise acquire, own, hold, improve, use and otherwise deal in and with real or personal property, or any interest therein, from any public or private entity, wherever situated,

k Lease as lessor, sell or otherwise dispose of on terms which the corporation may prescribe, real and personal property, including tangible or intangible property and consumable goods, or any interest therein, to any public or private entity, in the exercise of its powers and the performance of its duties under this act In order to provide or encourage adequate and efficient public transportation service, the corporation may lease or otherwise permit the use or occupancy of property without cost or at a nominal rental,

l Restrict the rights of persons to enter upon or construct any works in or upon any property owned or leased by the corporation, except under such terms as the corporation may prescribe, perform or contract for the performance of all acts necessary for the management, maintenance and repair of real or personal property leased or otherwise used or occupied pursuant to this act, and prohibit from using transportation services provided by the corporation any person who assaults an employee of motorbus service, including but not limited to an operator of a motorbus or the operator's supervisor or any employee of a rail passenger service, including light rail service, while clearly identifiable as being engaged in the performance of the person's duties or because of the status as an employee of a motorbus service or as an employee of a rail passenger service, for a term to be determined by the corporation not to exceed one calendar year, unless the person used a deadly weapon during the commission of the assault in which case the person may be prohibited from accessing transportation services for life, provided that the person has the right to appeal any determination made pursuant to this subsection in a manner and process established by the corporation,

m Establish one or more operating divisions as deemed necessary,

n Set and collect fares and determine levels of service for service provided by the corporation either directly or by contract including, but not limited to, such reduced fare programs as deemed appropriate by the corporation, revenues derived from such service may be collected by the corporation and shall be available to the corporation for use in furtherance of any of the purposes of this act,

o Set and collect rentals, fees, charges or other payments from the lease, use, occupancy or disposition of properties owned or leased by the corporation, such revenues shall be available to the corporation for use in furtherance of any of the purposes of this act,

p Deposit corporate revenues in interest bearing accounts or in the State of New Jersey Cash Management Fund established pursuant to section 1 of P L 1977, c 281 (C 52 18A-90 4),

q Delegate to subordinate officers of the corporation such powers and duties as the corporation shall deem necessary and proper to carry out the purposes of this act,

r (1) Procure and enter into contracts for any type of insurance and indemnify against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employees' liability, against any act of any member, officer, employee or servant of the corporation, whether part-time, full-time, compensated or noncompensated, in the performance of the duties of his office or employment or any other insurable risk In addition, the corporation may carry its own liability insurance and may also establish and utilize a wholly-owned insurance subsidiary or captive provided the subsidiary or captive is domiciled in the United States in a state which is accredited by the National Association of Insurance Commissioners and which licenses and regulates wholly-owned insurance subsidiaries or captives, and

(2) Pursuant to paragraph (1) of this subsection, the corporation's chief of procurement is authorized to reach an agreement to defend and indemnify a person against claims, causes of action, demands, costs or judgments against that person arising as a direct result of that person's contract with the corporation, upon the terms and limitations the chief deems reasonable and appropriate An agreement to defend and indemnify pursuant to this subsection shall not bar, reduce, limit or affect any remedies which the corporation may have to enforce the corporation's agreement or to assert a claim for damages to which the corporation may be entitled arising out of the person's failure to perform the agreement, or for the recovery of funds expended for the defense of a person if the defense was undertaken in response to a claim or cause of action brought against the person which is proven to have arisen from gross negligence, willful misconduct, fraud, intentional tort, bad faith, or criminal conduct No one other than the person who is party to the agreement with the corporation may enforce any agreement for defense or indemnification between that person and the corporation,

s Promote the use of public transportation services, coordinate ticket sales and passenger information and sell, lease or otherwise contract for advertising in or on the equipment or facilities of the corporation,

t Adopt and maintain employee benefit programs for employees of the corporation including, but not limited to, pension, deferred compensation,

medical disability, and death benefits, and which programs may utilize insurance contracts, trust funds, and any other appropriate means of providing the stipulated benefits, and may involve new plans or the continuation of plans previously established by entities acquired by the corporation,

u Own, control, vote, and exercise any and all other rights incidental to the ownership of any equity, membership interest, or any shares of the capital stock of any incorporated entity acquired, formed, incorporated, or established by law by the corporation pursuant to the powers granted by this act Any such corporate entity may be utilized in order to enable the corporation to participate with other private or public entities in any transaction, memorandum of understanding, undertaking, or arrangement that the corporation would have the power to conduct by itself, whether or not such participation involves sharing or delegation of control with or to other public or private entities regarding the ownership, operation, control, and management of services, equipment, or facilities For purposes of this subsection, "corporate entity" means any business entity, including but not limited to, any corporation, limited liability company, joint venture, limited partnership, general partnership, association of any kind, or collaborative arrangement that may be jointly owned by the corporation and any other public or private entities that provide public transportation services,

v Enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the corporation, or to carry out any power expressly or implicitly given in this act,

w Notwithstanding the provisions of section 17 of P L 1979, c 150 (C 27 25-17) or any other law to the contrary, (1) issue operating grant anticipation notes which shall be secured and retired from operating assistance grants authorized under section 9 of the federal Urban Mass Transportation Act of 1964, Pub L 88-365 (49 U S C s 1602), or any successor or additional federal act having substantially the same or similar purposes or functions and (2) issue capital grant anticipation notes which shall be secured and retired from capital assistance grants authorized under section 3 or section 9 of the federal Urban Mass Transportation Act of 1964, Pub L 88-365 (49 U S C s 1602), or any successor or additional federal act having substantially the same or similar purposes or functions As used in this subsection, "operating grant anticipation notes" or "capital grant anticipation notes" (hereinafter referred to as "notes") means credit obligations issued in anticipation of these grants All grant anticipation notes shall be authorized by a resolution or resolutions of the corporation, and may

be issued in one or more series and shall bear the date, or dates, bear interest at the rate or rates of interest per annum, be in the denomination or denominations, be in the form, carry the conversion or registration privileges, have the rank or priority, be executed in such manner as the resolution or resolutions require The notes may be sold at public or private sale at the price or prices and in the manner that the corporation determines The notes of the corporation, the sale or transfer thereof, and the income derived therefrom by the purchasers of the notes, shall, at all times, be free from taxation for State or local purposes, under any law of the State or any political subdivision thereof Notes may be issued under the provisions of P L 1979, c 150 (C 27 25-1 et seq) without obtaining the consent of any department, division, commission, board, bureau or agency of the State, and without any other proceedings, conditions, or things which are specifically required by P L 1979, c 150 (C 27 25-1 et seq) The notes issued pursuant to P L 1979, c 150 (C 27 25-1 et seq) shall not in any way create or constitute any indebtedness, liability or obligation of the State or of any political subdivision thereof or of the corporation, except as provided herein

The grant anticipation notes shall be payable solely from (1) note proceeds, to the extent not disbursed to the corporation, (2) grant payments if, as, and when received from the federal government, and (3) investment earnings on note proceeds, to the extent not disbursed to the corporation Each note shall contain on its face a statement to the effect that the corporation is obligated to pay the principal thereof or the interest thereon only from these grants to the corporation and from the proceeds of the notes and investment earnings on the proceeds of the notes, to the extent not disbursed to the corporation, and that neither the faith and credit nor the taxing power of the State or of any political subdivision thereof or of the corporation is pledged to the payment of the principal and interest on these notes Neither the members of the corporation's board nor any person executing the transactions are personally liable on those notes nor are they otherwise liable for their actions Subject to any agreement with the debtholders, the corporation may invest moneys of the corporation not required for immediate use, including proceeds from the sale of any notes, in such obligations, securities and other investments as the corporation shall deem prudent,

x Enter into agreements with a public or private entity or consortia thereof to provide for the development of demonstration projects through the use of public-private partnerships pursuant to sections 1 through 9 of P L 1997, c 136 (C 27 1D-1 through C 27 1D-9),

y Enter into agreements with a public or private entity or consortia thereof to provide for the development of projects through the use of public-private partnerships All building construction projects under a public-private partnership agreement entered into pursuant to this subsection shall contain a project labor agreement, unless the federal government or a court of competent jurisdiction determines that requiring such an agreement would violate federal law or regulation, or including such an agreement would preclude the corporation from receiving federal funding for the project Project labor agreements shall be subject to the provisions of P L 2002, c 44 (C 52 38-1 et seq), and

z To employ and retain legal counsel at the corporation's discretion, including choosing representation by the Attorney General

C 27 25-5 28 Duties of corporation

3 a The corporation shall equip each motorbus, rail vehicle, and light rail vehicle with a radio or other communication system that allows the operator of the motorbus or rail passenger service employee to alert the corporation, or New Jersey Transit police, or any other appropriate law enforcement agencies when the operator or employee is in distress

b The corporation shall coordinate with local law enforcement and New Jersey Transit police to allow law enforcement officers or transit police officers to ride along on a motorbus, rail vehicle, or light rail vehicle during high volume periods or on routes where the corporation anticipates the possibility for violence against the operator of a motorbus or employee of a rail passenger service

c The corporation shall establish a program including utilizing an employee court advocate to assist and support motorbus service employees and passenger rail service employees that have been a victim of assault With the goal of developing best practices, the corporation shall make available its assistance and support program plans to other transportation operators in the State

d The corporation shall periodically provide de-escalation training, to avoid violence, to motorbus service employees and passenger rail service employees With the goal of developing best practices, the corporation shall make available its de-escalation training to other transportation operators in the State

C 27 25-5 29 Prohibiting certain individuals from use of rail services

4 Any entity that provides rail passenger service, including light rail service, is hereby authorized to prohibit from using transportation services

provided by the entity any person who assaults an employee of the rail passenger service while clearly identifiable as being engaged in the performance of the person's duties or because of the status as an employee of the rail passenger service, for a term to be determined by the entity not to exceed one calendar year, unless the person used a deadly weapon during the commission of the assault in which case the person may be prohibited from accessing transportation services for life, provided that the person has the right to appeal any determination made pursuant to this section in a manner and process established by the entity

C 48 4-2 26 Prohibiting certain individuals from use of autobus services

5 a An autobus company may, at its discretion, prohibit from using transportation services provided or operated by the autobus company any person who assaults an operator of an autobus or the operator's supervisor while clearly identifiable as being engaged in the performance of the person's duties or because of the status as an operator of an autobus or as the operator's supervisor, for a term to be determined by the owner or operator of the autobus not to exceed one calendar year, unless the person used a deadly weapon during the commission of the assault in which case the person may be prohibited from accessing transportation services for life, provided that the person has the right to appeal any determination made pursuant to this subsection in a manner and process established by the autobus company

b An autobus company shall equip each autobus with a working radio or other communication system that allows the operator of the autobus to alert the autobus company or appropriate law enforcement agencies when the operator is in distress

c An autobus company shall designate a chief security officer or other manager to serve as the primary contact with the chief of police in any town served by the autobus company and with New Jersey Transit police The designated primary contact shall provide 24-hour contact information to each police department in jurisdictions served by the autobus company

d An autobus company shall identify a program or programs to assist and support operators of autobuses that have been a victim of assault and shall annually provide contact and other information about such program to all bus operators employed by the autobus company

e An autobus company shall periodically provide or engage a qualified professional to provide training to autobus operators which shall include training in techniques to de-escalate situations to avoid violence

New Jersey State Library

f As used in this section, "autobus company" means an entity that operates an autobus providing transportation services to members of the public

6 This act shall take effect on the first day of the sixth month following enactment

Approved January 10, 2022

CHAPTER 353

AN ACT concerning all-terrain vehicles and dirt bikes and amending various parts of the statutory law

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

1 Section 1 of P L 2019, c 505 (C 39 3C-35) is amended to read as follows

C 39 3C-35 Impoundment of certain vehicles, disposition

1 a Except as provided in subsection e of this section, a snowmobile, all-terrain vehicle, or dirt bike operated on any public street, highway, or right-of-way in violation of section 17 of P L 1973, c 307 (C 39 3C-17) shall be impounded by the law enforcing agency and subject to a fee and costs as hereinafter provided

(1) For a first offense, the snowmobile, all-terrain vehicle, or dirt bike shall be impounded for not less than seven days and shall be released to the registered owner upon proof of registration and insurance and payment of a fee of $500 payable to the municipality, plus reasonable towing and storage costs

(2) For a second or subsequent offense, the snowmobile, all-terrain vehicle, or dirt bike shall be impounded for not less than 14 days and shall be released to the registered owner upon proof of registration and insurance and payment of a fee of $750 payable to the municipality, plus reasonable towing and storage costs

b If the registered owner of a snowmobile, all-terrain vehicle, or dirt bike impounded pursuant to subsection a of this section fails to claim the impounded snowmobile, all-terrain vehicle, or dirt bike and pay all outstanding fees and costs by midnight of the 30th day following the day on

which the snowmobile, all-terrain vehicle, or dirt bike was impounded, that snowmobile, all-terrain vehicle, or dirt bike may be sold at public auction Notice of the sale shall be given by the impounding entity by certified mail to the owner of the snowmobile or all-terrain vehicle, if the owner's name and address are known, and to the holder of any security interest filed with the Chief Administrator of the New Jersey Motor Vehicle Commission, and by publication in a form prescribed by the chief administrator by one insertion, at least five days before the date of the sale, in one or more newspapers published in this State and circulating in the municipality in which the snowmobile, all-terrain vehicle, or dirt bike is impounded

c At any time prior to a sale pursuant to subsection b of this section, the owner or other person entitled to the snowmobile, all-terrain vehicle, or dirt bike may reclaim possession upon showing proof of registration and insurance and paying all outstanding fees and costs associated with the impoundment, and reasonable towing and storage costs

The owner-lessor of a snowmobile, all-terrain vehicle, or dirt bike impounded pursuant to paragraph (1) or (2) of subsection a of this section shall be entitled to reclaim possession without payment and the lessee shall be liable for all outstanding fees and costs associated with the impoundment, towing and storage of the snowmobile or all-terrain vehicle

d Any proceeds obtained from the sale of a snowmobile, all-terrain vehicle, or dirt bike at public auction pursuant to subsection b of this section in excess of the amount owed to the impounding entity for the reasonable costs of towing and storage and any fees or other costs associated with the impoundment of the snowmobile, all-terrain vehicle, or dirt bike shall be returned to the owner of that snowmobile, all-terrain vehicle, or dirt bike, if the owner's name and address are known If the owner's name and address are unknown or the person or entity cannot be located, the net proceeds shall be administered in accordance with the "Uniform Unclaimed Property Act," R S 46 30B-1 et seq

e A municipality may by ordinance declare that an all-terrain vehicle or dirt bike operated on any public street, highway, or right-of-way in violation of section 17 of P L 1973, c 307 (C 39 3C-17) poses an immediate threat to the public health, safety, or welfare and designate such all-terrain vehicles or dirt bikes so operated as contraband subject to forfeiture in accordance with the provisions of N J S 2C 64-1 et seq An all-terrain vehicle or dirt bike forfeited pursuant to the provisions of N J S 2C 64-1 et seq as authorized by this subsection shall be disposed of in accordance with the provisions of N J S 2C 64-6 or, at the discretion of the entity funding the prosecuting agency involved, may be destroyed

2 N J S 2C 64-1 is amended to read as follows

Property subject to forfeiture

2C 64-1 Property Subject to Forfeiture

a Any interest in the following shall be subject to forfeiture and no property right shall exist in them

(1) Controlled dangerous substances, firearms which are unlawfully possessed, carried, acquired or used, illegally possessed gambling devices, untaxed or otherwise contraband cigarettes or tobacco products, unlawfully possessed container e-liquid, untaxed special fuel, unlawful sound recordings and audiovisual works, and items bearing a counterfeit mark These shall be designated prima facie contraband

(2) All property which has been, or is intended to be, utilized in furtherance of an unlawful activity, including, but not limited to, conveyances intended to facilitate the perpetration of illegal acts, or buildings or premises maintained for the purpose of committing offenses against the State

(3) Property which has become or is intended to become an integral part of illegal activity, including, but not limited to, money which is earmarked for use as financing for an illegal gambling enterprise

(4) Proceeds of illegal activities, including, but not limited to, property or money obtained as a result of the sale of prima facie contraband as defined by subsection a (1), proceeds of illegal gambling, prostitution, bribery and extortion

(5) An all-terrain vehicle or dirt bike which has been operated on a public street, highway, or right-of-way in violation of section 17 of P L 1973, c 307 (C 39 3C-17) in a municipality that has passed an ordinance declaring that such all-terrain vehicles or dirt bikes so operated pose an immediate threat to the public health, safety, or welfare and designating such vehicles as contraband as authorized by subsection e of section 1 of P L 2019, c 505 (C 39 3C-35)

b Any article subject to forfeiture under this chapter may be seized by the State or any law enforcement officer as evidence pending a criminal prosecution pursuant to N J S 2C 64-4 or, when no criminal proceeding is instituted, upon process issued by any court of competent jurisdiction over the property, except that seizure without such process may be made when not inconsistent with the Constitution of this State or the United States, and when

(1) The article is prima facie contraband, or

(2) The property subject to seizure poses an immediate threat to the public health, safety or welfare

c For the purposes of this section

"Items bearing a counterfeit mark" means items bearing a counterfeit mark as defined in section 1 of P L 1997, c 57 (C 2C 21-32)

"Unlawful sound recordings and audiovisual works" means sound recordings and audiovisual works as those terms are defined in section 1 of P L 1991, c 125 (C 2C 21-21) which were produced in violation of section 1 of P L 1991, c 125 (C 2C 21-21)

"Unlawfully possessed container e-liquid" means container e-liquid as defined in section 2 of P L 1990, c 39 (C 54 40B-2) that is possessed for retail sale by a person that is not licensed as a vapor business pursuant to section 4 of P L 2019, c 147 (C 54 40B-3 3)

"Untaxed special fuel" means diesel fuel, No 2 fuel oil and kerosene on which the motor fuel tax imposed pursuant to R S 54 39-1 et seq is not paid that is delivered, possessed, sold or transferred in this State in a manner not authorized pursuant to R S 54 39-1 et seq or P L 1938, c 163 (C 56 6-1 et seq)

3 N J S 2C 64-6 is amended to read as follows

Disposal of forfeited property

2C 64-6 Disposal of Forfeited Property

a Property which has been forfeited shall be destroyed if it can serve no lawful purpose or it presents a danger to the public health, safety or welfare An all-terrain vehicle or dirt bike operated in violation of section 17 of P L 1973, c 307 (C 39 3C-17) which has been forfeited may be destroyed, at the discretion of the entity funding the prosecuting agency involved All other forfeited property or any proceeds resulting from the forfeiture and all money seized pursuant to this chapter shall become the property of the entity funding the prosecuting agency involved and shall be disposed of, distributed, appropriated and used in accordance with the provisions of this chapter

The prosecutor or the Attorney General, whichever is prosecuting the case, shall divide the forfeited property, any proceeds resulting from the forfeiture or any money seized pursuant to this chapter with any other entity where the other entity's law enforcement agency participated in the surveillance, investigation, arrest or prosecution resulting in the forfeiture, in proportion to the other entity's contribution to the surveillance, investigation, arrest or prosecution resulting in the forfeiture, as determined in the discretion of the prosecutor or the Attorney General, whichever is prosecuting the case Notwithstanding any other provision of law, such forfeited property and proceeds shall be used solely for law enforcement purposes, and shall be designated for the exclusive use of the law enforcement agency which

contributed to the surveillance, investigation, arrest or prosecution resulting in the forfeiture

The Attorney General is authorized to promulgate rules and regulations to implement and enforce the provisions of this act

b For a period of two years from the date of enactment of P L 1993, c 227 (C 26 4-100 13 et al), 10% of the proceeds obtained by the Attorney General under the provisions of subsection a of this section shall be deposited into the Hepatitis Inoculation Fund established pursuant to section 2 of P L 1993, c 227 (C 26 4-100 13)

c Beginning two years from the date of enactment of P L 1993, c 227 (C 26 4-100 13 et al) and in subsequent years, 5% of the proceeds obtained by the Attorney General under the provisions of subsection a of this section shall be deposited into the Hepatitis Inoculation Fund established pursuant to section 2 of P L 1993, c 227 (C 26 4-100 13)

4 This act shall take effect immediately

Approved January 10, 2022

CHAPTER 354

AN ACT concerning credit for reinsurance and amending P L 1993, c 243

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

1 Section 1 of P L 1993, c 243 (C 17 51B-1) is amended to read as follows

C 17 51B-1 Definitions

1 For purposes of this act

"Commissioner" means the Commissioner of Banking and Insurance

"Insurer" means

(1) Any corporation, association, partnership, reciprocal exchange, interinsurer, Lloyd's insurer, fraternal benefit society or other person engaged in the business of insurance pursuant to Subtitle 3 of Title 17 of the Revised Statutes or Subtitle 3 of Title 17B of the New Jersey Statutes,

(2) Any medical service corporation operating pursuant to P L 1940, c 74 (C 17 48A-1 et seq),

(3) Any hospital service corporation operating pursuant to P L 1938, c 366 (C 17 48-1 et seq),

(4) Any health service corporation operating pursuant to P L 1985, c 236 (C 17 48E-1 et al), and

(5) Any dental service corporation operating pursuant to P L 1968, c 305 (C 17 48C-1 et seq)

"NAIC" means the National Association of Insurance Commissioners

"Qualified United States financial institution," (1) as used in subsection c of section 3 of this act, means an institution that (a) is organized or, in the case of a branch or agency office of a foreign banking organization in the United States, licensed, under the laws of the United States or any state thereof, (b) is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies, and (c) has been determined by either the commissioner, or the Securities Valuation Office of the NAIC, to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the commissioner, or (2) as used elsewhere in this act, means an institution that (a) is organized or, in the case of a branch or agency office of a foreign banking organization in the United States, licensed, under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers, and (b) is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies

2 Section 2 of P L 1993, c 243 (C 17 51B-2) is amended to read as follows

C 17 51B-2 Credit for reinsurance ceded by certain insurers

2 Credit for reinsurance ceded by an insurer which is domiciled in New Jersey, or which is either licensed in New Jersey or eligible to write surplus lines insurance in New Jersey and which in either case is domiciled in a state or country which does not employ standards regarding credit for reinsurance substantially similar, as determined by the commissioner, to those applicable under this act, shall be allowed as either an asset or a deduction from liability only when

a The reinsurance is ceded to an assuming insurer which is licensed to transact insurance or reinsurance in this State, or

b The reinsurance is ceded to an assuming insurer which is accredited as a reinsurer in this State An accredited reinsurer is one which

(1) Files with the commissioner evidence of its submission to this State's jurisdiction,

(2) Submits to this State's authority to examine its books and records,

(3) Is licensed to transact insurance or reinsurance in at least one state, or in the case of a United States branch of an assuming alien insurer, is entered through, and licensed to transact insurance or reinsurance in, at least one state,

(4) Files annually with the commissioner a copy of its annual statement filed with the insurance department or other regulatory authority of its state of domicile and a copy of its most recent audited financial statement, and either

(a) Maintains a surplus in regard to policyholders in an amount which is not less than $20,000,000 and whose accreditation has not been denied by the commissioner within 120 days of its submission therefor, or

(b) Maintains a surplus in regard to policyholders in an amount less than $20,000,000 and whose accreditation has been approved by the commissioner,

(5) Submits a filing fee in an amount established by the commissioner, and

(6) Provides any additional information, which may include, but may not be limited to, information regarding the concentration of the insurer's exposures, geographic or otherwise, and satisfies such additional requirements as the commissioner deems necessary to ensure that the particular insurer's condition and methods of operation are not such as would render its operations hazardous to the public or policyholders in this State

No credit shall be allowed a ceding licensed insurer or unauthorized eligible surplus lines insurer if the assuming insurer's accreditation has been revoked by the commissioner after notice and hearing, or

c The reinsurance is ceded to an assuming insurer which is domiciled and licensed in, or in the case of a United States branch of an assuming alien insurer, is entered through, a state which employs standards regarding credit for reinsurance substantially similar to those applicable under this act, as determined by the commissioner, and that assuming insurer or United States branch of an assuming alien insurer

(1) Maintains a surplus in regard to policyholders in an amount of not less than $20,000,000,

(2) Submits to the authority of this State to examine its books and records, and

(3) Provides any additional information, which may include, but may not be limited to, information regarding the concentration of the insurer's exposures, geographic or otherwise, and satisfies such additional requirements as the commissioner deems necessary to ensure that the particular insurer's condition and methods of operation are not such as would render its operations hazardous to the public or policyholders in this State,

except that the requirement of paragraph (1) of this subsection shall not apply to reinsurance ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system, or

d The reinsurance is ceded to an assuming insurer which maintains a trust fund in a qualified United States financial institution for the payment of the valid claims of its United States policyholders and ceding insurers, their assigns and successors in interest The assuming insurer shall report annually to the commissioner information substantially the same as that required to be reported on the NAIC Annual Statement form by licensed insurers to enable the commissioner to determine the sufficiency of the trust fund In addition to the requirements of this subsection, the assuming insurer shall provide any additional information, which may include, but may not be limited to, information regarding the concentration of the insurer's exposures, geographic or otherwise, and satisfy such additional requirements as the commissioner deems necessary to ensure that the particular insurer's condition and methods of operation are not such as would render its operations hazardous to the public or policyholders in this State

(1) In the case of a single assuming insurer, the trust shall consist of a trusteed account representing the assuming insurer's liabilities attributable to business written in the United States and in addition, the assuming insurer shall maintain a trusteed surplus of not less than $20,000,000

(2) In the case of a group of insurers, which group includes individual unincorporated underwriters, the trust shall consist of a trusteed account representing the group's liabilities attributable to business written in the United States and, in addition, the group shall maintain a trusteed surplus of which not less than $100,000,000 shall be held jointly for the benefit of United States ceding insurers of any member of the group, and the group shall make available to the commissioner an annual certification of the solvency of each underwriter for the fiscal period immediately preceding, which shall not be less than one year, by the group's domiciliary regulator and its independent certified public accountant

(3) In the case of a group of incorporated insurers under common administration which complies with the filing requirements contained in this section, has continuously transacted an insurance business outside the United States for at least three years immediately prior to making application for accreditation, submits to this State's authority to examine its books and records and bears the expense of the examination, and which has aggregate policyholders' surplus of not less than $10,000,000,000 the trust shall be in an amount equal to the group's several liabilities attributable to business ceded by United States ceding insurers to any member of the group pursuant

to reinsurance contracts issued in the name of such group, plus a joint trusteed surplus of which not less than $100,000,000 shall be held jointly and exclusively for the benefit of United States ceding insurers of any member of the group as additional security for any such liabilities, and each member of the group shall make available to the commissioner an annual certification of the member's solvency for the fiscal period immediately preceding, which shall not be less than one year, by the member's domiciliary regulator and its independent certified public accountant

Any trust established pursuant to this subsection shall be in a form approved by the commissioner, and the content, location, legal currency and financial institutions shall be acceptable to the commissioner The trust instrument shall provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States The trust shall vest legal title to its assets in the trustees of the trust for its United States policyholders and ceding insurers, their assigns and successors in interest The trust and the assuming insurer shall be subject to examination as determined by the commissioner The trust shall remain in effect for as long as the assuming insurer has outstanding obligations due under the reinsurance agreements subject to the trust No later than February 28 of each year the trustees of the trust shall report to the commissioner in writing setting forth the balance of the trust and listing the trust's investments at the preceding year's end and shall certify the date of termination of the trust, if so planned, or certify that the trust shall not expire prior to the next following December 31, or

e (1) Credit shall be allowed when the reinsurance is ceded to an assuming insurer meeting each of the conditions set forth below

(a) The assuming insurer shall have its head office or be domiciled in, as applicable, and be licensed in a reciprocal jurisdiction "Reciprocal jurisdiction" shall mean a jurisdiction that meets one of the following

(i) A non-U S jurisdiction that is subject to an in-force covered agreement with the United States, each within its legal authority, or, in the case of a covered agreement between the United States and European Union, is a member state of the European Union For purposes of this subsection, a "covered agreement" is an agreement entered into pursuant to sections 313 and 314 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (31 U S C ss 313-314) that is currently in effect or in a period of provisional application and addresses the elimination, under specified conditions, of collateral requirements as a condition for entering into any reinsurance agreement with a ceding insurer domiciled in this State or for allowing the ceding insurer to recognize credit for reinsurance,

(ii) A U S jurisdiction that meets the requirements for accreditation under the NAIC financial standards and accreditation program, or

(iii) A qualified jurisdiction, as determined by the commissioner pursuant to paragraph g of this section, which is not otherwise described in subsubparagraphs (i) or (ii) of this subparagraph and which meets certain additional requirements, consistent with the terms and conditions of in-force covered agreements, as specified by the commissioner in regulation

(b) The assuming insurer shall have and maintain, on an ongoing basis, minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction, in an amount to be set forth in regulation If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it shall have and maintain, on an ongoing basis, minimum capital and surplus equivalents (net of liabilities), calculated according to the methodology applicable in its domiciliary jurisdiction, and a central fund containing a balance in amounts to be set forth in regulation

(c) The assuming insurer shall have and maintain, on an ongoing basis, a minimum solvency or capital ratio, as applicable, which will be set forth in regulation If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it shall have and maintain, on an ongoing basis, a minimum solvency or capital ratio in the reciprocal jurisdiction where the assuming insurer has its head office or is domiciled, as applicable, and is also licensed

(d) The assuming insurer shall agree and provide adequate assurance to the commissioner, in a form specified by the commissioner pursuant to regulation, as follows

(i) The assuming insurer shall provide prompt written notice and explanation to the commissioner if it falls below the minimum requirements set forth in subparagraphs (b) or (c) of this paragraph, or if any regulatory action is taken against it for serious noncompliance with applicable law,

(ii) The assuming insurer shall consent in writing to the jurisdiction of the courts of this State and to the appointment of the commissioner as agent for service of process The commissioner may require that consent for service of process be provided to the commissioner and included in each reinsurance agreement Nothing in this provision shall limit, or in any way alter, the capacity of parties to a reinsurance agreement to agree to alternative dispute resolution mechanisms, except to the extent those agreements are unenforceable under applicable insolvency or delinquency laws,

(iii) The assuming insurer shall consent in writing to pay all final judgments, wherever enforcement is sought, obtained by a ceding insurer or

its legal successor, that have been declared enforceable in the jurisdiction where the judgment was obtained,

(iv) Each reinsurance agreement shall include a provision requiring the assuming insurer to provide security in an amount equal to 100 percent of the assuming insurer's liabilities attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer or by its legal successor on behalf of its resolution estate, and

(v) The assuming insurer shall confirm that it is not presently participating in any solvent scheme of arrangement which involves this State's ceding insurers, and agree to notify the ceding insurer and the commissioner and to provide security in an amount equal to 100 percent of the assuming insurer's liabilities to the ceding insurer, should the assuming insurer enter into a solvent scheme of arrangement The security shall be in a form consistent with the provisions of subsection g of section 2 of P L 2021, c 354 (C 17 51B-2) and section 3 of P L 1993, c 243 (C 17 51B-3) and as specified by the commissioner in regulation

(e) The assuming insurer or its legal successor shall provide, if requested by the commissioner, on behalf of itself and any legal predecessors, certain documentation to the commissioner, as specified by the commissioner in regulation

(f) The assuming insurer shall maintain a practice of prompt payment of claims under reinsurance agreements, pursuant to criteria set forth in regulation

(g) The assuming insurer's supervisory authority shall confirm to the commissioner on an annual basis, as of the preceding December 31 or at the annual date otherwise statutorily reported to the reciprocal jurisdiction, that the assuming insurer complies with the requirements set forth in subparagraphs (b) and (c) of this paragraph

(h) Nothing in this section precludes an assuming insurer from providing the commissioner with information on a voluntary basis

(2) The commissioner shall create and publish, in a timely manner, a list of reciprocal jurisdictions

(a) A list of reciprocal jurisdictions is published through the NAIC committee process The commissioner's list shall include any reciprocal jurisdiction as defined under subparagraph (a) of paragraph (1) of this subsection, and shall consider any other reciprocal jurisdiction included on the NAIC list The commissioner may approve a jurisdiction that does not appear on the NAIC list of reciprocal jurisdictions in accordance with criteria to be developed through regulations issued by the commissioner

(b) The commissioner may remove a jurisdiction from the list of reciprocal jurisdictions upon a determination that the jurisdiction no longer meets the requirements of a reciprocal jurisdiction, in accordance with a process set forth in regulations issued by the commissioner, except that the commissioner shall not remove from the list a reciprocal jurisdiction as defined under subsubparagraphs (i) and (ii) of subparagraph (a) of paragraph (1) of this subsection Upon removal of a reciprocal jurisdiction from this list, credit for reinsurance ceded to an assuming insurer which has its home office or is domiciled in that jurisdiction shall be allowed, if otherwise allowed pursuant to P L 1993, c 243 (C 17 51B-1 et al)

(3) The commissioner shall create and publish a list of assuming insurers that have satisfied the conditions set forth in this subsection and to which cessions shall be granted credit in accordance with this subsection The commissioner may add an assuming insurer to the list if an NAIC accredited jurisdiction has added an assuming insurer to a list of assuming insurers or if, upon initial eligibility, the assuming insurer submits the information to the commissioner as required under subparagraph (d) of paragraph (1) of this subsection and complies with any additional requirements that the commissioner may impose by regulation, except to the extent that the requirements conflict with an applicable covered agreement

(4) If the commissioner determines that an assuming insurer no longer meets one or more of the requirements under this subsection, the commissioner may revoke or suspend the eligibility of the assuming insurer for recognition under this subsection in accordance with procedures set forth in regulation

(a) While the eligibility of an assuming insurer is suspended, no reinsurance agreement issued, amended or renewed after the effective date of the suspension qualifies for credit, except to the extent that the obligation of an assuming insurer under the contract are secured in accordance with section 3 of P L 1993, c 243 (C 17 51B-3)

(b) If the eligibility of an assuming insurer is revoked, no credit for reinsurance may be granted after the effective date of the revocation with respect to any reinsurance agreements entered into by the assuming insurer, including reinsurance agreements entered into prior to the date of revocation, except to the extent that the obligations of the assuming insurer under the contract are secured in a form acceptable to the commissioner and consistent with the provisions of section 3 of P L 1993, c 243 (C 17 51B-3)

(5) If subject to a legal process of rehabilitation, liquidation or conservation, as applicable, the ceding insurer, or its representative, may seek and, if determined appropriate by the court in which the proceedings are

pending, may obtain an order requiring that the assuming insurer post security for all outstanding ceded liabilities

(6) Nothing in this subsection shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree on requirements for security or other terms in the reinsurance agreement, except as expressly prohibited by this P L 1993, c 243 (C 17 51B-1 et al) or other applicable law or regulation

(7) Credit may be taken under this subsection only for reinsurance agreements entered into, amended, or renewed on or after the effective date of P L 2021, c 354 (C 17 51B-1 et al), and only with respect to losses incurred and reserves reported on or after the later of the date on which the assuming insurer has met all eligibility requirements pursuant to paragraph (1) of this subsection, or the effective date of the new reinsurance agreement, amendment, or renewal

(a) This paragraph shall not alter or impair a ceding insurer's right to take credit for reinsurance, to the extent that credit is not available under this subsection, as long as the reinsurance qualifies for credit under any other applicable provision of P L 1993, c 243 (C 17 51B-1 et al)

(b) Nothing in this subsection shall authorize an assuming insurer to withdraw or reduce the security provided under any reinsurance agreement except as permitted by the terms of the agreement

(c) Nothing in this subsection shall limit, or in any way alter, the capacity of parties to any reinsurance agreement to renegotiate the agreement

f The commissioner has the discretion to allow credit for reinsurance if the reinsurance is ceded to an assuming insurer not meeting the requirements of subsection a , b , c , d , or e of this section but only with respect to the insurance of risks located in jurisdictions where such reinsurance is required or provided by applicable law or regulation of that jurisdiction, or

g The commissioner has the discretion to allow credit for reinsurance if the reinsurance is ceded to an assuming insurer not meeting the requirements of subsection a , b , c or d of this section but only if the assuming insurer holds surplus or equivalent in excess of $250 million In determining whether credit should be allowed, the commissioner shall consider the following (1) that the reinsurer has a secure financial strength rating from at least two nationally recognized statistical rating organizations deemed acceptable by the commissioner, (2) the domiciliary regulatory jurisdiction of the assuming insurer, (3) the structure and authority of the domiciliary regulator with regard to solvency regulation requirements and the financial surveillance of the reinsurer, (4) the substance of financial and operating standards for reinsurers in the domiciliary jurisdiction, (5) the form and substance of financial reports

required to be filed by the reinsurer in the domiciliary jurisdiction or other public financial statements filed in accordance with generally accepted accounting principles, (6) the domiciliary regulator's willingness to cooperate with United States regulators in general and the commissioner, in particular, (7) the history of performance by reinsurers in the domiciliary jurisdiction, (8) the reinsurer's or an affiliate's use of in-State professional service providers related or unrelated to the reinsurance, including, but not limited to, attorneys, accountants, managers, actuaries, brokers or intermediaries, (9) any documented evidence of substantial problems with the enforcement of valid United States judgments in the domiciliary jurisdiction, and (10) any other matters deemed relevant by the commissioner The commissioner shall give appropriate consideration to insurer group ratings that may have been issued The commissioner may, in lieu of granting full credit under this subsection, reduce the amount required to be held in trust under subsection d of this section

The provisions of this subsection shall apply only to reinsurance contracts entered into or renewed on or after the effective date of P L 2011, c 39, except that the provisions applicable to life reinsurance contracts shall not become effective until the earlier of 24 months from the effective date of P L 2011, c 39, or the implementation of principles-based standards of life insurance reserving by the National Association of Insurance Commissioners

h If the assuming insurer is not licensed or accredited to transact insurance or reinsurance in this State, the credit permitted by subsections c and d of this section shall not be allowed unless the assuming insurer agrees in the reinsurance agreements (1) that in the event of the failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer, shall submit to the jurisdiction of any court of competent jurisdiction in any state of the United States, shall comply with all requirements necessary to give such court jurisdiction, and shall abide by the final decision of such court or any appellate court in the event of an appeal, and (2) to designate the commissioner or a designated attorney as its true and lawful attorney upon whom may be served any lawful process in any action, suit or proceeding instituted by or on behalf of the ceding company This provision is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate their disputes, if such an obligation is created in the agreement

3 Section 5 of P L 1993, c 243 (C 17 51B-4) is amended to read as follows

C 17 51B-4 Rules, regulations

5 a The commissioner may 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 effectuate the purposes of this act

b The commissioner is further authorized to adopt rules and regulations applicable to reinsurance arrangements described in this subsection

(1) A regulation adopted pursuant to this subsection, shall apply only to reinsurance relating to

(a) life insurance policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits,

(b) universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period,

(c) variable annuities with guaranteed death or living benefits,

(d) long-term care insurance policies, or

(e) other life and health insurance and annuity products as to which the NAIC adopts model regulatory requirements with respect to credit for reinsurance

(2) A regulation adopted pursuant to subparagraphs (a) or (b) of paragraph (1) of this subsection, may apply to any treaty containing

(a) policies issued on or after January 1, 2022,

(b) policies issued prior to January 1, 2022, if risk pertaining to those policies is ceded in connection with the treaty, in whole or in part, on or after January 1, 2022, or

(c) a treaty containing policies as described in both (a) and (b) above

(3) A regulation adopted pursuant to this subsection may require the ceding insurer, in calculating the amounts or forms of security required to be held under regulations promulgated under this authority, to use the Valuation Manual adopted by the NAIC under section 11B(1) of the NAIC Standard Valuation Law, including all amendments adopted by the NAIC and in effect on the date as of which the calculation is made, to the extent applicable

(4) A regulation adopted pursuant to this subsection shall not apply to cessions to an assuming insurer that

(a) meets the conditions set forth in section 2F of the Credit for Reinsurance Model Law in this State or, if this State has not adopted provisions substantially equivalent to section 2F of the Credit for Reinsurance Model Law, the assuming insurer is operating in accordance with provisions substantially equivalent to section 2F of the Credit for Reinsurance Model Law in a minimum of five other states, or

(b) is certified in this State or, if this State has not adopted provisions substantially equivalent to section 2E of the Credit for Reinsurance Model Law, certified in a minimum of five other states, or

(c) maintains at least $250 million in capital and surplus when determined in accordance with the NAIC Accounting Practices and Procedures Manual, including all amendments thereto adopted by the NAIC, excluding the impact of any permitted or prescribed practices, and is

(i) licensed in at least 26 states, or

(ii) licensed in at least 10 states, and licensed or accredited in a total of at least 35 states

(5) The authority to adopt regulations pursuant to this subsection shall not prohibit the authority of the commissioner to adopt regulations pursuant to subsection a of this section

4 This act shall take effect immediately

Approved January 10, 2022

CHAPTER 355

AN ACT concerning the practice of chiropractic and supplementing P L 1989, c 153 (C 45 9-41 17 et al)

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

C 45 9-41 37 Granting travel licenses

1 a Any person who has been examined and licensed to practice chiropractic by the examining and licensing board of another state or jurisdiction of the United States having requirements for examination and licensure substantially equivalent to those required under section 8 of P L 1953, c 233 (C 45 9-41 5), may, in the discretion of the State Board of Chiropractic Examiners, be granted, without further examination and upon application and payment of a fee as determined by the board, a temporary travel license to practice chiropractic in this State in order to visit, examine, treat, or advise a specific patient or client, or give a demonstration of a procedure or clinic, provided that the provision of care, consultation, demonstration, clinic, or other services are within the scope of practice of chiropractic as defined in R S 45 9-14 5

b The board shall issue a temporary travel license to a visiting chiropractor who

(1) is in good standing and possesses an unencumbered license in each state or jurisdiction in which the visiting chiropractor is licensed,

(2) applies for the temporary travel license no less than 60 days prior to a visit in this State,

(3) provides to the board the following information

(a) the purpose of the visit and whether the visit is for voluntary services or for a fee,

(b) the anticipated duration of the visit,

(c) the chiropractic license numbers in each state or jurisdiction in which the visiting chiropractor is licensed, and

(4) provides to the board an affidavit stating that the visiting chiropractor is in good standing in each state or jurisdiction in which the visiting chiropractor is licensed

c Unless otherwise determined by the board on an individual basis, the temporary travel license shall permit a visiting chiropractor to practice chiropractic in this State for no more than 14 days during any calendar year

d The board may terminate the temporary travel license of any visiting chiropractor at any time for any of the following reasons

(1) the visiting chiropractor failed to materially comply with or violated a provision of the laws, rules or regulations governing the practice of chiropractic,

(2) the visiting chiropractor committed an act that would constitute grounds for discipline if committed by a person fully licensed by the board in this State, or

(3) the board receives and validates a complaint indicating that the temporary licensee is unfit to practice chiropractic or has otherwise endangered the health and safety of the general public

e If the board terminates the temporary travel license of a visiting chiropractor pursuant to subsection d of this section, the board shall provide written notification of the termination to the visiting chiropractor detailing the basis for the termination Upon receiving written notification of the termination, the visiting chiropractor shall immediately cease the practice of chiropractic in this State The board shall provide a copy of the written notification of the termination to the examining or licensing board of each state or jurisdiction in which the visiting chiropractor is licensed

2 This act shall take effect on the 90th day following enactment

Approved January 10, 2022

CHAPTER 356

AN ACT concerning the endangerment of children and preservation of certain information and supplementing P L 1998, c 134 (C 52 17B-191 et seq)

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

C 52 17B-193 1 Duties of provider relevant to knowledge of child endangerment

1 A provider of an electronic communication service, as that term is defined in section 2 of P L 1968, c 409 (C 2A 156A-2), who, after obtaining actual knowledge of any facts or circumstances concerning endangerment of a child in violation of N J S 2C 24-4, and after reporting that information to the hotline established pursuant to section 3 of P L 1998, c 134 (C 52 17B-193), or any successor hotline, shall retain that information for at least 180 days from the submission of the report

2 This act shall take effect immediately

Approved January 10, 2022

CHAPTER 357

AN ACT concerning certain student loan information and supplementing chapter 3B of Title 18A of the New Jersey Statutes

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

C 18A 3B-101 Dispersing of information regarding income-contingent student loan repayment programs

1 a During the academic semester in which a student is scheduled to graduate, an institution of higher education shall provide each student who has outstanding student loan debt with information on federal and State of New Jersey income-contingent student loan repayment programs The institution shall provide the student with the information in either

(1) an in-person exit interview, which may include a remote or virtual interview, or

(2) a document sent to the student both electronically and by regular mail The Secretary of Higher Education shall prescribe a model format for the document required by this subsection

b In addition to information on federal and State income-contingent student loan repayment programs as required pursuant to subsection a of this section, the institution, during the exit interview or in the document, shall provide each student with information on the following

(1) an estimate of the total amount of the student's loan debt,

(2) an estimate of the potential total payoff amount of the student loans incurred or a range of the total payoff amount, and

(3) an estimate of monthly repayment amounts that a similarly situated borrower may incur, including principal and interest, for that amount of student loan debt

The information provided pursuant to paragraphs (1), (2), and (3) of this subsection shall only pertain to the debt, payoff amount, and monthly repayment amounts certified while the student attended the institution and may include a statement that the estimates and ranges provided are general in nature and not meant as a guarantee or promise of the actual projected amount

An institution shall not incur liability for any representations made pursuant to this subsection

2 This act shall take effect in the first full academic year following the date of enactment

Approved January 10, 2022

CHAPTER 358

AN ACT concerning certain returned and seized weapons and amending P L 1991, c 261 and P L 2018, c 35

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

1 Section 5 of P L 1991, c 261 (C 2C 25-21) is amended to read as follows

C 2C 25-21 Arrest of alleged attacker, seizure of weapons, etc

5 a When a person claims to be a victim of domestic violence, and where a law enforcement officer responding to the incident finds probable cause to believe that domestic violence has occurred, the law enforcement

officer shall arrest the person who is alleged to be the person who subjected the victim to domestic violence and shall sign a criminal complaint if

(1) The victim exhibits signs of injury caused by an act of domestic violence,

(2) A warrant is in effect,

(3) There is probable cause to believe that the person has violated N J S 2C 29-9, and there is probable cause to believe that the person has been served with the order alleged to have been violated If the victim does not have a copy of a purported order, the officer may verify the existence of an order with the appropriate law enforcement agency, or

(4) There is probable cause to believe that a weapon as defined in N J S 2C 39-1 has been involved in the commission of an act of domestic violence

b A law enforcement officer may arrest a person, or may sign a criminal complaint against that person, or may do both, where there is probable cause to believe that an act of domestic violence has been committed, but where none of the conditions in subsection a of this section applies

c (1) As used in this section, the word "exhibits" is to be liberally construed to mean any indication that a victim has suffered bodily injury, which shall include physical pain or any impairment of physical condition Where the victim exhibits no visible sign of injury, but states that an injury has occurred, the officer should consider other relevant factors in determining whether there is probable cause to make an arrest

(2) In determining which party in a domestic violence incident is the victim where both parties exhibit signs of injury, the officer should consider the comparative extent of the injuries, the history of domestic violence between the parties, if any, and any other relevant factors

(3) No victim shall be denied relief or arrested or charged under this act with an offense because the victim used reasonable force in self defense against domestic violence by an attacker

d (1) In addition to a law enforcement officer's authority to seize any weapon that is contraband, evidence or an instrumentality of crime, a law enforcement officer who has probable cause to believe that an act of domestic violence has been committed shall

(a) question persons present to determine whether there are weapons on the premises, and

(b) upon observing or learning that a weapon is present on the premises, seize any weapon that the officer reasonably believes would expose the victim to a risk of serious bodily injury If a law enforcement officer seizes

any firearm pursuant to this paragraph, the officer shall also seize any firearm purchaser identification card or permit to purchase a handgun issued to the person accused of the act of domestic violence

(2) A law enforcement officer shall deliver all weapons, firearms purchaser identification cards and permits to purchase a handgun seized pursuant to this section to the county prosecutor and shall append an inventory of all seized items to the domestic violence report

(3) Weapons seized in accordance with the "Prevention of Domestic Violence Act of 1991", P L 1991, c 261 (C 2C 25-17 et seq) shall be returned to the owner except upon order of the Superior Court The prosecutor who has possession of the seized weapons may, upon notice to the owner, petition a judge of the Family Part of the Superior Court, Chancery Division, within 45 days of seizure, to obtain title to the seized weapons, or to revoke any and all permits, licenses and other authorizations for the use, possession, or ownership of such weapons pursuant to the law governing such use, possession, or ownership, or may object to the return of the weapons on such grounds as are provided for the initial rejection or later revocation of the authorizations, or on the grounds that the owner is unfit or that the owner poses a threat to the public in general or a person or persons in particular

A hearing shall be held and a record made thereof within 45 days of the notice provided above No formal pleading and no filing fee shall be required as a preliminary to such hearing The hearing shall be summary in nature Appeals from the results of the hearing shall be to the Superior Court, Appellate Division, in accordance with the law

If the prosecutor does not institute an action within 45 days of seizure, the seized weapons shall be returned to the owner

After the hearing the court shall order the return of the firearms, weapons and any authorization papers relating to the seized weapons to the owner if the court determines the owner is not subject to any of the disabilities set forth in subsection c of N J S 2C 58-3 and finds that the complaint has been dismissed at the request of the complainant and the prosecutor determines that there is insufficient probable cause to indict, or if the defendant is found not guilty of the charges, or if the court determines that the domestic violence situation no longer exists At least 10 days prior to returning the seized weapons, the prosecutor shall notify each claimant or victim that the weapons will be returned to the owner

Nothing in this act shall impair the right of the State to retain evidence pending a criminal prosecution Nor shall any provision of this act be construed to limit the authority of the State or a law enforcement officer to seize, retain or forfeit property pursuant to chapter 64 of Title 2C of the New Jersey Statutes

If, after the hearing, the court determines that the weapons are not to be returned to the owner, the court may

(a) With respect to weapons other than firearms, order the prosecutor to dispose of the weapons if the owner does not arrange for the transfer or sale of the weapons to an appropriate person within 60 days, or

(b) Order the revocation of the owner's firearms purchaser identification card or any permit, license or authorization, in which case the court shall order the owner to surrender any firearm seized and all other firearms possessed to the prosecutor and shall order the prosecutor to dispose of the firearms if the owner does not arrange for the sale of the firearms to a registered dealer of the firearms within 60 days, or

(c) Order such other relief as it may deem appropriate When the court orders the weapons forfeited to the State or the prosecutor is required to dispose of the weapons, the prosecutor shall dispose of the property as provided in N J S 2C 64-6

(4) A civil suit may be brought to enjoin a wrongful failure to return a seized firearm where the prosecutor refuses to return the weapon after receiving a written request to do so and notice of the owner's intent to bring a civil action pursuant to this section Failure of the prosecutor to comply with the provisions of this act shall entitle the prevailing party in the civil suit to reasonable costs, including attorney's fees, provided that the court finds that the prosecutor failed to act in good faith in retaining the seized weapon

(5) No law enforcement officer or agency shall be held liable in any civil action brought by any person for failing to learn of, locate or seize a weapon pursuant to this act, or for returning a seized weapon to its owner

2 Section 7 of P L 2018, c 35 (C 2C 58-26) is amended to read as follows

C 2C 58-26 Surrender of firearms upon issuance of order

7 a When a temporary or final extreme risk protective order is issued pursuant to section 4 or 5 of P L 2018, c 35 (C 2C 58-23 or C 2C 58-24), the court shall order the respondent to surrender to the local law enforcement agency all firearms and ammunition in the respondent's custody or control, or which the respondent owns or possesses, and any firearms purchaser identification card, permit to purchase a handgun, or permit to carry a handgun held by the respondent The court also shall notify the respondent that the respondent is prohibited from purchasing firearms or ammunition or applying for a firearms purchaser identification card, permit to purchase a handgun, or permit to carry a handgun

b If the petition for the temporary extreme risk protective order indicates that the respondent owns or possesses any firearms or ammunition, the court shall issue a search warrant with the temporary or final extreme risk protective order and the law enforcement officer who serves the order shall request that all firearms and ammunition immediately be surrendered

(1) The respondent immediately shall surrender, in a safe manner, all firearms and ammunition in the respondent's custody or control, or which the respondent owns or possesses, and any firearms purchaser identification card, permit to purchase a handgun, or permit to carry a handgun held by the respondent to the control of the law enforcement officer

(2) The respondent may request that the law enforcement agency sell all firearms and ammunition in a safe manner to a federally licensed firearms dealer pursuant to section 8 of P L 2018, c 35 (C 2C 58-27)

(3) The law enforcement officer or licensed firearms dealer taking possession of any firearms or ammunition pursuant to this subsection shall issue a receipt identifying all firearms and ammunition that have been surrendered by the respondent The officer or dealer shall provide a copy of the receipt to the respondent at the time of surrender

(4) If the respondent surrenders firearms and ammunition to a law enforcement officer pursuant to paragraph (1) of this subsection or surrenders or sells firearms and ammunition to a licensed dealer pursuant to paragraph (2) of this subsection, the respondent shall, within 48 hours after being served with the order, file the receipt with the county prosecutor Failure to timely file the receipt or copy of the receipt shall constitute contempt of the order

c The court which issued the protective order may issue a search warrant for a firearm or ammunition that is in the custody or control of, owned, or possessed by a respondent who is subject to a temporary or final protective order issued pursuant to section 4 or 5 of P L 2018, c 35 (C 2C 58-23 or C 2C 58-24) if the respondent has lawfully been served with that order and has failed to surrender the firearm or ammunition as required by this section

d The respondent may petition the agency for the return of any surrendered firearms or ammunition upon termination of an order pursuant to section 6 of P L 2018, c 35 (C 2C 58-25) Within 30 days of receiving a petition for the return of surrendered firearms or ammunition and after the termination of the order, the agency shall return the firearm or ammunition unless

(1) the firearm has been reported as stolen, or

(2) the respondent is prohibited from possessing a firearm under State or federal law

At least 10 days prior to returning the firearms or ammunition, the local law enforcement agency shall notify the family or household member that the firearms or ammunition will be returned to the owner If the firearms or ammunition were seized by the State Police, the county prosecutor's office where the protective order is venued shall notify the family or household member that the firearms or ammunition will be returned to the owner Nothing in this act shall prohibit revocation and seizure of a person's firearms purchaser identification card, permit to purchase a handgun, permit to carry a handgun, and weapons as authorized pursuant to applicable law

e If a person other than the respondent claims title to any firearm or ammunition surrendered pursuant to this section, and the law enforcement agency determines that the person is the lawful owner of the firearm or ammunition, the firearm or ammunition shall be returned to that person

f If the respondent has surrendered a firearm or ammunition to a federally licensed firearms dealer, after termination of the order, the respondent may request the law enforcement agency, in writing, to authorize the return of the firearm or ammunition from the dealer The dealer shall transfer the firearm or ammunition to the respondent in accordance with procedures required when a firearm or ammunition is being sold from the dealer's inventory in accordance with N J S 2C 58-2

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

Approved January 10, 2022

CHAPTER 359

AN ACT concerning patient records and amending P L 2019, c 217

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

1 Section 1 of P L 2019, c 217 (C 26 2H-5n) is amended to read as follows

C 26 2H-5n Hospital to provide medical, billing records, fees

1 a Except as provided in subsection d of this section, if a patient of a general, special, or psychiatric hospital licensed pursuant to P L 1971, c 136

(C 26 2H-1 et seq), the patient's legally authorized representative, or an authorized third party requests, in writing, a copy of the patient's medical or billing records, or both, the hospital shall provide a legible paper or electronic reproduction of the requested records within the dates requested to the patient, the patient's legally authorized representative, or the authorized third party within 30 days of the request, in accordance with the following

(1) (a) For a request by a patient or the patient's legally authorized representative for a medical or billing record that is not stored on microfilm or microfiche, the fee for reproducing the record shall not exceed $1 per page or $100 per individual admission record for the first 100 pages, whichever is less For medical and billing records that are not stored on microfilm or microfiche that contain more than 100 pages, a reproduction fee of no more than $0 25 per page may be charged for pages in excess of the first 100 pages, up to a maximum of $200 for each request For medical and billing records stored on microfilm or microfiche, the fee for reproducing the record shall be $1 50 per image, up to a maximum of $200 for each request,

(b) For a request by an authorized third party, the fee for reproducing medical and billing records that are not stored on microfilm or microfiche shall be no more than $1 per page, and the fee for reproducing records stored on microfilm or microfiche shall be $1 50 per image, and

(c) If a patient requests a copy of the patient's own medical records in accordance with the federal "Health Insurance Portability and Accountability Act of 1996," Pub L 104-191, the requirements provided under 45 C F R 164 524(b) with respect to the time required to respond to such requests and the applicable fees shall apply

(2) Delivery of an electronic reproduction of a patient's medical or billing record shall be required only if

(a) the entire request can be reproduced from an electronic health record system,

(b) the record is specifically requested to be delivered in electronic format, and

(c) the record can be delivered electronically

(3) In addition to per-page fees, a hospital shall apply the following charges

(a) a search fee of no more than $10 per request, provided that no search fee shall be charged to a patient who is requesting the patient's own record If a search fee may be charged under this subparagraph, the fee shall apply even if no medical or billing records are found as a result of the search,

(b) a fee for the reproduction of x-rays or any other material that cannot be routinely copied or duplicated on a commercial photocopy machine,

which shall be no more than $15 per printed image or $30 per compact disc (CD) or digital video disc (DVD), plus an administrative fee of $10,

(c) a fee for certification of a copy of a medical and billing record of no more than $10 per certification, and

(d) costs for delivering records in any medium, plus sales tax, if applicable

(4) The fees established in this subsection shall be charged for electronic reproductions as well as paper copies of medical and billing records

(5) The hospital shall establish a policy assuring access to copies of medical and billing records for patients who do not have the ability to pay for the copies

(6) The hospital shall establish a fee policy providing an incentive for the use of abstracts or summaries of medical records, however, a patient, a patient's legally authorized representative, or an authorized third party shall have the right to receive a full or certified copy of the medical record

(7) Subject to the requirements of paragraph (2) of this subsection, medical and billing records shall be delivered in the manner specified by the requestor, which may include, but shall not be limited to, mailing the record to any address or faxing the record to any number specified by the requestor, including the requestor's attorney Subject to the requirements of federal law, the method of delivery specified by a requestor shall not affect the fees that would ordinarily apply to the request under paragraphs (1) and (3) of this subsection, subject to any policies established pursuant to paragraphs (5) and (6) of this subsection and subject to the provisions of subsections c and d of this section

b Access to a copy of a patient's medical record shall be limited only to the extent necessary to protect the patient The patient's attending physician shall provide a verbal explanation for any denial of access to the patient, legally authorized representative, or authorized third party, and shall document the denial and explanation in the medical record In the event that direct access to a copy by the patient is medically contraindicated, as documented by a physician in the patient's medical record, the hospital shall not limit access to the record to a legally authorized representative of the patient, an authorized third party, or the patient's attending physician

c A hospital shall not assess any fees or charges for a copy of a patient's medical and billing records as provided herein other than those provided for in this section

d The fees authorized by this section shall not be imposed on

(1) A patient who does not have the ability to pay and who presents either (a) a statement certifying to annual income at or below 250 percent of the federal poverty level, or (b) proof of eligibility for, or enrollment in, a State or federal assistance program including, but not limited to the federal

Supplemental Nutrition Assistance Program established pursuant to the "Food and Nutrition Act of 2008," Pub L 110-246 (7 U S C s 2011 et seq), the federal Supplemental Security Income program established pursuant to Title XVI of the federal Social Security Act, Pub L 92-603 (42 U S C s 1381 et seq), the National School Lunch Program established pursuant to the "Richard B Russell National School Lunch Act," Pub L 79-396 (42 U S C s 1751 et seq), the federal special supplemental food program for women, infants, and children established pursuant to Pub L 95-627 (42 U S C s 1786), the State Medicaid program established pursuant to the "New Jersey Medical Assistance and Health Services Act," P L 1968, c 413 (C 30 4D-1 et seq), the NJ FamilyCare Program established pursuant to the "Family Health Care Coverage Act," P L 2005, c 156 (C 30 4J-8 et al), the Work First New Jersey program established pursuant to the "Work First New Jersey Act," P L 1997, c 38 (C 44 10-55 et seq), the New Jersey Supplementary Food Stamp Program established pursuant to the "New Jersey Supplementary Food Stamp Program Act," P L 1998, c 32 (C 44 10-79 et seq), any successor program, or any other State or federal assistance program now or hereafter established by law,

(2) A not-for-profit corporation indicating in writing that it is representing a patient,

(3) An attorney representing a patient on a pro bono basis, provided that the attorney submits with the request a certification that the attorney is representing the patient on a pro bono basis An attorney representing a patient on a contingency fee basis shall be assessed the ordinary fees to obtain a copy of the patient's medical and billing records, or

(4) A patient or an attorney representing a patient who has a pending application for, or is currently receiving, federal Social Security disability benefits provided under Title II or Title XVI of the federal Social Security Act, Pub L 92-603 (42 U S C s 1351 et al)

e As used in this section

"Authorized third party" means a third party with a valid authorization, subpoena, legal process, or court order granting access to a patient's medical or billing records

"Legally authorized representative" means the patient's spouse, domestic partner, or civil union partner, the patient's immediate next of kin, the patient's legal guardian, the patient's attorney, the patient's third party insurer, or the patient's worker's compensation carrier, if the carrier is authorized to access the patient's treatment or billing records by contract or law, provided that access by a worker's compensation carrier shall be limited

only to that portion of the treatment or billing record that is relevant to the specific work-related incident at issue in the worker's compensation claim

2 Section 2 of P L 2019, c 217 (C 45 9-22 27) is amended to read as follows

C 45 9-22 27 Health care professional to provide copies of treatment, billing records, fees

2 A person licensed to practice a health care profession regulated by the State Board of Medical Examiners shall provide copies of professional treatment and billing records, including treatment records from other health care providers that are part of a patient's record, to a patient, the patient's legally authorized representative, or an authorized third party in accordance with the following

a No later than 30 days after receipt of a request from a patient, a patient's legally authorized representative, or an authorized third party, the licensee shall provide an electronic copy or photocopy of the professional treatment records, billing records, or both, as requested The record shall include all pertinent, objective data, including test results and x-ray results, as applicable, and subjective information

b Unless otherwise required by law, a licensee may elect to provide a summary of the record in lieu of providing the electronic copy or photocopy required pursuant to subsection a of this section, provided that the summary adequately reflects the patient's history and treatment A licensee may charge a reasonable fee for the preparation of a summary that has been provided in lieu of the actual record, which shall not exceed the cost that would be charged for the actual record pursuant to subsection d of this section, however, a patient, a patient's legally authorized representative, or an authorized third party shall have the right to receive a full or certified copy of the patient's treatment record The fee for certification shall be no more than $10 per certification

c If, in the exercise of the licensee's professional judgment, a licensee has reason to believe that the patient's mental or physical condition will be adversely affected upon being made aware of the subjective information contained in the professional treatment record or a summary of the record, the licensee may refuse to provide the record or summary to the patient The licensee shall include in the record a notice setting forth the reasons for the original refusal The licensee shall, however, provide a copy of the record or summary upon request to

(1) the patient's attorney,

(2) another licensed health care professional,

(3) the patient's health insurance carrier through an employee thereof,

(4) a governmental reimbursement program or an agent thereof, with responsibility to review utilization or quality of care, or

(5) an authorized third party

d A licensee may require a record request to be in writing and, except as provided in subsection j of this section, may charge a fee for

(1) (a) A request by a patient or a patient's legally authorized representative for the reproduction of patient treatment and billing records, which shall be no more than $1 per page or $200 for the entire record, whichever is less, except that, for records stored on microfilm or microfiche, the reproduction fee shall be no more than $1 50 per image or $200 for the entire record, whichever is less, and

(b) A request by an authorized third party for the reproduction of patient treatment and billing records, which shall be no more than $1 per page or, in the case of records stored on microfilm or microfiche, no more than $1 50 per image,

(2) The reproduction of x-rays or any other material within a patient treatment record that cannot be routinely copied or duplicated on a commercial photocopy machine, which shall be no more than $15 per printed image or $30 per compact disc (CD) or digital video disc (DVD), plus an administrative fee of $10,

(3) A search for records, which search fee shall be no more than $10 per request, provided that no search fee shall be charged to a patient requesting the patient's own records A search fee that may be charged pursuant to this paragraph shall apply even if no individual treatment or billing record is found as a result of the search, and

(4) The costs for delivering records in any medium, plus sales tax, if applicable

A licensee shall not assess any fees or charges for a copy of a patient's treatment or billing records as provided herein other than those provided for in this section

e The fees established in subsection d of this section shall be charged for electronic copies as well as paper copies of treatment and billing records

f Delivery of an electronic copy of a patient treatment or billing record to the requestor shall be required only if (1) the entire request can be reproduced from an electronic health record system, (2) the record is specifically requested to be delivered in electronic format, and (3) the record can be delivered electronically

g A licensee shall not charge a patient for a copy of the patient's treatment or billing record when

(1) the licensee has affirmatively terminated a patient from practice in accordance with the requirements of N J A C 13 35-6 22, or

(2) the licensee leaves a practice that the licensee was formerly a member of, or associated with, and the patient requests that the patient's medical care continue to be provided by that licensee

h If the patient or a subsequent treating health care professional is unable to read the treatment record, either because it is illegible or prepared in a language other than English, the licensee shall provide a transcription or translation, as applicable, at no cost to the patient

i The licensee shall not refuse to provide a professional treatment record on the grounds that the patient owes the licensee an unpaid balance if the record is needed by another health care professional for the purpose of rendering care

j The fees authorized by this section shall not be imposed on

(1) A patient who does not have the ability to pay and who presents either (a) a statement certifying to annual income at or below 250 percent of the federal poverty level, or (b) proof of eligibility for, or enrollment in, a State or federal assistance program including, but not limited to the federal Supplemental Nutrition Assistance Program established pursuant to the "Food and Nutrition Act of 2008," Pub L 110-246 (7 U S C s 2011 et seq), the federal Supplemental Security Income program established pursuant to Title XVI of the federal Social Security Act, Pub L 92-603 (42 U S C s 1381 et seq), the National School Lunch Program established pursuant to the "Richard B Russell National School Lunch Act," Pub L 79-396 (42 U S C s 1751 et seq), the federal special supplemental food program for women, infants, and children established pursuant to Pub L 95-627 (42 U S C s 1786), the State Medicaid program established pursuant to the "New Jersey Medical Assistance and Health Services Act," P L 1968, c 413 (C 30 4D-1 et seq), the NJ FamilyCare Program established pursuant to the "Family Health Care Coverage Act," P L 2005, c 156 (C 30 4J-8 et al), the Work First New Jersey program established pursuant to the "Work First New Jersey Act," P L 1997, c 38 (C 44 10-55 et seq), the New Jersey Supplementary Food Stamp Program established pursuant to the "New Jersey Supplementary Food Stamp Program Act," P L 1998, c 32 (C 44 10-79 et seq), any successor program, or any other State or federal assistance program now or hereafter established by law,

(2) A not-for-profit corporation indicating in writing that it is representing a patient,

(3) An attorney representing a patient on a pro bono basis, provided that the attorney submits with the request a certification that the attorney is representing the patient on a pro bono basis An attorney representing a

patient on a contingency fee basis shall be assessed the ordinary fees to obtain a copy of the patient's records, or

(4) A patient or an attorney representing a patient who has a pending application for, or is currently receiving, federal Social Security disability benefits provided under Title II or Title XVI of the federal Social Security Act, Pub L 92-603 (42 U S C s 1351 et al)

k As used in this section

"Authorized third party" means a third party with a valid authorization, subpoena, or court order granting access to a patient's treatment or billing records

"Legally authorized representative" means the patient's spouse, domestic partner, or civil union partner, the patient's immediate next of kin, the patient's legal guardian, the patient's attorney, the patient's third party insurer, or the patient's worker's compensation carrier, if the carrier is authorized to access the patient's treatment or billing records by contract or law, provided that access by a worker's compensation carrier shall be limited only to that portion of the treatment or billing record that is relevant to the specific work-related incident at issue in the worker's compensation claim

l Subject to the requirements of subsection f of this section, medical and billing records shall be delivered in the manner specified by the requestor, which may include, but shall not be limited to, mailing the record to any address or faxing the record to any number specified by the requestor, including the requestor's attorney Subject to the requirements of federal law, the method of delivery specified by a requestor shall not affect the fees that would ordinarily apply to the request under subsections b and d of this section, subject to the provisions of subsections g and j of this section

3 This act shall take effect immediately

Approved January 10, 2022

CHAPTER 360

AN ACT concerning certain motor vehicle certificates of ownership and salvage certificates of title and amending P L 1983, c 323

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

1 Section 2 of P L 1983, c 323 (C 39 10-32) is amended to read as follows

C 39 10-32 Vehicle reported stolen or damaged, surrender of certificate of ownership, issuance of salvage certificate of title

2 a If a motor vehicle has either been reported as being stolen or suffered sufficient damage to render it economically impractical to repair, the person in possession of the certificate of ownership for the vehicle shall surrender the certificate of ownership to the chief administrator along with a statement setting forth how the person acquired the certificate of ownership

b The chief administrator, after determining ownership, shall issue a salvage certificate of title to a person who surrenders a certificate of ownership pursuant to subsection a of this section

c (1) Notwithstanding any provision of law to the contrary, when an insurer licensed to do business in New Jersey settles a total loss claim with the owner of a motor vehicle, and the owner of the motor vehicle fails to assign and deliver the motor vehicle's certificate of ownership to the insurer within 30 days of the payment of the claim, the insurer or an agent of the insurer may apply to the chief administrator for a certificate of ownership or a salvage certificate of title for the motor vehicle in the name of the insurer without providing a certificate of ownership, provided that the chief administrator determines that the issuance of a certificate of ownership is appropriate, in accordance with the provisions of P L 1983, c 323 (C 39 10-31 et seq)

The provisions of this subsection shall only apply when the most recent certificate of ownership for the motor vehicle was issued by this State

(2) The insurer shall provide notice to the owner and any lienholder of the motor vehicle identified in the records of the commission at least 30 days prior to applying for a certificate of ownership or a salvage certificate of title pursuant to this subsection The notice shall be sent by certified mail or commercial courier whose regular business is delivery service and that provides proof of delivery to the owner and any lienholders at the last known address identified in the records of the commission Failure to provide the notice required by this paragraph shall be cause for the chief administrator to deny issuance of a certificate of ownership or a salvage certificate of title

(3) The application for a certificate of ownership or a salvage certificate of title shall be made on a form prescribed by the chief administrator and shall include proof of payment of the claim, proof that the insurer requested the certificate of ownership, and proof that notice was provided, as required by paragraph (2) of this subsection, to the owner and any lienholders of the

motor vehicle Failure to provide the proof required by this paragraph shall be cause for the chief administrator to deny issuance of a certificate of ownership or a salvage certificate of title

(4) If, based upon the records of the commission, there was an outstanding lien or liens against the motor vehicle immediately prior to the payment of the claim and the claim was paid to a lienholder or lienholders, or to a lienholder or lienholders and the owner jointly, the proof of payment required pursuant to paragraph (3) of this subsection shall also include proof that the claim was paid to, or a letter stating that the lienholder has no interest in the motor vehicle was received from, each lienholder identified in the records of the commission Failure to provide the proof required by this paragraph shall be cause for the chief administrator to deny issuance of a certificate of ownership or a salvage certificate of title

(5) Upon proper application, the chief administrator shall issue a certificate of ownership or a salvage certificate of title, as appropriate, in the name of the insurer In the event the insurer sells the motor vehicle, the insurer shall assign the certificate of ownership or salvage certificate of title to the buyer

d (1) Notwithstanding any provision of law to the contrary, when an insurer licensed to do business in New Jersey settles a total loss claim with the owner of a motor vehicle, and the owner of the motor vehicle fails to assign and deliver the motor vehicle's certificate of ownership to the insurer within 30 days of the payment of the claim, the insurer or an agent of the insurer may apply to the chief administrator for a certificate of ownership or a salvage certificate of title for the motor vehicle in the name of the insurer without providing a certificate of ownership, provided that the chief administrator determines that the issuance of a certificate of ownership is appropriate, in accordance with the provisions of P L 1983, c 323 (C 39 10-31 et seq)

The provisions of this subsection shall only apply when the most recent certificate of ownership for a motor vehicle was issued by another state, the motor vehicle records of the jurisdiction that issued the certificate of ownership indicate that there are no liens recorded against the motor vehicle, and the motor vehicle was damaged, stolen, or recovered in this State, was owned by a resident of this State immediately prior to a total loss settlement by an insurer, or as otherwise permitted by the chief administrator

(2) The insurer shall provide notice by certified mail or commercial courier whose regular business is delivery service and that provides proof of delivery to the owner at least 30 days prior to applying for a certificate of ownership or a salvage certificate of title pursuant to this subsection Failure

to provide the notice required by this paragraph shall be cause for the chief administrator to deny issuance of a certificate of ownership or a salvage certificate of title

(3) The application shall be made on a form prescribed by the chief administrator and shall include proof of payment of the claim, proof that the insurer requested the certificate of ownership, and proof that notice was provided to the owner of the motor vehicle pursuant to paragraph (2) of this subsection Failure to provide the proof required by this paragraph shall be cause for the chief administrator to deny issuance of a certificate of ownership or a salvage certificate of title

(4) Upon proper application, the chief administrator shall issue a certificate of ownership or a salvage certificate of title, as appropriate, in the name of the insurer for the motor vehicle In the event the insurer sells the motor vehicle, the insurer shall assign the certificate of ownership or salvage certificate of title to the buyer

e (1) Notwithstanding any provision of law to the contrary, when an insurer licensed to do business in New Jersey settles a total loss claim with the owner of a motor vehicle and the insurer obtains the certificate of ownership for the vehicle, but it is not properly assigned to the insurer within 30 days of the payment of the claim, the insurer or an agent of the insurer may apply to the chief administrator for a certificate of ownership or a salvage certificate of title, as appropriate, in the name of the insurer

(2) The insurer shall provide notice to the owner and any lienholder, based upon the records of the commission, at least 30 days prior to applying for a certificate of ownership or a salvage certificate of title pursuant to this subsection The notice shall be sent by certified mail or commercial courier whose regular business is delivery service and that provides proof of delivery to the owner and any lienholder at the last known address based upon the records of the commission Failure to provide the notice required by this paragraph shall be cause for the chief administrator to deny issuance of a certificate of ownership or a salvage certificate of title

(3) The application for a certificate of ownership or a salvage certificate of title shall be made on a form prescribed by the chief administrator and shall include proof of payment of the claim, the certificate of ownership, proof that the insurer attempted to obtain the proper assignment of the certificate of ownership, and proof that notice was provided to the owner of the motor vehicle and any lienholder, in accordance with paragraph (2) of this subsection Failure to provide the proof required by this paragraph shall be cause for the chief administrator to deny issuance of a certificate of ownership or a salvage certificate of title

(4) Upon proper application, the chief administrator shall issue a certificate of ownership or a salvage certificate of title, as appropriate, in the name of the insurer In the event the insurer sells the motor vehicle, the insurer shall assign the certificate of ownership or salvage certificate of title to the buyer

f (1) If an insurer requests that a salvage processor, whose primary business is the sale of total loss motor vehicles on behalf of insurers, take possession of a motor vehicle that is the subject of an insurance claim and subsequently the insurer does not take ownership of the vehicle, the insurer may authorize the salvage processor to release the vehicle to the owner or lienholder The insurer shall provide to the salvage processor a release statement authorizing the release of the vehicle to the owner or lienholder

Upon receiving a release statement from an insurer, the salvage processor shall, within five business days, provide notice to the owner and any lienholder identified in the records of the commission, informing the owner and any lienholder that the vehicle may be released upon payment of any outstanding charges, and that failure to claim the vehicle will result in the vehicle being deemed abandoned The notice shall include an invoice for any outstanding charges owed to the salvage processor and shall inform the owner or lienholder that the vehicle is required to be claimed within 60 days from the date of the notice The notice shall also inform the owner or lienholder of the location of the vehicle The notice required under this subsection shall be sent by certified mail or commercial courier whose regular business is delivery service and that provides proof of delivery to the last known address based upon the records of the commission

(2) Notwithstanding any provision of law to the contrary, in the event the owner or lienholder of the vehicle does not claim the vehicle within 60 days after the date of the notice, the vehicle shall be deemed abandoned and the salvage processor may apply to the chief administrator for the issuance of a salvage certificate of title or a junk title certificate for the motor vehicle in the name of the salvage processor without providing a certificate of ownership The application shall include proof that notice was provided to the owner of the motor vehicle and any lienholder

(3) Upon proper application, the chief administrator shall issue a salvage certificate of title or a junk title certificate, as appropriate, in the name of the salvage processor, which shall extinguish any existing liens against the motor vehicle If the salvage processor sells the motor vehicle, the salvage certificate of title or junk title certificate shall be assigned to the buyer and the vehicle shall be transferred without any liens against it

g The chief administrator shall be immune from liability for any errors or misrepresentations made by an insurer pursuant to subsections c , d , and e of this section or by a salvage processor pursuant to subsection f of this section

h Notwithstanding any provision of law or regulation to the contrary, an insurer licensed to do business in this State shall be permitted to submit with an application for a certificate of ownership or salvage certificate of title a power of attorney executed electronically by a person who has received or is due to receive a total loss settlement from an insurer in a form and in a format to be prescribed by the chief administrator

A power of attorney signed electronically is not required to be notarized but shall, at a minimum, meet security requirements prescribed by the chief administrator

The chief administrator shall adopt regulations to implement the provisions of this subsection, and may prescribe the form and format of an electronically signed power of attorney and any additional security requirements the chief administrator deems necessary, including any requirements to ensure that any power of attorney signed electronically complies with federal odometer disclosure requirements under 49 C F R s 580 1 et seq

2 This act shall take effect on the first day of the twelfth month following enactment

Approved January 10, 2022

CHAPTER 361

AN ACT concerning the publication and availability of certain transportation information 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 17-1 Findings and declarations

1 The Legislature finds and declares that

a The New Jersey Statewide 2-1-1 telephone system is the national abbreviated dialing code for free access to health and human services information and referral,

b New Jersey's current Statewide 2-1-1 telephone system is out of date with regards to information relating to current available modes of public

transit, that mainly directs people with disabilities to use private transit services that are expensive and not feasible for routine travel,

c New Jersey's Statewide 2-1-1 system should include all pertinent transportation information, especially information pertaining to Access Link, county paratransit, voluntary drivers, or agencies that cater to the transportation needs of persons with disabilities, and

d The Statewide 2-1-1 telephone system needs to be updated to include all current modes of public transit available in New Jersey, as well as updated to provide information on how to access and use the various services

C 26 17-2 Department and corporation responsibilities

2 The New Jersey Transit Corporation and the Department of Human Services shall partner with the Statewide 2-1-1 telephone system and shall be responsible for providing the appropriate information to the system so that all relevant public transit providers and information are included and available The Statewide 2-1-1 telephone system, in conjunction with the corporation and the department, shall review, revise, and maintain information concerning the current modes of available public transit, information on accessing various modes of public transit, and information on how to use the services Information shall be collected on all transportation services, including fixed route transportation services, and transportation network company and taxi services, with particular attention to be paid to information concerning available paratransit services and private and volunteer services

C 26 17-3 Information collection and maintenance

3 The information collected and maintained by the New Jersey Transit Corporation, the Department of Human Services, and the Statewide 2-1-1 telephone system shall include a listing of all current modes of public transit available in New Jersey, a detailed description of any and all prequalification or eligibility requirements necessary before use of the public transit mode may commence, information on how each New Jersey citizen may access all current and available modes of public transit, and information on how to use the services along with each public transit provider's contact information

C 26 17-4 Dissemination of information

4 The information described in section 3 of P L 2021, c 361 (C 26 17-3) shall be

a prominently displayed on the websites of both the New Jersey Transit Corporation and the Department of Human Services,

b made available to the public through the Statewide 2-1-1 telephone system, and

c made available using any other means that the Executive Director of the New Jersey Transit Corporation or the Commissioner of Human Services deems appropriate

In addition, to the extent practicable, the Statewide 2-1-1 telephone system, the corporation, and the department shall disseminate information concerning public transit availability and resources using social media and any other means deemed appropriate to reach as many individuals and population groups in the State as possible

5 This act shall take effect on the first day of the third month after enactment

Approved January, 10, 2022

CHAPTER 362

AN ACT concerning nonprofit corporations and remote meetings and amending N J S 15A 5-1

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

1 N J S 15A 5-1 is amended to read as follows

Meetings of members of corporation

15A 5-1 a Meetings of members of every corporation organized under this title may, unless otherwise provided by law, be held at a place, within or without this State, as may be provided in the bylaws or as may be fixed by the board pursuant to authority granted by the bylaws In the absence of such a provision, all meetings of members shall be held at the registered office of the corporation A meeting of members may be held by means of remote communication to the extent the board authorizes and adopts guidelines and procedures governing such a meeting

b One or more members may participate in a meeting by means of remote communication to the extent the board authorizes that participation Meetings conducted in part or solely by means of remote communication and

any member's remote participation in those meetings shall be subject to those guidelines and procedures as the board adopts, and shall be in conformity with subsection c of this section

c A member participating in a meeting of members by means of remote communication shall be deemed present in person and shall be entitled to vote at the meeting regardless of whether that meeting is held at a designated place or solely by means of remote communication In any meeting conducted in part or solely by means of remote communication in reliance upon subsection a of this section, the corporation shall implement reasonable measures to

(1) verify that each person participating remotely is a member or a proxy of a member,

(2) provide each member participating remotely with a reasonable opportunity to participate in the meeting, including an opportunity to vote on matters submitted to the members, and to read or hear the proceedings of the meeting substantially concurrently with those proceedings, and

(3) record and maintain a record of any votes or other actions taken by remote communication at the meeting

2 This act shall take effect immediately

Approved January 10, 2022

CHAPTER 363

AN ACT concerning the unauthorized transportation and disposal of solid waste and amending P L 1989, c 118

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

1 Section 2 of P L 1989, c 118 (C 13 1E-9 3) is amended to read as follows

C 13 1E-9 3 Disposal, transportation of solid waste, authorization

2 a No person shall, regardless of intent, engage, or be permitted to engage, in the disposal of solid waste in excess of 0 148 cubic yards of solids or 30 United States gallons of liquids, whether for profit or otherwise, except at a solid waste facility or an out-of-State disposal site which has authorization from the appropriate state regulatory agency having jurisdiction over solid

waste management to accept solid waste for disposal, or any other place in this State which has authorization from the Department of Environmental Protection to accept solid waste for disposal, as the case may be

b No person shall, regardless of intent, transport or cause or permit to be transported any solid waste in excess of 0 148 cubic yards of solids or 30 United States gallons of liquids, whether for profit or otherwise, except to a solid waste facility or an out-of-State disposal site which has authorization from the appropriate state regulatory agency having jurisdiction over solid waste management to accept solid waste for disposal, or to any other place in this State which has authorization from the Department of Environmental Protection to accept solid waste for disposal, as the case may be

c (Deleted by amendment, P L 2021, c 363)

d The provisions of this section shall be enforced by the Department of Environmental Protection and by every relevant municipality, local board of health, or county health department, as the case may be

2 Section 3 of P L 1989, c 118 (C 13 1E-9 4) is amended to read as follows

C 13 1E-9 4 Penalties

3 a Any person who violates the provisions of subsection a or b of section 2 of P L 1989, c 118 (C 13 1E-9 3) commits a disorderly persons offense

b Any person convicted of a violation of the provisions of subsection a or b of section 2 of P L 1989, c 118 (C 13 1E-9 3) is subject to a fine of not less than $5,000 for a first offense, not more than $10,000 for a second offense and not more than $20,000 for a third and every subsequent offense Each day during which the violation continues constitutes an additional, separate and distinct offense

c If a person is convicted of a violation of the provisions of subsection a or b of section 2 of P L 1989, c 118 (C 13 1E-9 3), the court shall, in addition to the penalties provided under subsection b of this section, require the person to perform community service for a term of not more than 180 days

d All conveyances used or intended for use in the unlawful transportation or disposal of solid waste in violation of the provisions of subsection a or b of section 2 of P L 1989, c 118 (C 13 1E-9 3) are subject to forfeiture to the State pursuant to the provisions of P L 1981, c 387 (C 13 1K-1 et seq)

e The provisions of P L 1981, c 387 (C 13 1K-1 et seq) or any other law to the contrary notwithstanding, whenever a conveyance is forfeited to the

State pursuant to subsection d of this section, the proceeds from the disposal and sale of such conveyance shall be remitted to the chief financial officer of the municipality wherein the violation occurred, to be used by the municipality to help finance enforcement activities undertaken pursuant to section 13 of P L 1970, c 40 (C 48 13A-12) or section 2 of P L 1989, c 118 (C 13 1E-9 3)

f A person convicted of a violation of the provisions of subsection a of section 2 of P L 1989, c 118 (C 13 1E-9 3) shall be liable to the owner of the real property on which the unlawful disposal occurred in the amount of three times the damages caused directly or indirectly by the unlawful disposal together with three times the costs associated with the cleanup of the real property upon which the violation occurred, including, but not limited to, all attorneys' fees and costs which the property owner may reasonably expend in a civil suit brought in a court of competent jurisdiction to collect the sums imposed by this subsection In any such suit, a final judgment of conviction shall be admissible as conclusive proof that the person violated the provisions of subsection a of section 2 of P L 1989, c 118 (C 13 1E-9 3) If a local government unit performs a cleanup of a real property or incurs any attorneys' fees or costs, including, but not limited to, costs associated with contracts necessary to conduct a cleanup, as a result of an unlawful disposal, the person convicted shall also be liable to the local government unit in the amount of the attorneys' fees and costs

3 This act shall take effect immediately

Approved January 10, 2022

CHAPTER 364

AN ACT taking federal funds available to the Department of State for travel and tourism advertising and promotion

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

1 Subject to the availability of federal funds provided or made accessible to the State via federal block grant funds allocated to the State from the federal "Coronavirus State Fiscal Recovery Fund," established pursuant to the federal "American Rescue Plan Act of 2021," Pub L 117-2,

$25,000,000 from such federal funds shall be made available to the Department of State for the following purposes

$5,000,000 for Destination Marketing Organizations recognized by the State to market all regions of the State and work cooperatively with the State's overall marketing campaign, and

$20,000,000 to help the economic recovery of the travel and tourism industry from the damage caused by SARS-CoV-2, including promoting industries and destinations in New Jersey that have been most impacted by the SARS-CoV-2 pandemic, such as food and liquor establishments across the State The Division of Travel and Tourism shall identify other such areas that have been impacted by the pandemic and allocate the resources provided by this act appropriately

2 This act shall take effect immediately

Approved January 10, 2022

CHAPTER 365

AN ACT concerning school security drills and supplementing chapter 41 of Title 18A of the New Jersey Statutes

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

C 18A 41-7a School security drills, procedure

1 a Notwithstanding any other provision of law to the contrary, a school district shall ensure that a school security drill that occurs when students are present

(1) includes clear, developmentally and age-appropriate messaging to students and staff at the conclusion of the drill that the event is a drill and that no current danger exists,

(2) does not expose students to content or imaging that is not developmentally or age-appropriate,

(3) is paired with trauma-informed approaches to address any student inquiries or concerns which may arise as a result of a school security drill,

(4) does not include the use of fake blood, real or prop firearms, or the simulations of gun shots, explosions, or other sounds or visuals that may induce panic or a traumatic response from a student or school district employee,

(5) does not require a student to role play as a victim, but may include first aid training in which students participate,

(6) is accessible to students with disabilities and mental health conditions, and provides all necessary accommodations for these students

b A school district shall provide written notification to the parent or guardian of a student enrolled in the district following completion of a school security drill, which notice shall be provided to the parent or guardian by no later than the end of the school day on which the school security drill is conducted

c A school district may permit emergency personnel access to the buildings and grounds of its schools for school security drills that are scheduled outside of school hours and during such times as students are not present

d A school district shall review and update its school security drill procedures using a process that coincides with the review of the school safety and security plan developed pursuant to N J A C 6A 16-5 1 and collects input from emergency personnel, parents and guardians of students enrolled in the district, teachers and staff employed in the district, mental health professionals, and student government representatives from multiple grade levels

e A school district shall annually track data on such measures and information as are required by the Commissioner of Education, and shall report the data to the commissioner

2 This act shall take effect immediately

Approved January 10, 2022

CHAPTER 366

AN ACT concerning insurance holding company systems and amending P L 1970, c 22

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

1 Section 1 of P L 1970, c 22 (C 17 27A-1) is amended to read as follows

C 17 27A-1 Definitions

1 Definitions

As used in P L 1970, c 22 (C 17 27A-1 et seq), the following terms shall have the respective meanings hereinafter set forth, unless the context shall otherwise require

a An "affiliate" of, or person "affiliated" with, a specific person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified

b The term "commissioner" shall mean the Commissioner of Banking and Insurance or the commissioner's deputies

c The term "control" (including the terms "controlling," "controlled by" and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, 10% or more of the voting securities of any other person, provided that no such presumption of control shall of itself relieve any person so presumed to have control from any requirement of PL 1970, c 22 (C 17 27A-1 et seq) This presumption may be rebutted by a showing made in the manner provided by subsection j of section 3 of PL 1970, c 22 (C 17 27A-3) that control does not exist in fact The commissioner may determine, after furnishing all persons in interest notice and an opportunity to be heard, and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect

d An "insurance holding company system" consists of two or more affiliated persons, one or more of which is an insurer A mutual holding company system resulting from a mutualization and reorganization of a health service corporation pursuant to section 5 of PL 2020, c 145 (C 17 48E-46 5), shall be an insurance holding company system pursuant to PL 1970, c 22 (C 17 27A-1 et seq)

e The term "insurer" means any person or persons, corporation, partnership or company authorized by the laws of this State to transact the business of insurance or to operate a health maintenance organization in this State, except that it shall not include agencies, authorities or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state

f A "person" is an individual, a corporation, a limited liability company, partnership, an association, a joint stock company, a trust, an unincorporated organization, any similar entity or any combination of the foregoing acting in concert

g (Deleted by amendment, PL 1993, c 241)

h A "subsidiary" of a specified person is an affiliate controlled by such person directly, or indirectly through one or more intermediaries

i The term "voting security" shall include any security convertible into or evidencing a right to acquire a voting security

j "Acquisition" means any agreement, arrangement or activity, the consummation of which results in a person acquiring directly or indirectly the control of another person, and includes, but is not limited to, the acquisition of voting securities, assets, and bulk reinsurance and mergers

k "Health maintenance organization" means any person operating under a certificate of authority issued pursuant to P L 1973, c 337 (C 26 2J-1 et seq)

l "Enterprise risk" means any activity, circumstance, event or series of events involving one or more affiliates of an insurer that, if not remedied promptly, is likely to have a material adverse effect upon the financial condition or liquidity of the insurer or its insurance holding company system as a whole, including, but not limited to, anything that would cause the insurer's Risk-Based Capital to fall into company action level as set forth in administrative rules adopted by the commissioner which reflect the standards set forth in the Risk-Based Capital For Insurers Model Act adopted by the National Association of Insurance Commissioners or would cause the insurer to be in hazardous financial condition as defined in administrative rules adopted by the commissioner which reflect the standards set forth in the Model Regulation adopted by the National Association of Insurance Commissioners to define standards and the commissioner's authority over companies deemed to be in a hazardous financial condition

m "Group Capital Calculation instructions" means the Group Capital Calculation instructions as adopted by the NAIC and as amended by the NAIC from time to time in accordance with the procedures

n "NAIC" means the National Association of Insurance Commissioners

o "NAIC Liquidity Stress Test Framework" means the separate NAIC publication, which includes a history of the NAIC's development of regulatory liquidity stress testing, the scope criteria applicable for a specific data year, and the liquidity stress test instructions and reporting templates for a specific data year, the scope criteria, instructions and reporting template being as adopted by the NAIC and as amended by the NAIC from time to time in accordance with the procedures adopted by the NAIC

p "Scope criteria" means the designated exposure bases along with minimum magnitudes thereof for the specified data year, used to establish a preliminary list of insurers considered scoped into the NAIC Liquidity Stress Test Framework for that data year

2 Section 2 of P L 1970, c 22 (C 17 27A-2) is amended to read as follows

C 17 27A-2 Acquisition of control of or merger with domestic insurer

2 Acquisition of control of or merger with domestic insurer

a (1) Filing requirements No person other than the issuer shall make a tender offer for or a request or invitation for tenders of, or enter into any agreement to exchange securities for, seek to acquire, or acquire, in the open market or otherwise, any voting security of a domestic insurer if, after the consummation thereof, such person would, directly or indirectly (or by conversion or by exercise of any right to acquire) be in control of such insurer, and no person shall enter into an agreement to merge with or otherwise to acquire control of a domestic insurer unless, at the time any such offer, request, or invitation is made or any such agreement is entered into, or prior to the acquisition of such securities if no offer or agreement is involved, such person has filed with the commissioner and has sent to such insurer, a statement containing the information required by this section and such offer, request, invitation, agreement or acquisition has been approved by the commissioner in the manner hereinafter prescribed

For purposes of this subsection, a domestic insurer shall include any other person controlling a domestic insurer

(2) For purposes of this subsection, any controlling person of a domestic insurer seeking to divest its controlling interest in the domestic insurer, in any manner, shall file with the commissioner, with a copy to the insurer, confidential notice of its proposed divestiture at least 30 days prior to the cessation of control The commissioner shall by regulation determine those instances in which the party seeking to divest or to acquire a controlling interest in an insurer will be required to file for and obtain approval of the transaction The information shall remain confidential until the conclusion of the transaction unless the commissioner, in his or her discretion, determines that confidential treatment will interfere with enforcement of this subsection a If the statement referred to in paragraph (1) of this subsection a is otherwise filed, this paragraph (2) regarding notice of divestiture or acquisition shall not apply

(3) With respect to a transaction subject to this subsection a , the acquiring person shall also file a pre-acquisition notification with the commissioner, which shall contain the information set forth in section 7 of P L 1993, c 241 (C 17 27A-4 1) A failure to file the notification may be subject to penalties specified in paragraph (3) of subsection e of section 7 of P L 1993, c 241 (C 17 27A-4 1)

b Content of statement The statement to be filed with the commissioner hereunder shall be made under oath or affirmation and shall contain the following

(1) The name and address of each person by whom or on whose behalf the merger or other acquisition of control referred to in subsection a is to be effected (hereinafter called "acquiring party"), and

(i) If such person is an individual, his principal occupation and all offices and positions held during the past five years, and any conviction of crimes other than minor traffic violations during the past 10 years,

(ii) If such person is not an individual, a report of the nature of its business operations during the past five years or for such lesser period as such person and any predecessors thereof shall have been in existence, an informative description of the business intended to be done by such person and such person's subsidiaries, and a list of all individuals who are or who have been selected to become directors or executive officers of such person, or who perform or will perform functions appropriate to such positions Such list shall include for each such individual the information required by subparagraph (i) of this paragraph

(2) The source, nature and amount of the consideration used or to be used in effecting the merger or other acquisition of control, a description of any transaction wherein funds were or are to be obtained for any such purpose (including any pledge of the insurer's stock, or the stock of any of its subsidiaries or controlling affiliates), and the identity of persons furnishing such consideration, provided, however, that where a source of such consideration is a loan made in the lender's ordinary course of business, the identity of the lender shall remain confidential, if the person filing such statement so requests

(3) Fully audited financial information as to the earnings and financial condition of each acquiring party for the preceding five fiscal years of each such acquiring party (or for such lesser period as such acquiring party and any predecessors thereof shall have been in existence), and similar unaudited information as of a date not earlier than 90 days prior to the filing of the statement

(4) Any plans or proposals which each acquiring party may have to liquidate such insurer, to sell its assets or merge or consolidate it with any person, or to make any other material change in its business or corporate structure or management

(5) The number of shares of any security referred to in subsection a which each acquiring party proposes to acquire, and the terms of the offer, request, invitation, agreement, or acquisition referred to in subsection a , and a

statement as to the method by which the fairness of the proposal was arrived at

(6) The amount of each class of any security referred to in subsection a which is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party

(7) A full description of any contracts, arrangements or understandings with respect to any security referred to in subsection a in which any acquiring party is involved, including, but not limited to, transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies Such description shall identify the persons with whom such contracts, arrangements or understandings have been entered into

(8) A description of the purchase of any security referred to in subsection a during the 12 calendar months preceding the filing of the statement by any acquiring party, including the dates of purchase, names of the purchasers, and consideration paid or agreed to be paid therefor

(9) A description of any recommendations to purchase any security referred to in subsection a made during the 12 calendar months preceding the filing of the statement by any acquiring party, or by anyone based upon interviews or at the suggestion of such acquiring party

(10) Copies of all tender offers for, requests or invitations for tenders of, exchange offers for, and agreements to acquire or exchange any securities referred to in subsection a , and (if distributed) of additional soliciting material relating thereto

(11) The terms of any agreement, contract or understanding made or proposed to be made with any broker-dealer as to solicitation of securities referred to in subsection a for tender, and the amount of any fees, commissions or other compensation to be paid to broker-dealers with regard thereto

(12) An agreement by the person required to file the statement referred to in subsection a of this section that it will provide the annual enterprise risk report, specified in paragraph (1) of subsection k of section 3 of P L 1970, c 22 (C 17 27A-3), so long as control exists

(13) An acknowledgement by the person required to file the statement referred to in subsection a of this section that the person and all subsidiaries within its control in the insurance holding company system will provide information to the commissioner upon request as necessary to evaluate enterprise risk to the insurer

(14) Such additional information as the commissioner may by rule or regulation prescribe as necessary or appropriate for the protection of policyholders of the insurer or in the public interest

If the person required to file the statement referred to in subsection a is a partnership, limited partnership, syndicate or other group, the commissioner may require that the information called for by paragraphs (1) through (14) shall be given with respect to each partner of such partnership or limited partnership, each member of such syndicate or group, and each person who controls such partner or member If any such partner, member or person is a corporation or the person required to file the statement referred to in subsection a is a corporation, the commissioner may require that the information called for by paragraphs (1) through (14) shall be given with respect to such corporation, each officer and director of such corporation, and each person who is directly or indirectly the beneficial owner of more than 10% of the outstanding voting securities of such corporation

If any material change occurs in the facts set forth in the statement filed with the commissioner and sent to such insurer pursuant to this section, an amendment setting forth such change, together with copies of all documents and other material relevant to such change, shall be filed with the commissioner and sent to such insurer within two business days after the person learns of such change

c Alternative filing materials If any offer, request, invitation, agreement or acquisition referred to in subsection a is proposed to be made by means of a registration statement under the Securities Act of 1933, 48 Stat 74 (15 U S C s 77a et seq), or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934, 48 Stat 881 (15 U S C s 78a et seq), or under a State law requiring similar registration or disclosure, the person required to file the statement referred to in subsection a may utilize such documents in furnishing the information called for by that statement

d Approval by commissioner, hearings

(1) The commissioner shall approve any merger or other acquisition of control referred to in subsection a unless, after a public departmental hearing thereon, he finds that

(i) After the change of control the domestic insurer referred to in subsection a would not be able to satisfy the requirements for the issuance of a license to write the line or lines of insurance for which it is presently licensed,

(ii) The effect of the merger or other acquisition of control would be substantially to lessen competition in insurance in this State or tend to create

a monopoly therein In applying the competitive standard of this subparagraph

(a) The informational requirements of paragraph (1) of subsection c and paragraph (2) of subsection d of section 7 of P L 1993, c 241 (C 17 27A-4 1) shall apply,

(b) The merger or other acquisition shall not be disapproved if the commissioner finds that any of the situations meeting the criteria provided by paragraph (3) of subsection d of section 7 of P L 1993, c 241 (C 17 27A-4 1) exist, and

(c) The commissioner may condition approval of the merger or other acquisition on the removal of the basis of disapproval within a specified period of time,

(iii) The financial condition of any acquiring party is such as might jeopardize the financial stability of the insurer, or prejudice the interest of its policyholders,

(iv) The financial condition of any acquiring party is such that

(a) the acquiring party has not been financially solvent on a generally accepted accounting principles basis, or if an insurer, on a statutory accounting basis, for the most recent three fiscal years immediately prior to the date of the proposed acquisition (or for the whole of such lesser period as such acquiring party and any predecessors thereof shall have been in existence),

(b) the acquiring party has not generated net before-tax profits from its normal business operations for the latest two fiscal years immediately prior to the date of acquisition (or for the whole of such lesser period as such acquiring party and any predecessors thereof shall have been in existence), or

(c) the acquisition debt of the acquiring party exceeds 50% of the purchase price of the insurer,

(v) The plans or proposals which the acquiring party has to liquidate the insurer, sell its assets or consolidate or merge it with any person, or to make any other material change in its business or corporate structure or management, are unfair and unreasonable to policyholders of the insurer and not in the public interest,

(vi) The competence, experience and integrity of those persons who would control the operation of the insurer are such that it would not be in the interest of policyholders of the insurer and of the public to permit the merger or other acquisition of control, or

(vii) The acquisition is likely to be hazardous or prejudicial to the insurance-buying public

(2) The public hearing referred to in paragraph (1) shall be held within 60 days after the statement required by subsection a is filed and at least 20 days' notice thereof shall be given by the commissioner to the person filing the statement and the insurer Not less than seven days' notice of such public hearing shall be given by the person filing the statement to such other persons as may be designated by the commissioner The hearing shall, at the commissioner's discretion, be conducted by the commissioner or his designee who shall report to the commissioner and advise him on the nature of the matter delegated The commissioner shall make a determination or issue an order, based upon that advice and report, as he shall, in his discretion, determine, and that determination or order shall have the same force and effect as if the commissioner had conducted that hearing personally The commissioner shall make a determination within 45 business days after the conclusion of such hearing At such hearing, the person filing the statement, the insurer, any person to whom notice of hearing was sent, and any other person whose interest may be affected thereby shall have the right to present evidence, examine and cross-examine witnesses, and offer oral and written arguments and in connection therewith shall be entitled to conduct discovery proceedings in the same manner as is presently allowed in the Superior Court of this State All discovery proceedings shall be concluded not later than three days prior to the commencement of the public hearings

(3) If the proposed acquisition of control requires the approval of more than one commissioner, the public hearing referred to in paragraph (2) may be held on a consolidated basis upon request of the person filing the statement referred to in subsection a of this section That person shall file the statement referred to in subsection a of this section with the National Association of Insurance Commissioners within five days of making the request for a public hearing A commissioner may opt out of a consolidated hearing, and shall provide notice to the applicant of the decision to opt out within 10 days of the receipt of the statement referred to in subsection a of this section A hearing conducted on a consolidated basis shall be public, if not conducted on the documents filed in accordance with the applicable state's procedures for such hearings, and shall be held within the United States in accordance with the rules and procedures of the state hosting the consolidated hearing before the commissioners of the states in which the insurers are domiciled The commissioners shall hear and receive evidence A commissioner may attend the hearing, in person or by telecommunication

(4) The commissioner may retain, at the acquiring person's expense, any attorneys, actuaries, accountants and other persons as may be reasonably

necessary to assist the commissioner in reviewing the proposed acquisition of control

e (Deleted by amendment, P L 1993, c 241)

f Exemptions The provisions of this section shall not apply to

(1) Any transaction which is subject to the provisions of R S 17 27-1 et seq or N J S 17B 18-60 et seq , concerning the merger or consolidation of two or more insurers, and

(2) Any offer, request, invitation, agreement or acquisition which the commissioner by order shall exempt therefrom as (a) not having been made or entered into for the purpose and not having the effect of changing or influencing the control of a domestic insurer, or (b) as otherwise not comprehended within the purposes of this section

g Violations The following shall be violations of this section

(1) The failure to file any statement, amendment, or other material required to be filed pursuant to subsection a or b , or

(2) Subject to subsection f , the effectuation of, or any attempt to effectuate, an acquisition of control of, divestiture of, or merger with, a domestic insurer unless the commissioner has given his approval thereto

h Jurisdiction, consent to service of process

The courts of this State are hereby vested with jurisdiction over every person not resident, domiciled, or authorized to do business in this State who files a statement with the commissioner under this section, and over all actions involving such person arising out of violations of this section, and each such person shall be deemed to have performed acts equivalent to and constituting an appointment by such a person of the commissioner to be his true and lawful attorney upon whom may be served all lawful process in any action, suit or proceeding arising out of violations of this section Copies of all such lawful process shall be served on the commissioner and transmitted by registered or certified mail by the commissioner to such person at his last known address

3 Section 3 of P L 1970, c 22 (C 17 27A-3) is amended to read as follows

C 17 27A-3 Registration of insurers

3 Registration of insurers

a Registration Every insurer which is authorized to do business in this State and which is a member of an insurance holding company system shall register with the commissioner, except a foreign insurer subject to disclosure requirements and standards adopted by statute or regulation in the jurisdiction of its domicile which are substantially similar to those contained in this section, paragraph (1) of subsection a and subsections b and c of

section 4 of P L 1970, c 22 (C 17 27A-4), and either paragraph (2) of subsection a of section 4 of P L 1970, c 22 (C 17 27A-4) or a substantially similar provision which requires that each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions, including change of or additions to ownership, within 15 days after the end of each month in which it learns of each such change or addition Any insurer which is subject to registration under this section shall register within 60 days after the effective date of P L 1993, c 241 or 15 days after it becomes subject to registration, whichever is later, and annually thereafter by April 1 of each year for the previous calendar year, unless the commissioner for good cause shown extends the time for registration, and then within such extended time The commissioner may require any authorized insurer which is a member of an insurance holding company system which is not subject to registration under this section to furnish a copy of the registration statement or other information filed by such insurance company with the insurance regulatory authority of domiciliary jurisdiction

b Information and form required Every insurer subject to registration shall file a registration statement and a summary of the registration statement with the commissioner on a form provided by the commissioner, which shall contain current information about

(1) The capital structure, general financial condition, ownership and management of the insurer and any person controlling the insurer,

(2) The identity and relationship of every member of the insurance holding company system,

(3) The following agreements in force, relationships subsisting, and transactions currently outstanding or which have occurred during the last calendar year between such insurer and its affiliates

(a) Loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates,

(b) Purchases, sales, or exchanges of assets,

(c) Transactions not in the ordinary course of business,

(d) Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business,

(e) All management agreements, service contracts and all cost-sharing arrangements,

(f) Reinsurance agreements,

(g) Dividends and other distributions to shareholders, including the declarations and authorizations thereof, and

(h) Consolidated tax allocation agreements,

(4) Any pledge of the insurer's stock, including stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system,

(5) Financial statements of or within an insurance holding company system, including all affiliates, if requested by the commissioner Financial statements shall include, but are not limited to, annual audited financial statements filed with the U S Securities and Exchange Commission (SEC) pursuant to the Securities Act of 1933, 15 U S C s 77a et seq , or the Securities Exchange Act of 1934, 15 U S C s 78a et seq An insurer required to file financial statements pursuant to this paragraph may satisfy the request by providing the commissioner with the most recently filed parent corporation financial statements that have been filed with the SEC,

(6) Other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in any registration forms adopted or approved by the commissioner,

(7) Statements that the insurer's board of directors is responsible for and oversees corporate governance and internal controls and that the insurer's officers or senior management have approved, implemented, and continue to maintain and monitor corporate governance and internal control procedures, and

(8) Any other information required by the commissioner by rule or regulation

All registration statements shall contain a summary outlining all items in the current registration statement representing changes from the prior registration statement

c Materiality No information need be disclosed on the registration statement filed pursuant to subsection b of this section if such information is not material for the purposes of this section Unless the commissioner by rule, regulation or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, investments, or guarantees or other contingent obligations involving 1/2 of 1% or less of an insurer's admitted assets as of December 31 next preceding shall not be deemed material for purposes of this section The definition of materiality provided in this subsection shall not apply for purposes of the Group Capital Calculation or the NAIC Liquidity Stress Test Framework

d Amendments to registration statements Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions on amendment forms provided by the commissioner within 15 days after the end of the month in which it learns of each such change or addition

e Information of insurers Any person within an insurance holding company system subject to registration shall be required to provide complete and accurate information to an insurer, if that information is reasonably necessary to enable the insurer to comply with the provisions of P L 1970, c 22 (C 17 27A-1 et seq)

f Termination of registration The commissioner shall terminate the registration of any insurer which demonstrates that it no longer is a member of an insurance holding company system

g Consolidated filing The commissioner may require or allow two or more affiliated insurers subject to registration hereunder to file a consolidated registration statement or consolidated reports amending their consolidated registration statement or their individual registration statements

h Alternative registration The commissioner may allow an insurer which is authorized to do business in this State and which is part of an insurance holding company system to register on behalf of any affiliated insurer which is required to register under subsection a and to file all information and material required to be filed under this section

i Exemptions The provisions of this section shall not apply to any insurer, information or transaction if and to the extent that the commissioner by rule, regulation, or order shall exempt the same from the provisions of this section

j Disclaimer Any person may file with the commissioner a disclaimer of affiliation with any authorized insurer or such a disclaimer may be filed by such insurer or any member of an insurance holding company system The disclaimer shall fully disclose all material relationships and bases for affiliation between such person and such insurer as well as the basis for disclaiming such affiliation A disclaimer of affiliation shall be deemed to have been granted unless the commissioner, within 30 days following receipt of a complete disclaimer, notifies the filing party in writing that the disclaimer is disallowed In the event of disallowance, the disclaiming party may request a hearing The disclaiming party shall be relieved of its duty to register under this section if approval of the disclaimer has been granted by the commissioner, or if the disclaimer is deemed to have been approved

k Enterprise risk filings

(1) The ultimate controlling person of every insurer subject to registration shall also file an annual enterprise risk report The report shall, to the best of the ultimate controlling person's knowledge and belief, identify the material risks within the insurance holding company system that could pose enterprise risk to the insurer The report shall be filed with the lead state

commissioner of the insurance holding company system as determined by the procedures within the Financial Analysis Handbook adopted by the National Association of Insurance Commissioners

(2) Group Capital Calculation Except as provided below, the ultimate controlling person of an insurer subject to registration shall concurrently file with the registration an annual group capital calculation as directed by the lead state commissioner The report shall be completed in accordance with the NAIC Group Capital Calculation Instructions, which may permit the lead state commissioner to allow a controlling person that is not the ultimate controlling person to file the group capital calculation The report shall be filed with the lead state commissioner of the insurance holding company system as determined by the commissioner in accordance with the procedures within the Financial Analysis Handbook adopted by the NAIC Insurance holding company systems described below are exempt from filing the group capital calculation

(a) An insurance holding company system that has only one insurer within its holding company structure, that only writes business and is only licensed in its domestic state, and assumes no business from any other insurer,

(b) An insurance holding company system that is required to perform a group capital calculation specified by the United States Federal Reserve Board The lead state commissioner shall request the calculation from the Federal Reserve Board under the terms of information sharing agreements in effect If the Federal Reserve Board cannot share the calculation with the lead state commissioner, the insurance holding company system is not exempt from the group capital calculation filing,

(c) An insurance holding company system whose non-U S group-wide supervisor is located within a reciprocal jurisdiction as described in subsection e of section 2 of P L 1993, c 243 (C 17 51B-2) that recognizes the U S state regulatory approach to group supervision and group capital,

(d) An insurance holding company system

(i) That provides information to the lead state that meets the requirements for accreditation under the NAIC financial standards and accreditation program, either directly or indirectly through the group-wide supervisor, who has determined such information is satisfactory to allow the lead state to comply with the NAIC group supervision approach, as detailed in the NAIC Financial Analysis Handbook, and

(ii) Whose non-U S group-wide supervisor that is not in a reciprocal jurisdiction recognizes and accepts, as specified by the commissioner in regulation, the group capital calculation as the world-wide group capital assessment for U S insurance groups who operate in that jurisdiction,

(e) Notwithstanding the provisions of subparagraphs (c) and (d) of paragraph (2) of subsection k of section 3 of P L 1970, c 22 (C 17 27A-3), a lead state commissioner shall require the group capital calculation for U S operations of any non-U S based insurance holding company system where, after any necessary consultation with other supervisors or officials, it is deemed appropriate by the lead state commissioner for prudential oversight and solvency monitoring purposes or for ensuring the competitiveness of the insurance marketplace

(f) Notwithstanding the exemptions from filing the group capital calculation stated in subparagraphs (a) through (d) of paragraph (2) of subsection k of section 3 of P L 1970, c 22 (C 17 27A-3), the lead state commissioner has the discretion to exempt the ultimate controlling person from filing the annual group capital calculation or to accept a limited group capital filing or report in accordance with criteria as specified by the commissioner in regulation

(g) If the lead state commissioner determines that an insurance holding company system no longer meets one or more of the requirements for an exemption from filing the group capital calculation under this section, the insurance holding company system shall file the group capital calculation at the next annual filing date unless given an extension by the lead state commissioner based on reasonable grounds shown

(3) Liquidity Stress Test The ultimate controlling person of every insurer subject to registration and also scoped into the NAIC Liquidity Stress Test Framework shall file the results of a specific year's Liquidity Stress Test The filing shall be made to the lead state insurance commissioner of the insurance holding company system as determined by the procedures within the Financial Analysis Handbook adopted by the National Association of Insurance Commissioners

(a) The NAIC Liquidity Stress Test Framework includes Scope Criteria applicable to a specific data year These Scope Criteria are reviewed at least annually by the Financial Stability Task Force or its successor Any change to the NAIC Liquidity Stress Test Framework or to the data year for which the Scope Criteria are to be measured shall be effective on January 1 of the year following the calendar year when the changes are adopted Insurers meeting at least one threshold of the Scope Criteria are considered scoped into the NAIC Liquidity Stress Test Framework for the specified data year unless the lead state insurance commissioner, in consultation with the NAIC Financial Stability Task Force or its successor, determines the insurer should not be scoped into the Framework for that data year Similarly, insurers that do not trigger at least one threshold of the Scope Criteria are considered

scoped out of the NAIC Liquidity Stress Test Framework for the specified data year, unless the lead state insurance commissioner, in consultation with the NAIC Financial Stability Task Force or its successor, determines the insurer should be scoped into the Framework for that data year

Regulators wish to avoid having insurers scoped in and out of the NAIC Liquidity Stress Test Framework on a frequent basis The lead state insurance commissioner, in consultation with the Financial Stability Task Force or its successor, shall assess this concern as part of the determination for an insurer

(b) The performance of, and filing of the results from, a specific year's Liquidity Stress Test shall comply with the NAIC Liquidity Stress Test Framework's instructions and reporting templates for that year and any lead state insurance commissioner determinations, in consultation with the Financial Stability Task Force or its successor, provided within the Framework

1 Violations The failure to file a registration statement or any amendment thereto or enterprise risk filing required by this section within the time specified for such filing shall be a violation of this section

4 Section 6 of P L 1970, c 22 (C 17 27A-6) is amended to read as follows

C 17 27A-6 Confidential treatment

6 Confidential treatment

a Documents, materials or other information in the possession or control of the department that are obtained by or disclosed to the commissioner or any other person in the course of an examination or investigation made pursuant to section 5 of P L 1970, c 22 (C 17 27A-5) and all information reported pursuant to paragraphs (12) and (13) of subsection b of section 2 of P L 1970, c 22 (C 17 27A-2), section 3 and section 4 of P L 1970, c 22 (C 17 27A-3 and 17 27A-4) are recognized by this State as being proprietary and to contain trade secrets, and shall be confidential by law and privileged, shall not be subject to P L 1963, c 73 (C 47 1A-1 et seq), shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action The commissioner is authorized to use the documents, materials or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties The commissioner shall not otherwise make the documents, materials or other information public without the prior written consent of the insurer to which it pertains unless the commissioner, after giving the insurer and its affiliates who would be affected thereby notice and opportunity to be heard, determines that the interest of policyholders,

shareholders or the public will be served by the publication thereof, in which event the commissioner may publish all or any part in such manner as may be deemed appropriate

(1) For purposes of the information reported and provided to the Department of Banking and Insurance pursuant to paragraph (2) of subsection k of section 3 of P L 1970, c 22 (C 17 27A-3), the commissioner shall maintain the confidentiality of the group capital calculation and group capital ratio produced within the calculation and any group capital information received from an insurance holding company supervised by the Federal Reserve Board or any US group wide supervisor

(2) For purposes of the information reported and provided to the Department of Banking and Insurance pursuant to paragraph (3) of subsection k of section 3 of P L 1970, c 22 (C 17 27A-3), the commissioner shall maintain the confidentiality of the liquidity stress test results and supporting disclosures and any liquidity stress test information received from an insurance holding company supervised by the Federal Reserve Board and non-US group wide supervisors

b Neither the commissioner nor any person who received documents, materials or other information while acting under the authority of the commissioner or with whom such documents, materials or other information are shared pursuant to P L 1970, c 22 (C 17 27A-1 et seq) shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsection a of this section

c In order to assist in the performance of the commissioner's duties, the commissioner

(1) May, upon request, be required to share documents, materials or other information, including the confidential and privileged documents, materials or information subject to subsection a of this section, including proprietary and trade secret documents and materials with other state, federal and international regulatory agencies, with the National Association of Insurance Commissioners (NAIC), and with any third-party consultants designated by the commissioner, with state, federal, and international law enforcement authorities, including members of any supervisory college described in section 7 of P L 2014, c 81 (C 17 27A-5 1), provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the document, material or other information, and has verified in writing the legal authority to maintain confidentiality

(2) Notwithstanding paragraph (1) of this subsection c , the commissioner may only share confidential and privileged documents, material, or information reported pursuant to paragraph (1) of subsection k

of section 3 of P L 1970, c 22 (C 17 27A-3) with commissioners of states having statutes or regulations substantially similar to subsection a of this section and who have agreed in writing not to disclose that information

(3) May receive documents, materials or information, including otherwise confidential and privileged documents, materials or information, including propriety and trade-secret information from the NAIC and its affiliates and subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or information, and

(4) Shall enter into written agreements with the NAIC and any third-party consultants designated by the commissioner governing the sharing and use of information provided pursuant to P L 2014, c 81 (C 17 27A-5 1 et al) consistent with this subsection that shall

(a) specify procedures and protocols regarding the confidentiality and security of information shared with the NAIC or a third-party consultant designated by the commissioner pursuant to P L 2014, c 81 (C 17 27A-5 1 et al), including procedures and protocols for sharing by the NAIC with other state, federal or international regulators The agreement shall provide that the recipient agrees in writing to maintain the confidentiality and privileged status of the documents, materials or other information and has verified in writing the legal authority to maintain that confidentiality,

(b) specify that ownership of information shared with the NAIC or a third-party consultant pursuant to this subsection remains with the commissioner and the use by the NAIC of the information or the use of a third-party consultant, as designated by the commissioner, is subject to the direction of the commissioner,

(c) excluding documents, materials or information reported pursuant to paragraph (3) of subsection k of section 3 of P L 1970, c 22 (C 17 27A-3), prohibit the NAIC or third-party consultant designated by the commissioner from storing the information shared pursuant to P L 1970, c 22 (C 17 27A-1 et seq) in a permanent database after the underlying analysis is completed,

(d) require prompt notice to be given to an insurer whose confidential information in the possession of the NAIC or a third-party consultant designated by the commissioner pursuant to P L 2014, c 81 (C 17 27A-5 1 et al) is subject to a request or subpoena to the NAIC or a third-party consultant designated by the commissioner for disclosure or production,

(e) require the NAIC or a third-party consultant designated by the commissioner to consent to intervention by an insurer in any judicial or

administrative action in which the NAIC or a third-party consultant designated by the commissioner may be required to disclose confidential information about the insurer shared with the NAIC or a third-party consultant designated by the commissioner pursuant to P L 1970, c 22 (C 17 27A-1 et seq), including with respect to the participation in supervisory colleges in accordance with section 7 of P L 2014, c 81 (C 17 27A-5 1), and

(f) for documents, material or information reporting pursuant to paragraph (3) of subsection k of section 3 of P L 1970, c 22 (C 17 27A-3), in the case of an agreement involving a third-party consultant, provide for notification of the identity of the consultant to the applicable insurer

d The sharing of information by the commissioner pursuant to this section shall not constitute a delegation of regulatory authority or rulemaking, and the commissioner is solely responsible for the administration, execution and enforcement of the provisions of P L 2014, c 81 (C 17 27A-5 1 et al)

e No waiver of any applicable privilege or claim of confidentiality in the documents, materials or information shall occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subsection c of this section

f Documents, materials or other information in the possession or control of the NAIC or a third-party consultant designated by the commissioner pursuant to P L 2014, c 81 (C 17 27A-5 1 et al) shall be confidential by law and privileged, shall not be subject to P L 1963, c 73 (C 47 1A-1 et seq), shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action

g The group capital calculation and resulting group capital ratio required pursuant to paragraph (2) of subsection k of section 3 of P L 1970, c 22 (C 17 27A-3), and the liquidity stress test along with its results and supporting disclosures required pursuant to paragraph (3) of subsection k of section 3 of P L 1970, c 22 (C 17 27A-3), are regulatory tools for assessing group risks and capital adequacy and group liquidity risks, respectively, and are not intended as a means to rank insurers or insurance holding company systems generally Therefore, except as otherwise may be required under the provisions of P L 1970, c 22 (C 17 27A-1 et seq), the making, publishing, disseminating, circulating or placing before the public, or causing directly or indirectly to be made, published, disseminated, circulated or placed before the public in a newspaper, magazine or other publication, or, in the form of a notice, circular, pamphlet, letter or poster, or over any radio or television station or any electronic means of communication available to the public, or in any other way

as an advertisement, announcement or statement containing a representation or statement with regard to the group capital calculation, group capital ratio, the liquidity stress test results, or supporting disclosures for the liquidity stress test of any insurer or any insurer group, or of any component derived in the calculation by any insurer, broker, or other person engaged in any manner in the insurance business would be misleading and is therefore prohibited, provided, however, that if any materially false statement with respect to the group capital calculation, resulting group capital ratio, an inappropriate comparison of any amount to an insurer's or insurance group's group capital calculation or resulting group capital ratio, liquidity stress test result, supporting disclosures for the liquidity stress test, or an inappropriate comparison of any amount to an insurer's or insurance group's liquidity stress test result or supporting disclosures is published in any written publication and the insurer is able to demonstrate to the commissioner with substantial proof the falsity of the statement or the inappropriateness, as the case may be, then the insurer may publish announcements in a written publication if the sole purpose of the announcement is to rebut the materially false statement

5 This act shall be effective immediately upon enactment

Approved January 10, 2022

CHAPTER 367

AN ACT concerning gross income and corporation business tax credits for qualified film and digital media content production expenses and amending P L 2018, c 56

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

1 Section 1 of P L 2018, c 56 (C 54 10A-5 39b) is amended to read as follows

C 54 10A-5 39b Credit against tax imposed for qualified film production expenses

1 a (1) A taxpayer, upon approval of an application to the authority and the director, 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 35 percent of

the qualified film production expenses of the taxpayer during a privilege period commencing on or after July 1, 2018 but before July 1, 2034, provided that

(a) at least 60 percent of the total film production expenses, exclusive of post-production costs, of the taxpayer are incurred for services performed, and goods purchased through vendors authorized to do business, in New Jersey, or the qualified film production expenses of the taxpayer during the privilege period for services performed, and goods purchased, through vendors authorized to do business in New Jersey, exceed $1,000,000 per production,

(b) principal photography of the film commences within 180 days from the date of the original application for the tax credit,

(c) the film includes, when determined to be appropriate by the commission, at no cost to the State, marketing materials promoting this State as a film and entertainment production destination, which materials shall include placement of a "Filmed in New Jersey" or "Produced in New Jersey" statement, or an approved logo approved by the commission, in the end credits of the film,

(d) the taxpayer submits a tax credit verification report prepared by an independent certified public accountant licensed in this State in accordance with subsection f of this section, and

(e) the taxpayer complies with the withholding requirements provided for payments to loan out companies and independent contractors in accordance with subsection g of this section

(2) Notwithstanding the provisions of paragraph (1) of subsection a of this section to the contrary, the tax credit allowed pursuant to this subsection against the tax imposed pursuant to section 5 of P L 1945, c 162 (C 54 10A-5) shall be in an amount equal to 30 percent of the qualified film production expenses of the taxpayer during a privilege period that are incurred for services performed and tangible personal property purchased for use at a sound stage or other location that is located in the State within a 30-mile radius of the intersection of Eighth Avenue/Central Park West, Broadway, and West 59th Street/Central Park South, New York, New York

b (1) A taxpayer, upon approval of an application to the authority and the director, 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 30 percent of the qualified digital media content production expenses of the taxpayer during a privilege period commencing on or after July 1, 2018 but before July 1, 2034, provided that

(a) at least $2,000,000 of the total digital media content production expenses of the taxpayer are incurred for services performed, and goods purchased through vendors authorized to do business, in New Jersey,

(b) at least 50 percent of the qualified digital media content production expenses of the taxpayer are for wages and salaries paid to full-time or full-time equivalent employees in New Jersey,

(c) the taxpayer submits a tax credit verification report prepared by an independent certified public accountant licensed in this State in accordance with subsection f of this section, and

(d) the taxpayer complies with the withholding requirements provided for payments to loan out companies and independent contractors in accordance with subsection g of this section

(2) Notwithstanding the provisions of paragraph (1) of subsection b of this section to the contrary, the tax credit allowed pursuant to this subsection against the tax imposed pursuant to section 5 of P L 1945, c 162 (C 54 10A-5) shall be in an amount equal to 35 percent of the qualified digital media content production expenses of the taxpayer during a privilege period that are incurred for services performed and tangible personal property purchased through vendors whose primary place of business is located in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, or Salem County

c No tax credit shall be allowed pursuant to this section for any costs or expenses included in the calculation of any other tax credit or exemption granted pursuant to a claim made on a tax return filed with the director, or included in the calculation of an award of business assistance or incentive, for a period of time that coincides with the privilege period for which a tax credit authorized pursuant to this section is allowed The order of priority in which the tax credit allowed pursuant to this section and any other tax credits allowed by law may be taken 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), for a privilege period, when taken together with any other payments, credits, deductions, and adjustments allowed by law shall not reduce the tax liability of the taxpayer 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 tax credit otherwise allowable under this section which cannot be applied for the privilege period due to the limitations of this subsection or under other provisions of P L 1945, c 162 (C 54 10A-1 et seq) may be carried forward, if necessary, to the seven privilege periods following the privilege period for which the tax credit was allowed

d A taxpayer, with an application for a tax credit provided for in subsection a or subsection b of this section, may apply to the authority and

the director for a tax credit transfer certificate in lieu of the taxpayer being allowed any amount of the tax credit against the tax liability of the taxpayer The tax credit transfer certificate, upon receipt thereof by the taxpayer from the authority and the director, may be sold or assigned, in full or in part, to any other taxpayer that may have a tax liability under the "Corporation Business Tax Act (1945)," P L 1945, c 162 (C 54 10A-1 et seq), or the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , in exchange for private financial assistance to be provided by the purchaser or assignee to the taxpayer that has applied for and been granted the tax credit The tax credit transfer certificate provided to the taxpayer shall include a statement waiving the taxpayer's right to claim that amount of the tax credit against the tax imposed pursuant to section 5 of P L 1945, c 162 (C 54 10A-5) that the taxpayer 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 taxpayer of less than 75 percent of the transferred tax credit amount Any amount of a tax credit transfer certificate used by a purchaser or assignee against a tax liability under P L 1945, c 162 (C 54 10A-1 et seq) shall be subject to the same limitations and conditions that apply to the use of a tax credit pursuant to subsection c of this section Any amount of a tax credit transfer certificate obtained by a purchaser or assignee under subsection a or subsection b of this section may be applied against the purchaser's or assignee's tax liability under N J S 54A 1-1 et seq and shall be subject to the same limitations and conditions that apply to the use of a credit pursuant to subsections c and d of section 2 of P L 2018, c 56 (C 54A 4-12b)

e (1) The value of tax credits, including tax credits allowed through the granting of tax credit transfer certificates, approved by the director and the authority pursuant to subsection a of this section and pursuant to subsection a of section 2 of P L 2018, c 56 (C 54A 4-12b) to taxpayers, other than New Jersey studio partners and New Jersey film-lease partners, shall not exceed a cumulative total of $100,000,000 in fiscal year 2019 and in each fiscal year thereafter prior to fiscal year 2035 to apply against the tax imposed pursuant to section 5 of P L 1945, c 162 (C 54 10A-5) and the tax imposed pursuant to the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq In addition to the $100,000,000 limitation on the value of tax credits approved by the director for New Jersey film-lease partners and the $100,000,000 limitation on the value of tax credits approved by the director for other taxpayers imposed by this paragraph, the value of tax credits, including tax credits allowed through the granting of tax credit transfer certificates, approved by the director and the authority pursuant to subsection a of this section and pursuant to subsection a of section 2 of P L 2018, c 56 (C 54A 4-12b) to

New Jersey studio partners shall not exceed a cumulative total of $100,000,000 in fiscal year 2021 and in each fiscal year thereafter prior to fiscal year 2034 to apply against the tax imposed pursuant to section 5 of P L 1945, c 162 (C 54 10A-5) and the tax imposed pursuant to the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq Beginning in fiscal year 2025, in addition to the $100,000,000 made available for New Jersey studio partners pursuant to this paragraph, up to an additional $350,000,000 may be made available annually, in the discretion of the authority, to New Jersey studio partners for the award of tax credits, including tax credits allowed through the granting of tax credit transfer certificates, pursuant to subsection a of this section and subsection a of section 2 of P L 2018, c 56 (C 54A 4-12b), from the funds made available pursuant to subparagraph (1) of paragraph (1) of subsection b of section 98 of P L 2020, c 156 (C 34 1B-362) In addition to the $100,000,000 limitation on the value of tax credits approved by the director for New Jersey studio partners and the $100,000,000 limitation on the value of tax credits approved by the director for other taxpayers imposed by this paragraph, the value of tax credits, including tax credits allowed through the granting of tax credit transfer certificates, approved by the director and the authority pursuant to subsection a of this section and pursuant to subsection a of section 2 of P L 2018, c 56 (C 54A 4-12b) to New Jersey film-lease partners shall not exceed a cumulative total of $100,000,000 in fiscal year 2021 and in each fiscal year thereafter prior to fiscal year 2034 to apply against the tax imposed pursuant to section 5 of P L 1945, c 162 (C 54 10A-5) and the tax imposed pursuant to the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq Beginning in fiscal year 2025, in addition to the $100,000,000 made available for New Jersey film-lease partners pursuant to this paragraph, up to an additional $100,000,000 may be made available annually, in the discretion of the authority, to New Jersey film-lease partners for the award of tax credits, including tax credits allowed through the granting of tax credit transfer certificates, pursuant to subsection a of this section and subsection a of section 2 of P L 2018, c 56 (C 54A 4-12b), from the funds made available pursuant to subparagraph (1) of paragraph (1) of subsection b of section 98 of P L 2020, c 156 (C 34 1B-362) Approvals made to New Jersey studio partners and New Jersey film-lease partners shall be subject to award agreements with the authority detailing obligations of the awardee and outcomes relating to events of default, including, but not limited to, recapture, forfeiture, and termination If in any privilege period, beginning following a date determined by the authority, a New Jersey film-lease partner's annual average of qualified film production expenses falls below

$50,000,000, the authority shall reduce by 20 percent any tax credit award for a film for which final documentation has been submitted, until a privilege period when the annual average of qualified film production expenses has been restored to $50,000,000 The authority shall establish a non-binding, administrative pre-certification process for potentially eligible projects

If the cumulative total amount of tax credits, and tax credit transfer certificates, allowed to taxpayers for privilege periods or taxable years commencing during a single fiscal year under subsection a of this section and subsection a of section 2 of P L 2018, c 56 (C 54A 4-12b) exceeds the amount of tax credits available in that fiscal year, then taxpayers who have first applied for and have not been allowed a tax credit or tax credit transfer certificate amount for that reason shall be allowed, in the order in which they have submitted an application, the amount of tax credit or tax credit transfer certificate on the first day of the next succeeding fiscal year in which tax credits and tax credit transfer certificates under subsection a of this section and subsection a of section 2 of P L 2018, c 56 (C 54A 4-12b) are not in excess of the amount of credits available

Notwithstanding any provision of this paragraph to the contrary, for any fiscal year in which the amount of tax credits approved to New Jersey studio partners, New Jersey film-lease partners, or taxpayers other than New Jersey studio partners and New Jersey film-lease partners pursuant to this paragraph is less than the cumulative total amount of tax credits permitted to be approved to each such category, in that fiscal year, the authority shall certify the amount of the remaining tax credits available for approval to each such category in that fiscal year, and shall increase the cumulative total amount of tax credits permitted to be approved for New Jersey studio partners, New Jersey film-lease partners, or taxpayers other than New Jersey studio partners and New Jersey film-lease partners in the subsequent fiscal year by the certified amount remaining for each such category from the prior fiscal year The authority shall also certify, for each fiscal year, the amount of tax credits that were previously approved, but that the taxpayer is not able to redeem or transfer to another taxpayer under this section, and shall increase the cumulative total amount of tax credits permitted to be approved for New Jersey studio partners, New Jersey film-lease partners, or taxpayers other than New Jersey studio partners and New Jersey film-lease partners in the subsequent fiscal year by the amount of tax credits previously approved for each such category, but not subject to redemption or transfer In each fiscal year in which tax credits remain unapproved for, or unredeemed or not transferred by, New Jersey film-lease partners or taxpayers other than New Jersey studio partners and New Jersey film-lease partners, the authority may reallocate some or all of such remaining

tax credits in the subsequent fiscal year between the category of New Jersey film-lease partners and the category of taxpayers other than New Jersey studio partners and New Jersey film-lease partners in lieu of increasing the tax credits available for the respective category by the amount reallocated

(2) The value of tax credits, including tax credits allowed through the granting of tax credit transfer certificates, approved by the authority and the director pursuant to subsection b of this section and pursuant to subsection b of section 2 of P L 2018, c 56 (C 54A 4-12b) shall not exceed a cumulative total of $30,000,000 in fiscal year 2019 and in each fiscal year thereafter prior to fiscal year 2035 to apply against the tax imposed pursuant to section 5 of P L 1945, c 162 (C 54 10A-5) and the tax imposed pursuant to the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq

If the total amount of tax credits and tax credit transfer certificates allowed to taxpayers for privilege periods or taxable years commencing during a single fiscal year under subsection b of this section and subsection b of section 2 of P L 2018, c 56 (C 54A 4-12b) exceeds the amount of tax credits available in that year, then taxpayers who have first applied for and have not been allowed a tax credit or tax credit transfer certificate amount for that reason shall be allowed, in the order in which they have submitted an application, the amount of tax credit or tax credit transfer certificate on the first day of the next succeeding fiscal year in which tax credits and tax credit transfer certificates under subsection b of this section and subsection b of section 2 of P L 2018, c 56 (C 54A 4-12b) are not in excess of the amount of credits available

Notwithstanding any provision of this paragraph to the contrary, for any fiscal year in which the amount of tax credits approved pursuant to this paragraph is less than the cumulative total amount of tax credits permitted to be approved in that fiscal year, the authority shall certify the amount of the remaining tax credits available for approval in that fiscal year, and shall increase the cumulative total amount of tax credits permitted to be approved in the subsequent fiscal year by the certified amount remaining from the prior fiscal year The authority shall also certify, for each fiscal year, the amount of tax credits that were previously approved, but that the taxpayer is not able to redeem or transfer to another taxpayer under this section, and shall increase the cumulative total amount of tax credits permitted to be approved in the subsequent fiscal year by the amount of tax credits previously approved, but not subject to redemption or transfer

f A taxpayer shall submit to the authority and the director a report prepared by an independent certified public accountant licensed in this State to verify the taxpayer's tax credit claim following the completion of the production The report shall be prepared by the independent certified public

accountant pursuant to agreed-upon procedures prescribed by the authority and the director, and shall include such information and documentation as shall be determined to be necessary by the authority and the director to substantiate the qualified film production expenses or the qualified digital media content production expenses of the taxpayer A single report with attachments deemed necessary by the authority shall be submitted electronically Upon receipt of the report, the authority and the director shall review the findings of the independent certified public accountant's report, and shall make a determination as to the qualified film production expenses or the qualified digital media content production expenses of the taxpayer The authority's and the director's review shall include, but shall not be limited to a review of all non-payroll qualified film production expense items and non-payroll digital media content production expense items over $20,000, a review of 100 randomly selected non-payroll qualified film production expense items and non-payroll digital media content production expense items that are greater than $2,500, but less than $20,000, a review of 100 randomly selected non-payroll qualified film production expense items and non-payroll digital media content production expense items that are less than $2,500, a review of the qualified wages for the 15 employees, independent contractors, or loan-out companies with the highest qualified wages, and a review of the qualified wages for 35 randomly selected employees, independent contractors, or loan-out companies with qualified wages other than the 15 employees, independent contractors, or loan-out companies with the highest qualified wages The taxpayer's qualified film production expenses and digital media content production expenses shall be adjusted based on any discrepancies identified for the reviewed non-payroll qualified film production expense items, non-payroll digital media content production expense items and qualified wages The taxpayer's qualified film production expenses and digital media content production expenses also shall be adjusted based on the projection of any discrepancies identified based on the review of randomly selected expense items or wages pursuant to this subsection to the extent that the discrepancies exceed one percent of the total reviewed non-payroll qualified film production expense items, non-payroll digital media content production expense items, or qualified wages The determination shall be provided in writing to the taxpayer, and a copy of the written determination shall be included in the filing of a return that includes a claim for a tax credit allowed pursuant to this section

g A taxpayer shall withhold from each payment to a loan out company or to an independent contractor an amount equal to 6 37 percent of the payment otherwise due The amounts withheld shall be deemed to be

withholding of liability pursuant to the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , and the taxpayer shall be deemed to have the rights, duties, and responsibilities of an employer pursuant to chapter 7 of Title 54A of the New Jersey Statutes The director shall allocate the amounts withheld for a taxable year to the accounts of the individuals who are employees of a loan out company in proportion to the employee's payment by the loan out company in connection with a trade, profession, or occupation carried on in this State or for the rendition of personal services performed in this State during the taxable year A loan out company that reports its payments to employees in connection with a trade, profession, or occupation carried on in this State or for the rendition of personal services performed in this State during a taxable year shall be relieved of its duties and responsibilities as an employer pursuant to chapter 7 of Title 54A of the New Jersey Statutes for the taxable year for any payments relating to the payments on which the taxpayer withheld

h As used in this section

"Authority" means the New Jersey Economic Development Authority

"Business assistance or incentive" means "business assistance or incentive" as that term is defined pursuant to section 1 of P L 2007, c 101 (C 54 50-39)

"Commission" means the Motion Picture and Television Development Commission

"Digital media content" means any data or information that is produced in digital form, including data or information created in analog form but reformatted in digital form, text, graphics, photographs, animation, sound, and video content "Digital media content" shall not mean content offerings generated by the end user (including postings on electronic bulletin boards and chat rooms), content offerings comprised primarily of local news, events, weather, or local market reports, public service content, electronic commerce platforms (such as retail and wholesale websites), websites or content offerings that contain obscene material as defined pursuant to N J S 2C 34-2 and N J S 2C 34-3, websites or content that are produced or maintained primarily for private, industrial, corporate, or institutional purposes, or digital media content acquired or licensed by the taxpayer for distribution or incorporation into the taxpayer's digital media content

"Film" means a feature film, a television series, or a television show of 22 minutes or more in length, intended for a national audience, or a television series or a television show of 22 minutes or more in length intended for a national or regional audience, including, but not limited to, a game show, award show, or other gala event filmed and produced at a nonprofit arts and cultural venue receiving State funding "Film" shall not include a production

featuring news, current events, weather, and market reports or public programming, talk show, or sports event, a production that solicits funds, a production containing obscene material as defined under N J S 2C 34-2 and N J S 2C 34-3, or a production primarily for private, industrial, corporate, or institutional purposes, or a reality show, except if the production company of the reality show owns, leases, or otherwise occupies a production facility of no less than 20,000 square feet of real property for a minimum term of 24 months, and invests no less than $3,000,000 in such a facility within a designated enterprise zone established pursuant to the "New Jersey Urban Enterprise Zones Act," P L 1983, c 303 (C 52 27H-60 et al), or a UEZ-impacted business district established pursuant to section 3 of P L 2001, c 347 (C 52 27H-66 2) "Film" shall not include an award show or other gala event that is not filmed and produced at a nonprofit arts and cultural venue receiving State funding

"Full-time or full-time equivalent employee" means an individual employed by the taxpayer 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 or full-time equivalent employment, whose wages are subject to withholding as provided in the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , or who is a partner of a taxpayer, who works for the partnership for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time or full-time equivalent employment, and whose distributive share of income, gain, loss, or deduction, or whose guaranteed payments, or any combination thereof, is subject to the payment of estimated taxes, as provided in the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq "Full-time or full-time equivalent employee" shall not include an individual who works as an independent contractor or on a consulting basis for the taxpayer

"Highly compensated individual" means an individual who directly or indirectly receives compensation in excess of $500,000 for the performance of services used directly in a production An individual receives compensation indirectly when the taxpayer pays a loan out company that, in turn, pays the individual for the performance of services

"Incurred in New Jersey" means, for any application submitted after the effective date of P L 2018, c 56 (C 54 10A-5 39b et al), pursuant to which a tax credit has not been allowed prior to the effective date of P L 2021, c 160, service performed within New Jersey and tangible personal property used or consumed in New Jersey A service is performed in New Jersey to the extent that the individual performing the service is physically located in New Jersey while performing the service Notwithstanding where the property is delivered

or acquired, rented tangible property is used or consumed in New Jersey to the extent that the property is located in New Jersey during its use or consumption and is rented from a vendor authorized to do business in New Jersey or the film production company provides to the authority the vendor's information in a form and manner prescribed by the authority Purchased tangible property is not used and consumed in New Jersey unless it is purchased from a vendor authorized to do business in New Jersey and is delivered to or acquired within New Jersey, provided, however, that if a production is also located in another jurisdiction, the purchased tangible property is used and consumed in New Jersey if the acquisition and delivery of purchased tangible property is located in either New Jersey or another jurisdiction where the production takes place

"Independent contractor" means an individual treated as an independent contractor for federal and State tax purposes who is contracted with by the taxpayer for the performance of services used directly in a production

"Loan out company" means a personal service corporation or other entity that is contracted with by the taxpayer to provide specified individual personnel, such as artists, crew, actors, producers, or directors for the performance of services used directly in a production "Loan out company" shall not include entities contracted with by the taxpayer to provide goods or ancillary contractor services such as catering, construction, trailers, equipment, or transportation

"New Jersey film-lease partner" means a taxpayer, including any taxpayer that is a member of a combined group under section 23 of P L 2018, c 48 (C 54 10A-4 11), that has made a commitment to lease or acquire all or part of a New Jersey production facility, which leased or acquired space shall have an aggregate square footage of at least 50,000 square feet, including a sound stage and production support space, such as production offices or a backlot, for a period of five or more successive years and commits to spend, on a separate-entity basis or in the aggregate with other members of the taxpayer's combined group, an annual average of $50,000,000 of qualified film production expenses over the period of at least five but not to exceed 10 years

"New Jersey studio partner" means a film production company that has made a commitment to produce films or commercial audiovisual products in New Jersey and has developed, purchased, or executed a 10-year contract to lease a production facility of 250,000 square feet or more No more than three film production companies may be designated as a New Jersey studio partner

"Partnership" means an entity classified as a partnership for federal income tax purposes

"Post-production costs" means the costs of the phase of production of a film that follows principal photography, in which raw footage is cut and assembled into a finished film with sound synchronization and visual effects

"Pre-production costs" means the costs of the phase of production of a film that precedes principal photography, in which a detailed schedule and budget for the production is prepared, the script and location is finalized, and contracts with vendors are negotiated

"Qualified digital media content production expenses" means an expense incurred in New Jersey for the production of digital media content "Qualified digital media content production expenses" shall include but not be limited to wages and salaries of individuals employed in the production of digital media content on which the tax imposed by the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq has been paid or is due, and the costs of computer software and hardware, data processing, visualization technologies, sound synchronization, editing, and the rental of facilities and equipment Payment made to a loan out company or to an independent contractor shall not be deemed a "qualified digital media content production expense" unless the payment is made in connection with a trade, profession, or occupation carried on in this State or for the rendition of personal services performed in this State and the taxpayer has made the withholding required pursuant to subsection g of this section "Qualified digital media content production expenses" shall not include expenses incurred in marketing, promotion, or advertising digital media or other costs not directly related to the production of digital media content Costs related to the acquisition or licensing of digital media content by the taxpayer for distribution or incorporation into the taxpayer's digital media content shall not be deemed "qualified digital media content production expenses "

"Qualified film production expenses" means an expense incurred in New Jersey for the production of a film including pre-production costs and post-production costs incurred in New Jersey "Qualified film production expenses" shall include but not be limited to wages and salaries of individuals employed in the production of a film on which the tax imposed by the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq has been paid or is due, and the costs for tangible personal property used, and services performed, directly and exclusively in the production of a film, such as expenditures for film production facilities, props, makeup, wardrobe, film processing, camera, sound recording, set construction, lighting, shooting, editing, and meals Payment made to a loan out company or to an independent contractor shall not be deemed a "qualified film production expense" unless the payment is made in connection with a trade, profession, or occupation carried on in this State or for the rendition of personal services performed in this State and the taxpayer has made the withholding required pursuant to subsection g of this section "Qualified film production

expenses" shall not include expenses incurred in marketing or advertising a film, and payment in excess of $500,000 to a highly compensated individual for costs for a story, script, or scenario used in the production of a film and wages or salaries or other compensation for writers, directors, including music directors, producers, and performers, other than background actors with no scripted lines, except as follows

(1) for a New Jersey studio partner that incurs more than $15,000,000, but less than $50,000,000, in qualified film production expenses in the State, an amount, not to exceed $15,000,000, of the wages or salaries or other compensation for writers, directors, including music directors, producers, and performers, other than background actors with no scripted lines, shall constitute qualified film production expenses,

(2) for a New Jersey studio partner that incurs $50,000,000 or more, but less than $100,000,000, in qualified film production expenses in the State, an amount, not to exceed $25,000,000, of the wages or salaries or other compensation for writers, directors, including music directors, producers, and performers, other than background actors with no scripted lines, shall constitute qualified film production expenses,

(3) for a New Jersey studio partner that incurs $100,000,000 or more, but less than $150,000,000, in qualified film production expenses in the State, an amount, not to exceed $40,000,000, of the wages or salaries or other compensation for writers, directors, including music directors, producers, and performers, other than background actors with no scripted lines, shall constitute qualified film production expenses, and

(4) for a New Jersey studio partner that incurs $150,000,000 or more in qualified film production expenses in the State, an amount, not to exceed $60,000,000, of the wages or salaries or other compensation for writers, directors, including music directors, producers, and performers, other than background actors with no scripted lines, shall constitute qualified film production expenses

"Total digital media content production expenses" means costs for services performed and property used or consumed in the production of digital media content

"Total film production expenses" means costs for services performed and tangible personal property used or consumed in the production of a film

1 A business that is not a "taxpayer" as defined and used in the "Corporation Business Tax Act (1945)," P L 1945, c 162 (C 54 10A-1 et seq) and therefore is not directly allowed a credit under this section, but is a business entity that is classified as a partnership for federal income tax purposes and is ultimately owned by a business entity that is a "corporation"

as defined in subsection (c) of section 4 of P L 1945, c 162 (C 54 10A-4), or a limited liability company formed under the "Revised Uniform Limited Liability Company Act," P L 2012, c 50 (C 42 2C-1 et seq), or qualified to do business in this State as a foreign limited liability company, with one member, and is wholly owned by the business entity that is a "corporation" as defined in subsection (c) of section 4 of P L 1945, c 162 (C 54 10A-4), but otherwise meets all other requirements of this section, shall be considered an eligible applicant and "taxpayer" as that term is used in this section

2 Section 2 of P L 2018, c 56 (C 54A 4-12b) is amended to read as follows

C 54A 4-12b Tax credit for certain film expenses

2 a (1) A taxpayer, upon approval of an application to the authority and the director, shall be allowed a credit against the tax otherwise due for the taxable year under the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , in an amount equal to 35 percent of the qualified film production expenses of the taxpayer during a taxable year commencing on or after July 1, 2018 but before July 1, 2034, provided that

(a) at least 60 percent of the total film production expenses, exclusive of post-production costs, of the taxpayer are incurred for services performed, and goods purchased through vendors authorized to do business, in New Jersey, or the qualified film production expenses of the taxpayer during the taxable year for services performed, and goods purchased, through vendors authorized to do business in New Jersey, exceed $1,000,000 per production,

(b) principal photography of the film commences within 180 days from the date of the original application for the tax credit,

(c) the film includes, when determined to be appropriate by the commission, at no cost to the State, marketing materials promoting this State as a film and entertainment production destination, which materials shall include placement of a "Filmed in New Jersey" or "Produced in New Jersey" statement, or an appropriate logo approved by the commission, in the end credits of the film,

(d) the taxpayer submits a tax credit verification report prepared by an independent certified public accountant licensed in this State in accordance with subsection g of this section, and

(e) the taxpayer complies with the withholding requirements provided for payments to loan out companies and independent contractors in accordance with subsection h of this section

(2) Notwithstanding the provisions of paragraph (1) of subsection a of this section to the contrary, the tax credit allowed pursuant to this subsection against the tax otherwise due for the taxable year under the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , shall be in an amount equal to 30 percent of the qualified film production expenses of the taxpayer during a taxable year that are incurred for services performed and tangible personal property purchased for use at a sound stage or other location that is located in the State within a 30-mile radius of the intersection of Eighth Avenue/Central Park West, Broadway, and West 59th Street/Central Park South, New York, New York

b (1) A taxpayer, upon approval of an application to the authority and the director, shall be allowed a credit against the tax otherwise due for the taxable year under the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , in an amount equal to 30 percent of the qualified digital media content production expenses of the taxpayer during a taxable year commencing on or after July 1, 2018 but before July 1, 2034, provided that

(a) at least $2,000,000 of the total digital media content production expenses of the taxpayer are incurred for services performed, and goods purchased through vendors authorized to do business, in New Jersey,

(b) at least 50 percent of the qualified digital media content production expenses of the taxpayer are for wages and salaries paid to full-time or full-time equivalent employees in New Jersey,

(c) the taxpayer submits a tax credit verification report prepared by an independent certified public accountant licensed in this State in accordance with subsection g of this section, and

(d) the taxpayer complies with the withholding requirements provided for payments to loan out companies and independent contractors in accordance with subsection h of this section

(2) Notwithstanding the provisions of paragraph (1) of subsection b of this section to the contrary, the tax credit allowed pursuant to this subsection against the tax otherwise due for the taxable year under the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , shall be in an amount equal to 35 percent for the qualified digital media content production expenses of the taxpayer during a taxable year that are incurred for services performed and tangible personal property purchased through vendors whose primary place of business is located in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, or Salem County

c No tax credit shall be allowed pursuant to this section for any costs or expenses included in the calculation of any other tax credit or exemption granted pursuant to a claim made on a tax return filed with the director, or

included in the calculation of an award of business assistance or incentive, for a period of time that coincides with the taxable year for which a tax credit authorized pursuant to this section is allowed The order of priority in which the tax credit allowed pursuant to this section and any other tax credits allowed by law may be taken shall be as prescribed by the director The amount of the tax credit applied under this section against the tax otherwise due under the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , for a taxable year, when taken together with any other payments, credits, deductions, and adjustments allowed by law shall not reduce the tax liability of the taxpayer to an amount less than zero The amount of the tax credit otherwise allowable under this section which cannot be applied for the taxable year due to the limitations of this subsection or under other provisions of N J S 54A 1-1 et seq , may be carried forward, if necessary, to the seven taxable years following the taxable year for which the tax credit was allowed

d (1) A business entity that is classified as a partnership for federal income tax purposes shall not be allowed a tax credit pursuant to this section directly, but the amount of tax credit of a taxpayer in respect of a distributive share of entity income, shall be determined by allocating to the taxpayer that proportion of the tax credit acquired by the entity that is equal to the taxpayer's share, whether or not distributed, of the total distributive income or gain of the entity for its taxable year ending within or with the taxpayer's taxable year

(2) A New Jersey S Corporation shall not be allowed a tax credit pursuant to this section directly, but the amount of tax 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 tax 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

A business entity that is not a gross income "taxpayer" as defined and used in the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , and therefore is not directly allowed a credit under this section, but otherwise meets all the other requirements of this section, shall be considered an eligible applicant and "taxpayer" as that term is used in this section, and the application of an otherwise allowed credit amount shall be distributed to appropriate gross income taxpayers pursuant to the other requirements of this subsection

e A taxpayer, with an application for a tax credit provided for in subsection a or subsection b of this section, may apply to the authority and the director for a tax credit transfer certificate in lieu of the taxpayer being allowed any amount of the tax credit against the tax liability of the taxpayer The tax credit transfer certificate, upon receipt thereof by the taxpayer from the authority

and the director, may be sold or assigned, in full or in part, to any other taxpayer that may have a tax liability under the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , or the "Corporation Business Tax Act (1945)," P L 1945, c 162 (C 54 10A-1 et seq), in exchange for private financial assistance to be provided by the purchaser or assignee to the taxpayer that has applied for and been granted the tax credit The tax credit transfer certificate provided to the taxpayer shall include a statement waiving the taxpayer's right to claim that amount of the tax credit against the tax imposed pursuant to N J S 54A 1-1 et seq that the taxpayer 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 taxpayer of less than 75 percent of the transferred tax credit amount Any amount of a tax credit transfer certificate used by a purchaser or assignee against a tax liability under N J S 54A 1-1 et seq shall be subject to the same limitations and conditions that apply to the use of a tax credit pursuant to subsections c and d of this section Any amount of a tax credit transfer certificate obtained by a purchaser or assignee under subsection e of this section may be applied against the purchaser's or assignee's tax liability under P L 1945, c 162 (C 54 10A-1 et seq) and shall be subject to the same limitations and conditions that apply to the use of a credit pursuant to subsection c of section 1 of P L 2018, c 56 (C 54 10A-5 39b)

f (1) The value of tax credits, including tax credits allowed through the granting of tax credit transfer certificates, approved by the director and the authority pursuant to subsection a of this section and pursuant to subsection a of section 1 of P L 2018, c 56 (C 54 10A-5 39b) to taxpayers, other than New Jersey studio partners and New Jersey film-lease partners, shall not exceed a cumulative total of $100,000,000 in fiscal year 2019 and in each fiscal year thereafter prior to fiscal year 2035 to apply against the tax imposed pursuant to the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , and pursuant to section 5 of P L 1945, c 162 (C 54 10A-5) In addition to the $100,000,000 limitation on the value of tax credits approved by the director for New Jersey film-lease partners and the $100,000,000 limitation on the value of tax credits approved by the director for other taxpayers imposed by this paragraph, the value of tax credits, including tax credits allowed through the granting of tax credit transfer certificates, approved by the director and the authority pursuant to subsection a of this section and pursuant to subsection a of section 1 of P L 2018, c 56 (C 54 10A-5 39b) to New Jersey studio partners shall not exceed a cumulative total of $100,000,000 in fiscal year 2021 and in each fiscal year thereafter prior to fiscal year 2034 to apply against the tax imposed pursuant to section 5 of P L 1945, c 162 (C 54 10A-5) and the tax imposed pursuant to the "New Jersey Gross Income Tax Act,"

N J S 54A 1-1 et seq Beginning in fiscal year 2025, in addition to the $100,000,000 made available for New Jersey studio partners pursuant to this paragraph, up to an additional $350,000,000 may be made available annually, in the discretion of the authority, to New Jersey studio partners for the award of tax credits, including tax credits allowed through the granting of tax credit transfer certificates, pursuant to subsection a of this section and subsection a of section 1 of P L 2018, c 56 (C 54 10A-5 39b), from the funds made available pursuant to subparagraph (i) of paragraph (1) of subsection b of section 98 of P L 2020, c 156 (C 34 1B-362) In addition to the $100,000,000 limitation on the value of tax credits approved by the director for New Jersey studio partners and the $100,000,000 limitation on the value of tax credits approved by the director for other taxpayers imposed by this paragraph, the value of tax credits, including tax credits allowed through the granting of tax credit transfer certificates, approved by the director and the authority pursuant to subsection a of this section and pursuant to subsection a of section 1 of P L 2018, c 56 (C 54 10A-5 39b) to New Jersey film-lease partners shall not exceed a cumulative total of $100,000,000 in fiscal year 2021 and in each fiscal year thereafter prior to fiscal year 2034 to apply against the tax imposed pursuant to section 5 of P L 1945, c 162 (C 54 10A-5) and the tax imposed pursuant to the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq Beginning in fiscal year 2025, in addition to the $100,000,000 made available for New Jersey film-lease partners pursuant to this paragraph, up to an additional $100,000,000 may be made available annually, in the discretion of the authority, to New Jersey film-lease partners for the award of tax credits, including tax credits allowed through the granting of tax credit transfer certificates, pursuant to subsection a of this section and subsection a of section 1 of P L 2018, c 56 (C 54 10A-5 39b), from the funds made available pursuant to subparagraph (i) of paragraph (1) of subsection b of section 98 of P L 2020, c 156 (C 34 1B-362) Approvals made to New Jersey studio partners and New Jersey film-lease partners shall be subject to award agreements with the authority detailing obligations of the awardee and outcomes relating to events of default, including, but not limited to, recapture, forfeiture, and termination If in any taxable year, beginning following a date determined by the authority, a New Jersey film-lease partner's annual average of qualified film production expenses falls below $50,000,000, the authority shall reduce by 20 percent any tax credit award for a film for which final documentation has been submitted, until a taxable year when the annual average of qualified film production expenses has been restored to $50,000,000 The authority shall establish a non-binding, administrative pre-certification process for potentially eligible projects

If the cumulative total amount of tax credits, and tax credit transfer certificates, allowed to taxpayers for taxable years or privilege periods commencing during a single fiscal year under subsection a of this section and subsection a of section 1 of P L 2018, c 56 (C 54 10A-5 39b) exceeds the amount of tax credits available in that fiscal year, then taxpayers who have first applied for and have not been allowed a tax credit or tax credit transfer certificate amount for that reason shall be allowed, in the order in which they have submitted an application, the amount of tax credit or tax credit transfer certificate on the first day of the next succeeding fiscal year in which tax credits and tax credit transfer certificates under subsection a of this section and subsection a of section 1 of P L 2018, c 56 (C 54 10A-5 39b) are not in excess of the amount of credits available

Notwithstanding any provision of this paragraph to the contrary, for any fiscal year in which the amount of tax credits approved to New Jersey studio partners, New Jersey film-lease partners, or taxpayers other than New Jersey studio partners and New Jersey film-lease partners pursuant to this paragraph is less than the cumulative total amount of tax credits permitted to be approved to each such category in that fiscal year, the authority shall certify the amount of the remaining tax credits available for approval to each such category in that fiscal year, and shall increase the cumulative total amount of tax credits permitted to be approved for New Jersey studio partners, New Jersey film-lease partners, or taxpayers other than New Jersey studio partners and New Jersey film-lease partners in the subsequent fiscal year by the certified amount remaining from the prior fiscal year The authority shall also certify, for each fiscal year, the amount of tax credits that were previously approved, but that the taxpayer is not able to redeem or transfer to another taxpayer under this section, and shall increase the cumulative total amount of tax credits permitted to be approved for New Jersey studio partners, New Jersey film-lease partners, or taxpayers other than New Jersey studio partners and New Jersey film-lease partners in the subsequent fiscal year by the amount of tax credits previously approved for each such category, but not subject to redemption or transfer In each fiscal year in which tax credits remain unapproved for, or unredeemed or not transferred by, New Jersey film-lease partners or taxpayers other than New Jersey studio partners and New Jersey film-lease partners, the authority may reallocate some or all of such remaining tax credits in the subsequent fiscal year between the category of New Jersey film-lease partners and the category of taxpayers other than New Jersey studio partners and New Jersey film-lease partners in lieu of increasing the tax credits available for the respective category by the amount reallocated

(2) The value of tax credits, including tax credits allowed through the granting of tax credit transfer certificates, approved by the authority and the director pursuant to subsection b of this section and pursuant to subsection b of section 1 of P L 2018, c 56 (C 54 10A-5 39b) shall not exceed a cumulative total of $30,000,000 in fiscal year 2019 and in each fiscal year thereafter prior to fiscal year 2035 to apply against the tax imposed pursuant to the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq and the tax imposed pursuant to section 5 of P L 1945, c 162 (C 54 10A-5)

If the total amount of tax credits and tax credit transfer certificates allowed to taxpayers for taxable years or privilege periods commencing during a single fiscal year under subsection b of this section and subsection b of section 1 of P L 2018, c 56 (C 54 10A-5 39b) exceeds the amount of tax credits available in that year, then taxpayers who have first applied for and have not been allowed a tax credit or tax credit transfer certificate amount for that reason shall be allowed, in the order in which they have submitted an application, the amount of tax credit or tax credit transfer certificate on the first day of the next succeeding fiscal year in which tax credits and tax credit transfer certificates under subsection b of this section and subsection b of section 1 of P L 2018, c 56 (C 54 10A-5 39b) are not in excess of the amount of credits available

Notwithstanding any provision of this paragraph to the contrary, for any fiscal year in which the amount of tax credits approved pursuant to this paragraph is less than the cumulative total amount of tax credits permitted to be approved in that fiscal year, the authority shall certify the amount of the remaining tax credits available for approval in that fiscal year, and shall increase the cumulative total amount of tax credits permitted to be approved in the subsequent fiscal year by the certified amount remaining from the prior fiscal year The authority shall also certify, for each fiscal year, the amount of tax credits that were previously approved, but that the taxpayer is not able to redeem or transfer to another taxpayer under this section, and shall increase the cumulative total amount of tax credits permitted to be approved in the subsequent fiscal year by the amount of tax credits previously approved, but not subject to redemption or transfer

g A taxpayer shall submit to the authority and the director a report prepared by an independent certified public accountant licensed in this State to verify the taxpayer's tax credit claim following the completion of the production The report shall be prepared by the independent certified public accountant pursuant to agreed-upon procedures prescribed by the authority and the director, and shall include such information and documentation as shall be determined to be necessary by the authority and the director to substantiate the

qualified film production expenses or the qualified digital media content production expenses of the taxpayer A single report with attachments deemed necessary by the authority shall be submitted electronically Upon receipt of the report, the authority and the director shall review the findings of the independent certified public accountant's report, and shall make a determination as to the qualified film production expenses or the qualified digital media content production expenses of the taxpayer The authority's and the director's review shall include, but shall not be limited to a review of all non-payroll qualified film production expense items and non-payroll digital media content production expense items over $20,000, a review of 100 randomly selected non-payroll qualified film production expense items and non-payroll digital media content production expense items that are greater than $2,500, but less than $20,000, a review of 100 randomly selected non-payroll qualified film production expense items and non-payroll digital media content production expense items that are less than $2,500, a review of the qualified wages for the 15 employees, independent contractors, or loan-out companies with the highest qualified wages, and a review of the qualified wages for 35 randomly selected employees, independent contractors, or loan-out companies with qualified wages other than the 15 employees, independent contractors, or loan-out companies with the highest qualified wages The taxpayer's qualified film production expenses and digital media content production expenses shall be adjusted based on any discrepancies identified for the reviewed non-payroll qualified film production expense items, non-payroll digital media content production expense items and qualified wages The taxpayer's qualified film production expenses and digital media content production expenses also shall be adjusted based on the projection of any discrepancies identified based on the review of randomly selected expense items or wages pursuant to this subsection to the extent that the discrepancies exceed one percent of the total reviewed non-payroll qualified film production expense items, non-payroll digital media content production expense items, or qualified wages The determination shall be provided in writing to the taxpayer, and a copy of the written determination shall be included in the filing of a return that includes a claim for a tax credit allowed pursuant to this section

h A taxpayer shall withhold from each payment to a loan out company or to an independent contractor an amount equal to 6 37 percent of the payment otherwise due The amounts withheld shall be deemed to be withholding of liability pursuant to the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , and the taxpayer shall be deemed to have the rights, duties, and responsibilities of an employer pursuant to chapter 7 of Title 54A of the New Jersey Statutes The director shall allocate the amounts withheld for a taxable

year to the accounts of the individuals who are employees of a loan out company in proportion to the employee's payment by the loan out company in connection with a trade, profession, or occupation carried on in this State or for the rendition of personal services performed in this State during the taxable year A loan out company that reports its payments to employees in connection with a trade, profession, or occupation carried on in this State or for the rendition of personal services performed in this State during a taxable year shall be relieved of its duties and responsibilities as an employer pursuant to chapter 7 of Title 54A of the New Jersey Statutes for the taxable year for any payments relating to the payments on which the taxpayer withheld

1 As used in this section

"Authority" means the New Jersey Economic Development Authority

"Business assistance or incentive" means "business assistance or incentive" as that term is defined pursuant to section 1 of P L 2007, c 101 (C 54 50-39)

"Commission" means the Motion Picture and Television Development Commission

"Digital media content" means any data or information that is produced in digital form, including data or information created in analog form but reformatted in digital form, text, graphics, photographs, animation, sound, and video content "Digital media content" shall not mean content offerings generated by the end user (including postings on electronic bulletin boards and chat rooms), content offerings comprised primarily of local news, events, weather or local market reports, public service content, electronic commerce platforms (such as retail and wholesale websites), websites or content offerings that contain obscene material as defined pursuant to N J S 2C 34-2 and N J S 2C 34-3, websites or content that are produced or maintained primarily for private, industrial, corporate, or institutional purposes, or digital media content acquired or licensed by the taxpayer for distribution or incorporation into the taxpayer's digital media content

"Film" means a feature film, a television series, or a television show of 22 minutes or more in length, intended for a national audience, or a television series or a television show of 22 minutes or more in length intended for a national or regional audience, including, but not limited to, a game show, award show, or other gala event filmed and produced at a nonprofit arts and cultural venue receiving State funding "Film" shall not include a production featuring news, current events, weather, and market reports or public programming, talk show, sports event, or reality show, a production that solicits funds, a production containing obscene material as defined under N J S 2C 34-2 and N J S 2C 34-3, or a production primarily for private,

industrial, corporate, or institutional purposes "Film" shall not include an award show or other gala event that is not filmed and produced at a nonprofit arts and cultural venue receiving State funding

"Full-time or full-time equivalent employee" means an individual employed by the taxpayer 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 or full-time equivalent employment, whose wages are subject to withholding as provided in the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , or who is a partner of a taxpayer, who works for the partnership for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time or full-time equivalent employment, and whose distributive share of income, gain, loss, or deduction, or whose guaranteed payments, or any combination thereof, is subject to the payment of estimated taxes, as provided in the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq "Full-time or full-time equivalent employee" shall not include an individual who works as an independent contractor or on a consulting basis for the taxpayer

"Highly compensated individual" means an individual who directly or indirectly receives compensation in excess of $500,000 for the performance of services used directly in a production An individual receives compensation indirectly when the taxpayer pays a loan out company that, in turn, pays the individual for the performance of services

"Incurred in New Jersey" means, for any application submitted after the effective date of P L 2018, c 56 (C 54 10A-5 39b et al), pursuant to which a tax credit has not been allowed prior to the effective date of P L 2021, c 160, service performed within New Jersey and tangible personal property used or consumed in New Jersey A service is performed in New Jersey to the extent that the individual performing the service is physically located in New Jersey while performing the service Notwithstanding where the property is delivered or acquired, rented tangible property is used or consumed in New Jersey to the extent that the property is located in New Jersey during its use or consumption and is rented from a vendor authorized to do business in New Jersey or the film production company provides to the authority the vendor's information in a form and manner prescribed by the authority Purchased tangible property is not used and consumed in New Jersey unless it is purchased from a vendor authorized to do business in New Jersey and is delivered to or acquired within New Jersey, provided, however, that if a production is also located in another jurisdiction, the purchased tangible property is used and consumed in New Jersey if the acquisition and delivery

of purchased tangible property is located in either New Jersey or another jurisdiction where the production takes place

"Independent contractor" means an individual treated as an independent contractor for federal and State tax purposes who is contracted with by the taxpayer for the performance of services used directly in a production

"Loan out company" means a personal service corporation or other entity that is contracted with by the taxpayer to provide specified individual personnel, such as artists, crew, actors, producers, or directors for the performance of services used directly in a production "Loan out company" shall not include entities contracted with by the taxpayer to provide goods or ancillary contractor services such as catering, construction, trailers, equipment, or transportation

"New Jersey film-lease partner" means a taxpayer, including any taxpayer that is a member of a combined group under section 23 of P L 2018, c 131 (C 54 10A-4 11), that has made a commitment to lease or acquire all or part of a New Jersey production facility , which leased or acquired space shall have an aggregate square footage of at least 50,000 square feet, including a sound stage and production support space, such as production offices or a backlot, for a period of five or more successive years and commits to spend, on a separate-entity basis or in the aggregate with other members of the taxpayer's combined group, an annual average of $50,000,000 of qualified film production expenses over the period of at least five but not to exceed 10 years

"New Jersey studio partner" means a film production company that has made a commitment to produce films or commercial audiovisual products in New Jersey and has developed, purchased, or executed a 10-year contract to lease a production facility of 250,000 square feet or more No more than three film production companies may be designated as a New Jersey studio partner

"Partnership" means an entity classified as a partnership for federal income tax purposes

"Post-production costs" means the costs of the phase of production of a film that follows principal photography, in which raw footage is cut and assembled into a finished film with sound synchronization and visual effects

"Pre-production costs" means the costs of the phase of production of a film that precedes principal photography, in which a detailed schedule and budget for the production is prepared, the script and location is finalized, and contracts with vendors are negotiated

"Qualified digital media content production expenses" means an expense incurred in New Jersey for the production of digital media content "Qualified digital media content production expenses" shall include but not be limited to wages and salaries of individuals employed in the production

of digital media content on which the tax imposed by the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq has been paid or is due, and the costs of computer software and hardware, data processing, visualization technologies, sound synchronization, editing, and the rental of facilities and equipment Payment made to a loan out company or to an independent contractor shall not be deemed a "qualified digital media content production expense" unless the payment is made in connection with a trade, profession, or occupation carried on in this State or for the rendition of personal services performed in this State and the taxpayer has made the withholding required pursuant to subsection h of this section "Qualified digital media content production expenses" shall not include expenses incurred in marketing, promotion, or advertising digital media or other costs not directly related to the production of digital media content Costs related to the acquisition or licensing of digital media content by the taxpayer for distribution or incorporation into the taxpayer's digital media content shall not be deemed "qualified digital media content production expenses "

"Qualified film production expenses" means an expense incurred in New Jersey for the production of a film including pre-production costs and post-production costs incurred in New Jersey "Qualified film production expenses" shall include but not be limited to wages and salaries of individuals employed in the production of a film on which the tax imposed by the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq has been paid or is due, and the costs for tangible personal property used, and services performed, directly and exclusively in the production of a film, such as expenditures for film production facilities, props, makeup, wardrobe, film processing, camera, sound recording, set construction, lighting, shooting, editing, and meals Payment made to a loan out company or to an independent contractor shall not be deemed a "qualified film production expense" unless the payment is made in connection with a trade, profession, or occupation carried on in this State or for the rendition of personal services performed in this State and the taxpayer has made the withholding required by subsection h of this section "Qualified film production expenses" shall not include expenses incurred in marketing or advertising a film, and payment in excess of $500,000 to a highly compensated individual for costs for a story, script, or scenario used in the production of a film and wages or salaries or other compensation for writers, directors, including music directors, producers, and performers, other than background actors with no scripted lines, except as follows

(1) for a New Jersey studio partner that incurs more than $15,000,000, but less than $50,000,000, in qualified film production expenses in the State,

an amount, not to exceed $15,000,000, of the wages or salaries or other compensation for writers, directors, including music directors, producers, and performers, other than background actors with no scripted lines, shall constitute qualified film production expenses,

(2) for a New Jersey studio partner that incurs $50,000,000 or more, but less than $100,000,000, in qualified film production expenses in the State, an amount, not to exceed $25,000,000, of the wages or salaries or other compensation for writers, directors, including music directors, producers, and performers, other than background actors with no scripted lines, shall constitute qualified film production expenses,

(3) for a New Jersey studio partner that incurs $100,000,000 or more, but less than $150,000,000, in qualified film production expenses in the State, an amount, not to exceed $40,000,000, of the wages or salaries or other compensation for writers, directors, including music directors, producers, and performers, other than background actors with no scripted lines, shall constitute qualified film production expenses, and

(4) for a New Jersey studio partner that incurs $150,000,000 or more in qualified film production expenses in the State, an amount, not to exceed $60,000,000, of the wages or salaries or other compensation for writers, directors, including music directors, producers, and performers, other than background actors with no scripted lines, shall constitute qualified film production expenses

"Total digital media content production expenses" means costs for services performed and property used or consumed in the production of digital media content

"Total film production expenses" means costs for services performed and tangible personal property used or consumed in the production of a film

3 Section 4 of P L 2018, c 56 is amended to read as follows

4 a A taxpayer, upon approval of an application to the authority and the director, shall be allowed a credit against the tax imposed pursuant to section 5 of P L 1945, c 162 (C 54 10A-5) or under the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq in an amount equal to 2 percent of the qualified film or digital media content production expenses of the taxpayer during a privilege period or taxable year commencing on or after July 1, 2018 but before July 1, 2034, provided that

(1) the application is accompanied by a diversity plan outlining specific goals, which may include advertising and recruitment actions, for hiring minority persons and women,

(2) the director and the authority have approved the plan as meeting the requirements established by the director and the authority, and

(3) the director and the authority have verified that the applicant has met or made good faith efforts in achieving those goals

b The amount of a tax credit allowed pursuant to subsection a of this section shall increase to four percent of the qualified film or digital media content production expenses of the taxpayer if the diversity plan, in addition to meeting the requirements of subsection a of this section, outlines specific goals that include hiring persons as performers in the film or digital media production who are (i) members of ethnic minority groups that are underrepresented in film or digital media productions, (ii) if credited, residents of New Jersey for at least 12 months preceding the beginning of filming or recording, and if uncredited, residents of any municipality in New Jersey in which filming occurs as part of the production for at least 12 months preceding the beginning of filming or recording at that location, or any surrounding municipality, and (iii) members of a bona fide labor union representing film and television performers

c The director and the authority shall adopt any rules necessary to implement this provision

d The application shall indicate whether the applicant intends to participate in training, education, and recruitment programs that are organized in cooperation with State colleges and universities, labor organizations, and the motion picture industry and are designed to promote and encourage the training and hiring of New Jersey residents who represent the diversity of the State population

4 Section 98 of P.L. 2020, c. 156 (C. 34:1B-362) is amended to read as follows

C. 34:1B-362 Combined value of all tax credits

98 a The combined value of all tax credits awarded under the "Historic Property Reinvestment Act," sections 1 through 8 of P.L. 2020, c. 156 (C. 34:1B-269 through C. 34:1B-276), the "Brownfield Redevelopment Incentive Program Act," sections 9 through 19 of P.L. 2020, c. 156 (C. 34:1B-277 through C. 34:1B-287), the "New Jersey Innovation Evergreen Act," sections 20 through 34 of P.L. 2020, c. 156 (C. 34:1B-288 through C. 34:1B-302), the "Food Desert Relief Act," sections 35 through 42 of P.L. 2020, c. 156 (C. 34:1B-303 through C. 34:1B-310), the "New Jersey Community-Anchored Development Act," sections 43 through 53 of P.L. 2020, c. 156 (C. 34:1B-311 through C. 34:1B-321), the "New Jersey Aspire Program Act," sections 54 through 67

of P L 2020, c 156 (C 34 1B-322 through C 34 1B-335), the "Emerge Program Act," sections 68 through 81 of P L 2020, c 156 (C 34 1B-336 et al), and section 6 of P L 2010, c 57 (C 34 1B-209 4) shall not exceed an overall cap of $11 5 billion over a seven-year period, subject to the conditions and limitations set forth in this section Of this $11 5 billion, $2 5 billion shall be reserved for transformative projects approved under the Aspire Program

b (1) The total value of tax credits awarded under any constituent program of the "New Jersey Economic Recovery Act of 2020," P L 2020, c 156 (C 34 1B-269 et al) shall be subject to the following annual limitations, except as otherwise provided in subsection c of this section

(a) for tax credits awarded under the "Historic Property Reinvestment Act," sections 1 through 8 of P L 2020, c 156 (C 34 1B-269 through C 34 1B-276), the total value of tax credits annually awarded during each of the first six years of the seven-year period shall not exceed $50 million,

(b) for tax credits awarded under the "Brownfield Redevelopment Incentive Program Act," sections 9 through 19 of P L 2020, c 156 (C 34 1B-277 through C 34 1B-287), the total value of tax credits annually awarded during each of the first six years of the seven-year period shall not exceed $50 million,

(c) for tax credits awarded under the "New Jersey Innovation Evergreen Act," sections 20 through 34 of P L 2020, c 156 (C 34 1B-288 through C 34 1B-302), the total value of tax credits annually awarded during each of the first six years of the seven-year period shall not exceed $60 million and the total value of tax credits awarded over the entirety of the seven-year program shall not exceed $300,000,000,

(d) for tax credits awarded under the "Food Desert Relief Act," sections 35 through 42 of P L 2020, c 156 (C 34 1B-303 through C 34 1B-310), the total value of tax credits annually awarded during each of the first six years of the seven-year period shall not exceed $40 million,

(e) for tax credits awarded under the "New Jersey Community-Anchored Development Act," sections 43 through 53 of P L 2020, c 156 (C 34 1B-311 through C 34 1B-321), the total value of tax credits annually awarded during each of the first six years of the seven-year period shall not exceed $200 million, except that during each of the first six years of the seven-year period, the authority shall annually award tax credits valuing no greater than $130 million for projects located in the 13 northern counties of the State, and the authority shall annually award tax credits valuing no greater than $70 million for projects located in the eight southern counties of the State If during any of the first six years of the seven-year period, the authority awards tax credits in an amount less than the annual limitation for projects located in northern

counties or southern counties, as applicable, the uncommitted portion of the annual limitation shall be available to be deployed by the authority in a subsequent year, provided that the uncommitted portion of tax credits shall be awarded for projects located in the applicable geographic area, except that (i) after the completion of the third year of the seven-year period, the authority may deploy 50 percent of the uncommitted portion of tax credits from any previous year without consideration to the county in which a project is located, and (ii) after the completion of the sixth year of the seven-year period, the authority may deploy all available tax credits, including the uncommitted portion of the annual limitation for any previous year, without consideration to the county in which a project is located,

(f) for tax credits awarded under the "New Jersey Aspire Program Act," sections 54 through 67 of P L 2020, c 156 (C 34 1B-322 through C 34 1B-335), and the "Emerge Program Act," sections 68 through 81 of P L 2020, c 156 (C 34 1B-336 et al), not including tax credits awarded for transformative projects, the total value of tax credits annually awarded during each of the first six years of the seven-year period shall not exceed $1 1 billion If the authority awards tax credits in an amount less than the annual limitation, then the uncommitted portion of the annual limitation shall be made available for qualified offshore wind projects awarded under section 6 of P L 2010, c 57 (C 34 1B-209 4), pursuant to subparagraph (h) of this paragraph, or New Jersey studio partners and New Jersey film-lease partners awarded under sections 1 and 2 of P L 2018, c 56 (C 54 10A-5 39b and C 54A 4-12b), pursuant to subparagraph (i) of this paragraph During each of the first six years of the seven-year period, the authority shall annually award tax credits valuing no greater than $715 million for projects located in the northern counties of the State, and the authority shall annually award tax credits valuing no greater than $385 million for projects located in the southern counties of the State under the "New Jersey Aspire Program Act," sections 54 through 67 of P L 2020, c 156 (C 34 1B-322 through C 34 1B-335), and the "Emerge Program Act," sections 68 through 81 of P L 2020, c 156 (C 34 1B-336 et al) If during any of the first six years of the seven-year period, the authority awards tax credits under the "New Jersey Aspire Program Act," sections 54 through 67 of P L 2020, c 156 (C 34 1B-322 through C 34 1B-335), and the "Emerge Program Act," sections 68 through 81 of P L 2020, c 156 (C 34 1B-336 et al), in an amount less than the annual limitation for projects located in northern counties or southern counties, as applicable, the uncommitted portion of the annual limitation shall be available to be deployed by the authority in a subsequent year, provided that the uncommitted portion of tax credits shall be awarded for projects located

in the applicable geographic area, except that (i) after the completion of the third year of the seven-year period, the authority may deploy 50 percent of the uncommitted portion of tax credits for any previous year without consideration to the county in which a project is located, and (ii) after the completion of the sixth year of the seven-year period, the authority may deploy all available tax credits, including the uncommitted portion of the annual limitation for any previous year, without consideration to the county in which a project is located,

(g) for tax credits awarded for transformative projects under the "New Jersey Aspire Program Act," sections 54 through 67 of P L 2020, c 156 (C 34 1B-322 through C 34 1B-335), the total value of tax credits awarded during the seven-year period shall not exceed $2 5 billion The total value of tax credits awarded for transformative projects in a given year shall not be subject to an annual limitation, except that the total value of tax credits awarded to any transformative project shall not exceed $350 million,

(h) from the tax credits made available, pursuant to subparagraph (f) of this paragraph, to the "New Jersey Aspire Program Act," sections 54 through 67 of P L 2020, c 156 (C 34 1B-322 through C 34 1B-335), and the "Emerge Program Act," sections 68 through 81 of P L 2020, c 156 (C 34 1B-336 et al), not including tax credits awarded for transformative projects, an amount not to exceed $350,000,000 shall be made available for qualified offshore wind projects awarded a credit pursuant to section 6 of P L 2010, c 57 (C 34 1B-209 4) during the first three years of the seven-year period, and

(i) beginning in fiscal year 2025, from the tax credits made available, pursuant to subparagraph (f) of this paragraph, to the "New Jersey Aspire Program Act," sections 54 through 67 of P L 2020, c 156 (C 34 1B-322 through C 34 1B-335), and the "Emerge Program Act," sections 68 through 81 of P L 2020, c 156 (C 34 1B-336 et al), not including tax credits awarded for transformative projects, additional amounts shall be made available for New Jersey studio partners and New Jersey film-lease partners pursuant to sections 1 and 2 of P L 2018, c 56 (C 54 10A-5 39b and C 54A 4-12b)

(2) The authority may in any given year determine that it is in the State's interest to approve an amount of tax credits in excess of the annual limitations set forth in paragraph (1) of this subsection, but in no event more than $200,000,000 in excess of the annual limitation, upon a determination by the authority board that such increase is warranted based on specific criteria that may include

(i) the increased demand for opportunities to create or retain employment and investment in the State as indicated by the volume of project applications and the amount of tax credits being sought by those applications,

(ii) the need to protect the State's economic position in the event of an economic downturn,

(iii) the quality of project applications and the net economic benefit to the State and municipalities associated with those applications,

(iv) opportunities for project applications to strengthen or protect the competitiveness of the state under the prevailing market conditions,

(v) enhanced access to employment and investment for underserved populations in distressed municipalities and qualified incentives tracts,

(vi) increased investment and employment in high-growth technology sectors and in projects that entail collaboration with education institutions in the State,

(vii) increased development proximate to mass transit facilities,

(viii) any other factor deemed relevant by the authority

c In the event that the authority in any year approves projects for tax credits in an amount less than the annual limitations set forth in paragraph (1) of subsection b of this section, then the uncommitted portion of the annual limitation shall be available to be deployed by the authority in future years for projects under the same program, provided however, that in no event shall the aggregate amount of tax credits approved be in excess of the overall cap of $11 5 billion, and in no event shall the uncommitted portion of the annual limitation for any previous year be deployed after the conclusion of the seven-year period

5 This act shall take effect immediately

Approved January 12, 2022

CHAPTER 368

AN ACT concerning certain health care professionals and amending P L 2021, c 326

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

1 The Legislature finds and declares that

a Health care workers have demonstrated their commitment to helping the residents of the State of New Jersey emerge from the coronavirus disease

2019 (COVID-19) pandemic by continuing to provide care and treatment to patients while working under conditions of enormous stress and uncertainty

b On March 26, 2020, the Division of Consumer Affairs in the Department of Law and Public Safety issued waivers, under the authority of Executive Order No 103 of 2020, permitting certain health care workers licensed in other states to practice in New Jersey under a temporary emergency license On May 5, 2020, the division issued additional waivers authorizing graduates of certain accredited training programs to provide health care services in New Jersey under a temporary emergency license

c The temporary emergency reciprocal licensure of out-of-State health care workers in New Jersey and the temporary emergency graduate licensure for nurses, physician assistants, respiratory care therapists, pharmacists, and alcohol and drug counselors approved under these waivers will expire on January 11, 2022, pursuant to the provisions of P L 2021, c 103 (C 26 13-32 et seq) and Executive Order No 244 of 2021

d In light of the ongoing health care needs of the citizens of New Jersey and the ongoing challenges in ensuring the health care workforce is able to meet the demand for health care services, the Legislature finds it is necessary and appropriate to authorize out-of-State health care workers practicing under a temporary emergency reciprocal license, and recently graduated health care workers practicing under a temporary emergency graduate license, to continue to practice in the State to the same extent, and subject to the same requirements, as are provided under the Division of Consumer Affairs waivers, for a period extending through June 30, 2022, as well as to authorize additional out-of-State and recently graduated health care workers to apply for, and be issued, a temporary emergency license to practice in New Jersey during this period

2 a As used in this section

"Alcohol and drug counselor intern" means an individual in training working under the clinical supervision of a qualified clinical supervisor as set forth in N J A C 13 34C-6 2(a) and who is working toward completing the requirements of N J A C 13 34C-2 3(b)3ii

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

"Group 2 health care professional" means an advanced practice nurse, licensed social worker, doctor of osteopathy, homemaker-home health aide, licensed practical nurse, licensed alcohol and drug counselor, licensed clinical social worker, marriage and family therapist, medical doctor,

professional counselor, psychoanalyst, psychologist, registered professional nurse, and respiratory care practitioner

"Temporary emergency alcohol and drug counselor intern certification" means a certification to practice as an alcohol and drug counselor intern in New Jersey, subject to certain requirements and waivers, issued to an alcohol and drug counselor intern by the division pursuant to DCA Administrative Order No 2020-13 and DCA Waiver No W-2020-12

"Temporary emergency graduate license" means a license issued to a nurse, physician assistant, respiratory care therapist, pharmacist, social worker, or associate counselor who graduated from an accredited program but did not yet meet the requirements for licensure, which emergency license was issued by the division pursuant to DCA Administrative Order No 2020-05 and DCA Waiver No W-2020-09 or DCA Administrative Order No 2020-12 and DCA Waiver No W-2020-11, as applicable, and which license authorizes the nurse, physician assistant, respiratory care therapist, pharmacist, social worker, or associate counselor to practice in New Jersey

"Temporary emergency reciprocal license" means a license issued by the division, pursuant to a waiver approved by the division under the authority of Executive Order No 103 of 2020, to a health care professional licensed in a state other than New Jersey, which license authorizes the health care professional to fully engage in the practice of that person's profession in New Jersey, both in person and using telemedicine and telehealth, without requiring full licensure by a licensing board within the division

b (1) For the period commencing on the effective date of this act through June 30, 2022, any group 2 health care professional may apply to the division for a temporary emergency reciprocal license, which license, if approved, shall authorize the professional to practice in New Jersey under the same terms and conditions as apply to a temporary emergency reciprocal license issued under the waiver approved by the division under the authority of Executive Order No 103 of 2020 authorizing the issuance of temporary emergency reciprocal licenses The requirements and criteria for issuance of a temporary emergency reciprocal license pursuant to this paragraph shall be the same as for a temporary emergency reciprocal license issued under the waiver approved by the division under the authority of Executive Order No 103 of 2020 authorizing the issuance of temporary emergency reciprocal licenses A group 2 health care professional issued a temporary emergency reciprocal license pursuant to this paragraph shall be authorized to practice under the license through June 30, 2022

(2) Notwithstanding any other provision of law to the contrary, a group 2 health care professional practicing in New Jersey under a temporary emergency reciprocal license on the effective date of this act shall be authorized to continue

practicing, under the same terms and conditions as applied under that temporary emergency reciprocal license, through June 30, 2022 A group 2 health care professional who holds a valid temporary emergency reciprocal license on the effective date of this act shall not be required to apply for a license pursuant to paragraph (1) of this subsection to continue practicing under the temporary emergency reciprocal license through June 30, 2022

c (1) For the period commencing on the effective date of this act through June 30, 2022, any nurse, physician assistant, respiratory care therapist, pharmacist, social worker, or associate counselor may apply to the division for a temporary emergency graduate license, which license, if approved, shall authorize the professional to practice in New Jersey under the same terms and conditions as apply to a temporary emergency graduate license issued pursuant to DCA Administrative Order No 2020-05 and DCA Waiver No W-2020-09 or DCA Administrative Order No 2020-12 and DCA Waiver No W-2020-11, as applicable The requirements and criteria for issuance of a temporary emergency graduate license pursuant to this paragraph shall be the same as for a temporary emergency graduate license issued pursuant to DCA Administrative Order No 2020-05 and DCA Waiver No W-2020-09 or DCA Administrative Order No 2020-12 and DCA Waiver No W-2020-11, as applicable A nurse, physician assistant, respiratory care therapist, pharmacist, social worker, or associate counselor issued a temporary emergency graduate license pursuant to this paragraph shall be authorized to practice under the license through June 30, 2022

(2) Notwithstanding any other provision of law to the contrary, a nurse, physician assistant, respiratory care therapist, pharmacist, social worker, or associate counselor authorized to practice under a temporary emergency graduate license on the effective date of this act shall be authorized to continue practicing, under the same terms and conditions as applied to a license issued pursuant to DCA Administrative Order No 2020-05 and DCA Waiver No W-2020-09 or DCA Administrative Order No 2020-12 and DCA Waiver No W-2020-11, as applicable, through June 30, 2022 A nurse, physician assistant, respiratory care therapist, pharmacist, social worker, or associate counselor who holds a valid temporary emergency graduate license on the effective date of this act shall not be required to apply for a license pursuant to paragraph (1) of this subsection to continue practicing under the temporary emergency graduate license through June 30, 2022

d (1) For the period commencing on the effective date of this act through June 30, 2022, any alcohol and drug counselor intern may apply to the division for a temporary emergency alcohol and drug counselor intern certification, which certification, if approved, shall authorize the alcohol and

drug counselor intern to practice in New Jersey under the same terms and conditions as apply to a temporary emergency alcohol and drug counselor intern certification issued pursuant to DCA Administrative Order No 2020-13 and DCA Waiver No W-2020-12 The requirements and criteria for issuance of a temporary emergency alcohol and drug counselor intern certification pursuant to this paragraph shall be the same as for a temporary emergency alcohol and drug counselor intern certification issued pursuant to DCA Administrative Order No 2020-13 and DCA Waiver No W-2020-12 An alcohol and drug counselor intern issued a temporary emergency alcohol and drug counselor intern certification pursuant to this paragraph shall be authorized to practice under the certification through June 30, 2022

(2) Notwithstanding any other provision of law to the contrary, an alcohol and drug counselor intern authorized to practice under a temporary emergency alcohol and drug counselor intern certification on the effective date of this act shall be authorized to continue practicing, under the same terms and conditions as applied to a certification issued pursuant to DCA Administrative Order No 2020-13 and DCA Waiver No W-2020-12 through June 30, 2022 An alcohol and drug counselor intern who holds a valid temporary emergency alcohol and drug counselor intern certification on the effective date of this act shall not be required to apply for a certification pursuant to paragraph (1) of this subsection to continue practicing under the temporary emergency alcohol and drug counselor intern certification through June 30, 2022

e Nothing in this section shall be construed to

(1) prevent a health care professional practicing under a temporary emergency reciprocal license, an emergency graduate license, or a temporary emergency alcohol and drug counselor intern certification from applying for or receiving full licensure or certification in New Jersey, provided the professional otherwise meets the requirements for licensure or certification, or

(2) authorize the issuance of a temporary emergency reciprocal license, a temporary emergency graduate license, or a temporary emergency alcohol and drug counselor intern certification to, or reinstate a temporary emergency reciprocal license, a temporary emergency graduate license, or a temporary emergency alcohol and drug counselor intern certification for, any individual whose temporary emergency reciprocal license, temporary emergency graduate license, or temporary emergency alcohol and drug counselor intern certification expired or was rescinded by the division prior to the effective date of this act

3 Section 3 of P L 2021, c 326 is amended to read as follows

3 Notwithstanding any provision of law to the contrary, the Commissioner shall issue a nurse aide certification to an applicant who has

applied to the Department of Health for certification as a nurse aide, in a manner determined by the Commissioner, and who is a temporary nurse aide, if

a between the first day of the public health emergency declared in response to COVID-19 and January 11, 2022

(1) the temporary nurse aide successfully completed a training program and competency assessment authorized under a New Jersey waiver due to COVID-19 which included an online training component and an online examination, and, if so required, such additional training as may be required to satisfy the requirements of 42 C F R s 483 152 or any other provision of federal law or regulation, and

(2) the temporary nurse aide worked a minimum of 80 hours under the supervision of a licensed professional nurse, and the temporary nurse aide's adequate competency during that period is established by a certification or letter from the director of nursing attesting to the temporary nurse aide's adequate competency,

b the temporary nurse aide successfully completed the criminal history record background check required pursuant to section 2 of P L 1997, c 100 (C 26 2H-83) except that this section shall not be construed to supersede subsection d or any other provision of section 3 of P L 1997, c 100 (C 26 2H-84), and

c between the first day of the public health emergency declared in response to COVID-19 and June 30, 2022, the temporary nurse aide successfully completed (1) a State-approved nurse aide written examination in no more than three attempts and (2) a State-approved clinical skills competency examination

4 Section 4 of P L 2021, c 326 is amended to read as follows

4 Temporary nurse aides who have not been certified as nurse aides pursuant to section 3 of P L 2021, c 326 shall be permitted to work as temporary nurse aides until June 30, 2022

5 Section 5 of P L 2021, c 326 is amended to read as follows

5 The Department of Health may issue guidance or adopt regulations necessary to effectuate the purposes of this act, which regulations shall be effective immediately upon filing with the Office of Administrative Law and until June 30, 2022

6 This act shall take effect immediately

Approved January 12, 2022

CHAPTER 369

AN ACT concerning the promulgation by the Governor of the national census and amending various parts of the statutory law

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

1 R S 52 4-1 is amended to read as follows

Promulgation of national census

52 4-1 The governor is authorized to issue a statement declaring the date on which the Governor received the federal decennial census Whenever in any statute or regulation reference is made to promulgation of the federal decennial census, the same shall mean and refer to the receipt by the Governor of the official federal decennial census

2 Section 5 of P L 1995, c 425 (C 34 13A-16 2) is amended to read as follows

C 34 13A-16 2 Guidelines for determining comparability of jurisdictions

5 a The commission shall promulgate guidelines for determining the comparability of jurisdictions for the purposes of paragraph (2) of subsection g of section 3 of P L 1977, c 85 (C 34 13A-16)

b The commission shall review the guidelines promulgated under this section at least once every four years and may modify or amend them as is deemed necessary, provided, however, that the commission shall review and modify those guidelines in each year in which a federal decennial census is received by the Governor

3 N J S 40A 6-2 is amended to read as follows

When change in classification effective

40A 6-2 Whenever the classification of any county is changed by reason of increase of population as shown by any future federal decennial census, the change in class shall be deemed to take effect on July 1 following the receipt by the Governor of the federal decennial census

4 N J S 40A 6-6 is amended to read as follows

Time when census shall affect classification

40A 6-6 A federal decennial census shall be applicable to the classification of all cities within 90 days after its receipt by the Governor

5 Section 5 of P L 1981, c 496 (C 40 44-13) is amended to read as follows

C 40 44-13 Meetings, oath, division into wards or change in boundaries

5 a Within 5 days following any election at which the voters of the municipality shall have adopted a charter, or an amendment thereof, or a form of government requiring the division of the municipality into a number of wards, the ward commissioners shall meet and, having first taken and subscribed, before an officer authorized to administer oaths, an oath to faithfully and impartially perform their duties, shall proceed to divide the municipality into wards as required by the charter or form of government and this act

b Within 30 days following the final adoption pursuant to law by the municipal governing body of any ordinance which by its terms requires that the municipality be divided into wards, or that the existing wards of the municipality be increased or decreased, or that the existing ward boundaries of the municipality be adjusted to allow for the annexation or deannexation of territory, the ward commissioners shall meet in the manner provided in subsection a of this section and proceed to divide the municipality into wards, or to make such adjustments in ward boundaries, as shall be required to conform with the provisions of the ordinance and this act

c Within 3 months following the receipt by the Governor of each federal decennial census, the ward commissioners shall meet in the manner provided in subsection a of this section and proceed to make such adjustments in ward boundaries as shall be necessary to conform them to the requirements of this act

6 N J S 18A 64A-8 is amended to read as follows

Boards of trustees, apportionment of membership where established in more than one county

18A 64A-8 For each county college there shall be a board of trustees, consisting of the county superintendent of schools and 10 persons, eight of whom shall be appointed by the appointing authority of the county with the advice and consent of the board of chosen freeholders, at least two of whom shall be women and two of whom shall be appointed by the Governor, according to criteria and for such initial terms as shall be established However, no trustee shall be appointed after July 1, 1994 who is an employee of a constituent county The president of the college shall serve as an ex officio member of the board of trustees without vote In addition, the student body of each county college shall be entitled to elect from the graduating class one representative to serve as a member on the board of trustees for a

term of one year commencing at the first meeting of the board in July following graduation of his class The student representative may be granted voting rights by a majority vote of the members of the board of trustees If the board of trustees grants the student representative voting rights and all members of the board are present at the board meeting and there is a tie vote, the chairman shall break the tie

The appointing authority of the county shall establish a trustee search committee of not less than five members who shall be residents of the county The members of the trustee search committee shall not be elected public officials and shall not be eligible for appointment to the board of trustees for a period of six months after their service on the trustee search committee The trustee search committee shall nominate individuals for consideration by the appointing authority of the county for appointment to the board of trustees

When a county college is established by more than one county, the board of trustees shall be increased by two members for each additional participating county The membership of the board of trustees shall be apportioned by the commission among the several counties as nearly as may be according to the number of inhabitants in each county as shown by the last federal census, officially received by the Governor of this State Each apportionment shall continue in effect until a reapportionment shall become necessary by reason of receipt by the Governor of the next federal census or the enlargement of the board by the admission of one or more additional counties as provided for in section 18A 64A-24 Each county shall be entitled to have at least two members and the county superintendent of the schools of said county on the board of trustees

7 Section 1 of P L 1967, c 271 (C 18A 13-9) is amended to read as follows

C 18A 13-9 Reapportionment of membership

1 Each apportionment shall continue in effect unless and until a reapportionment shall become necessary by reason of the receipt by the Governor of the next federal census or the enlargement of the regional district by the admission of one or more local districts In any such case, immediately after the receipt by the Governor of said census or the certification of a favorable result of the election for enlargement of the regional district, the county superintendent or county superintendents of the county or counties in which the constituent districts are situate shall reapportion the members accordingly but all members shall continue in office for the terms for which they were elected or appointed notwithstanding any reapportionment If any constituent district shall become entitled to

increased representation on the board the additional members shall be elected at the next annual school election of the regional district If, as a result of such reapportionment, a disproportionate number of the total representatives of any one constituent district to a regional board are to be elected at a single annual school election, the commissioner shall have the power, on petition of a constituent district board of education, to alter the term of any member representing such constituent district by not more than 1 year, so as to temporarily apportion, as equally as possible over any given 3-year period, the election of the members representing such constituent district

8 Section 2 of P L 2017, c 45 (C 18A 13-9a) is amended to read as follows

C 18A 13-9a Apportionment of membership of board of education

2 Notwithstanding the provisions of N J S 18A 13-9 or any other section of law to the contrary, in the case in which the membership of the board of education of the regional district is apportioned pursuant to section 1 or section 3 of P L 2017, c 45 (C 18A 13-34a or C 18A 13-46 1), the apportionment shall continue in effect until the receipt by the Governor of the next federal census Immediately after the receipt by the Governor of a federal census, the Commissioner of Education shall consult with the constituent districts of the regional district to determine whether or not to reapportion the membership of the board of education of the regional district All members of the board of education of the regional district shall continue in office for the terms for which they were elected or appointed notwithstanding any reapportionment ordered by the commissioner If any constituent district receives increased representation on the board as a result of a reapportionment ordered by the commissioner, the additional members shall be elected at the next annual school election of the regional district If, as a result of such reapportionment, a disproportionate number of the total representatives of any one constituent district to a regional board are to be elected at a single annual school election, the commissioner shall have the power, on petition of a constituent district board of education, to alter the term of any member representing such constituent district by not more than one year, so as to temporarily apportion, as equally as possible over any given three-year period, the election of the members representing such constituent district

9 Section 1 of P L 1970, c 305 (C 18A 13-9 1) is amended to read as follows

C 18A 13-9 1 Special election of members of board after federal decennial census, resolution

1 Whenever the board of education of a regional district shall, following the taking of a federal decennial census and the issuance of preliminary populations of the constituent districts pursuant to said census but prior to the issuance of the final populations of said districts and the receipt by the Governor of said census in this State, determine that (a) said final populations and receipt by the Governor of the census shall not be available in time for the next succeeding election of members of said board, (b) said preliminary figures indicate that significant changes in the number of members to be allocated to the constituent districts will result, and (c) the allocation of members among the constituent districts on the basis of the present official census effective in this State will result in inequitable representation, it may, by resolution unanimously adopted and approved by the Commissioner of Education, provide that, notwithstanding the provisions of any other law to the contrary, the members to be next elected pursuant to article 7 of chapter 13 of Title 18A of the New Jersey Statutes shall be elected at a special election to be held on a day no later than 60 days after the receipt by the Governor of said census in this State as specified in said resolution

10 Section 3 of P L 1990, c 85 (C 52 27D-386) is amended to read as follows

C 52 27D-386 Definitions

3 As used in this act, "qualifying municipality" means a municipality which

a does not receive aid under P L 1978, c 14 (C 52 27D-178 et seq),

b has a population density that exceeds six times the State population density, according to the most recent State population and area estimates reported by the New Jersey Department of Labor, Division of Labor Market and Demographic Research, except that in the year of receipt by the Governor of a federal decennial census, the census figures shall be used,

c has a population that exceeds 7,500 residents, and

d is located in any of the five most densely populated counties, according to the most recent State population estimates reported by the New Jersey Department of Labor, Division of Labor Market and Demographic Research, except that in the year of receipt by the Governor of a federal decennial census, the census figures shall be used

11 Notwithstanding any other law to the contrary, with respect to the 2020 decennial census, the deadlines set forth in sections 5 and 7 of P L 1981, c 496 (C 40 44-13 and C 40 44-15) shall be extended by seven days

12 This act shall take effect immediately and shall be retroactive to July 1, 2021

Approved January 12, 2022

CHAPTER 370

AN ACT appropriating $37,174,636 71 from the "New Jersey Library Construction Fund" to provide grants for the construction, reconstruction, development, extension, improvement, and furnishing of New Jersey's public libraries

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

1 a There is appropriated from the "New Jersey Library Construction Fund," established pursuant to section 14 of P L 2017, c 149, to the State Librarian the sum of $27,544,551 to provide large project grants for the construction, reconstruction, development, extension, improvement, and furnishing of New Jersey public libraries and $9,630,085 71 to provide small project grants for barrier-free improvements and repairs of New Jersey public libraries

b Large project grants shall be awarded in the amounts as follows

(1) $1,500,000 to the Edison Township Free Public Library in Edison Township, Middlesex County,

(2) $472,464 to the Highland Park Public Library in Highland Park, Middlesex County,

(3) $3,996,437 50 to the Hillside Public Library in Hillside, Union County,

(4) $3,100,000 to the Long Branch Public Library in Long Branch, Monmouth County,

(5) $700,088 to the Maywood Public Library in Maywood, Bergen County,

(6) $4,824,000 to the Ocean County Library in Manahawkin, Ocean County,

(7) $6,529,148 to the South Orange Public Library in South Orange, Essex County,

(8) $302,250 to the Trenton Free Public Library in Trenton, Mercer County,

(9) $3,236,586 50 to the Union City Public Library in Union City, Hudson County, and

(10) $2,883,577 to the Free Public Library of the Borough of Woodland Park, Woodland Park, Passaic County

c Small project grants shall be awarded in the amounts as follows

(1) $284,000 to the Atlantic City Free Library in Atlantic City, Atlantic County,

(2) $549,013 50 to the Atlantic County Egg Harbor Township Branch Library in Egg Harbor, Atlantic City,

(3) $920,661 to the Atlantic County Galloway Township Branch Library in Galloway Township, Atlantic County,

(4) $694,212 to the Atlantic County Library System in Mays Landing, Atlantic County,

(5) $150,000 to the Belleville Public Library in Belleville, Essex County,

(6) $95,042 50 to the Bernards Township Library in Bernards Township, Somerset County,

(7) $256,040 16 to the Bound Brook Memorial Library Branch of the Somerset County Library System in Bound Brook, Somerset County,

(8) $61,681 to the Chester Library in Chester Borough and Chester Township, Morris County,

(9) $228,750 to the Clark Public Library in Clark, Union County,

(10) $189,150 to the Clifton Memorial Library in Clifton, Passaic County,

(11) $98,725 to the Dixon Homestead Library in Dumont, Bergen County,

(12) $234,813 to the Elizabeth Public Library in Elizabeth, Union County,

(13) $96,250 to the Elizabeth Public Library in Elizabeth, Union County,

(14) $165,750 to the Elizabeth Public Library in Elizabeth, Union County,

(15) $155,400 to the Emerson Public Library in Emerson, Bergen County,

(16) $70,000 to the Frenchtown Public Library in Frenchtown, Hunterdon County,

(17) $913,974 to the Free Public Library of the Borough of Madison in the Borough of Madison, Morris County,

(18) $500,000 to the Maurice M Pine Public Library in Fair Lawn, Bergen County,

(19) $1,764,447 to the Newark Public Library in Newark, Essex County,

(20) $64,320 to the North Arlington Public Library in North Arlington, Bergen County,

(21) $284,115 05 to the Nutley Free Public Library in Nutley, Essex County,

(22) $566,153 50 to the Plainfield Public Library in Plainfield, Union County,

(23) $172,500 to the South River Public Library in South River, Middlesex County,

(24) $183,573 to the Summit Free Public Library in Summit, Union County,

(25) $217,500 to the Tinton Falls Public Library in Tinton Falls, Monmouth County, and

(26) $714,015 to the Weehawken Free Public Library in Weehawken, Hudson County

d In the event that any of the large project grants awarded pursuant to subsection b of this section are unable to proceed, thereby resulting in such appropriated monies being available for other projects, including through non-acceptance of a grant award, such funds are hereby appropriated to award large project grants in the amounts and in such order as follows

(1) $2,450,000 to the Library of the Chathams in Chatham Borough and Chatham Township, Morris County,

(2) $247,361 to the Glen Ridge Library in Glen Ridge, Essex County,

(3) $1,622,900 to the Metuchen Public Library in Metuchen, Middlesex County,

(4) $1,426,673 to the Newark Public Library in Newark, Essex County, and

(5) $1,046,000 to the Rahway Public Library in Rahway, Union County

2 There is appropriated from the "New Jersey Library Construction Fund" to the New Jersey Educational Facilities Authority the sum of $375,000 for the administrative costs of the authority in implementing the provisions of the "New Jersey Library Construction Bond Act," P L 2017, c 149

3 The expenditure of sums appropriated by this act shall be subject to the provisions and conditions of the "New Jersey Library Construction Bond Act," P L 2017, 149

4 This act shall take effect immediately

Approved January 12, 2022

CHAPTER 371

AN ACT concerning disclosure of certain information with respect to certain public officials, creating a new chapter of and supplementing Title 47 of the Revised Statutes, supplementing Title 17 of the Revised Statutes, amending various parts of the statutory law, repealing section 7 of P L 2020, c 125, and making an appropriation

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

C 47 1B-1 Definitions

1 a As used in this act, P L 2021, c 371 (C 47 1B-1 et al)

"Authorized person" means a covered person or any of the following persons hereby authorized to submit or revoke a request for the redaction or nondisclosure of a home address on behalf of a covered person

(1) on behalf of any federal judge, a designee of the United States Marshals Service or of the clerk of any United States District Court, provided that the designee submits the affirmation required under subsection d of section 2 of P L 2021, c 371 (C 47 1B-2) signed by each federal judge for whom a request or revocation is made,

(2) on behalf of any covered person who is deceased or medically or psychologically incapacitated, a person acting on behalf of the covered person as a designated trustee, as an estate executor, or pursuant to a written power of attorney or other legal instrument, provided that the person signs and submits the affirmation required under subsection d of section 2 of P L 2021, c 371 (C 47 1B-2) in the stead of the covered person, and

(3) on behalf of any immediate family member who is a minor and who is otherwise entitled to address redaction or nondisclosure pursuant to this act, the parent or legal guardian thereof

"Covered person" means an active, formerly active, or retired judicial officer or law enforcement officer, as those terms are defined by section 1 of P L 1995, c 23 (C 47 1A-1 1), or prosecutor and any immediate family member residing in the same household as the judicial officer, law enforcement officer, or prosecutor

"Immediate family member" means a spouse, child, or parent of, or any other family member related by blood or by law to, an active, formerly active, or retired judicial officer or law enforcement officer, as defined by section 1 of P L 1995, c 23 (C 47 1A-1 1), or prosecutor and who resides in the same household as the judicial officer, law enforcement officer, or prosecutor

b There is established in the Department of Community Affairs an office to be known as the Office of Information Privacy The office shall be led by a director, who shall be appointed by and serve at the pleasure of the Commissioner of Community Affairs and who may hire staff as necessary

c The director shall establish

(1) a secure portal through which an authorized person may submit or revoke a request for the redaction or nondisclosure of a covered person's home address from certain records and Internet postings, as provided in

section 2 of P L 2021, c 371 (C 47 1B-2), and such requests shall not be subject to disclosure under P L 1963, c 73 (C 47 1A-1 et seq),

(2) a process by which an authorized person may petition the director for reconsideration of a denial of such request or any revocations thereof,

(3) a process by which a person or entity may request receipt of a record that does not contain redactions, or of information that is not disclosable, resulting from subsection a of section 2 of P L 2021, c 371 (C 47 1B-2), and

(4) a process for the evaluation of any other exceptions to the requirement for redaction or nondisclosure pursuant to section 2 of P L 2021, c 371 (C 47 1B-2), whether categorical or individualized The director may grant an exception to any person or entity for the receipt of the unredacted records or information pursuant to this process

d The director shall evaluate and either approve or deny a request submitted pursuant to subsection c of this section and any revocations thereof

e (1) The director may enter into any agreement or contract necessary to effectuate the purposes of this act

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

C 47 1B-2 Information redaction, nondisclosure request, enforcement

2 a An authorized person seeking the redaction or nondisclosure of the home address of any covered person from certain records and Internet postings consistent with section 2 of P L 2015, c 226 (C 47 1-17), section 1 of P L 1995, c 23 (C 47 1A-1 1), or section 6 of P L 2001, c 404 (C 47 1A-5) shall submit a request in accordance with section 1 of P L 2021, c 371 (C 47 1B-1) to the Office of Information Privacy through the secure portal established by the office The address shall only be subject to redaction or nondisclosure if a request is submitted to and approved by the Director of the Office of Information Privacy

b A public agency shall redact or cease to disclose, in accordance with section 6 of P L 2001, c 404 (C 47 1A-5) and section 1 of P L 1995, c 23 (C 47 1A-1 1), respectively, the home address of a covered person approved by the Office of Information Privacy not later than 30 days following the approval A public agency shall also discontinue the redaction or

nondisclosure of the home address of any covered person for whom a revocation request has been approved not later than 30 days following the approval

c An immediate family member who has sought and received approval under subsection a of this section and who no longer resides with the active, formerly active, or retired judicial officer, prosecutor, or law enforcement officer shall submit through the portal a revocation request not later than 30 days from the date on which the immediate family member no longer resided with the judicial officer, prosecutor, or law enforcement officer

d A person submitting a request pursuant to subsection a of this section shall affirm in writing that the person understands that certain rights, duties, and obligations are affected as a result of the request, including

(1) the receipt of certain notices from non-governmental entities as would otherwise be required pursuant to the "Municipal Land Use Law," P L 1975, c 291 (C 40 55D-1 et seq),

(2) the signing of petitions related to the nomination or election of a candidate to public office or related to any public question,

(3) the eligibility or requirements related to seeking or accepting the nomination for election or election to public office, or the appointment to any public position,

(4) the sale or purchase of a home or other property, recordation of a judgment, lien or other encumbrance on real or other property, and any relief granted based thereon,

(5) the ability to be notified of any class action suit or settlement, and

(6) any other legal, promotional, or official notice which would otherwise be provided to the person but for the redaction or nondisclosure of such person's home address pursuant to subsection a of this section

C 47 1B-3 Exceptions to redaction requirement

3 a The following exceptions shall apply to the requirement to redact, and the prohibition against the disclosure of, a home address pursuant to section 2 of P L 2021, c 371 (C 47 1B-2) in accordance with section 2 of P L 2015, c 226 (C 47 1-17), section 1 of P L 1995, c 23 (C 47 1A-1 1), or section 6 of P L 2001, c 404 (C 47 1A-5)

(1) Copies of voter registration files maintained in the Statewide voter registration system pursuant to section 2 of P L 2005, c 145 (C 19 31-32) and maintained by the commissioner of registration in each county pursuant to R S 19 31-3 shall be provided as redacted pursuant to section 2 of P L 2021, c 371 (C 47 1B-2), except that copies of the files as unredacted pursuant thereto

shall be provided to the following individuals, upon the individual's signing of an affidavit attesting to the individual's qualifying status pursuant hereto

(a) the chairperson of the county or municipal committee of a political party, as appropriate under R S 19 7-1, or a designee thereof, for distribution to any person authorized to serve as a challenger pursuant to R S 19 7-1 or section 2 of P L 2021, c 40 (C 19 15A-2), subject to the limitations in section 1 of P L 1960, c 82 (C 19 7-6 1), and the unredacted copies may only be used for the purpose specified in R S 19 7-5,

(b) a candidate, or a designee thereof, for distribution to a challenger appointed thereby pursuant to section 2 of P L 2021, c 40 (C 19 15A-2) for the person's use in accordance with R S 19 7-5,

(c) a candidate acting as a challenger pursuant to R S 19 7-2 or the other person appointed thereunder, for use in accordance with R S 19 7-5,

(d) any vendor, contractor, or organization carrying out a function of a county or of the State concerning the administration or conduct of elections, and

(e) upon order of a judge of the Superior Court after a finding that the unredacted copy is necessary to determine the merits of a petition filed in accordance with R S 19 29-3, a person filing such petition or the respondent or both

This paragraph shall apply to registry lists as described in section 2 of P L 1947, c 347 (C 19 31-18 1)

(2) Other than as provided in subparagraphs (d) and (e) of paragraph (4) of this subsection, a document affecting the title to real property, as defined by N J S 46 26A-2, recorded and indexed by a county recording officer, or as otherwise held or maintained by the Division of Taxation, a county board of taxation, a county tax administrator, or a county or municipal tax assessor, that contains an address subject to redaction or nondisclosure consistent with this act, P L 2021, c 371 (C 47 1B-1 et al)

may instead or in addition include the redaction and nondisclosure of the names or other information of approved covered persons, as specified by the Director of the Division of Taxation, which redaction and nondisclosure may include masking of such names or other information, and

shall be provided as unredacted to the following persons when requested in such person's ordinary course of business

(a) a title insurance company, a title insurance agent, or an approved attorney, as defined in section 1 of P L 1975, c 106 (C 17 46B-1),

(b) a mortgage guarantee insurance company, as described in section 4 of P L 1968, c 248 (C 17 46A-4),

(c) a mortgage loan originator, as defined in section 3 of P L 2009, c 53 (C 17 11C-53),

(d) a registered title search business entity, as defined in section 4 of P L 2021, c 371 (C 17 46B-1 1),

(e) a real estate broker, a real estate salesperson, a real estate broker-salesperson, a real estate salesperson licensed with a real estate referral company, or a real estate referral company, as such terms are defined in R S 45 15-3, and

(f) an individual or business that has made or received an offer for the purchase of real estate and real property, or any portion thereof, to or from a covered person whose address is subject to redaction or nondisclosure pursuant to section 2 of P L 2021, c 371 (C 47 1B-2)

This act shall not be construed to prohibit a county recording officer from returning a document as unredacted to any person who submitted the document for recordation

(3) A home address as unredacted may be provided by a public agency to the majority representative of such agency's employees

(4) The following shall not be subject to redaction or nondisclosure pursuant to section 2 of P L 2021, c 371 (C 47 1B-2)

(a) records and documents, including Uniform Commercial Code filings and financing statements, maintained by the Division of Revenue and Enterprise Services in the Department of the Treasury,

(b) petitions naming candidates for office pursuant to R S 19 13-1 and R S 19 13-4,

(c) petitions signed in accordance with R S 19 13-6,

(d) records evidencing any lien, judgement, or other encumbrance upon real or other property,

(e) assessment lists subject to inspection pursuant to R S 54 4-38 when inspected in person,

(f) the index of all recorded documents maintained by a county recording officer as under N J S 46 26A-8 when inspected in person, and

(g) property that is presumed abandoned under the "Uniform Unclaimed Property Act," P L 1989, c 58 (C 46 30B-1 et seq)

(5) A public agency may share unredacted information with any vendor, contractor, or organization to carry out the purposes for which the public agency entered into an agreement with the vendor, contractor, or organization The vendor, contractor, or organization shall not use such information in any manner other than as necessary to carry out the purposes of the agreement

(6) For a record or other document containing a home address required to be redacted pursuant to section 2 of P L 2021, c 371 (C 47 1B-2) that, because of the characteristics or properties of the record or document, is only available to be viewed in person, a custodian or other government official

shall make every reasonable effort to hide such address when allowing an individual without authority to view such address as unredacted to view the record or document

b Nothing in this act shall be construed to require redaction or nondisclosure of any information in any document, record, information, or database shared with or otherwise provided to any other government entity

c Information otherwise subject to redaction or nondisclosure pursuant to section 2 of P L 2021, c 371 (C 47 1B-2) may be provided as unredacted upon order of a judge of the Superior Court or of any other court of competent jurisdiction

d This section shall not be construed to require a record to be made available that is not otherwise required to be made available under any other law or regulation

e The Director of the Division of Taxation may issue any guidance, guidelines, or rules and regulations necessary to effectuate the purposes of this section The rules and regulations shall be effective immediately upon filing with the Office of Administrative Law for a period not to exceed 18 months, and shall, thereafter, be amended, adopted, or readopted in accordance with the provisions of the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq)

C 17 46B-1 1 Definitions

4 a As used in this section

"Title search business entity" means any person or entity organized under the laws of this State or another state for the primary purpose of determining the existence of any lien, lawsuit, lease, easement, mortgage or other encumbrance or restriction, or ownership interest, on any property and regularly conducts business with any title insurance company or title insurance agent as defined in section 1 of P L 1975, c 106 (C 17 46B-1)

b A title search business entity conducting business in this State shall register with and be subject to regulation by the Department of Banking and Insurance The business entities shall also register with the Division of Revenue and Enterprise Services in the Department of the Treasury, or the county clerk, as appropriate

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

5 Section 1 of P L 2015, c 226 (C 2C 20-31 1) is amended to read as follows

C 2C 20-31 1 Posting of certain information on the Internet, degree of crime

1 a For the purposes of this section

"Authorized person" means a covered person or any of the following persons hereby authorized to submit or revoke a request for the redaction or nondisclosure of a home address or unpublished telephone number on behalf of a covered person pursuant to subsection c of this section

(1) on behalf of any federal judge, a designee of the United States Marshals Service or of the clerk of any United States District Court,

(2) on behalf of any covered person who is deceased or medically or psychologically incapacitated, a person acting on behalf of the covered person as a designated trustee, as an estate executor, or pursuant to a written power of attorney or other legal instrument, and

(3) on behalf of any immediate family member who is a minor and who is otherwise entitled to address redaction or nondisclosure pursuant to this act, P L 2021, c 371 (C 47 1B-1 et al), the parent or legal guardian thereof

"Covered person" means an active, formerly active, or retired judicial officer or law enforcement officer, as those terms are defined by section 1 of P L 1995, c 23 (C 47 1A-1 1), or prosecutor and any immediate family member residing in the same household as the judicial officer, law enforcement officer, or prosecutor

"Immediate family member" means a spouse, child, or parent of, or any other family member related by blood or by law to, an active, formerly active, or retired judicial officer or law enforcement officer, as those terms are defined by section 1 of P L 1995, c 23 (C 47 1A-1 1), or prosecutor and who resides in the same household as the judicial officer, law enforcement officer, or prosecutor

"Person" shall not be construed to include in any capacity the custodian of a government record as defined in section 1 of P L 1995, c 23 (C 47 1A-1 1)

b Upon notification pursuant to subsection c of this section, and not later than 10 business days after receipt thereof, a person shall not knowingly, with purpose to expose another to harassment or risk of harm to life or property, or in reckless disregard of the probability of such exposure, post, repost, publish, or republish on the Internet, or otherwise make available, the home address or unpublished home telephone number of any covered person, except in compliance with any court order, law enforcement investigation, or request by a government agency or person duly acting on behalf of the agency

c An authorized person, as defined in subsection a of this section, seeking to prohibit the disclosure of the home address or unpublished home telephone number of any covered person consistent with subsection b of this section shall provide written notice to the person from whom they are seeking nondisclosure that they are an authorized person and requesting that such person cease the disclosure of such information and remove the protected information from the Internet or where otherwise made available

d A reckless violation of subsection b of this section is a crime of the fourth degree A purposeful violation of subsection b of this section is a crime of the third degree

e This section shall not be construed to prohibit a person, business, or association who has received information as unredacted pursuant to the provisions of sections 1 through 3 of P L 2021, c 371 (C 47 1B-1 through C 47 1B-3) from making the information available consistent with the purposes for which the person, business, or association received the information A person, business, or association that uses or makes available the information in a way that is inconsistent with the purposes for which the person, business, or association received the information shall be liable as provided pursuant to subsection d of this section

f Nothing herein shall be construed to impose liability on the news media for failure to remove information from previously printed newspapers As used in this subsection, "news media" means newspapers, magazines, press associations, news agencies, wire services, or other similar printed means of disseminating news to the general public

6 Section 2 of P L 1947, c 347 (C 19 31-18 1) is amended to read as follows

C 19 31-18 1 Registry lists, distribution, availability, use

2 a The county clerk in all counties shall cause copies of the registry lists, certified and transmitted under R S 19 31-18, to be printed, and shall furnish to any voter applying for the same such copies, charging therefor $0 25 per copy of the list of voters of each election district The clerk shall also furnish five printed copies thereof to each district board, which shall within two days post two such registry lists, one in the polling place and one in another conspicuous place within the election district The county clerk shall also forthwith deliver to the superintendent of elections of the county, if any there be, and to the chairmen of the county committees of each of the several political parties in the county, five copies of the lists of voters of each election district in the county, and to the municipal clerk of each of the

municipalities in the county five copies of the lists of voters of each election district in such municipality, and to the county board 10 copies of the lists of voters of each election district in each of such municipalities The county clerk shall also, upon the request of the chairman of the State committee of any of the several political parties, but not more than once in each calendar year, forthwith deliver a copy of the lists of voters of each election district in each of the municipalities in his county In no case shall a list of registered voters furnished pursuant to this section include voter signatures or, except as otherwise provided in section 3 of P L 2021, c 371 (C 47 1B-3), the home address of a covered person, as defined in section 1 of P L 2021, c 371 (C 47 1B-1), who has received approval from the Office of Information Privacy for the redaction or nondisclosure of the covered person's address The county clerk shall satisfy the request by delivery of a computer-generated or electronic copy of the list for the county from the Statewide voter registration system

b The commissioner of registration shall furnish a computer-generated or electronic copy of a list of registered voters in any or all election districts in the county to any voter requesting it, for which copy such commissioner shall make a charge which shall be uniform in any calendar year and which shall reflect only the cost of reproducing the list, but which in any case shall not exceed $375

c No person shall use voter registration lists or copies thereof prepared pursuant to this section as a basis for commercial or charitable solicitation of the voters listed thereon Any person making such use of such lists or copies thereof shall be a disorderly person, and shall be punished by a fine not exceeding $500 00

7 Section 2 of P L 2015, c 226 (C 47 1-17) is amended to read as follows

C 47 1-17 Publishing of certain information by governmental agency prohibited

2 Except as otherwise provided pursuant to sections 1 through 3 of P L 2021, c 371 (C 47 1B-1 through C 47 1B-3), a State or local governmental agency shall not knowingly post, repost, publish, or republish on the Internet the home address of any covered person approved by the Office of Information Privacy pursuant to section 2 of P L 2021, c 371 (C 47 1B-2), 31 days or more following such approval, unless the agency obtains the written permission of that person

8 Section 3 of P L 2015, c 226 (C 56 8-166 1) is amended to read as follows

C 56 8-166 1 Person, business, association prohibited from publishing certain information on the Internet

3 a (1) Upon notification pursuant to paragraph (2) of this subsection, and not later than 10 business days following receipt thereof, a person, business, or association shall not disclose or re-disclose on the Internet or otherwise make available, the home address or unpublished home telephone number of any covered person, as defined in subsection d of this section, who has received approval from the Office of Information Privacy for the redaction or nondisclosure of the covered person's address

(2) An authorized person seeking to prohibit the disclosure of the home address or unpublished home telephone number of any covered person consistent with paragraph (1) of this subsection shall provide written notice to the person from whom they are seeking nondisclosure that they are an authorized person and requesting that the person cease the disclosure of the information and remove the protected information from the Internet or where otherwise made available

(3) An immediate family member who has provided notice pursuant to paragraph (2) of this subsection and who no longer resides with the judicial officer, prosecutor, or law enforcement officer shall provide notice to that effect to the person, business, or association not later than 30 days from the date on which the immediate family member no longer resided with the judicial officer, prosecutor, or law enforcement officer

b A person, business, or association that violates subsection a of this section shall be liable to the aggrieved person, who may bring a civil action in the Superior Court

c The court may award

(1) actual damages, but not less than liquidated damages computed at the rate of $1,000 for each violation of this act,

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

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

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

d For the purposes of this section

"Authorized person" means a covered person or any of the following persons hereby authorized to submit or revoke a request for the redaction or nondisclosure of a home address on behalf of a covered person

(1) on behalf of any federal judge, a designee of the United States Marshals Service or of the clerk of any United States District Court,

(2) on behalf of any covered person who is deceased or medically or psychologically incapacitated, a person acting on behalf of the covered person as a designated trustee, as an estate executor, or pursuant to a written power of attorney or other legal instrument, and

(3) on behalf of any immediate family member who is a minor and who is otherwise entitled to address redaction or nondisclosure pursuant to this act, the parent or legal guardian thereof

"Covered person" means an active, formerly active, or retired judicial officer or law enforcement officer, as those terms are defined by section 1 of P L 1995, c 23 (C 47 1A-1 1), or prosecutor and any immediate family member residing in the same household as such judicial officer, law enforcement officer, or prosecutor

"Disclose" shall mean to solicit, sell, manufacture, give, provide, lend, trade, mail, deliver, transfer, post, publish, distribute, circulate, disseminate, present, exhibit, advertise or offer

"Immediate family member" means a spouse, child, or parent of, or any other family member related by blood or by law to, an active, formerly active, or retired judicial officer or law enforcement officer, as those terms are defined by section 1 of P L 1995, c 23 (C 47 1A-1 1), or prosecutor and who resides in the same household as such judicial officer, prosecutor, or law enforcement officer

"Person" shall not be construed to include in any capacity the custodian of a government record as defined in section 1 of P L 1995, c 23 (C 47 1A-1 1)

e This section shall not be construed to prohibit a person, business, or association who has received information as unredacted pursuant to the provisions of sections 1 through 3 of P L 2021, c 371 (C 47 1B-1 through C 47 1B-3) from making the information available consistent with the purposes for which the person, business, or association received the information A person, business, or association that uses or makes available the information in a way that is inconsistent with the purposes for which the person, business, or association received the information shall be liable as provided pursuant to subsection c of this section

f Nothing herein shall be construed to impose liability on the news media for failure to remove information from previously printed newspapers As used in this subsection, "news media" means newspapers, magazines, press associations, news agencies, wire services, or other similar printed means of disseminating news to the general public

9 N J S 46 26A-12 is amended to read as follows

Effect of recording

46 26A-12 a Notwithstanding the provisions of P L 2021, c 371 (C 47 1B-1 et al), any recorded document affecting the title to real property is, from the time of recording, notice to all subsequent purchasers, mortgagees and judgment creditors of the execution of the document recorded and its contents

b A claim under a recorded document affecting the title to real property shall not be subject to the effect of a document that was later recorded or was not recorded unless the claimant was on notice of the later recorded or unrecorded document

c A deed or other conveyance of an interest in real property shall be of no effect against subsequent judgment creditors without notice, and against subsequent bona fide purchasers and mortgagees for valuable consideration without notice and whose conveyance or mortgage is recorded, unless that conveyance is evidenced by a document that is first recorded

10 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,

the portion of any criminal record concerning a person's detection, apprehension, arrest, detention, trial or disposition for unlawful manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (11) of subsection b of N J S 2C 35-5, or a lesser amount of marijuana or hashish in violation of paragraph (12) of subsection b of that section, or a violation of either of those paragraphs and a violation of subsection a of section 1 of P L 1987, c 101 (C 2C 35-7) or

subsection a of section 1 of P L 1997, c 327 (C 2C 35-7 1) for distributing, dispensing, or possessing, or having under control with intent to distribute or dispense, on or within 1,000 feet of any school property, or on or within 500 feet of the real property comprising a public housing facility, public park, or public building, or for obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of marijuana or hashish in violation of paragraph (3) or (4) of subsection a , or subsection b , or subsection c of N J S 2C 35-10, or for a violation of any of those provisions and a violation of N J S 2C 36-2 for using or possessing with intent to use drug paraphernalia with that marijuana or hashish,

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, NGB-22, 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, or, in accordance with section 2 of P L 2021, c 371 (C 47 1B-2), that portion of any document which discloses the home address, whether a primary or secondary residence, of any active, formerly active, or retired judicial officer, prosecutor, or law enforcement officer, or, as defined in section 1 of P L 2021, c 371 (C 47 1B-1), any immediate family member thereof, 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 public 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 or documents obtained by gift, grant, bequest or device 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 handgun, firearms identification card license, or any firearms license, certification, certificate, form of register, or registration statement For the purposes of this paragraph, information contained in a background investigation shall include, but not be limited to, identity, name, address, social security number, phone number, fax number, driver's license number, email address, social media address of any applicant, licensee, registrant or permit holder

"Public agency" or "agency" means any of the principal departments in the Executive Branch of State Government, and any division, board, bureau, office, commission or other instrumentality within or created by such department, the Legislature of the State and any office, board, bureau or commission within or created by the Legislative Branch, and any independent State authority, commission, instrumentality or agency The terms also mean any political subdivision of the State or combination of political subdivisions, and any division, board, bureau, office, commission or other instrumentality within or created by a political subdivision of the State or combination of political subdivisions, and any independent authority, commission, instrumentality or agency created by a political subdivision or combination of political subdivisions

"Law enforcement agency" means a public agency, or part thereof, determined by the Attorney General to have law enforcement responsibilities

"Law enforcement officer" means a person whose public duties include the power to act as an officer for the detection, apprehension, arrest and conviction of offenders against the laws of this State

"Constituent" means any State resident or other person communicating with a member of the Legislature

"Judicial officer" means any active, formerly active, or retired federal, state, county, or municipal judge, including a judge of the Tax Court and any other court of limited jurisdiction established, altered, or abolished by law, a judge of the Office of Administrative Law, a judge of the Division of

Workers' Compensation, and any other judge established by law who serves in the executive branch

"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

11 Section 6 of P L 2001, c 404 (C 47 1A-5) is amended to read as follows

C 47 1A-5 Times during which records may be inspected, examined, copied, access, copy fees

6 a The custodian of a government record shall permit the record to be inspected, examined, and copied by any person during regular business hours, or in the case of a municipality having a population of 5,000 or fewer according to the most recent federal decennial census, a board of education having a total district enrollment of 500 or fewer, or a public authority having less than $10 million in assets, during not less than six regular business hours over not less than three business days per week or the entity's regularly-scheduled business hours, whichever is less, unless a government record is exempt from public access by P L 1963, c 73 (C 47 1A-1 et seq) as amended and supplemented,

any other statute, resolution of either or both houses of the Legislature, regulation promulgated under the authority of any statute or Executive Order of the Governor, Executive Order of the Governor, Rules of Court, any federal law, federal regulation, or federal order Prior to allowing access to any government record, the custodian thereof shall redact from that record any information which discloses the social security number, credit card number, unlisted telephone number, or driver license number of any person, or, in accordance with section 2 of P L 2021, c 371 (C 47 1B-2), the home address, whether a primary or secondary residence, of any active, formerly active, or retired judicial officer, prosecutor, or law enforcement officer, or, as defined in section 1 of P L 2021, c 371 (C 47 1B-1), any immediate family member thereof, 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 Except where an agency can demonstrate an emergent need, a regulation that limits access to government records shall not be retroactive in effect or applied to deny a request for access to a government record that is pending before the agency, the council or a court at the time of the adoption of the regulation

b (1) A copy or copies of a government record may be purchased by any person upon payment of the fee prescribed by law or regulation Except as otherwise provided by law or regulation and except as provided in paragraph (2) of this subsection, the fee assessed for the duplication of a government record embodied in the form of printed matter shall be $0 05 per letter size page or smaller, and $0 07 per legal size page or larger If a public agency can demonstrate that its actual costs for duplication of a government record exceed the foregoing rates, the public agency shall be permitted to charge the actual cost of duplicating the record The actual cost of duplicating the record, upon which all copy fees are based, shall be the cost of materials and supplies used to make a copy of the record, but shall not include the cost of labor or other overhead expenses associated with making the copy except as provided for in

subsection c of this section Access to electronic records and non-printed materials shall be provided free of charge, but the public agency may charge for the actual costs of any needed supplies such as computer discs

(2) No fee shall be charged to a victim of a crime for a copy or copies of a record to which the crime victim is entitled to access, as provided in section 1 of P L 1995, c 23 (C 47 1A-1 1)

c Whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied pursuant to this section is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the public agency may charge, in addition to the actual cost of duplicating the record, a special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the copy or copies, provided, however, that in the case of a municipality, rates for the duplication of particular records when the actual cost of copying exceeds the foregoing rates shall be established in advance by ordinance The requestor shall have the opportunity to review and object to the charge prior to it being incurred

d A custodian shall permit access to a government record and provide a copy thereof in the medium requested if the public agency maintains the record in that medium If the public agency does not maintain the record in the medium requested, the custodian shall either convert the record to the medium requested or provide a copy in some other meaningful medium If a request is for a record (1) in a medium not routinely used by the agency, (2) not routinely developed or maintained by an agency, or (3) requiring a substantial amount of manipulation or programming of information technology, the agency may charge, in addition to the actual cost of duplication, a special charge that shall be reasonable and shall be based on the cost for any extensive use of information technology, or for the labor cost of personnel providing the service, that is actually incurred by the agency or attributable to the agency for the programming, clerical, and supervisory assistance required, or both

e Immediate access ordinarily shall be granted to budgets, bills, vouchers, contracts, including collective negotiations agreements and individual employment contracts, and public employee salary and overtime information

f The custodian of a public agency shall adopt a form for the use of any person who requests access to a government record held or controlled by the public agency The form shall provide space for the name, address, and phone number of the requestor and a brief description of the government

record sought The form shall include space for the custodian to indicate which record will be made available, when the record will be available, and the fees to be charged The form shall also include the following (1) specific directions and procedures for requesting a record, (2) a statement as to whether prepayment of fees or a deposit is required, (3) the time period within which the public agency is required by P L 1963, c 73 (C 47 1A-1 et seq) as amended and supplemented, to make the record available, (4) a statement of the requestor's right to challenge a decision by the public agency to deny access and the procedure for filing an appeal, (5) space for the custodian to list reasons if a request is denied in whole or in part, (6) space for the requestor to sign and date the form, (7) space for the custodian to sign and date the form if the request is fulfilled or denied The custodian may require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the information thus requested will cost in excess of $5 to reproduce

g A request for access to a government record shall be in writing and hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian A custodian shall promptly comply with a request to inspect, examine, copy, or provide a copy of a government record If the custodian is unable to comply with a request for access, the custodian shall indicate the specific basis therefor on the request form and promptly return it to the requestor The custodian shall sign and date the form and provide the requestor with a copy thereof If the custodian of a government record asserts that part of a particular record is exempt from public access pursuant to P L 1963, c 73 (C 47 1A-1 et seq) as amended and supplemented, the custodian shall delete or excise from a copy of the record that portion which the custodian asserts is exempt from access and shall promptly permit access to the remainder of the record If the government record requested is temporarily unavailable because it is in use or in storage, the custodian shall so advise the requestor and shall make arrangements to promptly make available a copy of the record If a request for access to a government record would substantially disrupt agency operations, the custodian may deny access to the record after attempting to reach a reasonable solution with the requestor that accommodates the interests of the requestor and the agency

h Any officer or employee of a public agency who receives a request for access to a government record shall forward the request to the custodian of the record or direct the requestor to the custodian of the record

i (1) Unless a shorter time period is otherwise provided by statute, regulation, or executive order, a custodian of a government record shall grant access to a government record or deny a request for access to a government

record as soon as possible, but not later than seven business days after receiving the request, provided that the record is currently available and not in storage or archived In the event a custodian fails to respond within seven business days after receiving a request, the failure to respond shall be deemed a denial of the request, unless the requestor has elected not to provide a name, address or telephone number, or other means of contacting the requestor If the requestor has elected not to provide a name, address, or telephone number, or other means of contacting the requestor, the custodian shall not be required to respond until the requestor reappears before the custodian seeking a response to the original request If the government record is in storage or archived, the requestor shall be so advised within seven business days after the custodian receives the request The requestor shall be advised by the custodian when the record can be made available If the record is not made available by that time, access shall be deemed denied

(2) During a period declared pursuant to the laws of this State as a state of emergency, public health emergency, or state of local disaster emergency, the deadlines by which to respond to a request for, or grant or deny access to, a government record under paragraph (1) of this subsection or subsection e of this section shall not apply, provided, however, that the custodian of a government record shall make a reasonable effort, as the circumstances permit, to respond to a request for access to a government record within seven business days or as soon as possible thereafter

j A custodian shall post prominently in public view in the part or parts of the office or offices of the custodian that are open to or frequented by the public a statement that sets forth in clear, concise and specific terms the right to appeal a denial of, or failure to provide, access to a government record by any person for inspection, examination, or copying or for purchase of copies thereof and the procedure by which an appeal may be filed

k The files maintained by the Office of the Public Defender that relate to the handling of any case shall be considered confidential and shall not be open to inspection by any person unless authorized by law, court order, or the State Public Defender

12 a The Office of Information Privacy shall establish the portal required under subsection c of section 1 of this act, P L 2021, c 371 (C 47 1B-1) not later than the 181st day next following the date of enactment

b Compliance with the provisions of this act, P L 2021, c 371 (C 47 1B-1 et al) shall not be required until the 366th day next following the date of enactment, except that a public agency, person, business, or

association may honor a request for redaction or nondisclosure, or revocation thereof, submitted by an authorized person prior thereto

C 56 8-166 2 Repealer

13 Section 7 of P L 2020, c 125 (C 56 8-166 2) is repealed

14 There shall be appropriated from the General Fund the sum of $3,000,000 to the Department of Community Affairs and such other sums as are necessary, subject to the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury, to effectuate the purposes of this act

C 47 1B-4 Severability of act

15 If any provision of this act or its application to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable

16 This act shall take effect immediately and shall be retroactive to December 10, 2021

Approved January 12, 2022

CHAPTER 372

AN ACT concerning certain emergency powers of the New Jersey Housing and Mortgage Finance Agency and supplementing P L 1983, c 530 (C 55 14K-1 et seq)

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

C 55 14K-5 4 Eligible loans during states of emergency, conditions

1 a During a state of emergency declared by the Governor pursuant to P L 1942, c 251 (C App A 9-33 et seq) and while such state of emergency is in effect, the agency may make an eligible loan to a housing sponsor for a project to finance the construction, improvement, reconstruction, renovation or rehabilitation of a project

b The agency, under this section, may exempt an eligible loan from the requirements of subsection c of section 6 and paragraphs (2), (4), (5), (6), (7), and (8) of subsection a of section 7 and subsections a , b , d , and e of section 8 of P L 1983, c 530 (C 55 14K-6, C 55 14K-7, and C 55 14K-8)

c To receive an eligible loan from the agency under this section, a housing sponsor must certify, under penalty of perjury, that the eligible loan is necessary due to factors or conditions resulting from an "emergency" as such term is defined pursuant to section 3 of P L 1953, First Sp Sess , c 438, (C App A 9-33 1)

d If a project has suffered physical damage, a housing sponsor who receives an eligible loan under this section must

(1) make a claim or claims against all policies of insurance insuring the project, and

(2) Except with respect to those insurance proceeds that (a) have been authorized by the agency to be utilized for the rehabilitation of the project, or (b) have been pledged to restore the operating escrows of the project, assign to the agency the right to receive the proceeds of any claims made on all policies of insurance with respect to the project for the agency to credit against the outstanding principal balance of the eligible loan made under this section or against any other amounts that may be due under any eligible loan or loans made to the housing sponsor with respect to the project Any excess amounts remaining after payment of all principal, interest and any other amounts due to the agency shall be returned to the housing sponsor within thirty days

2 This act shall take effect immediately

Approved January 12, 2022

CHAPTER 373

AN ACT establishing the "New Jersey Foreclosure Counseling Fund" and amending and supplementing P L 2019, c 64

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

C 2A 50-81 Findings and declarations

1 The Legislature finds and declares that

a The Foreclosure Mediation Assistance Program administered by the New Jersey Housing and Mortgage Finance Agency provides trained foreclosure prevention and default mitigation counselors for homeowner-borrowers participating in the Foreclosure Mediation Program established by the New Jersey Judiciary

b As provided by section 7 of the "New Jersey Foreclosure Mediation Act," P L 2019, c 64 (C 2A 50-80), trained foreclosure prevention and default mitigation counselors are paid using a portion of funds paid by a foreclosure plaintiff in an action for foreclosure

c During the public health emergency declared by the Governor in Executive Order No 103 of 2020 due to the coronavirus disease 2019 (COVID-19) pandemic, the New Jersey Housing and Mortgage Finance Agency expanded its Foreclosure Mediation Assistance Program to provide other supports to New Jersey residents including renter and pre-foreclosure counseling

d Since the expansion began, nearly 5,000 households have been served

e Sufficient funding exists for trained foreclosure prevention and default mitigation counselors to continue to provide pre-foreclosure counseling services although the public health emergency declared by the Governor in Executive Order No 103 of 2020 has concluded

C 2A 50-82 "New Jersey Foreclosure Counseling Fund" established

2 a There is established in the General Fund a separate, non-lapsing, dedicated account administered by the Department of Community Affairs to be known as the "New Jersey Foreclosure Counseling Fund "

b The funds within the New Jersey Foreclosure Counseling Fund shall be paid to the New Jersey Housing and Mortgage Finance Agency no later than the 15th day of each quarter to reimburse trained foreclosure prevention and default mitigation counselors for pre-foreclosure counseling services in accordance with guidance established by the New Jersey Housing and Mortgage Finance Agency and for the agency's services required under P L 2019, c 64 (C 2A 50-74 et seq)

c The New Jersey Housing and Mortgage Finance Agency may assess up to five percent of New Jersey Foreclosure Counseling Fund's annual allocation amounts for administrative costs

d For purposes of this section, "trained foreclosure prevention and default mitigation counselors" shall have the same definition as in section 2 of the "New Jersey Foreclosure Mediation Act," P L 2019, c 64 (C 2A 50-75)

3 Section 7 of P L 2019, c 64 (C 2A 50-80) is amended to read as follows

C 2A 50-80 "Foreclosure Mediation Fund "

7 There is created in the General Fund a dedicated, non-lapsing fund to be known as the "Foreclosure Mediation Fund," to be held separate and apart from all other funds of the State The Foreclosure Mediation Fund shall be administered by the Administrative Office of the Courts In each action for foreclosure, the plaintiff shall pay $155 to the clerk of the court in addition to the fee associated with the filing of the first paper Of that $155 payment, $60 and all monies collected from each civil penalty imposed for violations of subsection b of section 5 of P L 2019, c 64 (C 2A 50-78), shall be deposited in the Foreclosure Mediation Fund The monies shall be appropriated annually by the Legislature to the Administrative Office of the Courts for the purposes of the operation of the Foreclosure Mediation Program, including the compensation of mediators, and to enhance the integrity of the mortgage foreclosure review process All interest or other income earned on monies deposited into the Foreclosure Mediation Fund, and any monies that may be appropriated or otherwise become available for the purpose of the Foreclosure Mediation Fund, shall be credited and deposited into the Foreclosure Mediation Fund The remaining $95 collected from each filing fee shall be deposited into the New Jersey Foreclosure Counseling Fund on the first day of each calendar quarter

4 This act shall take effect immediately

Approved January 12, 2022

CHAPTER 374

AN ACT concerning project grants under the "Securing Our Children's Future Fund" for school security projects in certain school districts and making an appropriation

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

1 a There is appropriated from the "Securing Our Children's Future Fund," established pursuant to section 13 of P L 2018, c 119, to the Department of Education the sum of $5,150,531 to provide grants for school

security projects in New Jersey's school districts Project grants shall be approved in the amounts set forth in subsection b of this section

b Project grants shall be awarded in the amounts as follows

(1) $33,785 to the Bergen County Special Services School District in Bergen County,

(2) $31,890 to the Carlstadt-East Rutherford Regional High School District in Bergen County,

(3) $144,169 to the Elmwood Park School District in Bergen County,

(4) $66,603 to the Park Ridge School District in Bergen County,

(5) $195,484 to the Teaneck School District in Bergen County,

(6) $20,000 to the Beverly City School District in Burlington County,

(7) $27,580 to the Mansfield Township School District in Burlington County,

(8) $120,524 to the Maple Shade School District in Burlington County,

(9) $20,000 to the New Hanover Township School District in Burlington County,

(10) $16,653 to Berlin Township School District in Camden County,

(11) $25,035 to Clementon Elementary School District in Camden County,

(12) $119,721 to Collingswood Public School District in Camden County,

(13) $20,000 to Laurel Springs School District in Camden County,

(14) $4,500 to Lawnside School District in Camden County,

(15) $20,000 to Oaklyn Public School District in Camden County,

(16) $26,289 to Somerdale School District in Camden County,

(17) $38,750 to Waterford Township School District in Camden County,

(18) $73,761 to Lower Cape May Regional School District in Cape May County,

(19) $25,913 to Hopewell Township School District in Cumberland County,

(20) $20,000 to Essex Regional Educational Services Commission in Essex County,

(21) $154,755 to Essex County Schools of Technology in Essex County,

(22) $20,000 to Essex Fells School District in Essex County,

(23) $352,329 to Irvington Public School District in Essex County,

(24) $184,230 to Livingston Board of Education School District in Essex County,

(25) $377,768 to Montclair Public School District in Essex County,

(26) $228,171 to Nutley Public School District in Essex County,

(27) $20,000 to East Newark School District in Hudson County,

(28) $2,949 to Hunterdon County Educational Services Commission in Hunterdon County,

(29) $191,033 to Ewing Township School District in Mercer County,

(30) $24,819 to Cranbury Township School District in Middlesex County,
(31) $128,387 to Metuchen Public School District in Middlesex County,
(32) $20,000 to Atlantic Highlands School District in Monmouth County,
(33) $55,460 to Millstone Township School District in Monmouth County,
(34) $20,000 to Neptune City School District in Monmouth County,
(35) $205,044 to Neptune Township School District in Monmouth County,
(36) $189,594 to Township of Ocean School District in Monmouth County,
(37) $25,305 to Shrewsbury Borough School District in Monmouth County,
(38) $28,078 to Union Beach Public School District in Monmouth County,
(39) $93,869 to Morris County Vocational School District in Morris County,
(40) $261,862 to Randolph Township School District in Morris County,
(41) $49,699 to Salem County Vocational Technical School District in Salem County,
(42) $382,358 to Franklin Township Public School District in Somerset County,
(43) $267,839 to Montgomery Township School District in Somerset County,
(44) $20,000 to Stanhope School District in Sussex County,
(45) $54,378 to Sussex-Wantage Regional School District in Sussex County,
(46) $38,898 to Wallkill Valley Regional High School District in Sussex County,
(47) $218,811 to Cranford Public School District in Union County,
(48) $20,172 to Garwood Boro School District in Union County,
(49) $23,012 to Allamuchy Township School District in Warren County,
(50) $20,000 to Alpha Borough School District in Warren County,
(51) $23,356 to Blairstown Elementary Township School District in Warren County,
(52) $20,000 to Franklin Township School District in Warren County,
(53) $16,182 to Frelinghuysen Township School District in Warren County,
(54) $34,329 to Great Meadows Regional School District in Warren County,
(55) $1,549 to Hope Township School District in Warren County,
(56) $38,554 to Lopatcong Township School District in Warren County,
(57) $31,416 to Mansfield Township Elementary School District in Warren County,
(58) $210,810 to Phillipsburg School District in Warren County,
(59) $20,000 to Pohatcong Township School District in Warren County, and
(60) $24,858 to Washington Borough School District in Warren County

2 The expenditure of sums appropriated by this act shall be subject to the provisions and conditions of the "Securing Our Children's Future Bond Act," P L 2018, c 119

3 This act shall take effect immediately

Approved January 12, 2022

CHAPTER 375

AN ACT concerning freedom of reproductive choice and supplementing Title 10 of the Revised Statutes, P L 1997, c 192 (C 26 2S-1 et seq), and Title 52 of the Revised Statutes

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

C 10 7-1 Findings and declarations

1 The Legislature finds and declares that

a In cases such as Right to Choose v Byrne, 91 N J 287 (1982) and Planned Parenthood of Cent N J v Farmer, 165 N J 609 (2000), the New Jersey Supreme Court has recognized that the right to reproductive choice is a fundamental right enshrined in the State Constitution, that this right is independent of the United States Constitution, and that Article I, paragraph 1 of the New Jersey Constitution is independent of, and protects reproductive autonomy to an extent that exceeds the protections established under, the United States Constitution

b The New Jersey Supreme Court has found that the right to reproductive choice includes the right to determine whether and when to bear children In particular, the citizens of New Jersey may access contraception, including emergency contraception, may not be denied public benefits based on the choice to have additional children, may choose to terminate a pregnancy, and may choose to carry a pregnancy to term

c Self-determination in reproductive choice is key to helping establish equality among the genders and to allowing all people of childbearing age to participate equally in the economic and social life of the United States and the State of New Jersey

d An unplanned pregnancy can disrupt educational and career plans, forcing the pregnant person to drop out of school, abandon pursuit of a college or advanced degree, accept lower-paying employment or

employment with limited opportunities for advancement, or delay entrance into the workforce, which can have the effect of limiting the person's lifetime earnings and can prevent the person from following a chosen career path

e The right to choose whether and when to have children allows people to more effectively plan in a way that is compatible with the person's overall life goals Although each person retains the right to exercise the freedom of reproductive choice regardless of the health and strength of the person's interpersonal relationships, where and how the person lives, or the person's income level and overall resources, the essence of the right to reproductive choice is that people have the ability to make reproductive choices in a manner commensurate with their own personal beliefs, life plan, and moral code

f Governmental restrictions on reproductive choice, by their very nature, impinge on the constitutional right to reproductive autonomy, particularly when they fail to confer any benefits to patients in the form of improved health or safety Moreover, restrictions of this nature often have a disparate impact that is predominantly felt by persons who already experience barriers to health care access, including young people, people of color, people with disabilities, people with low income, people living in rural areas, immigrants, and people who are transgender or non-binary

g The Legislature is committed to ensuring that no barriers to reproductive freedom exist in the State Individuals have the right to make their own decisions concerning reproduction, including the right to contraception, the right to terminate a pregnancy, and the right to carry a pregnancy to term, without government interference or fear of prosecution

h It is both reasonable and necessary for the State to enable, facilitate, support, and safeguard the provision of high-quality, comprehensive reproductive and sexual health care, including the full range of evidence-based information, counseling, and health care services, to all individuals in the State, and to enable, facilitate, support, and safeguard the ability of such individuals to access affordable and timely reproductive health care services and to engage in autonomous reproductive decision-making, in consultation with health care professionals of their choosing, without fear of prosecution, discrimination, or unnecessary barriers to care To achieve those ends, it shall be the policy of this State to

(1) explicitly guarantee, to every individual, the fundamental right to reproductive autonomy, which includes the right to contraception, the right to terminate a pregnancy, and the right to carry a pregnancy to term,

(2) enable all qualified health care professionals to provide pregnancy termination services in the State,

(3) advance comprehensive insurance coverage for reproductive care, including primary reproductive health care services, services to terminate a pregnancy, long-acting contraceptives, and long-term supplies of hormonal contraceptives, that enables the citizens of New Jersey to fully exercise their freedom of reproductive choice while recognizing the rights of certain religious employers to request an exemption from such coverage, and

(4) ensure that all laws, rules, regulations, ordinances, resolutions, policies, standards, or parts thereof, that are currently in force or enacted in the future, conform to the provisions and the express or implied purposes of this act, and that any law, rule, regulation, ordinance, resolution, policy, standard, or part thereof that conflicts with the provisions of this act or its express or implied purposes is subject to invalidation

C 10 7-2 Reproductive choice rights

2 a Every individual present in the State, including, but not limited to, an individual who is under State control or supervision, shall have the fundamental right to choose or refuse contraception or sterilization, and choose whether to carry a pregnancy, to give birth, or to terminate a pregnancy The New Jersey Constitution recognizes the fundamental nature of the right to reproductive choice, including the right to access contraception, to terminate a pregnancy, and to carry a pregnancy to term, shall not be abridged by any law, rule, regulation, ordinance, or order issued by any State, county, or local governmental authority Any law, rule, regulation, ordinance, or order, in effect on or adopted after the effective date of this act, that is determined to have the effect of limiting the constitutional right to freedom of reproductive choice and that does not conform with the provisions and the express or implied purposes of this act, shall be deemed invalid and shall have no force or effect

b The provisions of this section shall be enforceable under the "New Jersey Civil Rights Act," P L 2004, c 143 (C 10 6-1 et seq) or in any other manner provided by law

C 26 2S-39 Health benefit plans, coverage for abortion, certain religious employers exempt

3 a Upon concluding a study and issuing a report to the Governor and the Legislature demonstrating that such a regulation is necessary, the Department of Banking and Insurance may, through regulation adopted pursuant to the "Administrative Procedure Act", P L 1968 c 410 (C 52 14B-1 et seq), provide that health benefit plans delivered, issued, executed, or renewed in this State, provide coverage for abortion If the department provides for coverage pursuant to this section, then the department shall also require carriers to grant,

upon request of a religious employer, an exclusion under the contract for the coverage required 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 covered persons and prospective covered persons, and the carrier shall provide notice to the Commissioner of Banking and Insurance in such form and manner as may be determined by the commissioner The provisions of this paragraph shall not be construed as authorizing a carrier to exclude coverage for care that is necessary to preserve the life or health of a subscriber An exclusion from an insurance coverage mandate granted to a religious employer pursuant to this section shall not be considered a violation of section 2 of P L 2021, c 375 (C 10 7-2)

b For the purposes of this section, "religious employer" means an organization that is organized and operates as a nonprofit entity and is referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal Revenue Code of 1986 (26 U S C s 6033), as amended

C 52 14-17 29hh SHBC, coverage for abortion, certain religious employers exemption

4 A contract providing hospital or medical expense benefits purchased by the State Health Benefits Commission may provide coverage for abortion A contract providing hospital or medical expense benefits purchased by the commission shall not exclude a provider from its network or otherwise restrict services from the provider solely on the basis that the provider is a religious employer, as defined in section 3 of P L 2021, c 375 (C 26 2S-39), that refuses to provide abortion services

C 52 14-17 46 6q School Employees' Health Benefits Commission, coverage for abortion, certain religious employers exemption

5 A contract providing hospital or medical expense benefits purchased by the School Employees' Health Benefits Commission may provide coverage for abortion A contract providing hospital or medical expense benefits purchased by the commission shall not exclude a provider from its network or otherwise restrict services from the provider solely on the basis that the provider is a religious employer, as defined in section 3 of P L 2021, c 375 (C 26 2S-39), that refuses to provide abortion services

6 This act shall take effect immediately

Approved January 13, 2022

CHAPTER 376

AN ACT concerning insurance and Medicaid program coverage for prescribed contraceptives, amending P L 2005, c 251, and supplementing P L 1968, c 413 (C 30 4D-1 et seq)

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 contraceptives

1 a A hospital service corporation that provides hospital or medical expense benefits shall provide coverage under every 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, and the following services, drugs, devices, products, and procedures on an in-network basis

(1) Any contraceptive drug, device or product approved by the United States Food and Drug Administration, which coverage shall be subject to all of the following conditions

(a) If there is a therapeutic equivalent of a contraceptive drug, device or product approved by the United States Food and Drug Administration, coverage shall be provided for either the requested contraceptive drug, device or product or for one or more therapeutic equivalents of the requested drug, device or product

(b) Coverage shall be provided without a prescription for all contraceptive drugs available for over-the-counter sale that are approved by the United States Food and Drug Administration

(c) Coverage shall be provided without any infringement upon a subscriber's choice of contraception and medical necessity shall be determined by the provider for covered contraceptive drugs, devices or other products approved by the United States Food and Drug Administration

(2) Voluntary male and female sterilization

(3) Patient education and counseling on contraception

(4) Services related to the administration and monitoring of drugs, devices, products and services required under this section, including but not limited to

(a) Management of side effects,

(b) Counseling for continued adherence to a prescribed regimen,

(c) Device insertion and removal,

(d) Provision of alternative contraceptive drugs, devices or products deemed medically appropriate in the judgment of the subscriber's health care provider, and

(e) Diagnosis and treatment services provided pursuant to, or as a follow-up to, a service required under this section

b The coverage provided shall include prescriptions for dispensing contraceptives for

(1) (Deleted by amendment, P L 2021, c 376)

(2) up to a 12-month period at one time

c (1) Except as provided in paragraph (2) of this subsection, the benefits shall be provided to the same extent as for any other service, drug, device, product, or procedure under the contract, except no deductible, coinsurance, copayment, or any other cost-sharing requirement on the coverage shall be imposed

(2) In the case of a high-deductible health plan, benefits for male sterilization or male contraceptives shall be provided at the lowest deductible and other cost-sharing permitted for a high-deductible health plan under section 223(c)(2)(A) of the Internal Revenue Code (26 U S C s 223)

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

e Nothing in this section shall limit coverage of any additional preventive service for women, as identified or recommended by the United States Preventive Services Task Force or the Health Resources and Services Administration of the United States Department of Health and Human Services pursuant to the provisions of 42 U S C 300gg-13

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 contraceptives

2 a A medical service corporation that provides hospital or medical expense benefits shall provide coverage under every 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, and the following services, drugs, devices, products, and procedures on an in-network basis

(1) Any contraceptive drug, device or product approved by the United States Food and Drug Administration, which coverage shall be subject to all of the following conditions

(a) If there is a therapeutic equivalent of a contraceptive drug, device or product approved by the United States Food and Drug Administration, coverage shall be provided for either the requested contraceptive drug, device or product or for one or more therapeutic equivalents of the requested drug, device or product

(b) Coverage shall be provided without a prescription for all contraceptive drugs available for over-the-counter sale that are approved by the United States Food and Drug Administration

(c) Coverage shall be provided without any infringement upon a subscriber's choice of contraception and medical necessity shall be determined by the provider for covered contraceptive drugs, devices or other products approved by the United States Food and Drug Administration

(2) Voluntary male and female sterilization

(3) Patient education and counseling on contraception

(4) Services related to the administration and monitoring of drugs, devices, products and services required under this section, including but not limited to

(a) Management of side effects,

(b) Counseling for continued adherence to a prescribed regimen,

(c) Device insertion and removal,

(d) Provision of alternative contraceptive drugs, devices or products deemed medically appropriate in the judgment of the subscriber's health care provider, and

(e) Diagnosis and treatment services provided pursuant to, or as a follow-up to, a service required under this section

b The coverage provided shall include prescriptions for dispensing contraceptives for

(1) (Deleted by amendment, P L 2021, c 376)

(2) up to a 12-month period at one time

c (1) Except as provided in paragraph (2) of this subsection, the benefits shall be provided to the same extent as for any other service, drug, device, product, or procedure under the contract, except no deductible, coinsurance, copayment, or any other cost-sharing requirement on the coverage shall be imposed

(2) In the case of a high-deductible health plan, benefits for male sterilization or male contraceptives shall be provided at the lowest deductible and other cost-sharing permitted for a high-deductible health plan under section 223(c)(2)(A) of the Internal Revenue Code (26 U S C s 223)

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

e Nothing in this section shall limit coverage of any additional preventive service for women, as identified or recommended by the United States Preventive Services Task Force or the Health Resources and Services Administration of the United States Department of Health and Human Services pursuant to the provisions of 42 U S C 300gg-13

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 contraceptives

3 a A health service corporation that provides hospital or medical expense benefits shall provide coverage under every 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, and the following services, drugs, devices, products, and procedures on an in-network basis

(1) Any contraceptive drug, device or product approved by the United States Food and Drug Administration, which coverage shall be subject to all of the following conditions

(a) If there is a therapeutic equivalent of a contraceptive drug, device or product approved by the United States Food and Drug Administration, coverage shall be provided for either the requested contraceptive drug, device or product or for one or more therapeutic equivalents of the requested drug, device or product

(b) Coverage shall be provided without a prescription for all contraceptive drugs available for over-the-counter sale that are approved by the United States Food and Drug Administration

(c) Coverage shall be provided without any infringement upon a subscriber's choice of contraception and medical necessity shall be determined by the provider for covered contraceptive drugs, devices or other products approved by the United States Food and Drug Administration

(2) Voluntary male and female sterilization

(3) Patient education and counseling on contraception

(4) Services related to the administration and monitoring of drugs, devices, products and services required under this section, including but not limited to

(a) Management of side effects,

(b) Counseling for continued adherence to a prescribed regimen,

(c) Device insertion and removal,

(d) Provision of alternative contraceptive drugs, devices or products deemed medically appropriate in the judgment of the subscriber's health care provider, and

(e) Diagnosis and treatment services provided pursuant to, or as a follow-up to, a service required under this section

b The coverage provided shall include prescriptions for dispensing contraceptives for

(1) (Deleted by amendment, P L 2021, c 376)

(2) up to a 12-month period at one time

c (1) Except as provided in paragraph (2) of this subsection, the benefits shall be provided to the same extent as for any other service, drug, device, product, or procedure under the contract, except no deductible, coinsurance, copayment, or any other cost-sharing requirement on the coverage shall be imposed

(2) In the case of a high-deductible health plan, benefits for male sterilization or male contraceptives shall be provided at the lowest deductible and other cost-sharing permitted for a high-deductible health plan under section 223(c)(2)(A) of the Internal Revenue Code (26 U S C s 223)

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

e Nothing in this section shall limit coverage of any additional preventive service for women, as identified or recommended by the United States Preventive Services Task Force or the Health Resources and Services Administration of the United States Department of Health and Human Services pursuant to the provisions of 42 U S C 300gg-13

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 insurers, coverage for contraceptives

4 a A group health insurer that provides hospital or medical expense benefits shall provide coverage under every 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, and the following services, drugs, devices, products, and procedures on an in-network basis

(1) Any contraceptive drug, device or product approved by the United States Food and Drug Administration, which coverage shall be subject to all of the following conditions

(a) If there is a therapeutic equivalent of a contraceptive drug, device or product approved by the United States Food and Drug Administration, coverage shall be provided for either the requested contraceptive drug, device or product or for one or more therapeutic equivalents of the requested drug, device or product

(b) Coverage shall be provided without a prescription for all contraceptive drugs available for over-the-counter sale that are approved by the United States Food and Drug Administration

(c) Coverage shall be provided without any infringement upon a subscriber's choice of contraception and medical necessity shall be determined by the provider for covered contraceptive drugs, devices or other products approved by the United States Food and Drug Administration

(2) Voluntary male and female sterilization

(3) Patient education and counseling on contraception

(4) Services related to the administration and monitoring of drugs, devices, products and services required under this section, including but not limited to

(a) Management of side effects,

(b) Counseling for continued adherence to a prescribed regimen,

(c) Device insertion and removal,

(d) Provision of alternative contraceptive drugs, devices or products deemed medically appropriate in the judgment of the subscriber's health care provider, and

(e) Diagnosis and treatment services provided pursuant to, or as a follow-up to, a service required under this section

b The coverage provided shall include prescriptions for dispensing contraceptives for

(1) (Deleted by amendment, P L 2021, c 376)

(2) up to a 12-month period at one time

c (1) Except as provided in paragraph (2) of this subsection, the benefits shall be provided to the same extent as for any other service, drug, device, product, or procedure under the policy, except no deductible, coinsurance, copayment, or any other cost-sharing requirement on the coverage shall be imposed

(2) In the case of a high-deductible health plan, benefits for male sterilization or male contraceptives shall be provided at the lowest deductible and other cost-sharing permitted for a high-deductible health plan under section 223(c)(2)(A) of the Internal Revenue Code (26 U S C s 223)

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

e Nothing in this section shall limit coverage of any additional preventive service for women, as identified or recommended by the United States Preventive Services Task Force or the Health Resources and Services Administration of the United States Department of Health and Human Services pursuant to the provisions of 42 U S C 300gg-13

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 contraceptives

5 a An individual health insurer that provides hospital or medical expense benefits shall provide coverage under every 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, and the following services, drugs, devices, products, and procedures on an in-network basis

(1) Any contraceptive drug, device or product approved by the United States Food and Drug Administration, which coverage shall be subject to all of the following conditions

(a) If there is a therapeutic equivalent of a contraceptive drug, device or product approved by the United States Food and Drug Administration, coverage shall be provided for either the requested contraceptive drug, device or product or for one or more therapeutic equivalents of the requested drug, device or product

(b) Coverage shall be provided without a prescription for all contraceptive drugs available for over-the-counter sale that are approved by the United States Food and Drug Administration

(c) Coverage shall be provided without any infringement upon a subscriber's choice of contraception and medical necessity shall be determined by the provider for covered contraceptive drugs, devices or other products approved by the United States Food and Drug Administration

(2) Voluntary male and female sterilization

(3) Patient education and counseling on contraception

(4) Services related to the administration and monitoring of drugs, devices, products and services required under this section, including but not limited to

(a) Management of side effects,

(b) Counseling for continued adherence to a prescribed regimen,

(c) Device insertion and removal,

(d) Provision of alternative contraceptive drugs, devices or products deemed medically appropriate in the judgment of the subscriber's health care provider, and

(e) Diagnosis and treatment services provided pursuant to, or as a follow-up to, a service required under this section

b The coverage provided shall include prescriptions for dispensing contraceptives for

(1) (Deleted by amendment, P L 2021, c 376)

(2) up to a 12-month period at one time

c (1) Except as provided in paragraph (2) of this subsection, the benefits shall be provided to the same extent as for any other service, drug, device, product, or procedure under the policy, except no deductible, coinsurance, copayment, or any other cost-sharing requirement on the coverage shall be imposed

(2) In the case of a high-deductible health plan, benefits for male sterilization or male contraceptives shall be provided at the lowest deductible and other cost-sharing permitted for a high-deductible health plan under section 223(c)(2)(A) of the Internal Revenue Code (26 U S C s 223)

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

e Nothing in this section shall limit coverage of any additional preventive service for women, as identified or recommended by the United States Preventive Services Task Force or the Health Resources and Services Administration of the United States Department of Health and Human Services pursuant to the provisions of 42 U S C 300gg-13

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 contraceptives

6 a 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, unless the health maintenance organization provides health care services for prescription female contraceptives, and the following services, drugs, devices, products, and procedures on an in-network basis

(1) Any contraceptive drug, device or product approved by the United States Food and Drug Administration, which coverage shall be subject to all of the following conditions

(a) If there is a therapeutic equivalent of a contraceptive drug, device or product approved by the United States Food and Drug Administration, coverage shall be provided for either the requested contraceptive drug, device or product or for one or more therapeutic equivalents of the requested drug, device or product

(b) Coverage shall be provided without a prescription for all contraceptive drugs available for over-the-counter sale that are approved by the United States Food and Drug Administration

(c) Coverage shall be provided without any infringement upon a subscriber's choice of contraception and medical necessity shall be determined by the provider for covered contraceptive drugs, devices or other products approved by the United States Food and Drug Administration

(2) Voluntary male and female sterilization

(3) Patient education and counseling on contraception

(4) Services related to the administration and monitoring of drugs, devices, products and services required under this section, including but not limited to

(a) Management of side effects,

(b) Counseling for continued adherence to a prescribed regimen,

(c) Device insertion and removal,

(d) Provision of alternative contraceptive drugs, devices or products deemed medically appropriate in the judgment of the subscriber's health care provider, and

(e)Diagnosis and treatment services provided pursuant to, or as a follow-up to, a service required under this section

b The coverage provided shall include prescriptions for dispensing contraceptives for

(1) (Deleted by amendment, P L 2021, c 376)

(2) up to a 12-month period at one time

c (1) Except as provided in paragraph (2) of this subsection, the health care services shall be provided to the same extent as for any other service, drug, device, product, or procedure under the contract, except no deductible, coinsurance, copayment, or any other cost-sharing requirement on the coverage shall be imposed

(2) In the case of a high-deductible health plan, benefits for male sterilization or male contraceptives shall be provided at the lowest deductible and other cost-sharing permitted for a high-deductible health plan under section 223(c)(2)(A) of the Internal Revenue Code (26 U S C s 223)

d 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

e Nothing in this section shall limit coverage of any additional preventive service for women, as identified or recommended by the United States Preventive Services Task Force or the Health Resources and Services Administration of the United States Department of Health and Human Services pursuant to the provisions of 42 U S C 300gg-13

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 contraceptives

7 a An individual health benefits plan required pursuant to section 3 of P L 1992, c 161 (C 17B 27A-4) shall provide coverage for expenses incurred in the purchase of prescription female contraceptives, and the following services, drugs, devices, products, and procedures on an in-network basis

(1) Any contraceptive drug, device or product approved by the United States Food and Drug Administration, which coverage shall be subject to all of the following conditions

(a) If there is a therapeutic equivalent of a contraceptive drug, device or product approved by the United States Food and Drug Administration, coverage shall be provided for either the requested contraceptive drug, device or product or for one or more therapeutic equivalents of the requested drug, device or product

(b) Coverage shall be provided without a prescription for all contraceptive drugs available for over-the-counter sale that are approved by the United States Food and Drug Administration

(c) Coverage shall be provided without any infringement upon a subscriber's choice of contraception and medical necessity shall be determined by the provider for covered contraceptive drugs, devices or other products approved by the United States Food and Drug Administration

(2) Voluntary male and female sterilization

(3) Patient education and counseling on contraception

(4) Services related to the administration and monitoring of drugs, devices, products and services required under this section, including but not limited to

(a) Management of side effects,

(b) Counseling for continued adherence to a prescribed regimen,

(c) Device insertion and removal,

(d) Provision of alternative contraceptive drugs, devices or products deemed medically appropriate in the judgment of the subscriber's health care provider, and

(e) Diagnosis and treatment services provided pursuant to, or as a follow-up to, a service required under this section

b The coverage provided shall include prescriptions for dispensing contraceptives for

(1) (Deleted by amendment, P L 2021, c 376)

(2) up to a 12-month period at one time

c (1) Except as provided in paragraph (2) of this subsection, the benefits shall be provided to the same extent as for any other service, drug, device, product, or procedure under the health benefits plan, except no deductible, coinsurance, copayment, or any other cost-sharing requirement on the coverage shall be imposed

(2) In the case of a high-deductible health plan, benefits for male sterilization or male contraceptives shall be provided at the lowest deductible and other cost-sharing permitted for a high-deductible health plan under section 223(c)(2)(A) of the Internal Revenue Code (26 U S C s 223)

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

e Nothing in this section shall limit coverage of any additional preventive service for women, as identified or recommended by the United States Preventive Services Task Force or the Health Resources and Services Administration of the United States Department of Health and Human Services pursuant to the provisions of 42 U S C 300gg-13

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 contraceptives

8 a A small employer health benefits plan required pursuant to section 3 of P L 1992, c 162 (C 17B 27A-19) shall provide coverage for expenses incurred in the purchase of prescription female contraceptives, and the following services, drugs, devices, products, and procedures on an in-network basis

(1) Any contraceptive drug, device or product approved by the United States Food and Drug Administration, which coverage shall be subject to all of the following conditions

(a) If there is a therapeutic equivalent of a contraceptive drug, device or product approved by the United States Food and Drug Administration,

coverage shall be provided for either the requested contraceptive drug, device or product or for one or more therapeutic equivalents of the requested drug, device or product

(b) Coverage shall be provided without a prescription for all contraceptive drugs available for over-the-counter sale that are approved by the United States Food and Drug Administration

(c) Coverage shall be provided without any infringement upon a subscriber's choice of contraception and medical necessity shall be determined by the provider for covered contraceptive drugs, devices or other products approved by the United States Food and Drug Administration

(2) Voluntary male and female sterilization

(3) Patient education and counseling on contraception

(4) Services related to the administration and monitoring of drugs, devices, products and services required under this section, including but not limited to

(a) Management of side effects,

(b) Counseling for continued adherence to a prescribed regimen,

(c) Device insertion and removal,

(d) Provision of alternative contraceptive drugs, devices or products deemed medically appropriate in the judgment of the subscriber's health care provider, and

(e) Diagnosis and treatment services provided pursuant to, or as a follow-up to, a service required under this section

b The coverage provided shall include prescriptions for dispensing contraceptives for

(1) (Deleted by amendment, P L 2021, c 376)

(2) up to a 12-month period at one time

c (1) Except as provided in paragraph (2) of this subsection, the benefits shall be provided to the same extent as for any other service, drug, device, product, or procedure under the health benefits plan, except no deductible, coinsurance, copayment, or any other cost-sharing requirement on the coverage shall be imposed

(2) In the case of a high-deductible health plan, benefits for male sterilization or male contraceptives shall be provided at the lowest deductible and other cost-sharing permitted for a high-deductible health plan under section 223(c)(2)(A) of the Internal Revenue Code (26 U S C s 223)

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

e Nothing in this section shall limit coverage of any additional preventive service for women, as identified or recommended by the United

States Preventive Services Task Force or the Health Resources and Services Administration of the United States Department of Health and Human Services pursuant to the provisions of 42 U S C 300gg-13

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 contraceptives

9 a A prepaid prescription service organization shall provide coverage under every 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, and the services, drugs, devices, products, and procedures on an in-network basis as determined to be required to be covered by the commissioner pursuant to subsection b of this section

b The Commissioner of Banking and Insurance shall determine, in the commissioner's discretion, which provisions of the coverage requirements applicable to insurers pursuant to P L 2019, c 361 shall apply to prepaid prescription organizations, and shall adopt regulations in accordance with the commissioner's determination

c The coverage provided shall include prescriptions for dispensing contraceptives for

(1) (Deleted by amendment, P L 2021, c 376)

(2) up to a 12-month period at one time

d (1) Except as provided in paragraph (2) of this subsection, the benefits shall be provided to the same extent as for any other service, drug, device, product, or procedure under the contract, except no deductible, coinsurance, copayment, or any other cost-sharing requirement on the coverage shall be imposed

(2) In the case of a high-deductible health plan, benefits for male sterilization or male contraceptives shall be provided at the lowest deductible and other cost-sharing permitted for a high-deductible health plan under section 223(c)(2)(A) of the Internal Revenue Code (26 U S C s 223)

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

f Nothing in this section shall limit coverage of any additional preventive service for women, as identified or recommended by the United States Preventive Services Task Force or the Health Resources and Services

Administration of the United States Department of Health and Human Services pursuant to the provisions of 42 U S C 300gg-13

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 SHBC, coverage for contraceptives

10 a The State Health Benefits Commission shall ensure that every contract purchased by the commission on or after the effective date of this act shall provide benefits for expenses incurred in the purchase of prescription female contraceptives, and the following services, drugs, devices, products, and procedures on an in-network basis

(1) Any contraceptive drug, device or product approved by the United States Food and Drug Administration, which coverage shall be subject to all of the following conditions

(a) If there is a therapeutic equivalent of a contraceptive drug, device or product approved by the United States Food and Drug Administration, coverage shall be provided for either the requested contraceptive drug, device or product or for one or more therapeutic equivalents of the requested drug, device or product

(b) Coverage shall be provided without a prescription for all contraceptive drugs available for over-the-counter sale that are approved by the United States Food and Drug Administration

(c) Coverage shall be provided without any infringement upon a subscriber's choice of contraception and medical necessity shall be determined by the provider for covered contraceptive drugs, devices or other products approved by the United States Food and Drug Administration

(2) Voluntary male and female sterilization

(3) Patient education and counseling on contraception

(4) Services related to the administration and monitoring of drugs, devices, products and services required under this section, including but not limited to

(a) Management of side effects,

(b) Counseling for continued adherence to a prescribed regimen,

(c) Device insertion and removal,

(d) Provision of alternative contraceptive drugs, devices or products deemed medically appropriate in the judgment of the subscriber's health care provider, and

(e) Diagnosis and treatment services provided pursuant to, or as a follow-up to, a service required under this section

b The coverage provided shall include prescriptions for dispensing contraceptives for

(1) (Deleted by amendment, P L 2021, c 376)

(2) up to a 12-month period at one time

c (1) Except as provided in paragraph (2) of this subsection, the contract shall specify that no deductible, coinsurance, copayment, or any other cost-sharing requirement may be imposed on the coverage required pursuant to this section

(2) In the case of a high-deductible health plan, benefits for male sterilization or male contraceptives shall be provided at the lowest deductible and other cost-sharing permitted for a high-deductible health plan under section 223(c)(2)(A) of the Internal Revenue Code (26 U S C s 223)

d Nothing in this section shall limit coverage of any additional preventive service for women, as identified or recommended by the United States Preventive Services Task Force or the Health Resources and Services Administration of the United States Department of Health and Human Services pursuant to the provisions of 42 U S C 300gg-13

C 30 4D-6s State Medicaid program, coverage for family planning services

11 Coverage for family planning services under the State Medicaid program shall include prescriptions for dispensing contraceptives for up to a 12-month period at one time The Commissioner of Human Services shall apply for such State plan amendments or waivers as may be necessary to implement the provisions of this section and to secure federal financial participation for State Medicare expenditures under the federal Medicaid program

12 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 January 1, 2023

Approved January 13, 2022

CHAPTER 377

AN ACT concerning certain training for judges, law enforcement, and assistant county prosecutors and amending P L 1991, c 261

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

1 Section 4 of P L 1991, c 261 (C 2C 25-20) is amended to read as follows

C 2C 25-20 Development of training course, curriculum

4 a (1) The Division of Criminal Justice shall develop and approve a training course and curriculum on the handling, investigation and response procedures concerning reports of domestic violence and abuse and neglect of the elderly and disabled This training course and curriculum shall be reviewed at least every two years and modified by the Division of Criminal Justice from time to time as need may require The Division of Criminal Justice shall distribute the curriculum to all local police agencies

(2) The Attorney General shall be responsible for ensuring training as follows

(a) all law enforcement officers shall attend initial training within 90 days of appointment or transfer and annual in-service training of at least four hours as described in this section Once every three years, this in-service training requirement shall be satisfied through in-person instructor-led training

(b) all assistant county prosecutors involved in the handling of domestic violence cases shall attend initial training within 90 days of appointment or transfer and annual in-service training of at least four hours as described in this section

b (1) The Administrative Director of the Courts shall develop and approve a training course and a curriculum for all municipal court judges, Superior Court judges responsible for the adjudication of domestic violence matters, and judicial personnel involved with the intake and processing of domestic violence complaints All judges and judicial personnel identified in this section shall participate in core training regarding issues such as the dynamics of domestic violence, the impact of domestic violence on children, trauma-informed danger assessments, batterer intervention programs, and domestic violence risk factors and lethality In addition, municipal court judges shall receive specific training related to the issuance of temporary restraining orders in emergent situations Superior Court judges responsible for the adjudication of domestic violence matters shall receive supplemental training related to the issuance and enforcement of temporary and final restraining orders, including factors considered when determining if a final restraining order should be issued, child custody and parenting plans, the setting of child support, distribution of property and ongoing housing expenses, and counseling The core curriculum and individualized training programs shall be reviewed at least every two years and modified by the Administrative Director of the Courts from time to time as need may require

(2) The Administrative Director of the Courts shall be responsible for ensuring that all municipal court judges, Superior Court judges responsible for the adjudication of domestic violence matters, and judicial personnel involved with the intake and processing of domestic violence complaints attend initial training within 90 days of appointment or transfer and annual in-service training as described in this section

(3) The Attorney General and the Administrative Director of the Courts shall provide that all training on the handling of domestic violence matters required under this subsection shall include information concerning the impact of domestic violence on society, and include topics regarding the dynamics of domestic violence, the impact of domestic violence on children, the impact of trauma on survivors, risks for lethality in domestic violence cases, safety planning and services for survivors of domestic violence, the impact of racial bias and discrimination on survivors and marginalized communities, the statutory and case law concerning domestic violence, the necessary elements of a protection order, the guidelines regarding when domestic violence incidents trigger mandatory or discretionary arrest, policies and procedures as promulgated or ordered by the Attorney General or the Supreme Court, and the use of available community resources, support services, available sanctions and treatment options

c Law enforcement agencies shall (1) establish domestic crisis teams or participate in established domestic crisis teams, and (2) shall train individual officers in methods of dealing with domestic violence and neglect and abuse of the elderly and disabled The teams may include social workers, clergy or other persons trained in counseling, crisis intervention or in the treatment of domestic violence and neglect and abuse of the elderly and disabled victims

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 378

AN ACT concerning domestic violence training and amending P L 1999, c 349

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

1 Section 10 of P L 1999, c 349 (C 2B 25-10) is amended to read as follows

C 2B 25-10 Training programs, certification

10 a (1) The Attorney General, in consultation with the county and municipal prosecutors, shall develop curricula for training programs for all municipal prosecutors which shall include, but not be limited to, domestic violence training and include topics regarding the dynamics of domestic violence, the impact of domestic violence on children, the impact of trauma on survivors, risks for lethality in domestic violence cases, offenders accountability, safety planning and services for survivors of domestic violence, the impact of racial bias and discrimination on survivors and marginalized communities

(2) Participation in such training programs shall be voluntary, except that participation in the domestic violence training program shall be mandatory An attorney successfully completing a training program shall receive such certification or recognition as deemed appropriate by the Attorney General

b The domestic violence training course and curriculum shall be reviewed at least every two years and modified by the Division of Criminal Justice from time to time as need may require

The Attorney General shall be responsible for ensuring that all new municipal prosecutors appointed after the effective date of P L 2021, c 378 who have not previously served as a municipal prosecutor for a municipality attend an initial domestic violence training within 90 days of appointment or transfer and annual in-service training of at least four hours as described in paragraph (3) of subsection b of section 4 of P L 1991, c 261 (C 2C 25-20) The training shall not be required for any municipal prosecutor who was appointed to that office prior to the effective date of P L 2021, c 378 who is subsequently re-appointed to that office or appointed as a municipal prosecutor for another municipality after that effective date

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 379

AN ACT concerning construction defects in common interest communities and amending N J S 2A 14-1

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

1 N J S 2A 14-1 is amended to read as follows

6 years

2A 14-1 a Every action at law for trespass to real property, for any tortious injury to real or personal property, for taking, detaining, or converting personal property, for replevin of goods or chattels, for any tortious injury to the rights of another not stated in N J S 2A 14-2 and N J S 2A 14-3, or for recovery upon a contractual claim or liability, express or implied, not under seal, or upon an account other than one which concerns the trade or merchandise between merchant and merchant, their factors, agents and servants, shall be commenced within six years next after the cause of any such action shall have accrued

b This section shall not apply to any action for breach of any contract for sale governed by N J S 12A 2-725

c The period of time for the filing of a claim by a condominium association, cooperative corporation, or other planned real estate development association against a developer or any person acting through, on behalf of or at the behest of the developer under subsection a of this section, shall be tolled until an election is held and the owners comprise a majority of the board pursuant to paragraph (3) of subsection a of section 5 of P L 1993, c 30 (C 45 22A-47), or subsection d of section 2 of P L 1979, c 157 (C 46 8B-12 1) Any cause of action involving a condominium, cooperative, or other planned real estate development under the provisions of subsection a of this section that has not been subject to a final judgment dismissing the claim as of the effective date of P L 2021, c 379 shall be subject to the terms of this subsection

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 380

AN ACT concerning mental health and supplementing Title 26 of the Revised Statutes

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

New Jersey State Library

C 26 2-178 1 Perinatal mood and anxiety disorder screening, related services, access

1 a The Department of Health shall develop and implement a plan to improve access to perinatal mood and anxiety disorder screening, referral, treatment, and support services

b The plan shall provide strategies to

(1) increase awareness among mental health care service providers who treat women experiencing perinatal mood and anxiety disorders with regard to the prevalence and effects of perinatal mood and anxiety disorders on women and children,

(2) establish a referral network of mental health care providers and support services for women who are in need of perinatal mood and anxiety disorder treatment,

(3) increase women's access to formal and informal peer support services, including access to certified peer specialists who have received training related to perinatal mood and anxiety disorders,

(4) raise public awareness for, and reduce the stigma related to, perinatal mood and anxiety disorders, and

(5) provide available funds to perinatal mood and anxiety disorder screening, referral, treatment, and support services

2 The Commissioner of Health shall adopt rules and regulations, in accordance with the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), as are necessary to effectuate the provisions of this act

3 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 381

AN ACT concerning reporting requirements of charitable organizations and non-profit corporations and amending P L 1994, c 16 and N J S 15A 4-5

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

1 Section 7 of P L 1994, c 16 (C 45 17A-24) is amended to read as follows

C 45 17A-24 Long form registration statement

7 a Every charitable organization operating or soliciting within this State, except for those provided for in section 8 of this act or exempt pursuant to section 9 of this act, shall file a long form registration statement with the Attorney General

b The long form shall contain the following

(1) The name of the organization and any other name or names under which it intends to solicit contributions and the purposes for which it was organized,

(2) The name, street address and telephone number of each officer, director and trustee and each principal salaried executive staff employee and whether the person has been adjudged liable in an administrative or civil action, or convicted in a criminal action, involving theft, fraud or deceptive business practices For the purposes of this paragraph

(a) a plea of guilty, non vult, nolo contendere or any similar disposition of alleged criminal activity shall be deemed a conviction,

(b) "each principal salaried executive staff employee" shall be limited to no more than the five most highly compensated employees in the organization, and

(c) a judgment of liability in an administrative or civil action shall include, but not be limited to, any finding or admission that the officer, director, trustee or principal salaried executive staff employee engaged in an unlawful practice or practices related to the solicitation of contributions or the administration of charitable assets, regardless of whether that finding was made in the context of an injunction, a proceeding resulting in the denial, suspension or revocation of an organization's registration, consented to in an assurance of voluntary compliance or any similar order or legal agreement with any state or federal agency

(3) A copy of the most recent Internal Revenue Service Form 990 and Schedule A (990) for every registrant if the organization filed these forms,

(4) A clear description of the specific programs and charitable purpose for which contributions will be used and a statement whether such programs are planned or are in existence,

(5) A statement disclosing pertinent information concerning whether any of the organization's officers, directors, trustees or principal salaried executive staff employees as defined in subparagraph (b) of paragraph (2) of subsection b of this section

(a) Are related by blood, marriage or adoption to each other or to any officers, agents or employees of any fund raising counsel or independent paid fund raiser under contract to the organization, or are related by blood, marriage or adoption to any chief executive employee, any other employee of the organization with a direct financial interest in the transaction, or any

partner, proprietor, director, officer, trustee, or to any shareholder of the organization with more than a two percent interest of any supplier or vendor providing goods or services to the organization and, if so, the name and business and home address and telephone number of each related party, or

(b) Have a financial interest in any activity engaged in by a fund raising counsel or independent paid fund raiser under contract to the organization or any supplier or vendor providing goods or services to the organization and, if so, the name and business address and telephone number of each interested party

(6) The amount of any grant or financial assistance from any agency of government in its preceding fiscal year,

(7) A statement setting forth the place where and the date when the organization was legally established and the form of the organization,

(8) The principal street address and telephone number of the organization and the address and telephone number of each office in this State If the organization does not maintain an office in this State, the name and address of the individual having custody of its financial records pertaining to operations or solicitations in this State shall be disclosed,

(9) The name, street address and telephone number of each affiliate which shares in the contributions or other revenue raised in this State,

(10) The date when the organization's fiscal year ends,

(11) A statement whether

(a) The organization is authorized by any other state to solicit contributions and, if so, a listing of the states in which authorization has been obtained,

(b) The organization is or has ever been enjoined in any jurisdiction from soliciting contributions or has been found to have engaged in unlawful practices in the solicitation of contributions or the administration of charitable assets,

(c) The organization's registration has been denied, suspended or revoked by any jurisdiction, together with the reasons for that denial, suspension or revocation, and

(d) The organization has voluntarily entered into an assurance of voluntary compliance agreement or any similar order or legal agreement with any jurisdiction or federal agency or officer,

(12) Whether the organization intends to solicit contributions from the general public, and

(13) Any other information as may be prescribed by rules adopted by the Attorney General In prescribing the requirements of the long form, the Attorney General shall permit a charitable organization to incorporate by reference any information reported by the organization on its Service Form 990 and Schedule A (990)

c With initial registration only, every charitable organization required to file a long form registration shall also file a copy of the organization's charter, articles of organization, agreement of association, instrument of trust, constitution or other organizational instrument and bylaws, and a statement setting forth the organization's tax exempt status with copies of federal or state tax exemption determination or exemption ruling letters, provided that any changes in the accuracy of this information shall be reported to the Attorney General pursuant to subsection e of section 14 of this act

d (1) Every charitable organization required to file a long form registration shall file an annual financial report with the Attorney General The annual financial report shall include a balance sheet, a statement of support revenue, expenses and changes in fund balance, a statement of functional expenses at least divided into program, management, general, and fund raising, and such other information as the Attorney General shall by rule require

(2) The annual financial report of every charitable organization which received gross revenue in excess of $1,000,000 in monetary donations, or any greater amount that the Attorney General may prescribe by regulation, during its most recently completed fiscal year shall be accompanied by (a) a financial statement prepared in accordance with generally accepted accounting principles or other comprehensive basis of accounting approved for use by the Attorney General by regulation which has been audited in accordance with generally accepted auditing standards by an independent certified public accountant, and (b) any management letters prepared by the auditor in connection with the audit commenting on the internal accounting controls or management practices of the organization

The annual financial reports of all organizations receiving more than $25,000 but less than $1,000,000 in monetary donations, or any greater amount that the Attorney General may prescribe by regulation, shall be certified by the organization's president or other authorized officer of the organization's governing board and at the request of the Attorney General, the organization shall submit (a) a financial statement prepared in accordance with generally accepted accounting principles or other comprehensive basis of accounting approved for use by the Attorney General by regulation which has been audited in accordance with generally accepted auditing standards by an independent certified public accountant, and (b) any management letters prepared by the auditor in connection with the audit commenting on the internal accounting controls or management practices of the organization

Notwithstanding any other provision of law to the contrary, non-monetary donations in the form of in-kind contributions directly related to any stated

purpose or mission of the charitable organization, including food for food pantries or food banks, supplies for shelters, and such other forms of in-kind contributions as may be permitted by the Attorney General, shall not constitute gross revenue with respect to the requirement of an annual financial report with a financial statement audited by an independent certified public accountant under this subsection In addition to any other requirement under this subsection, annual financial reports and statements shall include a summary of all non-monetary in-kind contributions and the value attributed to those contributions

(3) The Attorney General may accept a copy of a current financial report previously prepared by a charitable organization for another state agency or officer in compliance with the laws of that state, provided that the report filed with the other state agency or officer shall be substantially similar in content to the report required by this subsection

(4) An independent member agency of a federated fund raising organization shall independently comply with the provisions of this subsection

e In order to register its qualified local units pursuant to subsection d of section 9 of this act, a parent organization registered pursuant to this section shall include with its initial registration and annual renewal statement a separate statement that provides the following

(1) The name, principal street address, and phone number of all local units within this State that it is registering,

(2) The amount of gross contributions received by each such unit and the purpose or purposes for which these funds were raised in the preceding fiscal year, and

(3) A statement asserting that each such local unit has provided the parent organization with a written statement reporting the information included on its behalf and asserting that the local unit meets all of the requirements of subsection d of section 9 of this act

f Any management letters prepared by the auditor in connection with the audit commenting on the internal accounting controls or management practices of the organization submitted pursuant to paragraph (2) of subsection d of this section shall not be considered a public record under P L 1963, c 73 (C 47 1A-1 et seq) or P L 2001, c 404 (C 47 1A-5 et al), shall not be made available for public inspection nor used for a purpose inconsistent with P L 1994, c 16 (C 45 17A-18 et seq), and shall be removed from the record in the custody of the Attorney General at such time that such information is no longer necessary for the enforcement of that act The records required pursuant to this section shall be maintained for a period of at least three years after the end of the period of time to which they relate

2 N J S 15A 4-5 is amended to read as follows

Annual report to State Treasurer

15A 4-5 a Every domestic corporation and every foreign corporation authorized to conduct activities in this State shall file in the office of the State Treasurer, within the time prescribed by this section, an annual report, executed on behalf of the corporation, setting forth

(1) the name of the corporation and, in the case of a foreign corporation, the jurisdiction of its incorporation,

(2) the address, including the actual location as well as postal designation, if different, of the registered office of the corporation in this State, and the name of its registered agent in this State at that address, and, if a foreign corporation, the address of its main or headquarters office, and

(3) the names and addresses of the trustees and the officers of the corporation, which addresses shall be either the residence address of that person or other address where that person regularly receives mail and which is not the address of the corporation

b The State Treasurer shall designate a date for filing annual reports for each corporation required to submit a report pursuant to this section and shall annually notify the corporation of the date so designated not less than 60 days prior to that date The corporation shall file the report within 30 days before or within 30 days after the date so designated If the date so designated is not more than six months after the date on which an annual report pursuant to the provisions of prior law was filed or on which the certificate of incorporation became effective, the corporation shall not be required to file an annual report until one year after the first occurrence of the date so designated

c If the report is not filed for two consecutive years, the certificate of incorporation of the corporation or the certificate of authority of a foreign corporation shall, after written demand for the reports by the State Treasurer by certified mail addressed to the corporation at the last address appearing of record in the office of the State Treasurer, be revoked for the failure to file reports No corporation shall be subject to the revocation of its certificate of incorporation or its certificate of authority if it shall, within 60 days after the written demand, file the reports required by law and pay to the State Treasurer the fee provided by law for the filing of each report Any corporation having its certificate of incorporation or its certificate of authority revoked may cause a reinstatement of the certificate upon payment to the State Treasurer of the fee then payable upon the filing of the certificate of incorporation, a current annual report fee, and payment of a reinstatement filing assessment as set forth in N J S 15A 15-1 The reinstatement relates back to the date of issuance of the proclamation

revoking the certificate of incorporation or the certificate of authority and shall validate all actions taken in the interim In the event that in the interim the corporate name has become unavailable, the State Treasurer shall issue the certificate upon, in the case of a domestic corporation, the filing of an amendment to its certificate of incorporation to change the corporate name to an available name, and, in the case of a foreign corporation, the filing of an amended certificate of authority adopting an alternate name The State Treasurer shall provide the forms necessary to effect annual report reinstatements

d The State Treasurer shall furnish annual report forms, shall keep all the reports and shall prepare an alphabetical index thereof The reports and index shall be open to public inspection at proper hours

e The State Treasurer shall allow any annual report that is designated to be filed while Executive Order 103 of 2020 remains in effect, or up to 180 days after its conclusion, to be filed up to 180 days after the conclusion of that executive order, without requiring the corporation to pay any penalty or additional fee other than the annual filing fee The State Treasurer shall not require any corporation to pay its filing fee in advance of the date the annual report is filed pursuant to this subsection

3 Section 6 of P L 1994, c 16 (C 45 17A-23) is amended to read as follows

C 45 17A-23 Filing of registration statement, fees

6 a A charitable organization, unless exempted from registration requirements pursuant to section 9 of this act, shall file a registration statement with the Attorney General on forms prescribed by the Attorney General

b It shall be unlawful for any charitable organization to solicit contributions or have contributions solicited in its behalf before the Attorney General has been given the opportunity to review the registration statement pursuant to section 5 of this act A renewal statement must be filed annually within six months after the close of the charitable organization's fiscal year For good cause shown, the Attorney General may extend the time for the annual filing of the renewal statement and financial report for a period not to exceed 180 days, during which time the previous registration shall remain in effect The request for an extension shall be in writing and received by the Attorney General before the filing deadline

c All registration statements shall be signed by two authorized officers, including the chief fiscal officer of the organization, who shall certify that information contained in the registration statements is correct

d The Attorney General shall prescribe all fees for the filing of all registration statements according to the provisions of this act The fees for the filing of registration statements by charitable organizations may be graduated based upon the amount of contributions received during the previous fiscal year A parent organization filing on behalf of one or more local units shall pay a single annual registration fee for itself and a fee for each local unit included in the registration statement

e The Attorney General shall allow any annual filing of a renewal statement and financial report that is scheduled to be filed while Executive Order 103 of 2020 remains in effect, or up to 180 days after its conclusion, to be filed up to 180 days after the conclusion of that executive order, without requiring the organization to pay any penalty or additional fee other than the annual filing fee The Attorney General shall not require any organization to pay a filing fee in advance of the date the renewal statement and financial report are filed pursuant to this subsection

4 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 382

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

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

1 Section 3 of P L 1983, c 296 (C 45 9-37 13) is amended to read as follows

C 45 9-37 13 Definitions

3 As used in P L 1983, c 296 (C 45 9-37 11 et seq)

"Board" means the State Board of Physical Therapy Examiners established pursuant to section 5 of P L 1983, c 296 (C 45 9-37 15)

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

"Dry needling" means a physical intervention that uses a dry, filiform needle, without medication or other deliverable, to penetrate the skin and

stimulate underlying muscular tissue, connective tissues, or myofascial trigger points for the management of neuromusculoskeletal pain and movement impairments "Dry needling" shall not mean the stimulation of auricular or distal points or the practice of acupuncture as defined by section 2 of P L 1983, c 7 (C 45 2C-2)

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

"Physical therapist" means a natural person who holds a current, valid license to practice physical therapy pursuant to the provisions of P L 1983, c 296 (C 45 9-37 11 et seq) and in accordance with regulations of the board

"Physical therapist assistant" means a natural person who is licensed pursuant to the provisions of P L 1983, c 296 (C 45 9-37 11 et seq) and who assists a licensed physical therapist under his direct or general supervision in accordance with P L 1983, c 296 (C 45 9-37 11 et seq) and regulations of the board

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

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

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

2 Section 8 of P L 1983, c 296 (C 45 9-37 18) is amended to read as follows

C 45 9-37 18 Duties of board

8 a The board shall

(1) Administer and enforce the provisions of P L 1983, c 296 (C 45 9-37 11 et seq) and P L 2003, c 18 (C 45 9-37 34b et al),

(2) Establish procedures for application for licensure,

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

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

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

(6) Issue and renew licenses to physical therapists and physical therapist assistants pursuant to P L 1983, c 296 (C 45 9-37 11 et seq),

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

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

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

(10) Establish requirements and standards for continuing professional education and competency and approve courses that are eligible to meet these requirements and standards, as provided in section 25 of P L 2003, c 18 (C 45 9-37 34f),

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

(12) Conduct proceedings before any board, agency or court of competent jurisdiction for the enforcement of the provisions of P L 1983, c 296 (C 45 9-37 11 et seq) and P L 2003, c 18 (C 45 9-37 34b et al),

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

(14) Within 180 days of the effective date of P L 2003, c 18, establish standards in accordance with the provisions of section 22 of P L 2003, c 18 (C 45 9-37 34c), in collaboration with the State Board of Medical Examiners and other appropriate professional licensing boards established pursuant to Title 45 of the Revised Statutes, setting forth the conditions under which a physical therapist is required to refer an individual being treated by a physical therapist to or consult with a practitioner licensed to practice dentistry, podiatry or medicine and surgery in this State, or other appropriate licensed health care professional Pending adoption of the standards (a) a physical therapist shall refer any individual who has failed to demonstrate reasonable progress within 30 days of the date of initial treatment to a licensed health care professional, and (b) a physical therapist, not more than 30 days from the date of initial treatment of functional limitation or pain, shall consult with the individual's licensed health care professional of record as to the appropriateness of the treatment, or, in the event that there is no identified licensed health care professional of record, recommend that the individual consult with a licensed health care professional of the individual's choice,

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

(16) Within 180 days of the effective date of P L 2021, c 382 (C 45 9-37 34j et al), establish standards for the provision of dry needling by a physical therapist pursuant to sections 3 and 4 of P L 2021, c 382 (C 45 9-37 34j and C 45 9-37 34k), in collaboration with the State Board of Medical Examiners, and

(17) Promulgate rules and regulations necessary for the performance of its duties and the implementation of P L 1983, c 296 (C 45 9-37 11 et seq)

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

C 45 9-37 34j Requirements of physical therapist

3 a A physical therapist may perform dry needling if the physical therapist meets all of the following requirements

(1) possesses a doctorate in physical therapy from an accredited college or university or has otherwise been actively licensed as a physical therapist in this State since January 1, 2003,

(2) has no less than two years of active clinical experience in the treatment of patients as a licensed physical therapist in this State and holds a current, unrestricted license to practice physical therapy in this State,

(3) has a current CPR certification issued by the American Red Cross, American Heart Association, National Safety Council, or any other agency or organization approved by the board, and

(4) has obtained documentation of the successful completion of a dry needling continuing education and competency program approved by the board that satisfies subsections b and c of this section

b The board shall approve a dry needling continuing education and competency program if the program meets all of the following requirements

(1) provides a minimum of 40 hours of academic instruction which is attended in person by the physical therapist and shall be completed by the physical therapist in no more than two years,

(2) provides the history and a current literature review of dry needling and evidence-based practice,

(3) covers pertinent anatomy and physiology,

(4) covers the choice and operation of dry needling supplies and equipment,

(5) provides knowledge of dry needling technique including indications, contraindications, and precautions for its use,

(6) provides knowledge of the risks and complications of dry needling,

(7) covers safe practice guidelines and generally accepted standards of practice, including clean needle techniques and the Occupational Safety and Health Administration's bloodborne pathogens standard,

(8) provides knowledge of post-intervention care, including an adverse response or emergency,

(9) documents the successful completion of psychomotor and cognitive performance by means of practical and written assessments or examinations, and

(10) provides a minimum of 40 hours of practical hands-on instruction in the application and technique of dry needling under the direct supervision of a licensed physical therapist or physician pursuant to subsection c of this section, which shall be completed by the physical therapist in no more than two years

c The dry needling continuing education and competency program, including the practical hands-on instruction required pursuant to paragraph (10) of subsection b of this section, shall be taught by a licensed physical therapist who has a minimum of five years of clinical experience in the performance of

dry needling or by a physician licensed to practice medicine and surgery in this State

d Following successful completion of the dry needling continuing education and competency program, including the practical hands-on instruction required pursuant to paragraph (10) of subsection b of this section, a physical therapist shall complete 10 of the required minimum credits of continuing education and competency in each biennial license renewal period in board-approved programs in dry needling if the physical therapist chooses to continue to utilize such intervention on patients

C 45 9-37 34k Performance of dry needling, limitations, documentation

4 a Dry needling shall only be performed by a physical therapist who meets the requirements of subsection a of section 3 of P L 2021, c 382 (C 45 9-37 34j), and the performance of dry needling shall not be delegated to a physical therapist assistant or student physical therapist A physical therapist who meets the requirements to provide dry needling shall only utilize the specific dry needling techniques for which the physical therapist has completed instruction and demonstrated competency

b For patients who receive an order, prescription, or referral for physical therapy from a New Jersey-licensed physician, osteopathic physician, or podiatric physician, dry needling shall only be performed on the patient after the physical therapist licensed in New Jersey to perform dry needling communicates with the physician who ordered, prescribed, or referred the patient to physical therapy This communication shall address the physical therapy diagnosis of the patient, the specific dry needling technique that the physical therapist intends to utilize in the treatment of the patient, the proposed number, size, and insertion points of the needles, and any elevated risk factors that the patient may have The physical therapist shall maintain documentation of such communication in the patient record In no event shall a physical therapist perform dry needling on a patient if, in the medical judgment of the physician who ordered, prescribed, or referred the patient to physical therapy, dry needling is contraindicated or clinically inappropriate and such judgment is clearly communicated to the physical therapist by the physician

c A physical therapist shall obtain written informed consent from each patient prior to the provision of dry needling The patient shall receive a copy of the written informed consent and the physical therapist shall retain a copy in the patient's record The informed consent shall include, at a minimum, the following

(1) the patient's signature,

(2) the risks, benefits, and possible complications of dry needling,

(3) the treatment alternatives to dry needling,

(4) the physical therapist's level of education regarding supervised hours of training in dry needling,

(5) the importance of consulting with the patient's physician regarding the patient's condition, and

(6) a clearly and conspicuously written statement that the patient is not receiving acupuncture, which shall include the following language "DRY NEEDLING IS A TECHNIQUE USED IN THE PRACTICE OF PHYSICAL THERAPY TO TREAT MYOFASCIAL, MUSCULAR, AND CONNECTIVE TISSUES FOR THE MANAGEMENT OF NEUROMUSCULAR PAIN AND MOVEMENT DYSFUNCTION DRY NEEDLING TECHNIQUE SHOULD NOT BE CONFUSED WITH AN ACUPUNCTURE TREATMENT PERFORMED BY A LICENSED ACUPUNCTURIST"

d A physical therapist shall only use filiform needles labeled in accordance with the United States Food and Drug Administration guidelines when performing dry needling

e A physical therapist shall perform dry needling in a manner that is consistent with generally accepted standards of practice including clean needle techniques, safe disposal of sharp objects, and the Occupational Safety and Health Administration's bloodborne pathogens standard

f A physical therapist shall maintain documentation in the patient record of each dry needling session The documentation shall include the treatment performed, the patient's response to the treatment, and any adverse reactions or complications to the treatment

g If requested by the board or a member of the general public, a physical therapist practicing dry needling shall provide documentation of the education and training completed by the physical therapist as required under section 3 of P L 2021, c 382 (C 45 9-37 34j) The failure to provide documentation in response to a request by the board or a member of the general public shall be deemed prima facie evidence that the physical therapist has not received the required training and shall not be permitted to perform dry needling

5 This act shall take effect on the 90th day next following enactment

Approved January 18, 2022

CHAPTER 383

AN ACT concerning legal representation of certain juveniles, supplementing P L 1968, c 371, and repealing section 4 of P L 1968, c 371

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

C 2A 158A-26 Eligibility for representation by Public Defender, certain juveniles

1 Any person under the age of 18 years arrested or charged with an indictable offense or act of delinquency shall automatically be eligible, at no expense to that person, for representation by the Office of the Public Defender

C 2A 158A-25 Repealer

2 Section 4 of P L 1968, c 371 (C 2A 158A-25) is repealed

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

Approved January 18, 2022

CHAPTER 384

AN ACT establishing a loan redemption program for certain teachers and supplementing chapter 71C of Title 18A of the New Jersey Statutes

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

C 18A 71C-83 Definitions

1 As used in this act

"Authority" means the Higher Education Student Assistance Authority established pursuant to N J S 18A 71A-3

"Low-performing school" means any public school that meets the criteria of paragraph (1) or paragraph (2)

(1) among all students in that school to whom a State assessment was administered, the sum of the percent of students scoring in the not-yet-meeting expectations and partially meeting expectations categories in both the language arts and mathematics subject areas of the State assessments exceeded 40% in each of the prior two school years, or

(2) among all students in that school to whom a State assessment was administered, the sum of the percent of students scoring in the not-yet-meeting expectations and partially meeting expectations categories in either the language arts or mathematics subject areas of the State assessment exceeded 65% in each of the prior two school years

(3) A school shall continue to be designated a low-performing school until such time that the sum of the percent of students scoring in the not-yet-meeting expectations and partially meeting expectations categories in both the language arts and mathematics subject areas of the State assessments is less than or equal to the sum of the Statewide percent of students scoring in the not-yet-meeting expectations and partially meeting expectations categories on the corresponding Statewide assessments

"High-need field" means a subject area or field of expertise in which there is a shortage of qualified teachers in the State as determined by the Department of Education The department shall reassess its designation of high-need fields at least every five years

"Program participant" means an undergraduate student borrower under the New Jersey College Loans to Assist State Students (NJCLASS) Loan Program established pursuant to N J S 18A 71C-21 who, following the effective date of this act, is initially hired by a school district to work as a teacher in a high-need field in a low-performing school, and who has executed a contract with the authority for participation in the loan redemption program A program participant shall be a certified teacher and a resident of New Jersey

C 18A 71C-84 Loan redemption program established, Higher Education Student Assistance Authority

2 a There is established in the Higher Education Student Assistance Authority a loan redemption program for teachers in high-need fields who are employed in low-performing schools The program shall provide for the redemption of a portion of the loans a program participant receives under the NJCLASS Loan Program pursuant to article 2 of chapter 71C of Title 18A of the New Jersey Statutes for service as a teacher in a high-need field in a low-performing school in New Jersey The annual amount of State funds appropriated to the loan redemption program shall not exceed $1,000,000 The authority shall notify the Legislature when the funds have been fully expended or committed

b A program participant may redeem his NJCLASS loan amounts upon execution of a contract between the program participant and the authority The contract shall be for up to four one-year periods of service The contract shall

specify the total amount of debt, up to 100%, to be redeemed by the State in return for service pursuant to subsection d of this section

c A program participant who has entered into a contract with the authority shall remain eligible for loan redemption under the contract in the event that

(1) the public school in which the teacher is employed loses its designation as a low-performing school or the teacher is transferred to a school in the district that is not a low-performing school, or

(2) the high-need field in which the program participant is teaching pursuant to his service obligation subsequently loses its designation as a high-need field, and the program participant continues to teach in the same field in accordance with his contractual agreement with the authority

d The redemption of loans under the loan redemption program shall amount to 25% of principal and interest of a program participant's NJCLASS loan amounts, up to $5,000, in return for each consecutive full year of service The total amount of NJCLASS loan amounts which may be redeemed under the program by a program participant, for four full school years of service, shall not exceed $20,000 Service for less than the full school year of each period of service shall not entitle the program participant to any benefits under the loan redemption program Prior to the redemption of loan indebtedness, a program participant shall submit to the authority proof of employment

e A program participant who has entered into a redemption contract with the authority may nullify his contract by submitting written notification to the authority and assuming full responsibility for repayment of principal and interest on the full amount of his loans or that portion of the loans which has not been redeemed by the State, in return for partial fulfillment of the contract

f In case of a program participant's death or total and permanent disability, the authority shall nullify the service obligation of the program participant The nullification shall terminate the authority's obligations under the loan redemption contract If continued enforcement of the contract may result in extreme hardship, the authority may nullify or suspend the service obligation of the program participant

g The authority shall advertise the availability of the program and engage in outreach activities with potential participants

C 18A 71C-85 Program report submission to Governor, Legislature

3 The authority shall annually submit a report on the program to the Governor, and to the Legislature pursuant to section 2 of PL 1991, c 164 (C 52 14-19 1) The report shall be submitted no later than July 1 of each year and shall include, but not be limited to, information on the total number of

program participants, the number of program participants entering the program in that year, a profile of the program participants, including demographic information, the school district in which the participant is employed and the school in which the participant teaches, and the institution of higher education from which the participant received a degree, the average annual loan redemption amount and the four-year average loan redemption amount of program participants, the number of applicants who were denied acceptance into the program, including the number who were denied due to a lack of program funding, the amount of the annual program appropriation that is applied to loan redemption payments for participants, the amount of the annual program appropriation that is used to compensate bondholders due to bond modification including, but not limited to, interest loss over the life of the loans, and the amount of the annual appropriation used to administer the program

C 18A 71C-86 General Fund appropriations

4 There is annually appropriated from the General Fund to the Higher Education Student Assistance Authority a sum of $1,000,000 for costs associated with loan redemption pursuant to section 2 of this act

5 The authority, in consultation with the Department of Education, shall adopt pursuant to the provisions of the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), rules and regulations necessary to effectuate the purposes of this act

6 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 385

AN ACT concerning the purchase of goods and services by public entities from the Central Nonprofit Agency and amending and supplementing P L 1981, c 488

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

C 30 6-30 1 Purchase of goods and services from central nonprofit agency

1 a Notwithstanding any law, rule, or regulation to the contrary, any State department, agency, authority and instrumentality that is authorized to

procure goods and services shall make a good faith effort to purchase five percent of such goods and services from the Central Nonprofit Agency as defined in section 2 of P L 1981, c 488 (C 30 6-24)

b Notwithstanding any law, rule, or regulation to the contrary, all political subdivisions of the State and local government entities, including counties, municipalities, school districts, quasi-State agencies, State and county colleges, volunteer fire departments, volunteer first aid and rescue squads, public authorities, commissions, and independent institutions of higher learning, that are authorized to make purchases as provided in the cooperative purchase program pursuant to section 3 of P L 1969, c 104 (C 52 25-16 1) and section 12 of P L 1971, c 198 (C 40A 11-12), as well as all agencies, commissions, boards, and other entities that are authorized to make joint purchases with the Director of the Division of Purchase and Property as provided in section 1 of P L 1959, c 40 (C 52 27B-56 1), shall also make a good faith effort to purchase five percent of their goods and services from the Central Nonprofit Agency

c The State Treasurer shall take the necessary steps to coordinate the implementation of the terms of this section The State Treasurer is authorized to call upon any department, office, or agency of State government to provide such information, resources, or other assistance deemed necessary to discharge the State Treasurer's responsibilities under this section Each department, office, division, and agency of this State is required to cooperate with the State Treasurer and to furnish the State Treasurer with assistance necessary to accomplish the purposes of this section

2 Section 8 of P L 1981, c 488 (C 30 6-30) is amended to read as follows

C 30 6-30 Procurement of commodities, services through central nonprofit agency

8 State agencies and political subdivisions of the State shall make a good faith effort to procure, pursuant to section 1 of P L 2021, c 385 (C 30 6-30 1), five percent of their goods and services through the Central Nonprofit Agency from those commodities and services which have been set aside for purchase from approved rehabilitation facilities

3 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 386

AN ACT concerning the use of neonicotinoid pesticides 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 2 Definitions

1 As used in sections 1 through 3 of P L 2021, c 386 (C 13 1F-4 2 et seq)

"Agricultural plant" means any plant, or part thereof, grown, maintained, or otherwise produced for commercial purposes, including any plant grown, maintained, or otherwise produced for sale or trade, for research or experimental purposes, or for use in part or their entirety in another location "Agricultural plant" includes, but is not limited to, grains, fruits, and vegetables, wood fiber or timber products, flowering and foliage plants and trees, seedlings and transplants, and turf grass produced for sod "Agricultural plant" does not include pasture or rangeland used for grazing

"Environmental emergency" means an occurrence of any pest which presents a significant risk of harm or injury to the environment, or significant harm, injury, or loss to agricultural crops, including, but not limited to, any exotic or foreign pest which may need preventative quarantine measures to avert or prevent that risk, as determined by the Department of Environmental Protection in consultation with the New Jersey Department of Agriculture and Rutgers, the State University

"Neonicotinoid pesticide" means any pesticide containing a chemical belonging to the neonicotinoid class of chemicals, including, but not limited to, acetamiprid, clothianidin, dinotefuran, flonicamid, imidacloprid, nitenpyram, nithiazine, thiacloprid, thiamethoxam, or any other chemical designated by the department as belonging to the neonicotinoid class of chemicals

"Restricted use pesticide" means a pesticide that can be purchased and used only by a certified and licensed pesticide applicator, as determined by the department pursuant to the "Pesticide Control Act of 1971," P L 1971, c 176 (C 13 1F-1 et seq), or persons working under the direct supervision of a certified and licensed pesticide applicator

C 13 1F-4 3 Rules and regulations, neonicotinoid pesticides

2 a No later than 12 months after the effective date of P L 2021, c 386 (C 13 1F-4 2 et seq), the department shall adopt, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), rules

and regulations classifying neonicotinoid pesticides as restricted use pesticides

b No later than 12 months after the effective date of P L 2021, c 386 (C 13 1F-4 2 et seq), and every three years thereafter, the department shall review the latest scientific information concerning neonicotinoid pesticides, and classify as a restricted use pesticide any neonicotinoid pesticide that the department determines will cause harm to populations of pollinating bees, birds, other pollinating wildlife, or aquatic invertebrates Any person may petition the department at any time to classify a pesticide pursuant to this section

c The provisions of this section shall not apply to

(1) any pet care, veterinary, personal care, or indoor pest control pesticide product,

(2) an application for the commercial production of a preserved wood product,

(3) the application by a licensed pesticide applicator of a neonicotinoid pesticide within one foot of a building foundation perimeter to manage structural pests provided that the neonicotinoid pesticide is not applied on any plant,

(4) any direct action taken by certified and licensed responsible pesticide applicators or by persons working under their direct supervision within the New Jersey Department of Agriculture or its agents, or within the Department of Environmental Protection or its agents, against any invasive plant or pest, or

(5) any application to protect agricultural seeds

Notwithstanding the provisions of paragraph (3) of this subsection to the contrary, the application by a licensed pesticide applicator of a neonicotinoid pesticide adjacent to a building foundation perimeter to manage structural pests may be extended by an additional four feet, if such additional area is necessary to treat the source of the infestation and the application is limited to a spot-targeted treatment of the source of the infestation only

d Nothing in this section shall be construed to impose liability on any news media that accept or publish advertising for any product or activity that would otherwise be subject to the provisions of this section

C 13 1F-4 4 Restrictions on neonicotinoid pesticide use

3 a Beginning October 31, 2023, no person shall sell, offer for sale, or use within the State any neonicotinoid pesticide, unless such pesticide is registered and will only be applied by a licensed pesticide applicator to an agricultural plant

b Notwithstanding the provisions of subsection a of this section to the contrary, the commissioner, in consultation with the New Jersey Department of Agriculture, may, by written order, authorize one or more licensed pesticide applicators to use a pesticide that is prohibited under subsection a of this section if the commissioner finds that

(1) a valid environmental emergency exists,

(2) the pesticide would be effective in addressing the environmental emergency, and

(3) no other, less harmful pesticide or pest management practice would be effective in addressing the environmental emergency

c Any order issued by the commissioner pursuant to subsection b of this section shall include the basis for the commissioner's determination and specify the approved time period, geographic scope, and purpose of the permitted sale or use of a pesticide An order issued pursuant to this section shall be valid for a period not to exceed one year

d The provisions of this section shall not apply to

(1) any pet care, veterinary, personal care, or indoor pest control pesticide product,

(2) an application for the commercial production of a preserved wood product,

(3) the application by a licensed pesticide applicator of a neonicotinoid pesticide within one foot of a building foundation perimeter to manage structural pests provided that the neonicotinoid pesticide is not applied on any plant,

(4) any direct action taken by certified and licensed responsible pesticide applicators or by persons working under their direct supervision within the New Jersey Department of Agriculture or its agents, or within the Department of Environmental Protection or its agents, against any invasive plant or pest, or

(5) any application to protect agricultural seeds

Notwithstanding the provisions of paragraph (3) of this subsection to the contrary, the application by a licensed pesticide applicator of a neonicotinoid pesticide adjacent to a building foundation perimeter to manage structural pests may be extended by an additional four feet, if such additional area is necessary to treat the source of the infestation and the application is limited to a spot-targeted treatment of the source of the infestation only

e Nothing in this section shall be construed to impose liability on any news media that accept or publish advertising for any product or activity that would otherwise be subject to the provisions of this section

4 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 387

AN ACT concerning student disciplinary actions and amending P L 1995, c 235 and P L 1982, c 163

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

1 Section 3 of P L 1995, c 235 (C 18A 7E-3) is amended to read as follows

C 18A 7E-3 Report card information

3 Report cards issued pursuant to section 2 of P L 1995, c 235 (C 18A 7E-2) shall include, but not be limited to, the following information for

a the school district and for each school within the district, as appropriate

(1) results of the elementary assessment programs,

(2) results of the Early Warning Test,

(3) results of the High School Proficiency Test,

(4) daily attendance records for students and professional staff,

(5) student graduation and dropout rates,

(6) annual student scores on the Scholastic Aptitude Test,

(7) total student enrollment, percentage of limited English proficient students, percentage of students in advanced placement courses, and any other school characteristics which the commissioner deems appropriate,

(8) instructional resources including teacher/student ratio, average class size and amount of instructional time per day, as calculated by formulas specified by the commissioner,

(9) a written narrative by the school principal or a designee which describes any special achievements, events, problems or initiatives of the school or district,

(10) data identifying the number and nature of all reports of harassment, intimidation, or bullying,

(11) indicators of student career readiness,

(12) the number and percentage of students who were chronically absent, as defined in rules and regulations promulgated by the Commissioner of

Education within 90 days of the effective date of P L 2018, c 23 (C 18A 38-25 1 et al), including the number and percentage of students who were chronically absent disaggregated by multiple student subgroups to be determined by the commissioner,

(13) the number, percentage, and demographics, including race, gender, disability, grade level, and eligibility for free or reduced-price lunch under the National School Lunch Program, of students who received one or more suspensions or expulsions or who were reported to or arrested by law enforcement, by category of offense, pursuant to the provisions of the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials, and

(14) the number of school psychologists, school counselors, social workers, student assistance coordinators, and other mental health professionals employed by, or under contract with, the school district to provide mental health services to students, and the ratio of students to the total number of mental health professionals providing services in the school and the district, and

(15) the number of school safety specialists, and

b the school district, as appropriate

(1) per pupil expenditures and State aid ratio,

(2) percent of budget allocated for salaries and benefits of administrative personnel,

(3) percent of budget allocated for salaries and benefits of teachers,

(4) percentage increase over the previous year for salaries and benefits of administrative and instructional personnel,

(5) the number of administrative personnel and the ratio of administrative personnel to instructional personnel,

(6) a profile of the most recent graduating class concerning their educational or employment plans following graduation, and

(7) any other information which the commissioner deems appropriate

For the purposes of this section, the Commissioner of Education shall establish a uniform methodology for the reporting of the data concerning administrative personnel on a full-time equivalent basis

2 Section 3 of P L 1982, c 163 (C 18A 17-48) is amended to read as follows

C 18A 17-48 Annual report to Legislature

3 a The Commissioner of Education shall each year submit a report to the Education Committees of the Senate and General Assembly detailing the extent of violence, vandalism, and harassment, intimidation, or bullying in the

public schools and documenting steps taken to verify and validate school district reporting The report shall be made available annually to the public no later than October 1, and shall be posted on the department's website

b The Commissioner of Education shall each year compile the information reported by each school district to the Department of Education pursuant to section 1 of P L 1982, c 163 (C 18A 17-46) into a Statewide database The database shall be posted on the department's Internet website At a minimum, the database shall provide school level totals for each category of student disciplinary actions, including in-school suspensions, out-of-school suspensions, expulsions, use of physical restraint or seclusion techniques, referrals to law enforcement, and arrests, as well as demographic information of the students who received the disciplinary action

3 This act shall take effect immediately and shall first apply to the first full school year following the date of enactment

Approved January 18, 2022

CHAPTER 388

AN ACT concerning certain unreasonable practices in the business of insurance and supplementing Title 17 of the Revised Statutes

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

C 17 29BB-1 Short title

1 This act shall be known and may be cited as the "New Jersey Insurance Fair Conduct Act "

C 17 29BB-2 Definitions

2 As used in this act

"First-party claimant" or "claimant" means an individual injured in a motor vehicle accident and entitled to the uninsured or underinsured motorist coverage of an insurance policy asserting an entitlement to benefits owed directly to or on behalf of an insured under that insurance policy

"Insurer" means any individual, corporation, association, partnership or other legal entity which issues, executes, renews or delivers an insurance policy in this State, or which is responsible for determining claims made

under the policy "Insurer" shall not include an insurance producer as defined in section 3 of P L 2001, c 210 (C 17 22A-28) or a public entity

"Public entity" means the State, any county, municipality, district, public authority, public agency and any other political subdivision or public body in the State, including a joint insurance fund of a public entity

C 17 29BB-3 Claimant's rights, civil action, unreasonable delay, denial

3 a In addition to the enforcement authority provided to the Commissioner of Banking and Insurance pursuant to the provisions of P L 1947, c 379 (C 17 29B-1 et seq) or any other law, a claimant, who is unreasonably denied a claim for coverage or payment of benefits, or who experiences an unreasonable delay for coverage or payment of benefits, under an uninsured or underinsured motorist policy by an insurer may, regardless of any action by the commissioner, file a civil action in a court of competent jurisdiction against its automobile insurer for

(1) an unreasonable delay or unreasonable denial of a claim for payment of benefits under an insurance policy, or

(2) any violation of the provisions of section 4 of P L 1947, c 379 (C 17 29B-4)

b In any action filed pursuant to this act, the claimant shall not be required to prove that the insurer's actions were of such a frequency as to indicate a general business practice

c No rate increase shall be passed on to the consumer or policyholder as a result of compliance with P L 2021, c 388 (C 17 29BB-1 et seq) and dissemination of inaccurate or misleading information to policyholders or consumers concerning P L 2021, c 388 (C 17 29BB-1 et seq) shall be strictly prohibited

The commissioner may determine whether an insurer's rates are constitutionally adequate pursuant to the provisions of P L 2021, c 388 (C 17 29BB-1 et seq) If the commissioner determines that rate relief is necessary, the commissioner shall determine an appropriate rate adjustment

d Upon establishing that a violation of the provisions of this act has occurred, the plaintiff shall be entitled to (1) actual damages caused by the violation of this act which shall include, but need not be limited to, actual trial verdicts that shall not exceed three times the applicable coverage amount, and

(2) pre- and post-judgment interest, reasonable attorney's fees, and reasonable litigation expenses

e If any portion of P L 2021, c 388 (C 17 29BB-1 et seq) is determined to be invalid, the remaining portion of P L 2021, c 388 (C 17 29BB-1 et seq) shall remain in full force

4 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 389

AN ACT concerning the practice of medicine 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 1-74 Restrictions on invasive examination, informed written consent

1 a Except as provided in subsection b of this section, no individual licensed or certified to practice health care pursuant to Title 45 of the Revised Statutes shall conduct an invasive examination of any patient while the patient is under general anesthesia or otherwise unconscious without the patient's informed written consent to the invasive examination If a health care practitioner authorized to perform an invasive examination of a patient while the patient is under general anesthesia or otherwise unconscious determines that an additional invasive examination is required that is different in nature from the invasive examination to which the patient previously consented, the health care practitioner shall obtain a separate informed written consent prior to performing the additional invasive examination

b The requirements of subsection a of this section shall not apply in the case of emergency in which the patient is unconscious or unresponsive and it reasonably appears that immediate medical treatment is necessary to prevent severe or worsening injury to the patient or to save the patient's life, in which case a health care practitioner may render any appropriate emergency treatment services as are necessary, including performing any invasive examinations of the patient as shall be necessary to evaluate and determine the appropriate course of emergency treatment for the patient The health care practitioner shall notify the patient as soon as practicable that an invasive examination has been performed Nothing in this subsection shall authorize the provision of emergency treatment in any case in which the practitioner is provided, prior to emergency treatment, actual verification of an executed do not resuscitate order Nothing in this subsection shall

authorize the provision of emergency treatment that conflicts with a patient's verified Practitioner Orders for Life-Sustaining Treatment documentation

c In no case shall any invasive examination of a patient who is under general anesthesia or otherwise unconscious be undertaken for educational or training purposes unless the patient has provided separate, informed consent, verbally and in writing, to the invasive examination When requesting separate informed consent to conduct an invasive examination of a patient while the patient is under general anesthesia or otherwise unconscious for educational or training purposes, the health care practitioner requesting informed consent shall advise the patient of the exact nature of the invasive examination, of the estimated number of students and other individuals who will be performing or participating in the invasive examination, and that no medical care or treatment will be denied to the patient if the patient withholds consent to an invasive examination for educational or training purposes In the event that the invasive examination for educational or training purposes would take place during, or in association with, a medical procedure, the consent required pursuant to this subsection shall be obtained independently of, and in addition to, any informed consent provided by the patient to undergo the medical procedure, provided that nothing in this subsection shall be deemed to prohibit a practitioner from obtaining informed consent to both the medical procedure and the invasive examination for educational or training purposes at the same time, provided that it is clear to the patient that the consents are being requested for distinct and independent purposes

d A patient providing informed written consent for an invasive examination shall provide the consent to the health care practitioner using a form prescribed by the Commissioner of Health In addition to any other requirements set forth by the Commissioner of Health, each form shall meet the following requirements

(1) each form shall have a heading clearly stating the nature of the examination,

(2) each form shall contain a full description of the nature, purpose, and attendant risks associated with the proposed invasive examination,

(3) each form shall indicate if the proposed invasive examination will be used for educational or training purposes, and

(4) each form shall be separate from any other document, consent form, notice, or agreement

e A health care practitioner who fails to obtain a patient's informed written consent prior to conducting an invasive examination of the patient while the patient is under general anesthesia or otherwise unconscious, except in the

instances provided in subsection b of this section, shall be subject to discipline for professional misconduct pursuant to section 8 of P L 1978, c 73 (C 45 1-21)

f As used in this section

"Informed consent" means the affirmative authorization provided by a patient to a health care practitioner to perform an invasive examination of the patient, which authorization shall not be valid unless the health care practitioner first provides the patient with a full description of the nature and attendant risks associated with the proposed invasive examination

"Invasive examination" means any visual, tactile, or mechanical inspection of the patient's reproductive organs, rectal cavity, or breasts

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 390

AN ACT concerning the Office of Administrative Law and special education and supplementing Title 52 of the Revised Statutes

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

C 52 14F-21 1 Special education law unit, Office of Administrative Law, establishment

1 a The director and Chief Administrative Law Judge of the Office of Administrative Law shall establish within the Office of Administrative Law a special education unit consisting of administrative law judges having expertise in special education law The director and Chief Administrative Law Judge shall ensure that the administrative law judges in the special education unit include individuals with a wide range of special education law expertise, including expertise as school board attorneys and as parent and student advocates The number of administrative law judges in the special education unit shall be proportional to the number and complexity of special education cases referred to the office and shall be of a sufficient number to render decisions within the time periods mandated under federal and State law The director and Chief Administrative Law Judge may appoint administrative law judges to the special education unit on a temporary or case basis as need arises

b Upon the establishment of the special education unit, all contested cases, as defined in section 2 of P L 1968, c 410 (C 52 14B-2), concerning special education law referred to the Office of Administrative Law shall be

assigned to and adjudicated by the administrative law judges in the special education unit

C 52 14F-21 2 Annual report to the Governor, Legislature

2 The director and Chief Administrative Law Judge shall prepare an annual report to the Governor and, pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), to the Legislature, regarding the special education unit established under section 1 of P L 2021, c 390 (C 52 14F-21 1) The report shall include

a the number of special education cases that were decided via a final settlement within 45 days after the case was transmitted to the Office of Administrative Law, and of the remaining petitions transmitted to the Office of Administrative Law, the number of cases that were heard and decided in a written decision within 45 days after the case was transmitted to the Office of Administrative Law,

b a list setting forth each special education case that was not decided within the 45 days, including the total number of days it took the administrative law judge to hear the case and issue the decision and the reason why the case was not decided within the 45 days,

c the number of administrative law judges currently assigned to the special education unit,

d recommendations as to whether the number of administrative law judges in the special education unit is sufficient to render decisions within the time periods mandated under federal and State law and, if not, recommendations concerning the number of additional administrative law judges that would be needed to enable the special education unit to render decisions within federal and State mandated time periods, and

e other relevant information and recommendations at the discretion of the director and Chief Administrative Law Judge

C 52 14F-21 3 Track system development, petition status

3 The director and Chief Administrative Law Judge of the Office of Administrative Law, in consultation with the Department of Education, shall develop a system to track a due process petition once it is assigned to an administrative law judge and to allow petitioners to track the status of their petition

4 This act shall take effect on the first day of the ninth month next following the appointment and confirmation of 15 additional administrative law judges but in no case later than the first day of the 25th month following enactment except the director and Chief Administrative Law Judge of the

Office of Administrative Law may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act

Approved January 18, 2022

CHAPTER 391

AN ACT concerning the use of postconsumer recycled content in certain containers and packaging products 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-99 135 Definitions

1 As used in this act

"Beverage" means any of the following products if those products are in liquid, ready-to-drink form, and are intended for human consumption beer and other malt beverages, wine and distilled spirit coolers, carbonated water, including soda and carbonated mineral water, noncarbonated water, including noncarbonated mineral water, carbonated soft drinks, noncarbonated soft drinks and sport drinks, noncarbonated fruit drinks that contain any percentage of fruit juice, coffee and tea drinks, carbonated fruit drinks, and vegetable juice

"Commissioner" means the Commissioner of Environmental Protection

"Department" means the Department of Environmental Protection

"Food" means articles used for food or drink for consumption by humans or other animals, and articles used for components of any such article

"Glass container" means a container made of glass that is filled with a food or beverage

"Hot fill process" means a process to sterilize both a food product and its container during the food packaging process, in which the food product is heated to a temperature between 194 and 203 degrees Fahrenheit and then injected into the container

"Licensee" means a manufacturer or entity who licenses a brand and manufactures a product under that brand

"Manufacturer" means (1) a person that produces or generates a rigid plastic container, paper carryout bag, plastic carryout bag, or plastic trash bag that does not contain a product and that is sold or offered for sale in the State, (2) a person that is the brand owner of a product that is sold or offered for sale in the State and that is packaged in a rigid plastic container, plastic beverage container,

or glass container, unless the brand owner identifies a licensee who agrees to accept responsibility under this act and the licensee informs the department in writing of the agreement, or (3) in the absence of a person meeting the criteria in (1) or (2) of this definition over whom the State may exercise jurisdiction, a person who imports or distributes a product into or within the State that is sold or offered for sale in the State and that is packaged in a rigid plastic container, plastic beverage container, or glass container "Manufacturer" shall not include a person who, at a single physical location, produces, packages, and sells a product directly to a consumer at retail, which may include a grocery store, restaurant, bar, cafeteria, café, food truck, food cart, or similar establishment

"Paper carryout bag" means a bag made of paper that is sold or provided by a store to a customer for the purpose of containing, carrying, and transporting food, beverages, or retail goods

"Person" means an individual, corporation, company, association, society, firm, partnership, or joint stock company

"Plastic" means a synthetic material made from linking monomers through a chemical reaction to create an organic polymer chain that can be molded or extruded at high heat into various solid forms retaining their defined shapes during the life cycle and after disposal "Plastic" shall not include material that is designed to be composted in a municipal or industrial aerobic composting facility and that is certified by a recognized third-party independent verification body as meeting the standards therefor established by the American Society for Testing and Materials in ASTM D6400 or ASTM D6868

"Plastic beverage container" means an individual, separate bottle, can, jar, carton, or other container made of plastic that is hermetically sealed or made airtight with a metal or plastic cap, and that contains a beverage "Plastic beverage container" shall not include any label, cap, closure, or other item affixed to the container

"Plastic carryout bag" means a bag made of plastic, of any thickness, whether woven or nonwoven, that is sold or provided by a store to a customer for the purpose of containing, carrying, and transporting food, beverages, or retail goods

"Plastic trash bag" means a bag that is made of plastic, is at least 0 70 mils thick, and is designed and manufactured for use as a container to hold, store, or transport materials to be discarded, composted, or recycled, and includes, but is not limited to, a garbage bag, lawn or leaf bag, can-liner bag, kitchen bag, or compactor bag

"Postconsumer recycled content" means a material or product that has completed its intended end use and product life cycle, and which has been separated from the solid waste stream for the purposes of collection and

recycling "Postconsumer recycled content" shall not include secondary waste material or materials and by-products generated from, and commonly used within, an original manufacturing and fabrication process

"Rigid plastic container" means a container made of plastic that has a relatively inflexible finite shape or form, has a minimum capacity of eight fluid ounces or its equivalent volume and a maximum capacity of five fluid gallons or its equivalent volume, and is capable of maintaining its shape while empty or while holding other products

C 13 1E-99 136 Calculation of postconsumer recycled content

2 a A manufacturer shall achieve compliance with the postconsumer recycled content requirements of this act based on the average amount of postconsumer recycled content, by weight or another metric, as determined by the department, contained in its products A manufacturer shall calculate the average amount of postconsumer recycled content contained in its products using data specific to products sold or offered for sale in New Jersey, if such data are available If a manufacturer demonstrates to the department that State-specific data are not available or feasible to generate, then the manufacturer may utilize national data to calculate the average amount of postconsumer recycled content contained in its products The calculation of averages may be based on a manufacturer's entire product line or separated into product sub-lines, provided that all of the manufacturer's products are accounted for in the calculations

b If a manufacturer relies on national data to calculate the average amount of postconsumer recycled content contained in its products, the manufacturer shall

(1) prorate the national data based on market share or population, to ensure that the percentage of postconsumer recycled content calculated for products sold in New Jersey is the same percentage as calculated for the nation, and

(2) document the methodology used to prorate the national data in the report required pursuant to paragraph (1) of subsection a of section 14 of this act

c For the purposes of this section, "product" means a rigid plastic container, plastic beverage container, glass container, paper carryout bag, plastic carryout bag, or plastic trash bag that is subject to the postconsumer recycled content requirements of this act

C 13 1E-99 137 Rigid plastic containers, percentage of postconsumer recycled content increase, certain exemptions

3 a (1) Beginning two years after the effective date of this act, all rigid plastic containers sold, offered for sale, or used in association with the sale

or offer for sale of a product in the State by a manufacturer shall contain, on average, at least 10 percent postconsumer recycled content

(2) Beginning five years after the effective date of this act, and every three years thereafter, the percentage of postconsumer recycled content required for rigid plastic containers pursuant to this section shall increase by 10 percent, until reaching 50 percent

b A rigid plastic container shall be exempt from the postconsumer recycled content requirements of subsection a of this section if it

(1) is a plastic beverage container, to which the requirements of section 4 of this act shall apply,

(2) is associated with a product produced in or brought into the State that is destined for shipment to a destination outside the State, and that remains with the product upon shipment,

(3) contains drugs, dietary supplements, medical devices, or cosmetics as those terms are defined in the Federal Food, Drug, and Cosmetic Act, 21 U S C s 301 et seq ,

(4) contains toxic or hazardous products regulated under the "Federal Insecticide, Fungicide, and Rodenticide Act," 7 U S C s 136 et seq ,

(5) is manufactured for use in the shipment of hazardous materials and is (a) prohibited from being manufactured with used material by federal packaging material specifications set forth in 49 C F R s 178 509 and 49 C F R s 178 522, (b) is subject to the testing standards set forth in 49 C F R s 178 600 through 49 C F R s 178 609, or (c) is subject to the recommendations of the United Nations on the transport of dangerous goods, or

(6) is a refillable container or a reusable container For the purposes of this paragraph, "refillable container" means a rigid plastic container that is routinely returned to and refilled by the manufacturer with the same product packaged by the container, and "reusable container" means a rigid plastic container that is routinely reused by consumers to store the original product packaged by the container

C 13 1E-99 138 Plastic beverage containers, percentage of postconsumer recycled content increase

4 a (1) Beginning two years after the effective date of this act, all plastic beverage containers sold or offered for sale in the State by a manufacturer shall contain, on average, at least 15 percent postconsumer recycled content

(2) Beginning five years after the effective date of this act, and every three years thereafter, the amount of postconsumer recycled content required for plastic beverage containers pursuant to this section shall increase by five percent, until reaching 50 percent, except that the postconsumer recycled content

requirement for manufacturers who utilize a hot fill process shall not exceed 30 percent

b The provisions of subsection a of this section shall not apply to a refillable beverage container For the purposes of this subsection, "refillable beverage container" means a beverage container that holds 150 fluid ounces or less of beverage, and which is routinely returned to the manufacturer to be refilled and resold

C 13 1E-99 139 Glass containers, percentage of postconsumer recycled content increase

5 a Beginning two years after the effective date of this act, all glass containers sold or offered for sale in the State by a manufacturer shall contain, on average, at least 35 percent postconsumer recycled content, except that, if a manufacturer certifies to the department that its use of postconsumer recycled content is made up of at least 50 percent mixed-color cullet, then the glass containers shall only be required to contain, on average, at least 25 percent postconsumer recycled content

b As used in this section, "mixed-color cullet" means cullet that does not meet the American Society for Testing and Materials (ASTM) standard specifications for the color mix of color-sorted, post-filled glass as a raw material for the manufacture of glass containers

C 13 1E-99 140 Paper carryout bags, percentage of postconsumer recycled content increase

6 Beginning two years after the effective date of this act, all paper carryout bags sold or offered for sale in the State by a manufacturer shall contain, on average, at least 40 percent postconsumer recycled content, except that a paper carryout bag that holds eight pounds or less shall only be required to contain, on average, at least 20 percent postconsumer recycled content

C 13 1E-99 141 Plastic carryout bags, percentage of postconsumer recycled content increase

7 All plastic carryout bags sold or offered for sale in the State by a manufacturer shall

a beginning two years after the effective date of this act, contain, on average, at least 20 percent postconsumer recycled content, and

b beginning five years after the effective date of this act, contain, on average, at least 40 percent postconsumer recycled content

C 13 1E-99 142 Plastic trash bags, percentage of postconsumer recycled content increase

8 a All plastic trash bags sold or offered for sale in the State by a manufacturer shall

(1) beginning two years after the effective date of this act, contain the following proportion of postconsumer recycled content

(a) for plastic trash bags greater than 0 70 mils thick but less than 0 80 mils thick, at least five percent,

(b) for plastic trash bags greater than 0 80 mils thick but less than 1 00 mils thick, at least 10 percent, and

(c) for plastic trash bags equal to or greater than 1 00 mils thick, at least 20 percent, and

(2) beginning five years after the effective date of this act, contain the following proportion of postconsumer recycled content

(a) for plastic trash bags greater than 0 70 mils thick but less than 0 80 mils thick, at least 10 percent,

(b) for plastic trash bags greater than 0 80 mils thick but less than 1 00 mils thick, at least 20 percent, and

(c) for plastic trash bags equal to or greater than 1 00 mils thick, at least 40 percent

b The provisions of subsection a of this section shall not apply to a bag that is designed and manufactured to hold, store, or transport hazardous waste or regulated medical waste For the purposes of this subsection, "hazardous waste" means any solid waste defined as hazardous waste by the department pursuant to P L 1970, c 39 (C 13 1E-1 et seq), and "regulated medical waste" means the same as that term is defined in section 3 of P L 1989, c 34 (C 13 1E-48 3)

C 13 1E-99 143 Adjustment of postconsumer recycled content requirements, authority

9 a Notwithstanding the provisions of this act to the contrary, the department may, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), review and adjust any of the postconsumer recycled content requirements established in sections 3 through 8 of this act In making an adjustment pursuant to this section, the department shall consider

(1) changes in market conditions, including supply and demand for postconsumer recycled content, collection rates, and bale availability both domestically and globally,

(2) recycling rates, as may be determined by the department,

(3) the availability of recycled material suitable for manufacturers to meet the postconsumer recycled content requirements, including the availability of high-quality recycled plastic or glass, and food-grade recycled plastic or glass,

(4) the capacity of recycling or processing infrastructure,

(5) the progress made by manufacturers in meeting the postconsumer recycled content requirements, and

(6) any other factors as determined by the department pursuant to rule, regulation, or guidance

b Any adjustment to the postconsumer recycled content requirements made pursuant to this section shall be only for a time-period, and only under such conditions, as the department may by rule or regulation establish

C 13 1E-99 144 Certain exemptions for postconsumer recycled content requirements

10 a A package or container that contains milk products, plant-based products with names that include the names of dairy foods such as "milk," medical food, food for special dietary use, or infant formula shall be exempt from the postconsumer recycled content requirements of this act

b (1) A package or container that contains food shall be exempt from the postconsumer recycled content requirements of this act for a period of five years beginning on the effective date of this act, except that the exemption provided in this paragraph shall not apply to a plastic beverage container or a glass container filled with a beverage

(2) The department may, in its discretion, extend the five-year exemption provided in paragraph (1) of this subsection Upon expiration of the exemption, a manufacturer shall be subject to the applicable postconsumer recycled content requirements in effect at the time of the expiration, unless the manufacturer applies to, and receives from, the department a waiver pursuant to section 11 of this act

c As used in this section

"Food for special dietary use" means the same as the term is defined in 21 U S C s 350

"Medical food" and "infant formula" mean the same as those terms are defined in the Federal Food, Drug, and Cosmetic Act, 21 U S C s 301 et seq

"Milk product" means the same as that term is defined by the United States Food and Drug Administration

C 13 1E-99 145 Waivers, criteria

11 a A manufacturer may apply to the department for a waiver from the postconsumer recycled content requirements established pursuant to this act The department may grant a waiver pursuant to this section if the manufacturer demonstrates, and the department finds, in writing, that

(1) the manufacturer cannot achieve the postconsumer recycled content requirements and remain in compliance with applicable rules and regulations

adopted by the United States Food and Drug Administration, or any other State or federal law, rule, or regulation,

(2) it is not technologically feasible for the manufacturer to achieve the postconsumer recycled content requirements,

(3) the manufacturer cannot comply with the postconsumer recycled content requirements due to inadequate availability of recycled material or a substantial disruption in the supply of recycled material, or

(4) the manufacturer cannot comply for another reason as determined by the department pursuant to rule, regulation, or guidance

b In order to qualify for a waiver from the postconsumer recycled content requirements of this act, a manufacturer shall submit to the department documentation from a federal or State agency or certified third-party expert, as appropriate, demonstrating that the manufacturer cannot comply with the postconsumer recycled content requirements for one of the reasons set forth in subsection a of this section, and pay a $1,000 waiver fee The department may modify the amount of the waiver fee, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), as necessary to reflect the department's costs to administer, monitor, and enforce the provisions of this section Notwithstanding the provisions of this subsection to the contrary, a manufacturer that demonstrates to the department that the manufacturer's gross revenue is below $5,000,000 shall not be required to pay the waiver fee established pursuant to this section

c The department may grant a waiver from the postconsumer recycled content requirements for a period of not less than two years, as determined by the department The department shall publish any determination to grant a waiver from the postconsumer recycled content requirements on its Internet website The department shall develop a standardized form and procedure for manufacturers to apply for a waiver pursuant to this section

C 13 1E-99 146 Alternative compliance plan, requirements

12 a The department may require a manufacturer that is temporarily exempt from the postconsumer recycled content requirements of this act pursuant to subsection b of section 10 of this act, or that has submitted a request for a waiver pursuant to section 11 of this act, to prepare and submit to the department an alternative compliance plan that demonstrates that the manufacturer is taking, and will continue to take, all feasible actions to ensure the reduction, collection, recycling, and reuse of rigid plastic containers, plastic beverage containers, glass containers, paper carryout bags, plastic carryout bags, or plastic trash bags made from virgin plastic, glass, or paper, as applicable, and to ensure the use of postconsumer recycled content

b The department shall adopt, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), rules and regulations setting forth the substantive requirements for an alternative compliance plan required pursuant to subsection a of this section

c The department shall have the authority to approve or disapprove an alternative compliance plan prepared and submitted pursuant to this section, and to require a manufacturer to make any revisions or modifications to its alternative compliance plan as the department determines necessary, consistent with the provisions of this act and the rules and regulations adopted by the department

d A manufacturer shall undertake all of the actions described in the alternative compliance plan Failure by a manufacturer to comply with an approved alternative compliance plan shall constitute a violation of this act

e The department may enter into a contract or other legally binding agreement with one or more trade associations representing manufacturers, which shall allow the trade association, in lieu of the manufacturers, to prepare and submit an alternative compliance plan pursuant to this section and to undertake the actions described in the alternative compliance plan

C 13 1E-99 147 Registration, fees, certain exemptions

13 a Beginning six months after the effective date of this act, and annually thereafter, each manufacturer shall register with the department, in a form and manner as prescribed by the department, and pay an annual registration fee of $1,000 The department may modify the amount of the registration fee, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), as necessary to reflect the department's costs to implement, administer, monitor, and enforce the provisions of this act The department shall establish an electronic registration process on its Internet website, however, the lack of an electronic registration process shall not negate the requirement for a manufacturer to register pursuant to this subsection Notwithstanding the provisions of this subsection to the contrary (1) a manufacturer that demonstrates to the department that the manufacturer's gross revenue is below $5,000,000 shall not be required to pay the registration fee established pursuant to this section, or (2) a manufacturer that produces or generates only products that are exempt from the provisions of this act shall be required to register with the department only once, and shall be exempt from the registration fee

b Notwithstanding the provisions of section 16 of this act to the contrary, a manufacturer that fails to register with the department pursuant to subsection a of this section shall first receive a written warning A manufacturer that

receives a written warning shall register with the department no later than 90 days after receipt of the warning A manufacturer that receives a written warning and that fails to register with the department within 90 days of receipt of the warning shall be subject to the penalties set forth in section 16 of this act

C 13 1E-99 148 Compliance, certification, proof of exemption

14 a (1) Beginning three years and six months after the effective date of this act, and annually thereafter, each manufacturer shall certify, in writing, to the department whether or not the rigid plastic containers, plastic beverage containers, glass containers, paper carryout bags, plastic carryout bags, or plastic trash bags, as applicable, sold, offered for sale, or used in association with the sale or offer for sale of a product in the State, are in compliance with the postconsumer recycled content requirements of this act, or are otherwise exempt or have been approved for a waiver from the requirements If the manufacturer claims an exemption from the requirements of this act, the manufacturer shall set forth the specific basis upon which the exemption is claimed, and submit such proof as the department determines necessary The certification shall be signed by an authorized representative of the manufacturer A manufacturer shall submit the certification, in the form and manner determined by the department, under penalty of perjury The certification shall include the amount, in pounds, of virgin plastic, glass, or paper and the amount, in pounds, of postconsumer recycled material used by the manufacturer for any products subject to the requirements of this act, and any other information as the department deems necessary The department shall establish an electronic certification process on its Internet website, however, the lack of an electronic certification process shall not negate the requirement for a manufacturer to certify its compliance pursuant to this subsection

(2) The department may, in consultation with manufacturers, study (a) whether there exist independent, third-party verification organizations that can verify manufacturers' compliance with the requirements of this act, and (b) appropriate accreditation standards for such organizations The department may prepare and submit a report including its findings to the Governor, to the Legislature pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), and to the members of the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or their successors

b Each manufacturer shall maintain records, in a form prescribed by the department, that demonstrate, for all rigid plastic containers, plastic beverage

containers, glass containers, paper carryout bags, plastic carryout bags, or plastic trash bags generated or produced by the manufacturer, whether and how the manufacturer has complied with the postconsumer recycled content requirements, or whether the manufacturer qualifies for an exemption or waiver from the postconsumer recycled content requirements The department may adopt specific requirements for the records required to be maintained pursuant to this subsection and may request the records from a manufacturer at any time A manufacturer shall submit records to the department no later than 30 days after receipt of a request, unless the department extends that timeframe

c The department may audit or investigate a manufacturer, at any time, to assess the manufacturer's compliance with the requirements of this act Each year, the department may audit, or cause to be audited, a random sample of manufacturers in order to determine compliance with this act A manufacturer shall cooperate fully with any audit or investigation conducted pursuant to this section The department may require a manufacturer to pay the costs of an audit conducted pursuant to this subsection

d The department shall annually publish a list of registered manufacturers, their compliance status, and other information the department deems appropriate on the department's Internet website

C 13 1E-99 149 Restriction on polystyrene loose fill packaging

15 a Beginning two years after the effective date of this act, no person shall sell or offer for sale in the State any polystyrene loose fill packaging

b As used in this section

"Polystyrene foam" means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by a number of techniques, including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene)

"Polystyrene loose fill packaging," commonly known as packing peanuts, means a void-filling packaging product made of polystyrene foam that is used as a packaging fill

C 13 1E-99 150 Violations, penalties

16 a Whenever, on the basis of available information, the commissioner finds that a person is in violation of this act, the commissioner may take one or more of the following actions

(1) issue an order in accordance with subsection b of this section requiring the person to comply,

(2) bring a civil action in accordance with subsection c of this section,

(3) levy a civil administrative penalty in accordance with subsection d of this section,

(4) bring an action for a civil penalty in accordance with subsection e of this section,

(5) require a manufacturer to submit a corrective action plan pursuant to subsection f of this section, or

(6) notify the public of a manufacturer which, at any time during a reporting period, was not in compliance with the requirements of this act

The exercise of any of the remedies provided in this section shall not preclude recourse to any other remedy so provided

b Whenever, on the basis of available information, the commissioner finds that a person is in violation of this act, the commissioner may issue an order (1) specifying the provision or provisions of this act, or the rule or regulation adopted pursuant thereto, of which the person is in violation, (2) citing the action that caused the violation, (3) requiring compliance with the provision of this act or the rule or regulation adopted pursuant thereto of which the person is in violation, and (4) giving notice to the person of his right to a hearing on the matters contained in the order

c The commissioner is authorized to commence a civil action in Superior Court for appropriate relief from a violation of this act This relief may include an assessment against the violator for the costs of any investigation, inspection, or audit that led to the discovery and establishment of the violation, and for the reasonable costs of preparing and litigating the case under this subsection

d (1) The commissioner is authorized to impose a civil administrative penalty of not less than $1,000 and not more than $25,000 for each violation of this act or any rule or regulation adopted pursuant thereto, and each day of the violation shall constitute an additional, separate, and distinct offense Any amount imposed under this subsection shall be assessed pursuant to rules and regulations adopted by the commissioner for violations of similar type, seriousness, and duration The commissioner shall have the authority to assess penalties prior to the establishment of rules and regulations governing penalties to the extent that such penalties are reasonable and based on other violations of a similar type, seriousness, and duration No civil administrative penalty shall be imposed until after the person has been notified by certified mail or personal service The notice shall include a reference to the section of the act, rule, regulation, order, or permit violated, a concise statement of the facts alleged to constitute a violation, a statement of the amount of the civil administrative

penalties to be imposed, and a statement of the person's right to a hearing The person shall have 20 days from receipt of the notice within which to deliver to the commissioner a written request for a hearing Subsequent to the hearing and upon finding that a violation has occurred, the commissioner may issue a final order or civil administrative penalty after imposing the amount of the fine specified in the notice If no hearing is requested, the notice shall become a final order or a final civil administrative penalty upon the expiration of the 20-day period Payment of the penalty is due when a final order is issued or when the notice becomes a final order or a final civil administrative penalty The authority to levy a civil administrative penalty is in addition to all other enforcement provisions in this act, and the payment of a civil administrative penalty shall not be deemed to affect the availability of any other enforcement provision in connection with the violation for which the penalty is levied A civil administrative penalty imposed under this subsection may be compromised by the commissioner upon the posting of a performance bond by the violator, or upon terms and conditions the commissioner may establish by rule or regulation

(2) With respect to violations related to the amount of recycled content contained in a manufacturer's products, in lieu of the penalties provided for in paragraph (1) of this subsection, the department shall assess a civil administrative penalty on a per-pound basis for each pound of virgin material that is used by a manufacturer in its products where recycled material is required pursuant to this act The department shall establish the per-pound penalty in the rules and regulations adopted to implement this act

(3) In addition to the assessment of a civil administrative penalty, the commissioner may, by administrative order and upon an appropriate finding, assess a violator for the reasonable costs of any investigation, inspection, or audit which led to the establishment of the violation

e Any person who violates this act, an order issued pursuant to subsection b of this section, or a court order issued pursuant to subsection c of this section, or who fails to pay in full a civil administrative penalty levied pursuant to subsection d of this section, shall be subject, upon order of a court, to a civil penalty not to exceed $50,000, and each day of the violation shall constitute an additional, separate, and distinct offense Any penalty imposed pursuant to this subsection may be collected, and any costs incurred in connection therewith may be recovered, in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P L 1999, c 274 (C 2A 58-10 et seq) The Superior Court and the municipal court shall have jurisdiction to enforce the "Penalty Enforcement Law of 1999 "

f The department is authorized to require a manufacturer that violates the provisions of this act, or any rule or regulation adopted pursuant thereto,

to submit a corrective action plan describing how the manufacturer intends to come into compliance with the provisions of this act The department shall adopt, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), rules and regulations setting forth the substantive requirements for corrective action plans

g In addition to the penalties and remedies provided above, a person who knowingly, purposely, or recklessly makes a false or misleading statement on any certification or registration submitted to the department pursuant to this act shall, upon conviction, be guilty of a crime of the third degree and, notwithstanding the provisions of N J S 2C 43-3, shall be subject to a fine of not more than $50,000 and restitution The department shall refer the provider of any false or misleading statement to the Attorney General for prosecution

C 13 1E-99 151 Protection of proprietary information, trade secrets

17 Any proprietary information or trade secrets included in any registration, certification, alternative compliance plan, corrective action plan, or any other record submitted to the department pursuant to this act shall not be made available to the general public pursuant to P L 1963, c 73 (C 47 1A-1 et seq), commonly known as the open public records act

C 13 1E-99 152 "Recycling Enhancement Penalty Account" established, Department of the Treasury

18 a There is established in the Department of the Treasury a special, non-lapsing account to be known as the "Recycling Enhancement Penalty Account " The account shall be credited with all penalties collected pursuant to section 16 of this act, and any interest or investment income earned on monies in the account Moneys in the account may be utilized by the department for administrative expenses incurred in connection with the enforcement or implementation of this act, for the public education program required pursuant to subsection b of this section, and for other efforts to support recycling markets in the State as the department may determine

b The department, in consultation with the Association of New Jersey Recyclers and the organization under contract with the department to administer the Clean Communities Program pursuant to section 6 of P L 2002, c 128 (C 13 1E-218), shall develop and implement a Statewide public information and education program to encourage, support, and increase the recycling of rigid plastic containers, plastic beverage containers, glass containers, paper carryout bags, plastic carryout bags, and any other containers or packaging products, which may include, but need not be limited to, television, radio, and print advertisements, signage, or classroom education

C 13 1E-99 153 Act supersedes local laws

19 A municipality or county shall not adopt any rule, regulation, code, or ordinance regulating the postconsumer recycled content of rigid plastic containers, plastic beverage containers, glass containers, paper carryout bags, plastic carryout bags, or plastic trash bags after the effective date of this act The provisions of this act shall supersede and preempt any municipal or county rule, regulation, code, or ordinance regulating the recycled content of rigid plastic containers, plastic beverage containers, glass containers, paper carryout bags, plastic carryout bags, or plastic trash bags that was enacted prior to the effective date of this act

C 13 1E-99 154 Liability on news media

20 Nothing in this act shall be construed to impose liability on any news media that accept or publish advertising for any product that would otherwise be subject to the provisions of this act

C 13 1E-99 155 P L 2020, c 117 not affected

21 Nothing in this act shall be construed to alter, limit, or otherwise affect any of the provisions of P L 2020, c 117 (C 13 1E-99 126 et al)

C 13 1E-99 156 Rules and regulations, incentives to collect, reuse polyethylene film

22 a No later than two years after the effective date of this act, the department shall adopt, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), rules and regulations necessary for the implementation of this act The rules and regulations shall also establish incentives, to the extent that funds are appropriated therefor, for manufacturers, recyclers, and retailers to collect and reuse polyethylene film

b Prior to the adoption of rules and regulations, and as necessary thereafter, the department may develop guidance as necessary for the implementation of this act The department shall publish any such guidance on its Internet website

C 13 1E-99 157 Assessment of implementation, report to the Governor, Legislature, Senate Environment and Energy Committee, Assembly Environment and Solid Waste Committee

23 No later than five years after the effective date of this act, the department shall prepare and submit a report to the Governor, to the Legislature pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), and to the members of the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or their successors, assessing the implementation of this act, evaluating the act's effectiveness in stimulating the recycling markets in the State, and making any

recommendations for legislative or administrative action necessary to further the purposes of this act, including recommendations for whether and how the State should encourage, require, or support other uses of recycled material

24 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 392

AN ACT concerning the modernization of State government websites, supplementing Title 52 of the Revised Statutes, and amending P L 2007, c 56

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

C 52 18A-233 1 Short title

1 This act shall be known and may be cited as the "21st Century Integrated Digital Experience Act "

C 52 18A-233 2 Findings and declarations

2 The Legislature finds and declares that

a Ensuring New Jersey's global leadership position in technology and electronic government requires an approach that narrows the growing gap between the digital demands of citizens and the methods by which the government provides digital services to New Jersey

b The enhancement of citizen-facing digital experiences can change the paradigm for the delivery of government services and dramatically reduce the cost of government operations

c Many State websites are not equipped to provide an enhanced experience to the growing number of citizens who access government services through a mobile device

d Government lags far behind the private sector in providing a modern, seamless, personalized, and consistent digital experience that provides useful information and services to citizens, businesses, and other stakeholders

e The implementation of modern customer service experiences, such as citizen-centric design, comprehensive self-service capabilities, and uniform mobile rendering will be key to facilitating the transition to from an analog, paper-based government to a digital government that delivers information and government services in an efficient and effective manner

f Transitioning from paper processes to adaptive and intuitive digital forms would significantly improve government services

g All State websites should be accessible to individuals with disabilities

C 52 18A-233 3 Definitions

3 As used in P L 2021, c 392 (C 52 18A-233 1 et al)

"Agency" means any of the principal departments of the Executive Branch, including the Department of the Treasury, and any division, office, board, bureau, commission, authority, or entity therein or allocated thereto to comply with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution

"Cloud computing service" means a service that enables on-demand self-service network access to a shared pool of configurable computer resources including, but not limited to, data storage, analytics, electronic commerce, streaming services, mobile services, electronic mail, and document sharing and editing, which can be rapidly provided and released with minimal management effort or cloud computing service provider interaction

"Information technology modernization and improvement plan" or "plan" means the plan prepared by each agency pursuant to section 4 of P L 2021, c 392 (C 52 18A-233 4)

C 52 18A-233 4 Information technology modernization and improvement plan submission, Chief Technology Officer

4 a The Chief Technology Officer is authorized to request that any agency submit a plan in accordance with this subsection Not later than one year following the date on which the Chief Technology Officer requests such plan, the agency shall develop and submit to the Chief Technology Officer an information technology modernization and improvement plan The plan shall

(1) describe how the agency will improve the provision of digital services by leveraging data analytics and related tools to ensure an effective rendering of all publicly facing websites on mobile devices, increasing the use of data analytics to improve website operation, enhancing the delivery of digital services through the adoption of commercial cloud computing services, promoting the use of intuitive and adaptive electronic forms (HTML Living Standard), utilizing electronic signatures, and digitizing government processes and workflows,

(2) outline a process to be utilized by the agency to ensure that each State website intended for public use is mobile-friendly and accessible by persons with disabilities within one year following the submission of each agency's plan, and

(3) be developed within the limits of fiscal and other resources available to the agency Each agency shall make its plan available to the public

electronically through a link displayed on its website, except that the agency may redact such information as necessary to address cybersecurity concerns

b The Chief Technology Officer shall review the plans submitted pursuant to subsection a of this section in collaboration with the Chief Innovation Officer for the State of New Jersey

5 Section 12 of P L 2007, c 56 (C 52 18A-230) is amended to read as follows

C 52 18A-230 Authority of Chief Technology Officer

12 The Chief Technology Officer, in consultation with the Chief Innovation Officer, shall

a be authorized to establish the internal organizational structure of the Office of Information Technology in a manner appropriate to carrying out the duties and functions, and fulfilling the responsibilities, of the office,

b be authorized to coordinate and conduct all information technology operations in the Executive Branch of State Government, including agency technology operations,

c be authorized to draft and establish Service Level Agreements with each department and agency in the Executive Branch of State Government,

d be authorized to review and analyze the results of the Statewide Information Technology Assessment Study,

e be authorized to enter into agreements, in accordance and consistent with applicable law, regulations, and existing contracts, with private and public entities or individuals to effectuate the purposes of sections 6 through 16 of P L 2007, c 56 (C 52 18A-224 through C 52 18A-234),

f in consultation with the New Jersey Information Technology Project Review Board, evaluate on an annual basis the feasibility of using artificial intelligence, machine learning, and commercial cloud computing services, as well as other emerging technologies, by State agencies to provide public services and the development of data analytics capabilities to enable data-driven policy development by State agencies, and

g develop a process to promulgate, and update no less than every other year, a set of metrics to assess each State agency's implementation of a modern digital experience The set of metrics shall be reevaluated every three years

6 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 393

AN ACT concerning educator preparation programs and supplementing chapter 26 of Title 18A of the New Jersey Statutes

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

C 18A 26-30 Report to the Department of Education, first-time, overall test pass rates, instructional certificate

1 a Each educator preparation program shall annually report to the Department of Education on the first-time and overall test pass rates of candidates for an instructional certificate, for each test required for instructional certification

b Each educator preparation program shall annually publish the first-time and overall test pass rates of its students on its website

c Each educator preparation program shall annually disseminate information to its students on the availability of fee waivers for tests required for instructional certification

d Each educator preparation program shall include in its tuition and fees bill an optional lab fee that a student may opt to pay and which shall be applied towards the cost of the student completing the tests required for instructional certification

e As used in this act, a "test required for instructional certification" means Praxis Core tests, or their successor tests, and Praxis Subject Assessments, or their successor tests

C 18A 26-31 Annual compilation of test pass rates

2 The department shall annually compile the test pass rates of candidates for an instructional certificate submitted pursuant to subsection a of section 1 of this act into a comparative profile of all educator preparation programs The profile shall be made available for public inspection on the department's website

C 18A 26-32 Test pass rates required for educator preparation program review

3 The test pass rates submitted to the department pursuant to subsection a of section 1 of this act shall be included within the documentation required for the Commissioner of Education's periodic review of educator preparation programs

C 18A 26-33 Test fee waivers for low-income students

4 Any policy or contract entered into after the effective date of P L 2021, c 393 (C 18A 26-30 et seq) by the State, or any political subdivision thereof, regarding a test required for instructional certification shall provide for the dissemination of fee waivers to low-income students

As used in this section

"Annual adjusted gross income" means

(1) for a dependent student, the annual adjusted gross income of the student's parent or legal guardian, as reported on the student's Free Application for Federal Student Aid or other financial aid form, and

(2) for an independent student, the annual adjusted gross income of the student and, if applicable, the spouse of the student, as reported on the student's Free Application for Federal Student Aid or other financial aid form, and

"Low-income student" means a student with an annual adjusted gross income of $65,000 or less

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

Approved January 18, 2022

CHAPTER 394

AN ACT concerning the public school teacher workforce and supplementing chapter 27 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 27-3 5 Teaching positions of current school year, data submission deadline

1 a A school district shall annually submit to the Commissioner of Education, no later than October 15, information on teaching positions in the current school year, including the number of vacant teaching positions the number of new teaching positions, the number of teaching positions that were eliminated, and the anticipated number of teacher retirements The information shall be submitted in a manner to be prescribed by the commissioner

b The Executive Leadership Council of the New Jersey Education to Earnings Data System shall define the vacancy data elements to be submitted by school districts pursuant to subsection a of this section

C 18A 27-3 6 Public school teacher retention rates, data submission deadline

2 a A school district shall annually submit to the Commissioner of Education, no later than September 1, information on public school teacher retention that includes

(1) the number of teachers who left employment with the district during the prior school year,

(2) the reason why those teachers left employment with the district, including dismissal, non-renewal of a contract, a reduction in force, employment in another school district or a nonpublic school, employment in another field, relocation to another state, or retirement,

(3) the characteristics of the teachers who left the district, including age, sex, race, and tenure status, and

(4) such other information the commissioner deems appropriate

b The commissioner shall annually compile the data submitted by school districts pursuant to subsection a of this section in a report that details the Statewide, county, and district trends in teacher retention and includes any recommendations that the commissioner may have on State actions that may be initiated to improve teacher retention among various demographic groups The commissioner shall submit the report to the Governor, and to the Legislature pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1)

C 18A 27-3 7 Teacher workforce projections report

3 a Within six months of the effective date of this act, the Executive Leadership Council of the New Jersey Education to Earnings Data System shall issue a report on teacher workforce projections for the State for the following two years using data provided by the Department of Education The department shall provide any data necessary for the report within three months of the effective date of this act

b Following the issuance of its initial report pursuant to subsection a of the section, the Executive Leadership Council of the New Jersey Education to Earnings Data System shall issue by March 1 of each year, a report on teacher workforce projections for the subsequent three to five years The report shall include, but not be limited to, information on

(1) the teaching positions, by certification area, in high demand in the State and existing vacancies,

(2) the number of bilingual teachers needed to provide adequate limited English proficiency programming to students in the State,

(3) the number of computer science teachers needed to provide access to computer science coursework to all students in the State,

(4) the classes and programs that may be eliminated within the next three years, and

(5) the areas in which teachers and school leaders should be prepared so that they can ensure students are ready for the future economy

c The Executive Leadership Council of the New Jersey Education to Earnings Data System shall report to the Legislature on January 15 and July 15 of each year on the progress of the annual teacher workforce projection report

4 This act shall take effect six months after the date of enactment

Approved January 18, 2022

CHAPTER 395

AN ACT concerning the consumption of alcoholic beverages, supplementing Title 33 of the Revised Statutes, and amending R S 40 48-1

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

C 33 1-24 4 Municipal authority, open container area

1 a As used in this act, "open container area" means a portion of a municipality or an area encompassing the entire municipality upon which persons are permitted to carry and consume open containers of alcoholic beverages outdoors

b Notwithstanding any other provision of law to the contrary, a municipality may, by ordinance, authorize the consumption of alcoholic beverages within an open container area by persons who are at least 21 years of age

A determination to adopt an ordinance pursuant to this subsection shall be made only after a public hearing is held by the municipal governing body on the merits of establishing an open container area

c The sale of alcoholic beverages for consumption in an open container area shall be subject to the provisions of Title 33 of the Revised Statutes, rules and regulations promulgated by the director, and municipal ordinances

2 R S 40 48-1 is amended to read as follows

Ordinances, general purpose

40 48-1 Ordinances, general purpose The governing body of every municipality may make, amend, repeal and enforce ordinances to

Finances and property 1 Manage, regulate and control the finances and property, real and personal, of the municipality,

Contracts and contractor's bonds 2 Prescribe the form and manner of execution and approval of all contracts to be executed by the municipality and of all bonds to be given to it,

Officers and employees, duties, terms and salaries 3 Prescribe and define, except as otherwise provided by law, the duties and terms of office or employment, of all officers and employees, and to provide for the employment and compensation of such officials and employees, in addition to those provided for by statute, as may be deemed necessary for the efficient conduct of the affairs of the municipality,

Fees 4 Fix the fees of any officer or employee of the municipality for any service rendered in connection with his office or position, for which no specific fee or compensation is provided In the case of salaried officers or employees, such fee shall be paid into the municipal treasury,

Salaries instead of fees, disposition of fees 5 Provide that any officer or employee receiving compensation for his services, in whole or in part by fees, whether paid by the municipality or otherwise, shall be paid a salary to be fixed in the ordinance, and thereafter all fees received by such officer or employee shall be paid into the municipal treasury,

Maintain order 6 Prevent vice, drunkenness and immorality, to preserve the public peace and order, to prevent and quell riots, disturbances and disorderly assemblages,

Punish beggars, prevention of loitering 7 Restrain and punish drunkards, vagrants, mendicants and street beggars, to prevent loitering, lounging or sleeping in the streets, parks or public places,

Auctions and noises 8 Regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises,

Swimming, bathing costume, prohibition of public nudity 9 Regulate or prohibit swimming or bathing in the waters of, in, or bounding the municipality, and to regulate or prohibit persons from appearing upon the public streets, parks and places clad in bathing costumes or robes, or costumes of a similar character, regulate or prohibit persons from appearing in a state of nudity upon all lands within its borders which are under the jurisdiction of the State including, without limitation, all lands owned by, controlled by, managed by or leased by the State,

Prohibit annoyance of persons or animals 10 Regulate or prohibit any practice tending to frighten animals, or to annoy or injure persons in the public streets,

Animals, pounds, establishment and regulation 11 Establish and regulate one or more pounds, and to prohibit or regulate the running at large of horses, cattle, dogs, swine, goats and other animals, and to authorize their impounding and sale for the penalty incurred, and the costs of impounding, keeping and sale, to regulate or prohibit the keeping of cattle, goats or swine in any part of the municipality, to authorize the destruction of dogs running at large therein,

Hucksters 12 Prescribe and regulate the place of vending or exposing for sale articles of merchandise from vehicles,

Building regulations, wooden structures 13 Regulate and control the construction, erection, alteration and repair of buildings and structures of every kind within the municipality, and to prohibit, within certain limits, the construction, erection or alteration of buildings or structures of wood or other combustible material,

Inflammable materials, inspect docks and buildings 14 Regulate the use, storage, sale and disposal of inflammable or combustible materials, and to provide for the protection of life and property from fire, explosions and other dangers, to provide for inspections of buildings, docks, wharves, warehouses and other places, and of goods and materials contained therein, to secure the proper enforcement of such ordinance,

Dangerous structures, removal or destruction, procedure 15 Provide for the removal or destruction of any building, wall or structure which is or may become dangerous to life or health, or might tend to extend a conflagration, and to assess the cost thereof as a municipal lien against the premises,

Chimneys and boilers 16 Regulate the construction and setting up of chimneys, furnaces, stoves, boilers, ovens and other contrivances in which fire is used,

Explosives 17 Regulate, in conformity with the statutes of this State, the manufacture, storage, sale, keeping or conveying of gunpowder, nitroglycerine, dynamite and other explosives,

Firearms and fireworks 18 Regulate and prohibit the sale and use of guns, pistols, firearms, and fireworks of all descriptions,

Soft coal 19 Regulate the use of soft coal in locomotives, factories, power houses and other places,

Theaters, schools, churches and public places 20 Regulate the use of theaters, cinema houses, public halls, schools, churches, and other places where numbers of people assemble, and the exits therefrom, so that escape

therefrom may be easily and safely made in case of fire or panic, and to regulate any machinery, scenery, lights, wires and other apparatus, equipment or appliances used in all places of public amusement,

Excavations 21 Regulate excavations below the established grade or curb line of any street, not greater than eight feet, which the owner of any land may make, in the erection of any building upon his own property, and to provide for the giving of notice, in writing, of such intended excavation to any adjoining owner or owners, and that they will be required to protect and care for their several foundation walls that may be endangered by such excavation, and to provide that in case of the neglect or refusal, for 10 days, of such adjoining owner or owners to take proper action to secure and protect the foundations of any adjacent building or other structure, that the party or parties giving such notice, or their agents, contractors or employees, may enter into and upon such adjoining property and do all necessary work to make such foundations secure, and may recover the cost of such work and labor in so protecting such adjacent property, and to make such further and other provisions in relation to the proper conduct and performance of said work as the governing body or board of the municipality may deem necessary and proper,

Sample medicines 22 Regulate and prohibit the distribution, depositing or leaving on the public streets or highways, public places or private property, or at any private place or places within any such municipality, any medicine, medicinal preparation or preparations represented to cure ailments or diseases of the body or mind, or any samples thereof, or any advertisements or circulars relating thereto, but no ordinance shall prohibit a delivery of any such article to any person above the age of 12 years willing to receive the same,

Boating 23 Regulate the use of motor and other boats upon waters within or bounding the municipality,

Fire escapes 24 Provide for the erection of fire escapes on buildings in the municipality, and to provide rules and regulations concerning the construction and maintenance of the same, and for the prevention of any obstruction thereof or thereon,

Care of injured employees 25 Provide for the payment of compensation and for medical attendance to any officer or employee of the municipality injured in the performance of his duty,

Bulkheads and other structures 26 Fix and determine the lines of bulkheads or other works or structures to be erected, constructed or maintained by the owners of lands facing upon any navigable water in front of their lands, and in front of or along any highway or public lands of said

municipality, and to designate the materials to be used, and the type, height and dimensions thereof,

Lifeguard 27 Establish, maintain, regulate and control a lifeguard upon any beach within or bordering on the municipality,

Appropriation for life-saving apparatus 28 Appropriate moneys to safeguard people from drowning within its borders, by location of apparatus or conduct of educational work in harmony with the plans of the United States volunteer life-saving corps in this State,

Fences 29 Regulate the size, height and dimensions of any fences between the lands of adjoining owners, whether built or erected as division or partition fences between such lands, and whether the same exist or be erected entirely or only partly upon the lands of any such adjoining owners, or along or immediately adjacent to any division or partition line of such lands To provide, in such ordinance, the manner of securing, fastening or shoring such fences, and for surveying the land when required by statute, and to prohibit in any such ordinance the use at a height of under 10 feet from the ground, of any device, such as wire or cable, that would be dangerous to pedestrians, equestrians, bicyclists, or drivers of off-the-road vehicles, unless that device is clearly visible to pedestrians, equestrians, bicyclists or drivers of off-the-road vehicles In the case of fences thereafter erected contrary to the provisions thereof, the governing body may provide for a penalty for the violation of such ordinance, and in the case of such fence or fences erected or existing at the time of the passage of any such ordinance, may provide therein for the removal, change or alteration thereof, so as to make such fence or fences comply with the provisions of any such ordinance,

Advertise municipality 30 Appropriate funds for advertising the advantages of the municipality,

Government Energy Aggregation Programs 31 Establish programs and procedures pursuant to which the municipality may act as a government aggregator pursuant to sections 40 through 43 of P L 1999, c 23 (C 48 3-89 through C 48 3-92), section 45 of P L 1999, c 23 (C 48 3-94), and sections 1, 2 and 6 of P L 2003, c 24 (C 48 3-93 1 through C 48 3-93 3) Notwithstanding the provisions of any other law, rule or regulation to the contrary, a municipality acting as a government aggregator pursuant to P L 1999, c 23 (C 48 3-49 et al) shall not be deemed to be a public utility pursuant to R S 40 62-24 or R S 48 1-1 et seq or be deemed to be operating any form of public utility service pursuant to R S 40 62-1 et seq , to the extent such municipality is solely engaged in the provision of such aggregation service and not otherwise owning or operating any plant or facility for the

production or distribution of gas, electricity, steam or other product as provided in R S 40 62-12,

Joint municipal action on consent for the provision of cable television service 32 Establish programs and procedures pursuant to which a municipality may act together with one or more municipalities in granting municipal consent for the provision of cable television service pursuant to the provisions of the "Cable Television Act," P L 1972, c 186 (C 48 5A-1 et seq) as amended and supplemented Notwithstanding the provisions of any other law, rule or regulation to the contrary, two or more municipalities acting jointly pursuant to the provisions of P L 1972, c 186 (C 48 5A-1 et seq) shall not be deemed a public utility pursuant to R S 48 1-1 et seq , to the extent those municipalities are solely engaged in granting municipal consent jointly and are not otherwise owning or operating any facility for the provision of cable television service as provided in P L 1972, c 186 (C 48 5A-1 et seq),

Private cable television service aggregation programs 33 Establish programs and procedures pursuant to which a municipality may employ the services of a private aggregator for the purpose of facilitating the joint action of two or more municipalities in granting municipal consent for the provision of cable television service provided that any such municipality shall adhere to the provisions of the "Cable Television Act," P L 1972, c 186 (C 48 5A-1 et seq) as amended and supplemented, and to the provisions of the "Local Public Contracts Law," P L 1971, c 198 (C 40A 11-1 et seq) as amended and supplemented Notwithstanding the provisions of any other law, rule or regulation to the contrary, a municipality that employs the services of a private aggregator pursuant to the provisions of P L 1972, c 186 (C 48 5A-1 et seq) shall not be deemed a public utility pursuant to R S 48 1-1 et seq , to the extent that the municipality is solely engaged in employing the services of a private aggregator for the purpose of facilitating the joint action of two or more municipalities in granting municipal consent and is not otherwise owning or operating any facility for the provision of cable television service as provided in P L 1972, c 186 (C 48 5A-1 et seq),

Protective Custody 34 Provide protective custody to persons arrested for operating a motor vehicle under the influence of alcoholic beverages, cannabis items as defined in section 3 of P L 2021, c 16 (C 24 6I-33), any chemical substance, or any controlled dangerous substance in violation of R S 39 4-50 as provided in section 1 of P L 2003, c 164 (C 40 48-1 3),

Private Outdoor Video Surveillance Camera Registry 35 Establish a private outdoor video surveillance camera registry and allow voluntary registration of private outdoor video surveillance cameras as provided in P L 2015, c 142 (C 40 48-1 6 et al)

Consumption of Alcoholic Beverages Outdoors 36 Designate an open container area upon which people are permitted to carry and consume open containers of alcoholic beverages outdoors pursuant to section 1 of P L 2021, c 395 (C 33 1-24 4)

3 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 396

AN ACT concerning harm reduction services and supplementing and amending P L 2006, c 99

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

C 26 5C-26 1 Definitions

1 As used in P L 2006, c 99 (C 26 5C-25 et al)

"Authorized harm reduction services" means a suite of harm reduction services, approved by the Department of Health and provided in a manner that is consistent with State and federal law, which services shall include, but shall not be limited to syringe access, syringe disposal, referrals to health and social services, harm reduction counseling and supplies including, but not limited to, fentanyl test strips, and HIV and hepatitis C testing

"Eligible entity" means a federally qualified health center, a public health agency, a substance abuse treatment program, an AIDS service organization, or another entity with the capacity to provide harm reduction services as determined by the Department of Health

"Harm reduction supplies" means any materials or equipment designed to identify or analyze the presence, strength, effectiveness, or purity of controlled dangerous substances or controlled substance analogs, including, but not limited to, fentanyl test strips, opioid antidotes and associated supplies, and any other materials or equipment that may be used to prevent, reduce or mitigate the harms of disease transmission, overdose, and other harms associated with personal drug use as are designated through rules prescribed by the Commissioners of Health or Human Services

2 Section 2 of P L 2006, c 99 (C 26 5C-26) is amended to read as follows

C 26 5C-26 Findings, declarations relative to harm reduction programs

2 The Legislature finds and declares that

a Injection drug use is one of the most common methods of transmission of HIV, hepatitis C, and other bloodborne pathogens,

b (deleted by amendment, P L 2021, c 396)

c More than a million people in the United States use drugs at a cost to society in health care, lost productivity, accidents, and crime of more than $50 billion annually,

d Harm reduction services have been proven effective in reducing the spread of HIV, hepatitis C, and other bloodborne pathogens, and in reducing overdoses and overdose deaths without increasing rates of substance use or causing other adverse social impacts,

e Every scientific, medical, and professional agency or organization that has studied this issue, including the federal Centers for Disease Control and Prevention, the American Medical Association, the American Public Health Association, the National Academy of Sciences, the National Institutes of Health Consensus Panel, the American Academy of Pediatrics, and the United States Conference of Mayors, has found harm reduction services to be effective in reducing the transmission of HIV,

f Harm reduction programs are designed to prevent the spread of HIV, hepatitis C, and other bloodborne pathogens, prevent overdoses and overdose deaths, and to provide a bridge to substance use disorder treatment, healthcare services, and social support services sought out by persons who use drugs intravenously, and it is in the public interest that such services be provided in this State in accordance with statutory guidelines designed to ensure the safety of consumers who use these programs, the health care workers who operate them, and the members of the general public,

g Despite the attention that substance use disorders and overdose deaths are receiving Statewide, the number of overdose deaths in New Jersey has remained unacceptably high, with 2,914 confirmed overdose deaths in 2019, and over 70,000 overdose deaths nationwide,

h The COVID-19 pandemic has increased the urgency of maintaining and expanding harm reduction services Now more than ever, harm reduction expansion is critical According to the federal Centers for Disease Control and Prevention's June 24-30, 2020 Morbidity and Mortality Weekly Report, 13 percent of U S residents began substance use or increased substance use during the pandemic New Jersey has already started to see the consequences of the intersecting opioid and COVID-19 crises There were 3,046 suspected overdose deaths in 2020 If confirmed, this will be New Jersey's highest drug-related fatality count in the past decade,

i The opioid epidemic is part of a syndemic and is associated with increased rates of HIV and viral hepatitis infection, as well as other social complexities,

j New Jersey enacted the "Bloodborne Disease Harm Reduction Act" P L 2006, c 99 (C 26 5C-25 et al) in 2006 to allow for the establishment of sterile syringe access programs There are currently seven such programs operating throughout the State, which shall hereafter be referred to as harm reduction services,

k The federal Centers for Disease Control and Prevention describe harm reduction services as an effective component of a comprehensive and integrated approach to HIV prevention Such services include providing consumers with sterile syringes, fentanyl test strips, resources for critical services such as HIV care, treatment, pre- and post-exposure prophylaxis services, screening for other sexually transmitted diseases, hepatitis C testing and treatment, hepatitis A and B vaccinations, and other medical, social, and mental health services In addition, harm reduction services include education concerning safe injection practices, wound care, and overdose prevention,

l The U S Department of Health and Human Services has stated that there is conclusive scientific evidence that harm reduction services, as part of a comprehensive HIV prevention strategy, are an effective public health intervention that reduces the transmission of HIV and does not encourage the use of illegal drugs,

m Harm reduction services do not promote drug use and do not minimize the harm and danger associated with lawful and unlawful drug use Individuals utilizing harm reduction services are often ill, in pain, and have experienced trauma Harm reduction services are offered to these individuals by professionals who treat the individuals with compassion and who provide these necessary services without judgment,

n There is evidence demonstrating that crime does not increase in areas in which harm reduction services locations are situated,

o Harm reduction services do not interfere with substance use disorder treatment efforts The services provide a bridge to substance use disorder treatment and other social services for individuals with substance use disorders,

p For individuals who inject drugs, the best way to reduce the risk of acquiring and transmitting infectious disease through injection drug use is to stop injecting drugs, but for individuals who do not stop injecting drugs, the use of sterile injection equipment can reduce the risk of acquiring and transmitting infectious diseases and prevent outbreaks,

q Research shows that the provision of sterile syringes is associated with an estimated 50 percent reduction in the incidence of HIV and hepatitis C, a greater likelihood that individuals will seek treatment, and decreased overdose rates, and

r Entities offering harm reduction services in New Jersey provide sterile syringes and operate under a philosophy of harm reduction, which honors the dignity of those who use drugs or are living with a substance use disorder, reduces the negative consequences of injection drug use, and provides a stigma-free environment for people who use drugs by providing the care they desire and need

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

C 26 5C-27 Operation of harm reduction services

3 The Department of Health shall permit the establishment and operation of harm reduction services in accordance with the provisions of P L 2006, c 99 (C 26 5C-25 et al) The department shall prescribe by regulation requirements for the establishment and operation of harm reduction services to provide hypodermic syringes and needles in accordance with the provisions of P L 2006, c 99 (C 26 5C-25 et al)

a The department shall

(1) permit a registration form, to be submitted in a manner prescribed by the department, from any entity that seeks to provide harm reduction services in New Jersey, which shall be a prerequisite to so doing,

(2) approve or deny a registration request based upon the requirements established by regulation of the department,

(3) support and facilitate, to the maximum extent practicable, the linkage of harm reduction services to (a) health care facilities and programs that may provide appropriate health care services, including mental health services, medication-assisted treatment services, and other substance use disorder treatment services to consumers receiving harm reduction services, and (b) housing assistance programs, career and employment-related counseling programs, and education counseling programs that may provide appropriate ancillary support services to consumers receiving harm reduction services,

(4) provide for the adoption of a uniform membership card or other uniform Statewide means of identification for consumers, staff, and volunteers of entities offering authorized harm reduction services pursuant to paragraph (9) of subsection b of section 4 of P L 2006, c 99 (C 26 5C-28), and

(5) maintain a record of de-identified statistical aggregate data reported to the department by entities offering authorized harm reduction services pursuant to paragraph (11) of subsection b of section 4 of P L 2006, c 99 (C 26 5C-28)

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

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

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

4 a In accordance with the provisions of section 3 of P L 2006, c 99 (C 26 5C-27), an eligible entity may be approved by the department to provide authorized harm reduction services in this State

(1) An entity authorized to provide harm reduction services may provide the services at a fixed location or through a mobile access component, and may operate the program directly or contract with one or more of the following entities to operate the program a hospital or other health care facility licensed pursuant to P L 1971, c 136 (C 26 2H-1 et seq), a federally qualified health center, a public health agency, a substance abuse treatment program, an AIDS service organization, or another nonprofit entity designated by the department An entity authorized to provide harm reduction services shall be managed in accordance with standards or guidance issued by the Division of HIV, STD, and TB Services in the Department of Health and in a manner that is consistent with national best practices for the provision of harm reduction services and all applicable State laws and regulations that are not otherwise to the contrary

(2) (deleted by amendment, P L 2021, c 396)

(3) (deleted by amendment, P L 2021, c 396)

(4) To the extent permitted under federal law, and subject to the requirements of federal law, notwithstanding any provision of State law to the contrary, an authorized entity may deliver harm reduction services or other related supplies, as determined by the commissioner, to consumers via postal mail or other delivery service

b An entity authorized to provide harm reduction services shall comply with the following requirements

(1) Sterile syringes and needles shall be provided at no cost to consumers 18 years of age and older, provided that the department may authorize sterile syringes and needles to be provided at no cost to consumers under 18 years of age in limited circumstances, at the department's discretion,

(2) An entity authorized to provide harm reduction services shall be responsible for training program staff in the following subjects harm reduction, substance use disorder, medical and social service referrals, infection control procedures, including universal precautions and needle stick injury protocol, and other subjects as determined by the entity authorized to provide harm reduction services and the department Entities authorized to provide harm reduction services shall maintain records of staff and volunteer training,

(3) Entities authorized to provide harm reduction services shall offer information about HIV, hepatitis C and other bloodborne pathogens and information concerning the safe use of drugs by intravenous injection at no cost to consumers, and shall seek to educate all consumers about safe and proper disposal of needles and syringes,

(4) Entities authorized to provide harm reduction services shall provide information and referrals to consumers, including HIV, hepatitis C, and sexually transmitted infection testing options, access to medication-assisted substance use disorder treatment programs and other substance use disorder treatment programs, and available health and social service options relevant to the needs of consumers The entity shall encourage consumers to receive HIV, hepatitis C, and sexually transmitted infection tests,

(5) Except as may otherwise be authorized by the department pursuant to paragraph (1) of this subsection, entities authorized to provide harm reduction services shall screen out consumers under 18 years of age from access to syringes and needles, and shall refer them to substance use disorder treatment and other appropriate programs for youth,

(6) Entities authorized to provide harm reduction services shall develop a plan for the handling and disposal of used syringes and needles in accordance with requirements set forth at N J A C 7 26-3A 1 et seq for regulated medical waste disposal pursuant to the "Comprehensive Regulated Medical Waste Management Act," P L 1989, c 34 (C 13 1E-48 1 et al), and shall also develop and maintain protocols for post-exposure treatment,

(7) (a) Entities authorized to provide harm reduction services may obtain and distribute naloxone hydrochloride or another opioid antidote to consumers, to family members and friends of consumers, and to any member of the general public, in accordance with the "Overdose Prevention Act," P L 2013, c 46 (C 24 6J-1 et al) and P L 2021, c 152,

(b) Entities authorized to provide harm reduction services shall provide overdose prevention information to consumers and to family members and friends of consumers, and to members of the general public, in accordance

with the provisions of section 5 of the "Overdose Prevention Act," P L 2013, c 46 (C 24 6J-5),

(8) Entities authorized to provide harm reduction services shall maintain the confidentiality and security of information about consumers receiving harm reduction services through appropriate administrative, technical, and physical controls and safeguards that protect the confidentiality, integrity, and availability of individually identifiable information about consumers,

(9) Entities authorized to provide harm reduction services shall provide a uniform membership card that has been approved by the department to consumers and to staff and volunteers involved in transporting, exchanging or possessing syringes and needles, or shall provide for such other uniform Statewide means of identification as may be approved by the department for this purpose,

(10) Entities authorized to provide harm reduction services shall provide consumers at the time of enrollment with a schedule of the entity's operation hours and locations, in addition to information about prevention and harm reduction and substance use disorder treatment services, and

(11) Entities authorized to provide harm reduction services shall establish and implement accurate data collection methods and procedures as required by the department for the purpose of evaluating the provision of harm reduction services

(a) (deleted by amendment, P L 2021, c 396)

(b) (deleted by amendment, P L 2021, c 396)

(c) (deleted by amendment, P L 2021, c 396)

c The department shall have sole authority to terminate authorization for an entity to provide harm reduction services that was approved by the department, without the need for application or approval by the host municipality

d The provisions of P L 2006, c 99 (C 26 5C-25 et al) shall not be construed as preempting the powers and the authority granted to municipalities under the "Municipal Land Use Law," P L 1975, c 291 (C 40 55D-1 et seq), nor as requiring a determination that the provision of harm reduction services is an inherently beneficial use thereunder

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

C 26 5C-29 Reports to Governor, Legislature

5 a (1) The Commissioner of Health shall report to the Governor and, pursuant to section 2 of P L 1991, 164 (C 52 14-19 1), the Legislature, no later than one year after the effective date of P L 2006, c 99 (C 26 5C-25 et

al) and biennially thereafter, on the status of harm reduction services provided by entities authorized to provide those services pursuant to sections 3 and 4 of P L 2006, c 99 (C 26 5C-27 and C 26 5C-28), and shall include in that report the data provided to the department by each entity authorized to provide harm reduction services pursuant to paragraph (11) of subsection b of section 4 of P L 2006, c 99 (C 26 5C-28)

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

(a) collaborate with local stakeholders, including healthcare providers, healthcare systems, social services providers, and law enforcement, to provide education and collect data on the value of providing harm reduction services in municipalities in which the services are provided, and

(b) determine the type of data to be reported and shared, which may include the number of consumers served, the number of syringes distributed, the number of referrals made to social support services and healthcare providers, overall crime statistics, and the incidence and locations of needle stick injuries

b (Deleted by amendment, P L 2016, c 36)

c The department shall prepare a detailed analysis of harm reduction services provided pursuant to P L 2006, c 99 (C 26 5C-25 et al), and report on the results of that analysis to the Governor, the Governor's Advisory Council on HIV/AIDS and Related Blood-Borne Pathogens, and, pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), the Legislature annually The analysis shall include, but not be limited to

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

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

(3) the number of consumers receiving harm reduction services and an assessment of their reasons for accessing those services,

(4) the number of consumers receiving harm reduction services who participated in substance use disorder treatment programs, and

(5) the number of consumers receiving harm reduction services who benefited from counseling and referrals to programs and entities that are relevant to their health, housing, social service, employment and other needs

d (Deleted by amendment, P L 2016, c 36)

6 Section 7 of P L 2006, c 99 (C 26 5C-31) is amended to read as follows

C 26 5C-31 Rules, regulations

7 a Notwithstanding any provision of law to the contrary, the Commissioner of Health, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), shall adopt rules and regulations to effectuate the purposes of P L 2006, c 99 (C 26 5C-25 et al)

b Notwithstanding any provision of P L 1968, c 410 (C 52 14B-1 et seq) to the contrary, the commissioner shall adopt, immediately upon filing with the Office of Administrative Law and no later than the 90th day after the effective date of P L 2006, c 99 (C 26 2C-25 et al), such regulations as the commissioner deems necessary to implement the provisions of sections 3 and 4 of P L 2006, c 99 (C 26 5C-27 and C 26 5C-28), which shall be effective until the adoption of rules and regulations pursuant to subsection a of this section and may be amended, adopted or readopted by the commissioner in accordance with the requirements of P L 1968, c 410 (C 52 14B-1 et seq)

c Notwithstanding any provision of P L 1968, c 410 (C 52 14B-1 et seq) to the contrary, the commissioner may adopt, immediately upon filing with the Office of Administrative Law, such regulations as the commissioner deems necessary to implement the provisions of P L 2021, c 396 (C 26 5C-26 1 et al), which shall be effective for a period not to exceed 180 days and thereafter may be amended, adopted or readopted by the commissioner in accordance with the requirements of P L 1968, c 410 (C 52 14B-1 et seq)

7 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 397

AN ACT concerning title insurance, supplementing P L 1975, c 106, and repealing section 39 of P L 1975, c 106

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

Repealer

1 Section 39 of P L 1975, c 106 (C 17 46B-39) is repealed

C 17 46B-63 Consumer rights, title, settlement service company

2 a Notwithstanding the provisions of this act nothing herein shall prevent a consumer from exercising their free choice in the selection of the title or settlement services company of their choosing Any agreement by a

consumer to use the services of a title or settlement service company shall be subject to the attorney review, if any, which is part of the contract for sale of real estate and may be revoked in the same manner as provided in the contract for the sale of real estate

b A person who violates the provisions of this section shall be

(1) for a first violation, subject to a 90-day business license suspension,

(2) for a second violation

(a) subject to a 180-day business license suspension, and

(b) liable to a penalty of not more than $1,000 for each violation, and

(3) for a third and any subsequent violation

(a) subject to a one-year business license suspension, and

(b) liable to a penalty of not more than $2,500 for each violation

3 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 398

AN ACT creating the New Jersey Legislative Youth Council and supplementing Title 52 of the Revised Statutes

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

C 52 13GG-1 Short title

1 This act shall be known, and may be cited as, the New Jersey Legislative Youth Council Act

C 52 13GG-2 Findings, declarations

2 The Legislature finds and declares that

a Engagement and participation by our youth in civic life are essential to maintaining the strength of our democracy, but the youth of the United States may not believe that they have a substantive voice in their government or the opportunities to share their perspectives and opinions at the highest levels of our government

b The unique perspectives and valuable insights of the youth of this country are essential to ensuring that investments made by the government for programs and services for those youth are effective and efficient

c Many state legislatures have created youth councils that have proven to be an effective means of understanding the perspectives and opinions of the youth of the state, leading to more effective and efficient policies, programs, and services for those youth

d The creation of a youth council in this State that can advise the New Jersey Legislature will be beneficial for the State and its resident youth

C 52 13GG-3 New Jersey Legislative Youth Council established

3 There is established a New Jersey Legislative Youth Council for the purpose of providing a forum for the youth of this State to participate in the democratic process, to advise the Legislature and its committees, commissions, and task forces on the perspectives, opinions, needs, development, and welfare of the youth of the State, and to advise the Legislature and its committees, commissions and task forces on the most effective and efficient policies, programs, and services that the State could provide for the youth of this State The council shall research, analyze, discuss, and make specific recommendations in the areas of civics education, drugs and substance abuse, emotional and physical health, employment and economic opportunities, environmental protection, gun violence and school safety, homelessness and poverty, mental health, safe environment for youth, sexual harassment and violence, youth services, and youth bias and hate crimes

In each two-year term of the New Jersey Legislature, the council shall submit, in writing, a series of policy recommendations to the President of the Senate, the Speaker of the General Assembly, the Minority Leader of the Senate, and the Minority Leader of the General Assembly The series of policy recommendations shall be made available online to the public

The council may express its position publicly on legislation pending before the New Jersey Legislature that is directly relevant to the youth of this State

C 52 13GG-4 Council membership, demographics

4 a The council shall be comprised of 44 members Forty members shall be members of the public and four members shall be members of the New Jersey Legislature

b Each of the 40 public members shall have been a resident of New Jersey for at least 15 years and shall be between 15 and 23 years of age at the time of appointment

Each public member shall represent one of the 40 districts of the New Jersey Legislature

The 40 public members shall be inclusive and reflective of the racial, gender, geographic, urban, rural, and economic diversity of their district

A public member who is less than 18 years of age shall be required to provide written permission from a parent or legal guardian to be a member of the council and participate in its activities Any public member who is less than 18 years of age shall be accompanied by a parent or legal guardian, or an adult designated in writing by the parent or legal guardian, at all times when attending meetings and other activities of the council

No public member shall be a family member, or an employee, of a person who is holding, or who held in the five years prior to the public member's appointment, any appointive or elective public office of this State

Public members shall serve for a term of two years, and if eligible, may be reappointed to serve for one additional term

c The President of the Senate shall appoint one member of the Senate to serve on the council The Speaker of the General Assembly shall appoint one member of the General Assembly to serve on the council The Minority Leader of the Senate shall appoint one member of the Senate to serve on the council The Minority Leader of the General Assembly shall appoint one member of the General Assembly to serve on the council

The legislative members shall serve a term coterminous with their term of office, and at the pleasure of the President of the Senate or the Speaker of the General Assembly

The legislative members shall be non-voting, advisory members appointed solely for the purpose of assisting the public members of the council in conducting the council's meetings and activities, and in fulfilling the council's purpose

The legislative members shall advise the council on the legislative process, provide policy and fiscal briefings, assist with the drafting of proposed legislation, and provide such guidance and information as the council deems appropriate

d The public members of the council shall serve until their successors are appointed and qualified, and, for this purpose, a public member may serve after reaching the age of 23 years The term of the successor of any incumbent public member shall be calculated from the expiration of the term of that incumbent public member A vacancy occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only

e For the purpose of the New Jersey Legislative Youth Council

"Appointive or elective public office" means an appointment by the Governor that requires the advice and consent of the Senate, or an appointment

by the Governor to serve at the pleasure of the Governor only during his or her term of office, an appointment by an elected public official or elected governing body of a political subdivision of the State, that requires the specific consent or approval of the elected governing body of the political subdivision, or any office filled at an election by the voters at a general election

"Family member" means a child, sibling, niece, nephew, first cousin, or grandchild, whether the individual is related by blood, marriage, or adoption

"Youth" means a person at least 15 years of age but under the age of 23 years

C 52 13GG-5 Appointment of members, application

5 The legislative members shall be appointed within 60 days after the creation of the council by law The legislative members initially appointed shall develop an application form and application process for the selection of the public members The application form and application process may be revised by a majority vote of the public members appointed to the council

The member of the Senate and the two members of the General Assembly who represent each district of the New Jersey Legislature shall appoint one person, based on the application submitted by that person, to serve as a public member of the council from among the persons residing in that legislative district who submit applications The public members shall be appointed within 60 days of the completion of the application form and application process

If no applications for public membership are received from persons in a legislative district or there are no qualified applicants, an additional 30 days to appoint a public member from that legislative district shall be provided for the receipt of applications from persons who reside in that legislative district

C 52 13GG-6 Officers, terms

6 a The legislative members of the council appointed by the President of the Senate and the Speaker of the General Assembly shall serve as co-chairs at the initial meeting of the council At the same initial meeting, the public members shall elect five of the public members of the council to serve on the council's executive board

b The executive board shall be comprised of five public members and the four legislative members The five public members of the executive board shall be elected by a majority vote of the public members of the council Executive board members shall be elected to serve for two years and shall not be eligible to be elected to serve on the executive board for any additional term The members of the executive board shall include a chair, vice chair, secretary, and any other officer the council deems necessary and appropriate

C 52 13GG-7 Meeting schedule, quorum

7 a The council shall meet at least four times a year to conduct business The council shall meet at the State House Complex to conduct business

b A majority of the public members shall constitute a quorum for the transaction of business, and the acts of a majority of the public members present at a meeting at which there is a quorum shall constitute the acts of the council

The council shall hold at least two public hearings each year, in different parts of the State, for the purpose of receiving testimony from members of the public, and in particular from the youth of this State

The council may hold such other meetings throughout the year as the council may deem appropriate

c The council shall submit an annual report by January 15 of each year to the Legislature of its activities and recommendations The report shall be made available online to the public

d The council shall be constituted upon the appointment of the majority of its public members and shall have no expiration date

C 52 13GG-8 Reimbursement, donations

8 a The public members of the council shall serve without compensation, but may be reimbursed for necessary expenses incurred in the performance of their duties as public members of the council, within the limits of funds made available to the council for its purpose

b The New Jersey Legislature may accept monetary donations, that shall be deposited into the New Jersey Legislative Youth Council Fund, from public and private sources to support the activities of the council A monetary donation shall not be accepted from any person or entity with a pecuniary or other vested interest in the outcome of the work of the council or when the donation would in any way compromise the work of the council A person or entity who desires to make a monetary donation shall certify to the council or its designee, in the manner prescribed by the council, that the person or entity has no pecuniary or other vested interest in the outcome of the work of the council Donations by a person or entity shall not exceed $500 per calendar year in the aggregate Each donation shall be subject to approval by the council

C 52 13GG-9 New Jersey Legislative Youth Council Fund established

9 The Department of the Treasury shall establish and maintain a special revolving fund to be known as the New Jersey Legislative Youth Council Fund The fund shall be maintained as a separate account and administered by the

Department of the Treasury to support the New Jersey Legislative Youth Council

The State Treasurer shall administer the fund, which shall be credited with donations received by the New Jersey Legislature for the council, moneys that the Legislature may appropriate, and other moneys made available including, but not limited to, funds provided by the federal government

10 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 399

AN ACT concerning the purchase of service credit by members of the State Police Retirement System and supplementing Title 53 of the Revised Statutes

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

C 53 5A-6 2 State-administered retirement system credit, eligibility

1 A member may file a detailed statement of other public employment in other states or with the United States Government that would be eligible for credit in a State-administered retirement system if the employment was with a public employer in this State, rendered prior to becoming a member, for which the member desires credit, and of such other facts as the retirement system may require The member may purchase credit for all or a portion of the service evidenced in the statement up to the nearest number of years and months, but not exceeding five years No application shall be accepted for the purchase of credit for such service if, at the time of application, the member has a vested right to retirement benefits in another retirement system based in whole or in part upon that service

The member may purchase credit for the service by paying into the annuity savings fund the amount required by applying the factor, supplied by the actuary as being applicable to the member's age at the time of the purchase, to the member's salary at that time, or to the highest annual compensation for service in this State for which contributions were made during any prior fiscal year of membership, whichever is greater The purchase may be made in

regular installments, equal to at least one-half the full normal contribution to the retirement system, over a maximum period of 10 years

Neither the State nor the employer of a member who applies to purchase credit for public employment with the United States Government pursuant to this section shall be liable for any payment to the retirement system on behalf of the member for the purchase of this credit Notwithstanding any provision of this act to the contrary, a member shall not be liable for any costs associated with the financing of pension adjustment benefits and health care benefits for retirees when purchasing credit for such public employment in other states or with the United States Government

Any member electing to purchase the service who retires prior to completing payments as agreed with the retirement system shall receive pro rata credit for service purchased prior to the date of retirement, but if the member so elects at the time of retirement, the member may make the additional lump sum payment required at that time to provide full credit

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 400

AN ACT directing the New Jersey Transit Corporation to erect and maintain a statue in honor of A Philip Randolph, supplementing P L 1979, c 150 (C 27 25-1, et seq), and making an appropriation

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

C 27 25-42 A Philip Randolph statue, duties of New Jersey Transit Corporation

1 The New Jersey Transit Corporation shall erect and maintain a statue in honor of A Philip Randolph to be located at Newark Penn Station

2 a There is appropriated from the General Fund to the Essex County Chapter of the A Philip Randolph Institute the sum of $90,000 for the purpose of erecting a statue in honor of A Philip Randolph

b This appropriation shall be conditioned upon the New Jersey Transit Corporation and the Essex County Chapter of the A Philip Randolph Institute entering into a formal agreement in which

(1) The Essex County Chapter of the A Philip Randolph Institute shall agree to pay for the creation of a statue in honor of A Philip Randolph using appropriated funds as well as any other required additional funds, which the Essex County Chapter of the A Philip Randolph Institute may receive from gifts, grants, or other forms of financial assistance from private sources, including but not limited to non-governmental non-profit, educational, or charitable entities or institutions,

(2) The New Jersey Transit Corporation shall agree to make space available at Newark Penn Station for the placement of the statue, and

(3) Upon delivery of the statue, the New Jersey Transit Corporation shall agree to pay for the cost of erecting the statue as well as the cost of any ongoing maintenance

3 This act shall take effect immediately, but shall remain inoperative until the formal agreement between Essex County Chapter of the A Philip Randolph Institute and New Jersey Transit Corporation described in section 2 of this act is signed

Approved January 18, 2022

CHAPTER 401

AN ACT concerning reimbursement of certain premiums to dairy farmers, supplementing Title 4 of the Revised Statutes, and making an appropriation

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

C 4 12A-72 Reimbursement, federal Dairy Margin Coverage Program

1 a The Department of Agriculture shall disburse annually to each enrolled dairy farmer in the State the amount of the annual premium paid by the enrolled dairy farmer for coverage under the federal Dairy Margin Coverage Program up to the amount of the premium for coverage for the first 5,000,000 pounds of annual milk production per farm, the first tier of coverage under the program The department, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), shall adopt rules and regulations establishing procedures for the disbursement of funds to reimburse each enrolled dairy farmer in the State the amount the enrolled dairy farmer has paid for the annual premium for coverage

authorized pursuant to this subsection under the federal Dairy Margin Coverage Program

b The Department of Agriculture shall include in its annual budget request to the Governor an amount equal to the moneys necessary to pay the annual premiums for the coverage authorized pursuant to subsection a of this section under the federal Dairy Margin Coverage Program for all enrolled dairy farmers in the State The Legislature shall appropriate the necessary funds to the department for this purpose

c As used in this section

"Department" means the Department of Agriculture

"Enrolled dairy farmer" means a dairy farmer enrolled in the federal Dairy Margin Coverage Program

"Federal Dairy Margin Coverage Program" means the federal Dairy Margin Coverage Program that replaced the former federal Margin Protection Program for Dairy Producers pursuant to the federal Agricultural Act of 2018

2 There is appropriated from the General Fund to the Department of Agriculture a sum in the amount of $125,000 to provide for the reimbursements authorized pursuant to section 1 of this act

3 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 402

AN ACT concerning school district regionalization, amending various parts of the statutory law, and supplementing chapter 13 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 13-47 1 Definitions

1 As used in sections 2 through 8 of P L 2021, c 402 (C 18A 13-47 2 through C 18A 13-47 8)

"Board of education" means and includes the board of education of a local school district, consolidated school district, non-operating school district, and the board of education of a limited purpose or all purpose regional district

"Division" means the Division of Local Government Services in the Department of Community Affairs

"Governing body" means and includes, in the event that a school district enumerated herein does not have a board of education, the governing body of a local school district, a municipality constituting part of a consolidated school district, and the governing body of a municipality constituting a constituent district of a limited purpose or all purpose regional district

"Participating district" means a school district whose board of education or governing body, as applicable, by resolution certifies a commitment to participate in a feasibility study submitted as part of an application under the grant program established pursuant to section 2 of P L 2021, c 402 (C 18A 13-47 2)

"School district" means and includes a local school district, consolidated school district, non-operating school district, a constituent school district, and a limited purpose or all purpose regional district

C 18A 13-47 2 Grant program established

2 The Division of Local Government Services in the Department of Community Affairs shall establish a grant program, within the limit of funds appropriated or otherwise made available for the program, the purpose of which shall be to provide for the reimbursement of eligible costs associated with conducting feasibility studies that support the creation of meaningful and implementable plans to form or expand regional school districts The division shall retain one percent of funds appropriated or otherwise made available for the program for the purpose of offsetting the expenses related to the administration of the program In addition to funds being made available to boards of education and governing bodies seeking to conduct feasibility studies after the date of enactment of P L 2021, c 402 (C 18A 13-47 1 et al), funds under the grant program shall be made available to

a the boards of education or governing bodies of two or more school districts which have conducted within two years prior to the enactment of P L 2021, c 402 (C 18A 13-47 1 et al) a feasibility study for which no prior reimbursement was made, and

b the boards of education or governing bodies of two or more school districts that are in the process of conducting a feasibility study as of the date of enactment of P L 2021, c 402 (C 18A 13-47 1 et al)

C 18A 13-47 3 Application to grant program, criteria, feasibility study

3 a The boards of education or governing bodies of two or more school districts seeking to form a limited purpose or all purpose regional district and

that wish to apply for funding under the grant program established pursuant to section 2 of P.L.2021, c.402 (C.18A:13-47.2) shall jointly submit an application to the division. The application shall identify and designate at least one project coordinator from one or more participating districts who shall be responsible for overseeing the activities associated with conducting the feasibility study proposed under the application and for fulfilling any requirements prescribed by the division in the receipt of a grant under the program. The application shall also include:

(1) copies of the resolutions adopted by all participating boards of education or governing bodies, as applicable, certifying a commitment to participate in a feasibility study. An application may propose a feasibility study that would include an analysis of the inclusion of non-participating districts in a proposed regional district, in which case the application shall state that the feasibility study will present findings and recommendations related both to the consolidation of participating districts into a regional district and alternative findings and recommendations contingent upon the inclusion of the non-participating districts;

(2) a detailed narrative describing the proposed regionalization plan or plans to be studied, as well as potential areas for educational and fiscal improvement. The feasibility study shall include, but need not be limited to, options to address issues related to:

(a) facility utilization;

(b) cost sharing and methods of apportionment, including but not limited to, equalized valuation, pupil enrollment, or a combination of the two as well as whether such apportionment should take effect immediately or on a phase-in or transitional basis over a certain number of years;

(c) the allocation of existing school debt and proceeds from the sale of unutilized or underutilized facilities;

(d) projected enrollment trends, including the impact on the demographic breakdown of the student population, including race, ethnicity, and national origin, and projected changes in class size;

(e) current and projected staffing needs and costs, including retirement and attrition trends for instructional, administrative, and support staff;

(f) an analysis of the differences in the salaries and terms and conditions of employment in elementary, middle, and high school teachers', administrators', and support staffs' contracts among the various districts and the distribution of all compensation among covered employees, including the potential impact of expired contracts moving forward, which analysis shall be developed by school districts and the majority representatives of all recognized bargaining units;

(g) State aid and tax revenue projections;

(h) potential cost savings or increases from regionalization,

(i) student seat time and distance traveled, as well as potential increased or reduced transportation costs,

(j) kindergarten through 12 curriculum coordination improvements,

(k) potential enrichment of educational programs for students, and

(l) calculation and methods of apportionment for determining membership on the regional district board of education among the constituent districts,

(3) a description of the intended use of grant funding in supporting the costs associated with conducting the feasibility study,

(4) a demonstration of the boards' or governing bodies' capacities to oversee the proposed feasibility study,

(5) a list of personnel or outside consultants who would be conducting the feasibility study, which consultants shall be selected in accordance with applicable State law,

(6) a plan to incorporate public and stakeholder participation and ideas in the regionalization study process, which shall include school board members, parents, teachers, administrators, non-instructional staff, union representatives, municipal officials, and interested citizens, and

(7) any other materials or information as may be required by the division to effectively evaluate the proposed feasibility study and assess the costs associated with conducting the feasibility study

b In order to be eligible to receive a grant under the grant program established pursuant to section 2 of P L 2021, c 402 (C 18A 13-47 2), the boards of education or governing bodies shall demonstrate that the proposed regionalization

(1) does not, and is not foreseeably likely to, increase or exacerbate the segregation of students by racial, socioeconomic, disability, or English Language Learner status as determined by the number and percentage of students enrolled in the school districts seeking to consolidate or, as applicable, in the school districts from which a school district is seeking to withdraw,

(2) to the maximum extent practicable, will lead to the establishment of a limited purpose or all purpose regional district,

(3) consolidates school districts that are in close geographic proximity of each other School districts need not be immediately contiguous as long as any geographic separation is not so large as to contradict the potential for improved efficiency and cost savings,

(4) possesses the potential for improved efficiency and cost savings,

(5) possesses the potential to advance an enhanced learning environment for participating districts,

(6) coordinates curriculum across schools and grades throughout the proposed limited purpose or all purpose regional school, and

(7) reflects a documented commitment from the participating districts to make good faith efforts to implement the recommendations of the feasibility study that promote efficiency and quality of education

c The Commissioner of Education shall review every application submitted pursuant to this section, except for an application eligible for preliminary approval pursuant to subsection b of section 4 of P.L. 2021, c. 402 (C. 18A:13-47.4), and shall certify, in writing, that the newly formed or enlarged regional district will not, and will not be foreseeably likely to, increase or exacerbate segregation among the districts seeking to regionalize or, as applicable, the school districts from which a school district is seeking to withdraw and school districts in the surrounding region as determined by the number and percentage of students affected by such consolidations or withdrawals

C. 18A:13-47.4 Application review, feasibility study reimbursement

4. a The division shall review all applications submitted pursuant to section 3 of P.L. 2021, c. 402 (C. 18A:13-47.3) and shall only approve applications that meet the eligibility criteria set forth in subsection b. of section 3 of P.L. 2021, c. 402 (C. 18A:13-47.3) and that are certified by the commissioner pursuant to subsection c. of section 3 of P.L. 2021, c. 402 (C. 18A:13-47.3). Boards of education or governing bodies whose applications are denied approval for a grant shall be provided a notice describing the reasons for the denial and the applicant shall be afforded an opportunity for a hearing before an administrative law judge to contest the decision, which shall conform with the provisions applicable to such contested cases in this State as set forth in statute and regulation.

b. The division may grant preliminary approval of an application submitted by the boards of education or governing bodies of two or more school districts pursuant to section 3 of P.L. 2021, c. 402 (C. 18A:13-47.3) if the division determines that the application contains sufficient evidence to demonstrate that the proposed regionalization complies with the criteria enumerated in subsection b. of section 3 of P.L. 2021, c. 402 (C. 18A:13-47.3) and is proposing to

(1) form a countywide school district, or

(2) form an all purpose regional district by expanding an existing limited purpose regional district through consolidation with some or all of the constituent school districts of the existing limited purpose regional district

The division shall establish guidelines governing preliminary approval of applications submitted pursuant to this subsection A participating district that is part of an application that receives preliminary approval under this subsection and that has a State aid differential that is positive may elect to receive State school aid pursuant to the schedule established in paragraph (4) of subsection c of section 4 of P L 2018, c 67 (C 18A 7F-68)

c Boards of education or governing bodies receiving application approval pursuant to this section shall be reimbursed for any eligible costs of the feasibility study up to an amount or percentage to be annually determined by the division, with 50 percent of the grant award to be distributed upon the division's final approval of the grant application and the remaining 50 percent of the grant award to be distributed upon the division's acceptance of the completed feasibility study Boards of education or governing bodies receiving application approval pursuant to subsection a of this section, which have conducted within two years prior to the enactment of P L 2021, c 402 (C 18A 13-47 1 et al) a feasibility study for which no prior reimbursement was made, shall be eligible for reimbursement up to an amount or percentage to be determined by the division of any costs associated with conducting the study upon execution of the regionalization outlined in the boards' or governing bodies' application The division shall also annually determine the costs that are eligible and ineligible for reimbursement under this section

C 18A 13-47 5 Regional district formation, conditions

5 a Notwithstanding the provisions of section 2 of P L 1995, c 294 (C 18A 6-31 4) or of any other law, rule, or regulation to the contrary, whenever a regional district is formed following the approval of an application pursuant to section 4 of P L 2021, c 402 (C 18A 13-47 4)

(1) the salary guide and terms and conditions of employment, whether established through a collective negotiations agreement or past practice, of the largest constituent school district shall apply in full after three years following the formation of the regional district or until a successor agreement is negotiated with the majority representative of the new school district, whichever occurs first The salary guide and terms and conditions of employment that will apply pursuant to the provisions of this subsection shall be based upon the terms and conditions of employment of the largest constituent district made up of only the identical grade levels In the event that there is no constituent district made up of only the identical grade levels, the salary guide and terms and conditions of employment that will apply pursuant to the provisions of this subsection shall be based upon the

terms and conditions of employment of the largest constituent district containing the identical grade levels, and

(2) in the event that there is an employee bargaining unit in a constituent school district with the next largest number of employees and with a majority representative of the unit, which is not so represented in the largest school district, the terms and conditions of employment for all employees holding positions in that unit in the newly formed regional district shall apply provided that the terms and conditions of employment shall only apply to the newly formed regional district's employees in that bargaining unit

b Notwithstanding the provisions of the "New Jersey Employer-Employee Relations Act," P L 1941, c 100 (C 34 13A-1 et seq) or of any other law, rule, or regulation to the contrary, whenever a regional district is formed following the approval of an application pursuant to section 4 of P L 2021, c 402 (C 18A 13-47 4), the newly formed regional district shall recognize each majority representative of the existing bargaining units in the largest constituent district as the majority representatives of those separate bargaining units of employees, except that if the largest constituent district does not have a majority representative currently representing a classification of employees, then the majority representative of the next largest constituent district that represents a bargaining unit representing that classification of employees shall be recognized by the newly formed regional district as the majority representative of that classification of employees

c Notwithstanding any law, rule, or regulation to the contrary, beginning on the date upon which a school district submits an application pursuant to section 3 of P L 2021, c 402 (C 18A 13-47 3), the boards of education or governing bodies of any affected, constituent, replaced, displaced, or dissolved districts shall not enter into a subcontracting agreement which affects the employment of any employees in a collective bargaining unit represented by a majority representative until the date that the newly formed or existing limited purpose or all purpose regional district commences operations following the completion of the dissolution, displacement, merger, regionalization, or consolidation of the constituent districts at which time the provisions of P L 2020, c 79 (C 34 13A-44 et seq) shall control

d As used in this section, "largest constituent school district" means the school district that employs the largest number of teaching staff members

C 18A 13-47 6 Reimbursement, election costs, criteria

6 The Department of Education shall reimburse participating districts for any costs incurred to hold an election to establish or enlarge a

limited purpose or all purpose regional district provided that the decision to establish or enlarge a limited purpose or all purpose regional district stems from the completion of a feasibility study conducted in connection with the grant program established pursuant to section 2 of P L 2021, c 402 (C 18A 13-47 2)

C 18A 13-47 7 Receipt of grant award application, notice

7 The Division of Local Government Services in the Department of Community Affairs shall provide notice to the Senate President, the Speaker of the General Assembly, the Minority Leader of the Senate, and the Minority Leader of the General Assembly upon the division's receipt of an application for a grant award submitted pursuant to section 3 of P L 2021, c 402 (C 18A 13-47 3) The notice shall be provided within 15 days of the division's receipt of the application and shall include information identifying each applicant seeking a grant award

C 18A 13-47 8 Grant program implementation report, content

8 The Division of Local Government Services in the Department of Community Affairs, in consultation with the Department of Education, shall submit a report on the implementation of the grant program established pursuant to section 2 of P L 2021, c 402 (C 18A 13-47 2) to the Governor, and to the Legislature pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1) within one year following the date of enactment of P L 2021, c 402 (C 18A 13-47 1 et al) and annually thereafter The report shall include, but not be limited to

a an analysis of the grant program identifying

(1) the boards of education or governing bodies that applied for a grant,

(2) the boards of education or governing bodies that were awarded a grant,

(3) the amount of each grant awarded,

(4) the availability of any funds remaining under the grant program,

(5) the reasoning behind the denial of any grant application, and

(6) an analysis of the effects of consolidations or withdrawals, or both, on the opportunities for students to attend schools that are integrated by race, socioeconomic, disability, and English Language Learner status,

b a description of the experience of the boards of education or governing bodies that applied and were approved for grant funding, including the status and analysis of any feasibility studies conducted with grant funding,

c information on whether any grant recipients completed regionalization,

d an analysis of any legal, financial, educational, or other factors that either facilitated or impeded the expansion or creation of a regional district by participating districts including, but not limited to, recommendations to existing State laws or regulations that would remove impediments to regionalization, and

e recommendations as to the feasibility and advisability of expanding the grant program

C 18A 13-47 9 Expiring employment salary guide and terms and conditions

9 Notwithstanding any law, rule, or regulation to the contrary, whenever the salary guide and terms and conditions of employment of one or more school districts seeking to join a newly formed or existing limited purpose or all purpose regional district is set to expire upon the formation of the new regional district, the school district may

a elect to adopt the expiring salary guide and terms and conditions of employment for a period not to exceed one year or until a successor agreement is negotiated with the majority representative of the new regional district, whichever occurs first, or

b elect to adopt the salary guide and terms and conditions of employment of the largest comparable district joining the new regional district

C 18A 13-47 10 Tenure, seniority rights recognized, preserved

10 Notwithstanding section 3 of P L 1995, c 294 (C 18A 6-31 5) or any other law, rule, or regulation to the contrary, whenever a limited purpose or all purpose regional district is formed or enlarged, the tenure and seniority rights of all employees from the affected, constituent, replaced, displaced, or dissolved districts, except for employees who are superintendents without prior underlying tenure and seniority rights in the affected, constituent, replaced, displaced, or dissolved districts, which form or are a part of, or are affected, replaced, or displaced by the newly formed or enlarged limited purpose or all purpose regional district, shall be recognized and preserved by the newly formed or enlarged limited purpose or all purpose regional district and all periods of employment in any of the school districts shall count toward acquisition of tenure and seniority in the newly formed or enlarged limited purpose or all purpose regional district All statutory and contractual rights to accumulated sick leave, leave of absence, and pension of an employee that have been acquired through employment in any of the districts shall be recognized by the newly formed or enlarged limited purpose or all purpose regional district Notwithstanding the provisions of this section or any other

law, rule, or regulation to the contrary, whenever a limited purpose or all-purpose regional district is formed or enlarged, any employee not covered by statutory seniority rights shall be placed on a seniority list in accordance with the employee's years of employment in any of the constituent districts for the purposes of employment

C 18A 13-47 11 Withdrawal from local district to form, enlarge regional district, conditions

11 a Notwithstanding any other law, rule, or regulation to the contrary, a board of education of a local school district or of a local school district constituting part of a limited purpose regional district, the board of education or governing body of a non-operating school district, or the governing body of a municipality constituting a constituent district of a limited purpose regional district, part of an all purpose regional district, or part of a consolidated school district may, by resolution, withdraw from a limited purpose or all purpose regional district or consolidated school district in order to form or enlarge a limited purpose or all purpose regional district provided that the withdrawal

(1) is approved by the Commissioner of Education, in consultation with the Director of the Division of Local Government Services in the Department of Community Affairs, as meeting the criteria set forth in paragraphs (2) through (8) of this subsection, which approval shall be obtained prior to any election held to determine whether to form or enlarge a limited purpose or all purpose regional district that the withdrawing board of education or governing body will join,

(2) does not, and is not foreseeably likely to, increase or exacerbate the segregation of students by racial, socioeconomic, disability, or English Language Learner status as determined by the number and percentage of affected students enrolled in the school districts seeking to consolidate or in the regional district or consolidated school district from which a school district is seeking to withdraw,

(3) consolidates school districts that are in close geographic proximity of each other School districts need not be immediately contiguous as long as any geographic separation is not so large as to contradict the potential for improved efficiency and cost savings,

(4) to the maximum extent practicable, reduces student seat time and transportation costs,

(5) possesses the potential for improved efficiency and cost savings,

(6) possesses the potential to advance an enhanced learning environment for participating school districts,

(7) coordinates curriculum across schools and grades throughout the proposed limited purpose or all purpose regional district, and

(8) reflects a documented commitment from the affected boards of education to make good faith efforts to implement practices that promote efficiency and quality of education

b A board of education of a local school district or of a local school district constituting part of a limited purpose regional district, the board of education or governing body of a non-operating school district, or the governing body of a municipality constituting a constituent district of a limited purpose regional district, part of an all purpose regional district, or part of a consolidated school district that withdraws from a limited purpose or all purpose regional district or consolidated school district pursuant to the provisions of subsection a of this section shall pay transitional support to the limited purpose or all purpose regional district or consolidated school district in which it was formerly a member, less the tuition dollars paid pursuant to subsection c of this section, in an amount equal to the difference between the amount to be paid to the limited purpose or all purpose regional district of which the district or municipality will be a member and the amount paid to the former limited purpose or all purpose regional district or consolidated school district during the final year in which the district or municipality had been a member according to the following schedule

(1) 100 percent during the first school year following withdrawal,

(2) 80 percent during the second school year following withdrawal,

(3) 60 percent during the third school year following withdrawal,

(4) 40 percent during the fourth school year following withdrawal, and

(5) 20 percent during the fifth school year following withdrawal

A board of education of a local school district or of a local school district constituting part of a limited purpose regional district, the board of education or governing body of a non-operating school district, or the governing body of a municipality of a constituent district of a limited purpose regional district, part of an all purpose regional district, or part of a consolidated school district shall not be responsible for any further transitional payments required pursuant to this subsection following the end of the fifth school year following withdrawal

c A student residing in the withdrawing district on the date the district withdraws pursuant to the provisions of this section may remain in the school in which the student is enrolled at the time of withdrawal on a tuition basis, which tuition shall be paid by the withdrawing district

C 18A 13-34 3 Phase-in payment schedule, transitional methodology

12 a Notwithstanding the provisions of N J S 18A 13-34 or any other law, rule, or regulation to the contrary, the Commissioner of Education may

permit the board of education of a regional district and the board or boards of education of one or more local districts, boards of education of two or more local districts, the board of education of a consolidated district, or the board of education of a district comprising two or more municipalities seeking to form or enlarge a limited purpose or all purpose regional district to agree to phase-in payment of the amount to be paid by each district under the apportionment method adopted by the voters The phase-in payment schedule shall be for a period not to exceed 10 years Following completion of the phase-in payment period, the method of apportionment shall revert to full payment under the method approved by the voters

b Notwithstanding the provisions of N J S 18A 13-34 or any other law, rule, or regulation to the contrary, the Commissioner of Education may permit the board of education of a regional district and the board or boards of education of one or more local districts, boards of education of two or more local districts, the board of education of a consolidated district, or the board of education of a district comprising two or more municipalities seeking to form or enlarge a limited purpose or all purpose regional district to agree to establish a transitional methodology, not to exceed 10 years, of the apportionment method adopted by the voters provided that the methodology is agreed to by all participating districts

C 18A 13-35 1 Proposal to form regional district adopted by voters, duties of affected board of education

13 a Notwithstanding any law, rule, or regulation to the contrary, when a proposal to form a limited purpose or all purpose regional district is submitted to the voters pursuant to N J S 18A 13-34, and the proposal is adopted by the voters pursuant to N J S 18A 13-35, a board of education shall proceed with the regionalization plan in accordance with the provisions of the proposal Any claim that a board of education is proceeding with the regionalization plan in a manner inconsistent with the provisions of the proposal shall be made directly to the Commissioner of Education

b In the event that the commissioner determines that a board of education is acting in a manner inconsistent with the provisions of a proposal adopted pursuant to N J S 18A 13-35, such board of education shall submit plans to the commissioner detailing the steps to be taken to address such inconsistencies

C 18A 13-44 1 Proposal to enlarge regional district adopted by voters, duties of affected board, boards of education

14 a Notwithstanding any law, rule, or regulation to the contrary, when a proposal to enlarge a limited purpose or all purpose regional district is

submitted to the voters pursuant to N J S 18A 13-43, and the proposal is adopted by the voters pursuant to N J S 18A 13-44, a board of education of the regional district and the board or boards of education of one or more local districts determined to enlarge the regional district shall proceed with the regionalization plan in accordance with the provisions of the proposal Any claim that a board of education is proceeding with the regionalization plan in a manner inconsistent with the provisions of the proposal shall be made directly to the Commissioner of Education

b In the event that the commissioner determines that a board of education of a regional district or of one or more local districts is acting in a manner inconsistent with the provisions of a proposal adopted pursuant to N J S 18A 13-44, such board of education shall submit plans to the commissioner detailing the steps to be taken to address such inconsistencies

C 18A 13-33 1 Proposal to increase purposes of regional district adopted by voters, duties of affected board of education

15 a Notwithstanding any law, rule, or regulation to the contrary, when a proposal to add to the purposes for which a regional district was created is submitted to the voters and adopted pursuant to N J S 18A 13-33, the board of education of a constituent district and of the limited purpose or all purpose regional district, as applicable, shall proceed with the regionalization plan in accordance with the provisions of the proposal Any claim that a board of education of a constituent district or the board of education of the limited purpose or all purpose regional district, as applicable, is proceeding with the regionalization plan in a manner inconsistent with the provisions of the proposal shall be made directly to the Commissioner of Education

b In the event that the commissioner determines that a board of education of a constituent district or the board of education of the limited purpose or all purpose regional district, as applicable, is acting in a manner inconsistent with the provisions of a proposal adopted pursuant to N J S 18A 13-33, such board of education shall submit plans to the commissioner detailing the steps to be taken to address such inconsistencies

C 18A 13-33 2 Limited purpose to all purpose regional district, vote

16 a Notwithstanding the provisions of N J S 18A 13-33 or any other law, rule, or regulation to the contrary, if a proposal to add additional purposes will convert a regional district from a limited purpose regional district to an all purpose regional district, the proposal shall be submitted to the voters of each of the constituent districts of the regional district instead of at large to the voters of the regional district, and said proposal to convert a limited purpose regional

district to an all purpose regional district shall be considered adopted if a majority of the voters in a majority of the constituent districts that constitute the limited purpose regional district vote to form an all purpose regional district Notwithstanding any law, rule, or regulation to the contrary, a board of education of a constituent district of a limited purpose regional district that does not vote to join an all purpose regional district pursuant to the provisions of this subsection may continue to send such students as were enrolled in the limited purpose regional district to the schools that were established as part of the limited purpose regional district Nothing contained herein shall be construed as prohibiting a limited purpose regional district from seeking to add to the purposes for which the limited purpose regional district was created pursuant to the process established under N J S 18A 13-33

b Notwithstanding any law, rule, or regulation to the contrary, if a proposal to add additional purposes to a limited purpose regional district is adopted pursuant to the provisions of subsection a of this section, the constituent districts constituting the limited purpose regional district shall calculate and apportion the membership of the board of education of the newly formed all purpose regional district upon the basis of a proportional number of pupils enrolled from each constituent district that constitutes the limited purpose regional district, including any district that does not vote to join the all purpose regional district and continues to send students to the schools of the limited purpose regional district pursuant to subsection a of this section However, each constituent district, including any district that does not vote to join the all purpose regional district and continues to send students to the schools of the limited purpose regional district pursuant to subsection a of this section, shall have at least one member A constituent district that does not vote to join the all purpose regional district but retains membership on the board of education of the newly formed all purpose regional district pursuant to the provisions of this subsection shall be eligible to vote on any matter before the all purpose regional board of education on which a member of the board of education of a sending district is eligible to vote on before a receiving board of education as provided in section 1 of P L 1995, c 8 (C 18A 38-8 1)

C 18A 13-33 3 Proposal to calculate, apportion board membership, limited purpose to all purpose regional district

17 a Notwithstanding any law, rule, or regulation to the contrary, when a limited purpose regional district is proposing to add additional purposes that will convert the limited purpose regional district to an all purpose

regional district, the constituent districts may by resolution frame and adopt a proposal to calculate and apportion the membership of the board of education of the newly formed all purpose regional district among the constituent districts as nearly as may be according to the number of their inhabitants, except that each constituent district shall have at least one member

The new members of the board of education of the newly created all purpose regional district, who shall serve until the election of the first elected members of the newly formed regional district pursuant to the provisions of subsection b of this section, shall be selected as follows

(1) two-thirds shall be selected from among the members of the boards of education or governing bodies of the constituent districts constituting the limited purpose regional district, and

(2) one-third shall be selected from among the members of the board of education of the limited purpose regional district proposing to add additional purposes, with such members selected according to the number of each constituent districts' inhabitants

b Notwithstanding any law, rule, or regulation to the contrary, the first elected members of the board of education of the newly formed regional district shall be elected in accordance with the proposal to calculate and apportion the membership of the board of education adopted pursuant to subsection a of this section at the annual election to be held in the calendar year first succeeding the year in which the election for the creation of the district was held

C 18A 13-34b Proposal to calculate, apportion board membership, newly created regional district

18 a Notwithstanding the provisions of N J S 18A 13-8 or any other law, rule, or regulation to the contrary, the boards of education proposing to form a newly created regional district may by resolution frame and adopt a proposal to calculate and apportion the membership of the board of education of the newly created regional district according to the number of each constituent districts' inhabitants, except that each constituent district shall have at least one member The calculation and method of apportionment chosen pursuant to the provisions of this subsection need not be approved by the commissioner or his representative If the commissioner or his representative determines that it is advisable for such districts to form a newly created regional district, and the question of whether or not the proposal to create a regional district is submitted to the voters pursuant to N J S 18A 13-34, and the proposal is adopted by the voters pursuant to N J S 18A 13-35, then the members of the board of education

of the newly formed regional district shall be selected from among the members of the boards of education of each constituent district of the newly created regional district, who shall serve until the election of the first elected members of the newly created regional district pursuant to the provisions of subsection b of this section, in accordance with the proposal to calculate and apportion the membership of the board of education adopted pursuant to this subsection

b Notwithstanding any law, rule, or regulation to the contrary, the first elected members of the board of education of a newly created regional district shall be elected in accordance with the proposal to calculate and apportion the membership of the board of education adopted pursuant to subsection a of this section at the annual election to be held in the calendar year first succeeding the year in which the election for the creation of the district was held

C 18A 13-46 2 Proposal to calculate, apportion board membership, enlarged regional district

19 a Notwithstanding the provisions of N J S 18A 13-8 or any other law, rule, or regulation to the contrary, the board of education of a regional district and the board or boards of education of one or more local districts determined to enlarge the regional district may by resolution frame and adopt a proposal to calculate and apportion the membership of the enlarged board of education according to the number of each constituent districts' inhabitants, except that each constituent district shall have at least one member The calculation and method of apportionment chosen pursuant to the provisions of this subsection need not be approved by the commissioner or his representative If the commissioner or his representative determines that it is advisable to enlarge the regional district to include the local district or districts therein, and the question of whether or not the proposal to enlarge the regional district is submitted to the voters pursuant to N J S 18A 13-43, and the proposal is adopted by the voters pursuant to N J S 18A 13-44, then all members of the board of education of the enlarged regional district shall be elected in accordance with the proposal to calculate and apportion the membership of the board of education adopted pursuant to this subsection at the next annual school election after the election to enlarge the regional district

b For an enlarged regional district with a board of education apportioned pursuant to this section, the board of education of the new constituent district of the enlarged regional district shall, not later than 30 days after the election for the enlargement thereof, appoint one member of the enlarged board of education of the regional district from among the members of the board of education of the new constituent district, and the

member so appointed shall serve until the first Monday succeeding the first annual April school election of the enlarged regional district In the case of a regional district in which the annual school election is in November, the member so appointed shall serve until the first week in January next succeeding the first annual November school election of the enlarged district

20 N J S 18A 13-34 is amended to read as follows

Creation of regional school district, apportionment of appropriations

18A 13-34 If the boards of education of two or more local districts, or the board of education of a consolidated district, or of a district comprising two or more municipalities, and the commissioner or his representative, after consultation, study and investigation, shall determine, that it is advisable for such districts to join and create, or for such district to become

(a) an all purpose regional school district for all the school purposes of such districts or district, or

(b) a limited purpose regional school district to provide and operate, in the territory comprised within such local districts or district, one or more of the following elementary schools, junior high schools, high schools, vocational schools, special schools, health facilities or particular educational services or facilities, that board or boards shall by resolution frame and adopt a proposal to that effect stating also the manner in which the amounts to be raised for annual or special appropriations for such proposed regional school district, including the amounts to be raised for interest upon, and the redemption of bonds payable by the regional district, shall be apportioned upon the basis of

a the portion of each municipality's equalized valuation allocated to the regional district, calculated as described in the definition of equalized valuation in section 3 of P L 2007, c 260 (C 18A 7F-45),

b the proportional number of pupils enrolled from each municipality on the 15th day of October of the prebudget year in the same manner as would apply if each municipality comprised separate constituent school districts, or

c any combination of apportionment based upon equalized valuations pursuant to subsection a of this section or pupil enrollments pursuant to subsection b of this section, and each such board shall submit on the same day in each municipality in its district at a special election or at the general election the question whether or not the proposal shall be approved, briefly describing the contents of the resolution and stating the date of its adoption and they may submit also, at the special election, as part of such proposal, any other provisions which may be submitted, at such a special election, under the provisions of this chapter and any such special election pursuant to

the provisions of this section shall be held pursuant to the provisions of P L 1995, c 278 (C 19 60-1 et seq) Except as otherwise provided herein, the special election shall be conducted in accordance with the provisions of P L 1995, c 278 (C 19 60-1 et al)

21 N J S 18A 13-43 is amended to read as follows

Enlargement of district, special election

18A 13-43 If the board of education of a regional district and the board or boards of education of one or more local districts, and the commissioner or his representative, after consultation, study and investigation, shall determine that it is advisable to enlarge the regional school district so as to include said local district or districts therein, the board of education of the regional district and of each such local district shall by resolution frame and adopt a proposal to that effect and shall submit upon the same day, in such regional district and in each such local school district, at a special school election held pursuant to the provisions of P L 1995, c 278 (C 19 60-1 et seq) or at an election to be held on the third Tuesday in April the question whether or not said proposal shall be approved briefly describing the contents of said resolution and stating the date of its adoption and they may submit also at such special election as part of such proposal any other provision which may be submitted at such a special election under the provisions of this chapter

22 Section 4 of P L 2018, c 67 (C 18A 7F-68) is amended to read as follows

C 18A 7F-68 Amount of State aid for certain districts

4 a Notwithstanding the provisions of P L 2007, c 260 (C 18A 7F-43 et al) or any other law to the contrary, in the 2019-2020 through 2024-2025 school years, a school district or county vocational school district in which the State aid differential calculated is negative shall receive State school aid in an amount equal to the sum of the district's State aid in the prior school year plus the district's proportionate share of the sum of any increase in State aid included in the annual appropriations act for that fiscal year and the total State aid reduction pursuant to subsection b of this section based on the district's State aid differential as a percent of the Statewide total State aid differential among all school districts and county vocational school districts for which the State aid differential is negative Any increase in State aid pursuant to this subsection shall first be allocated to equalization aid, followed by special education categorical aid, security categorical aid, and transportation aid, except that no category shall exceed the total amount as calculated in accordance with the provisions of sections 11, 13,

14, and 15 of P L 2007, c 260 (C 18A 7F-53, C 18A 7F-55, C 18A 7F-56, and C 18A 7F-57), respectively

b Except as provided pursuant to subsection c of this section, and notwithstanding the provisions of P L 2007, c 260 (C 18A 7F-43 et al) or any other law to the contrary, in the 2019-2020 through 2024-2025 school years, a school district or county vocational school district in which the State aid differential is positive shall receive State school aid in an amount equal to the district's State aid in the prior school year minus a percent of the State aid differential according to the following schedule

(1) 13 percent in the 2019-2020 school year,

(2) 23 percent in the 2020-2021 school year,

(3) 37 percent in the 2021-2022 school year,

(4) 55 percent in the 2022-2023 school year,

(5) 76 percent in the 2023-2024 school year, and

(6) 100 percent in the 2024-2025 school year

c (1) An SDA district that is located in a municipality in which the equalized total tax rate is greater than the Statewide average equalized total tax rate for the most recent available calendar year and is spending below adequacy as calculated pursuant to section 1 of P L 2018, c 67 (C 18A 7F-70) shall not be subject to a reduction in State aid pursuant to subsection b of this section

(2) An SDA district that is located in a municipality in which the equalized total tax rate is greater than the Statewide average equalized total tax rate for the most recent available calendar year and is spending above adequacy as calculated pursuant to section 1 of P L 2018, c 67 (C 18A 7F-70) shall be subject to a reduction not to exceed the amount by which the district is spending above adequacy multiplied by the corresponding percentage included in subsection b of this section

(3) A school district, other than an SDA district, that is located in a municipality in which the equalized total tax rate is at least 10 percent greater than the Statewide average equalized total tax rate for the most recent available calendar year and is spending at least 10 percent below adequacy as calculated pursuant to section 1 of P L 2018, c 67 (C 18A 7F-70) shall not be subject to a reduction in State aid pursuant to subsection b of this section

(4) A school district that is a participating district under an application that is approved for a grant pursuant to subsection a of section 4 of P L 2021, c 402 (C 18A 13-47 4) or a school district that is a participating district under an application that receives preliminary approval pursuant to subsection b of section 4 of P L 2021, c 402 (C 18A 13-47 4) and that has a State aid differential that is positive may elect to receive State school aid in an amount

equal to the district's State aid in the prior school year minus a percent of the State aid differential according to the following schedule

(1) 30 percent in the 2021-2022 school year,

(2) 37 percent in the 2022-2023 school year,

(3) 46 percent in the 2023-2024 school year,

(4) 55 percent in the 2024-2025 school year,

(5) 65 5 percent in the 2025-2026 school year,

(6) 76 percent in the 2026-2027 school year,

(7) 88 percent in the 2027-2028 school year, and

(8) 100 percent in the 2028-2029 school year

A school district with a State aid differential that is positive, which is a participating district under an application that is approved for a grant pursuant to subsection a of section 4 of P L 2021, c 402 (C 18A 13-47 4) or that receives preliminary approval under subsection b of section 4 of P L 2021, c 402 (C 18A 13-47 4) but has not created or joined a limited purpose or all purpose regional school district within two years following the grant application approval or preliminary approval shall not be eligible to receive State aid according to the schedule enumerated in this paragraph

As used in this paragraph, "participating district" means a school district whose board of education by resolution certifies a commitment to participate in a feasibility study submitted as part of an application under the grant program established pursuant to section 2 of P L 2021, c 402 (C 18A 13-47 2)

(5) Notwithstanding the provisions of section 32 of P L 1996, c 138 (C 18A 7F-32) or any other law, rule, or regulation to the contrary, a school district that is a regional school district created following the approval of a grant application pursuant to section 4 of P L 2021, c 402 (C 18A 13-47 4) shall, from the first full school year following the creation of the regional school district through the 2028-2029 school year, receive State school aid in an amount that is the greater of

(a) the amount of State school aid that the newly created regional school district would receive as a regional school district, or

(b) the sum of the amount of State school aid received by each school district constituting the newly created regional school district prior to the creation of such regional school district

d Any decrease in State aid pursuant to subsection b or c of this section shall first be deducted from a school district's or county vocational school district's allotment of adjustment aid Any additional reduction shall be deducted from the school district's or county vocational school district's

allotment of non-SFRA aids, followed by equalization aid, special education categorical aid, security aid, and transportation aid

e Any remaining adjustment aid or non-SFRA aids shall be reallocated to other State aid categories in a manner to be determined by the commissioner

23 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 403

AN ACT concerning certain expungements and amending N J S 2C 52-3, N J S 2C 52-14, N J S 2C 36-1 and repealing N J S 2C 36-6

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

1 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 a 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 pursuant to this section to any court designated by the Rules of Court if

the person has been convicted, under the laws of this State, on the same or separate occasions of no more than five disorderly persons offenses, no more than five petty disorderly persons offenses, or a combination of no more

than five disorderly persons and petty disorderly persons offenses, and the person does not otherwise have any 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 five Subject to the provision of subsection e of N J S 2C 52-14 requiring denial of an expungement petition when a person has had a previous criminal conviction expunged, a prior conviction for another disorderly persons offense or petty disorderly persons offense shall not bar presenting an application seeking expungement relief for the convictions that are the subject of the application, which may include convictions for no more than five disorderly persons or petty disorderly persons offenses, or combination thereof, 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 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 Subject to the provision of subsection e of N J S 2C 52-14 requiring denial of an expungement petition when a person has had a previous criminal conviction expunged, a prior conviction for another disorderly persons or petty disorderly persons offense that was not entered on the same day shall not bar presenting an application seeking expungement relief for the convictions entered on the same day that are the subject of the application, 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 subsequent conviction for another offense in addition to those convictions included in the expungement application, whether within this State or any other jurisdiction Subject to the provision of subsection e of N J S 2C 52-14 requiring denial of an expungement petition when a person has had a previous criminal conviction expunged, a prior conviction for another disorderly persons offense or petty disorderly persons offense that

was not interdependent or closely related in circumstances and was not committed within a comparatively short period of time as described above shall not bar presenting an application seeking expungement relief for the convictions of offenses that were interdependent or closely related and committed within a comparatively short period of time, and that are the subject of the application

For purposes of determining eligibility to present an expungement application to the court pursuant to this section, a conviction for unlawful distribution of, or possessing or having under control with intent to distribute, marijuana or hashish in violation of paragraph (11) of subsection b of N J S 2C 35-5, or a lesser amount of marijuana or hashish in violation of paragraph (12) of subsection b of that section, or a violation of either of those paragraphs and a violation of subsection a of section 1 of P L 1987, c 101 (C 2C 35-7) or subsection a of section 1 of P L 1997, c 327 (C 2C 35-7 1), for distributing, or possessing or having under control with intent to distribute, on or within 1,000 feet of any school property, or on or within 500 feet of the real property comprising a public housing facility, public park, or public building, or for obtaining or possessing marijuana or hashish in violation of paragraph (3) of subsection a of N J S 2C 35-10, or for an equivalent crime in another jurisdiction, regardless of when the conviction occurred, shall not be considered a conviction of a crime within this State or any other jurisdiction but shall instead be considered a conviction of a disorderly persons offense within this State or an equivalent category of offense within the other jurisdiction, and a conviction for obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of marijuana or hashish in violation of paragraph (4) of subsection a , or subsection b , or subsection c of N J S 2C 35-10, or a violation involving marijuana or hashish as described herein and using or possessing with intent to use drug paraphernalia with that marijuana or hashish in violation of N J S 2C 36-2, or for an equivalent crime or offense in another jurisdiction, regardless of when the conviction occurred, shall not be considered a conviction within this State or any other jurisdiction

Additionally, for purposes of determining eligibility to present an expungement application to the court pursuant to this section, a conviction for unlawful distribution or dispensing of, possession with intent to distribute or dispense, or manufacture with intent to distribute or dispense, drug paraphernalia in violation of N J S 2C 36-3 when the paraphernalia is a hypodermic syringe or needle, or for an equivalent crime involving a hypodermic syringe or needle in another jurisdiction, regardless of when the conviction occurred, shall not be considered a conviction of a crime within this State or any other jurisdiction but

shall instead be considered a conviction of a disorderly persons offense within this State or an equivalent category of offense within the other jurisdiction, and a conviction for using or possessing with intent to use drug paraphernalia in violation of N J S 2C 36-2 when the paraphernalia is a hypodermic syringe or needle, or possession with intent to use or to distribute a hypodermic syringe or needle in violation of N J S 2C 36-6, of for an equivalent crime or offense in another jurisdiction, regardless of when the conviction occurred, shall not be considered a conviction 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 any court-ordered financial assessment, satisfactory completion of probation or parole, or release from incarceration, whichever is later The term "court-ordered financial assessment" as used herein and throughout this section means and includes any fine, fee, penalty, restitution, and other form of financial assessment imposed by the court as part of the sentence for the conviction or convictions that are the subject of the application, 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 a court in the county in which the most recent conviction for a disorderly persons or petty disorderly persons offense was adjudged, which includes a duly verified petition as provided in N J S 2C 52-7 praying that the conviction, or convictions if applicable, and all records and information pertaining thereto be expunged The petition 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, if, at the time of application, a court-ordered financial assessment subject to collection under the comprehensive 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 five years is otherwise satisfied, the person may submit the expungement application and the court may grant an expungement, provided, however, that the court shall enter a civil judgment for the unpaid portion of the court-ordered financial assessment in the name of the Treasurer, State of New Jersey and transfer collections and disbursement responsibility to the State Treasurer for the outstanding amount in accordance with section 8 of P L 2017, c 244 (C 2C 52-23 1) The Treasurer may specify, and the Administrative Office of the Courts shall collaborate with, the technical and informational standards required to effectuate the transfer of the collection and disbursement responsibilities Notwithstanding any provision in this law or

any other law to the contrary, the court shall have sole discretion to amend the judgment

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

(1) the court-ordered financial assessment 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 assessment, or

(2) at least three but less than five years have expired from the date of the most recent conviction, payment of any court-ordered financial assessment, 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 compelling circumstances exist to grant the expungement The prosecutor may object pursuant to section 11 of P L 2019, c 269 (C 2C 52-10 1), N J S 2C 52-11, N J S 2C 52-14, or N J S 2C 52-24

In determining whether compelling circumstances exist for the purposes of paragraph (1) of this subsection, a court may consider the amount of any court-ordered financial assessment 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

2 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

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 Except as set forth in subsection a of section 7 of P L 2019, c 269 (C 2C 52-5 3) concerning a "clean slate" expungement petition, the 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,

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

(3) When the person is seeking the expungement of records of conviction for possession with intent to use drug paraphernalia pursuant to N J S 2C 36-2, when same is a hypodermic syringe or needle, possession with the intent to distribute drug paraphernalia pursuant to N J S 2C 36-3, when same is a hypodermic syringe or needle, or possession or distribution of hypodermic syringe or needle pursuant to N J S 2C 36-6

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

3 N J S 2C 36-1 is amended to read as follows

Drug paraphernalia, defined, determination

2C 36-1 Drug paraphernalia, defined, determination

a As used in this act, "drug paraphernalia" means all equipment, products and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance, controlled substance analog or toxic chemical, other than marijuana or hashish, in violation of the provisions of chapter 35 of this title It shall include, but not be limited to

(1) kits used or intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant, other than the plant Cannabis

sativa L., which is a controlled dangerous substance or from which a controlled dangerous substance can be derived,

(2) kits used or intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled dangerous substances or controlled substance analogs,

(3) isomerization devices used or intended for use in increasing the potency of any species of plant, other than the plant Cannabis sativa L., which is a controlled dangerous substance,

(4) testing equipment other than fentanyl test strips, used or intended for use identifying, or in analyzing the strength, effectiveness or purity of controlled dangerous substances or controlled substance analogs,

(5) scales and balances used or intended for use in weighing or measuring controlled dangerous substances or controlled substance analogs,

(6) dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use in cutting controlled dangerous substances or controlled substance analogs,

(7) blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled dangerous substances or controlled substance analogs,

(8) capsules, balloons, envelopes and other containers used or intended for use in packaging small quantities of controlled dangerous substances or controlled substance analogs,

(9) containers and other objects used or intended for use in storing or concealing controlled dangerous substances, controlled substance analogs or toxic chemicals,

(10) objects used or intended for use in ingesting, inhaling, or otherwise introducing cocaine, nitrous oxide or the fumes of a toxic chemical into the human body, such as (a) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, or punctured metal bowls, (b) water pipes, (c) carburetion tubes and devices, (d) smoking and carburetion masks, (e) roach clips, meaning objects used to hold burning material that has become too small or too short to be held in the hand, (f) miniature cocaine spoons, and cocaine vials, (g) chamber pipes, (h) carburetor pipes, (i) electric pipes, (j) air-driven pipes, (k) chillums, (l) bongs, (m) ice pipes or chillers, (n) compressed gas containers, such as tanks, cartridges or canisters, that contain food grade or pharmaceutical grade nitrous oxide as a principal ingredient, (o) chargers or charging bottles, meaning metal, ceramic or plastic devices that contain an interior pin that may be used to expel compressed gas from a cartridge or canister, and (p) tubes, balloons, bags, fabrics, bottles or other containers used

to concentrate or hold in suspension a toxic chemical or the fumes of a toxic chemical

b In determining whether or not an object is drug paraphernalia, the trier of fact, in addition to or as part of the proofs, may consider the following factors

(1) (a) statements by an owner or by anyone in control of the object concerning its use,

(b) the proximity of the object to illegally possessed controlled dangerous substances, controlled substance analogs or toxic chemicals,

(c) the existence of any residue of illegally possessed controlled dangerous substances, controlled substance analogs or toxic chemicals on the object,

(d) direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows intend to use the object to facilitate a violation of this act, the innocence of an owner, or of anyone in control of the object, as to a direct violation of this act shall not prevent a finding that the object is intended for use as drug paraphernalia,

(e) instructions, oral or written, provided with the object concerning its use,

(f) descriptive materials accompanying the object which explain or depict its use,

(g) national or local advertising whose purpose the person knows or should know is to promote the sale of objects intended for use as drug paraphernalia,

(h) the manner in which the object is displayed for sale,

(i) the existence and scope of legitimate uses for the object in the community, and

(j) expert testimony concerning its use

(2) If an object appears to be for use, intended for use, or designed for use with cannabis or cannabis items in accordance with the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L. 2021, c. 16 (C. 24:6I-31 et al.), the object is presumed to be a lawful cannabis paraphernalia as defined in section 3 of that act (C. 24:6I-33), and does not alone constitute reasonable articulable suspicion that the object is a drug paraphernalia, notwithstanding that the object could also be used with an illegal controlled substance or controlled substance analog, unless the owner or any other person in proximity to or in control of the object was in possession of an illegal controlled dangerous substance or controlled substance analog, or the object was in proximity of an illegally possessed controlled dangerous substance or controlled substance analog to indicate its use, intended use, or design for use with that controlled dangerous substance or controlled substance analog

c Notwithstanding subsection a. of this section, it shall not be unlawful for a person to use, or possess with the intent to use, a hypodermic needle or syringe for the personal use of a controlled substance. This provision shall

extend to a hypodermic syringe or needle that contains a residual amount of a controlled dangerous substance or controlled substance analog

Repealer

4 N J S 2C 36-6 is repealed

5 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 404

AN ACT establishing a community garden grant 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 1D-9 5 Community garden grant program established

1 a The Department of Environmental Protection, in consultation with the Department of Agriculture, and within the limits of monies appropriated for such purposes, shall establish a program to provide grants to local government units to support the development and maintenance of pollinator-friendly community gardens in the State, in order to provide readily available sources of fresh, healthy foods to communities that may lack easy access to affordable fruits and vegetables, and support the State's population of pollinating animals

b In establishing the grant program pursuant to this section, the department shall

(1) develop guidelines and procedures for the submission of grant applications, and criteria for the evaluation of such applications,

(2) establish terms and conditions for the awarding of a grant under this section, and monitor grant recipients' compliance with the terms and conditions,

(3) require the local government unit to partner with a nonprofit organization in establishing and maintaining the community garden,

(4) require the recipient of a grant to report to the department information relating to its use of grant funds under the program, and

(5) submit a report to the Governor and, pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), the Legislature, during each year in which a grant is awarded, on the effectiveness of the grant program in assisting with

the development of community gardens for the purposes stated in subsection a of this section

c The department may, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), adopt rules and regulations as are necessary to establish and implement the grant program

d The Commissioner of Environmental Protection shall include with the annual budget request for the Department of Environmental Protection a request for funds sufficient to carry out the purposes and intent of this act

e As used in this section

"Community garden" means an area of land upon which individuals have the opportunity to garden on pieces of land that they do not individually own

"Local government unit" means a county, a municipality, or any board, commission, committee, authority, or agency thereof that is subject to the provisions of the "Local Public Contracts Law," P L 1971, c 198 (C 40A 11-1 et seq), including a housing authority or redevelopment agency created or continued under the "Local Redevelopment and Housing Law," P L 1992, c 79 (C 40A 12A-1 et seq)

"Pollinator-friendly garden" means a garden that contains a sufficient proportion of native plants, forbs, or legumes to provide a steady supply of food to pollinating insects or birds

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 405

AN ACT concerning the calculations of certain damages in civil actions and supplementing Title 2A of the New Jersey Statutes

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

C 2A 53A-5 1 Prohibiting discrimination in calculation of certain damages

1 a In any civil action arising from personal injury or wrongful death, any estimations, measures, or calculations of damages for lost earnings or impaired earning capacity shall not be reduced because of race, ethnicity, gender, gender identity or expression, or affectional or sexual orientation, as

those terms are defined or interpreted under the "Law Against Discrimination," P L 1945, c 169 (C 10 5-1 et seq)

b In any such civil action, determination of damages shall not be based upon statistical tables alone unless agreed to by all parties in the civil action

2 This act shall take effect immediately and shall apply only to civil actions commenced on or after the effective date of this act

Approved January 18, 2022

CHAPTER 406

AN ACT concerning civil service examination requirement for entry-level law enforcement officers, sheriff's officers, and State or county correctional police officers, and salaries for State correctional police officers, amending P L 2021, c 7, and making an appropriation

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

1 Section 1 of P L 2021, c 7 (C 11A 4-1 3) is amended to read as follows

C 11A 4-1 3 Certain entry-level law enforcement applicants, exemption from examination requirement

1 a The Civil Service Commission shall exempt from the requirement to take an examination for an entry-level law enforcement officer position, entry-level sheriff's officer position, or entry-level State or county correctional police officer position a person who successfully completes a full Basic Course for Police Officers training course or a full Basic Course for Correction Officers training course at a school approved and authorized by the New Jersey Police Training commission within nine months from the date of hire as a temporary entry-level officer under the provisions of this section

(1) Any person employed under the provisions of this section shall enroll in a training course approved by the New Jersey Police Training Commission, and such person shall be entitled to a leave of absence with pay during the period of the training course

(2) Upon successful completion of the training course, any person employed under the provisions of this section shall be appointed from a temporary to a permanent entry-level law enforcement police officer, from a temporary sheriff's officer, or temporary entry-level State or county

correctional police officer to a permanent entry-level law enforcement officer, entry-level sheriff's officer, or permanent entry-level State or county correctional police officer, as appropriate

b (Deleted by amendment, P L 2021, c 406)

c (1) A municipal or county police department may hire a person, exempt from the requirement to take an examination for an entry-level law enforcement officer position pursuant to subsection a of this section, upon adoption of an ordinance or resolution by the governing body authorizing such hiring by the police department and the adoption of a conflict of interest and nepotism policy

(2) A county sheriff's department may hire a person, exempt from the requirement to take an examination for an entry-level sheriff's officer position pursuant to subsection a of this section, upon the adoption by the county sheriff of a conflict of interest and nepotism policy

(3) A county correctional facility, except one under the control or supervision of a county sheriff, may hire a person, exempt from the requirement to take an examination for an entry-level county correctional police officer position pursuant to subsection a of this section, upon adoption of an ordinance or a resolution by the governing body authorizing such hiring by the county correctional facility and the adoption of a conflict of interest and nepotism policy A county correctional facility that is under the control or supervision of a county sheriff may hire a person, exempt from the requirement to take an examination for an entry-level county correctional police officer position pursuant to subsection a of this section, upon the adoption by the county sheriff of a conflict of interest and nepotism policy, without the need for an ordinance or a resolution by the governing body

(4) A State correctional facility or department may hire a person, exempt from the requirement to take an examination for an entry-level State correctional police officer position pursuant to subsection a of this section, upon authorization of the Commissioner of Corrections

d Permanent entry-level officers and entry-level officers serving in a working test period who are employed by a municipal or county police department, county sheriff's department, or State or county correctional facility shall not be appointed by a different municipal or county police department, county sheriff's department, or State or county correctional facility utilizing the provisions of this section and municipal or county police departments, county sheriff's departments, or State or county correctional facilities may not utilize the provisions of this section to circumvent the intergovernmental transfer process regulations established by the Civil Service Commission for officers

which requires written authorization from the departing authority, including, but not limited to, the New Jersey Department of Corrections

e The starting salary of a State correctional police officer shall be not less than $48,000 Adjustments shall be made to the remaining steps in the salary scale of a State correctional police officer

f The Civil Service Commission shall promulgate, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), rules and regulations and establish administrative processes that are reasonable, necessary, and consistent with the provisions of this section

g A sheriff's investigator in a sheriff's department shall be eligible for appointment in accordance with this section through transfer to a sheriff's officer position in that same department provided that

(1) the investigator has completed at least one year in the position of sheriff's investigator in that sheriff's department or has served at least one year as a police officer or sheriff's officer in a municipal or county police or sheriff's department in this State, and

(2) the sheriff's investigator is not over 35 years of age at the time of initial appointment in accordance with this section to the sheriff's officer position

Beginning on January 1, 2023, a sheriff shall not appoint sheriff's investigators in accordance with this section to more than 50 percent of open sheriff's officer positions in any calendar year

2 There shall be appropriated from the State General Fund to the Department of Corrections $10,300,000 for the purpose of increasing salaries for State correctional officers, to be distributed in amounts determined by the Commissioner of Corrections and the Chairperson of the Civil Service Commission

3 This act shall take effect six months following enactment, except the Civil Service Commission may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act

Approved January 18, 2022

CHAPTER 407

AN ACT concerning limited breweries and craft distilleries and amending R S 33 1-10

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

1 R S 33 1-10 is amended to read as follows

Class A licenses, subdivisions, fees

33 1-10 Class A licenses shall be subdivided and classified as follows

Plenary brewery license 1a The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic beverages and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse, provided, however, that the delivery of this product by the holder of this license to retailers licensed under this title shall be from inventory in a warehouse located in this State which is operated under a plenary brewery license The fee for this license shall be $10,625

Limited brewery license 1b The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic beverages in a quantity to be expressed in said license, dependent upon the following fees and not in excess of 300,000 barrels of 31 fluid gallons capacity per year and to sell and distribute this product to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse, provided, however, that the delivery of this product by the holder of this license to retailers licensed under this title shall be from inventory in a warehouse located in this State which is operated under a limited brewery license The holder of this license shall be entitled to sell this product at retail to consumers on the licensed premises of the brewery for consumption on the premises, but only in connection with a tour of the brewery, or for consumption off the premises in a quantity of not more than 15 5 fluid gallons per person, and to offer samples for sampling purposes only pursuant to an annual permit issued by the director If the holder of this license holds a bonded warehouse bottling license issued pursuant to subsection 5 of this section, product brewed in accordance with this subsection and transferred to a bonded warehouse for bottling and storage may be sold at retail and offered for sampling on the licensed premises of the brewery by the holder of this license The holder of this license shall not sell food or operate a restaurant on the licensed premises The fee for this license shall be graduated as follows

to so brew not more than 50,000 barrels of 31 liquid gallons capacity per annum, $1,250,

to so brew not more than 100,000 barrels of 31 fluid gallons capacity per annum, $2,500,

to so brew not more than 200,000 barrels of 31 fluid gallons capacity per annum, $5,000,

to so brew not more than 300,000 barrels of 31 fluid gallons capacity per annum, $7,500

For the purposes of this subsection, "sampling" means the selling at a nominal charge or the gratuitous offering of an open container not exceeding four ounces of any malt alcoholic beverage For the purposes of this subsection, "product" means any malt alcoholic beverage that is produced on the premises licensed under this subsection

Restricted brewery license 1c The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic beverages in a quantity to be expressed in such license not in excess of 10,000 barrels of 31 gallons capacity per year Notwithstanding the provisions of R S 33 1-26, the director shall issue a restricted brewery license only to a person or an entity which has identical ownership to an entity which holds a plenary retail consumption license issued pursuant to R S 33 1-12, provided that such plenary retail consumption license is operated in conjunction with a restaurant regularly and principally used for the purpose of providing meals to its customers and having adequate kitchen and dining room facilities, and that the licensed restaurant premises is immediately adjoining the premises licensed under this subsection The holder of this license shall be entitled to sell or deliver the product to that restaurant premises The holder of this license also shall be entitled to sell and distribute the product to wholesalers licensed in accordance with this chapter The fee for this license shall be $1,250, which fee shall entitle the holder to brew up to 1,000 barrels of 31 liquid gallons per annum The licensee also shall pay an additional $250 for every additional 1,000 barrels of 31 fluid gallons produced The fee shall be paid at the time of application for the license, and additional payments based on barrels produced shall be paid within 60 days following the expiration of the license term upon certification by the licensee of the actual gallons brewed during the license term No more than 10 restricted brewery licenses shall be issued to a person or entity which holds an interest in a plenary retail consumption license If the governing body of the municipality in which the licensed premises will be located should file a written objection, the director shall hold a hearing and may issue the license only if the director finds that the issuance of the license will not be contrary to the public interest All fees related to the issuance of

both licenses shall be paid in accordance with statutory law The provisions of this subsection shall not be construed to limit or restrict the rights and privileges granted by the plenary retail consumption license held by the holder of the restricted brewery license issued pursuant to this subsection

The holder of this license shall be entitled to offer samples of its product for promotional purposes at charitable or civic events off the licensed premises pursuant to an annual permit issued by the director

For the purposes of this subsection, "sampling" means the selling at a nominal charge or the gratuitous offering of an open container not exceeding four ounces of any malt alcoholic beverage product For the purposes of this subsection, "product" means any malt alcoholic beverage that is produced on the premises licensed under this subsection

Plenary winery license 2a Provided that the holder is engaged in growing and cultivating grapes or fruit used in the production of wine on at least three acres on, or adjacent to, the winery premises, the holder of this license shall be entitled, subject to rules and regulations, to produce any fermented wines, and to blend, fortify and treat wines, and to sell and distribute his products to wholesalers licensed in accordance with this chapter and to churches for religious purposes, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse, and to sell his products at retail to consumers on the licensed premises of the winery for consumption on or off the premises and to offer samples for sampling purposes only The fee for this license shall be $938 A holder of this license who produces not more than 250,000 gallons per year shall also have the right to sell and distribute his products to retailers licensed in accordance with this chapter, except that the holder of this license shall not use a common carrier for such distribution The fee for this additional privilege shall be graduated as follows a licensee who manufactures more than 150,000 gallons, but not in excess of 250,000 gallons per annum, $1,000, a licensee who manufactures more than 100,000 gallons, but not in excess of 150,000 gallons per annum, $500, a licensee who manufactures more than 50,000 gallons, but not in excess of 100,000 gallons per annum, $250, a licensee who manufactures 50,000 gallons or less per annum, $100 A holder of this license who produces not more than 250,000 gallons per year shall have the right to sell such wine at retail in original packages in 15 salesrooms apart from the winery premises for consumption on or off the premises and for sampling purposes for consumption on the premises, at a fee of $250 for each salesroom Licensees shall not jointly control and operate salesrooms Additionally, the holder of this license who produces not more than 250,000

gallons per year may ship not more than 12 cases of wine per year, subject to regulation, to any person within or without this State over 21 years of age for personal consumption and not for resale A case of wine shall not exceed a maximum of nine liters A copy of the original invoice shall be available for inspection by persons authorized to enforce the alcoholic beverage laws of this State for a minimum period of three years at the licensed premises of the winery For the purposes of this subsection, "sampling" means the selling at a nominal charge or the gratuitous offering of an open container not exceeding one and one-half ounces of any wine

A holder of this license who produces not more than 250,000 gallons per year shall not own, either in whole or in part, or hold, either directly or indirectly, any interest in a winery that produces more than 250,000 gallons per year In addition, a holder of this license who produces more than 250,000 gallons per year shall not own, either in whole or in part, or hold, either directly or indirectly, any interest in a winery that produces not more than 250,000 gallons per year For the purposes of this subsection, "product" means any wine that is produced, blended, fortified, or treated by the licensee on its licensed premises situated in the State of New Jersey For the purposes of this subsection, "wine" shall include "hard cider" and "mead" as defined in this section

Farm winery license 2b The holder of this license shall be entitled, subject to rules and regulations, to manufacture any fermented wines and fruit juices in a quantity to be expressed in said license, dependent upon the following fees and not in excess of 50,000 gallons per year and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter and to churches for religious purposes and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse and to sell at retail to consumers for consumption on or off the licensed premises and to offer samples for sampling purposes only The license shall be issued only when the winery at which such fermented wines and fruit juices are manufactured is located and constructed upon a tract of land exclusively under the control of the licensee, provided that the licensee is actively engaged in growing and cultivating an area of not less than three acres on or adjacent to the winery premises and on which are growing grape vines or fruit to be processed into wine or fruit juice, and provided, further, that for the first five years of the operation of the winery such fermented wines and fruit juices shall be manufactured from at least 51 percent grapes or fruit grown in the State and that thereafter they shall be manufactured from grapes or fruit grown in this State at least to the extent required for labeling as "New Jersey Wine" under the applicable federal laws and regulations The containers of all wine sold to consumers by such licensee

shall have affixed a label stating such information as shall be required by the rules and regulations of the Director of the Division of Alcoholic Beverage Control The fee for this license shall be graduated as follows to so manufacture between 30,000 and 50,000 gallons per annum, $375, to so manufacture between 2,500 and 30,000 gallons per annum, $250, to so manufacture between 1,000 and 2,500 gallons per annum, $125, to so manufacture less than 1,000 gallons per annum, $63 No farm winery license shall be held by the holder of a plenary winery license or be situated on a premises licensed as a plenary winery

The holder of this license shall also have the right to sell and distribute his products to retailers licensed in accordance with this chapter, except that the holder of this license shall not use a common carrier for such distribution The fee for this additional privilege shall be $100 The holder of this license shall have the right to sell his products in original packages at retail to consumers in 15 salesrooms apart from the winery premises for consumption on or off the premises, and for sampling purposes for consumption on the premises, at a fee of $250 for each salesroom Licensees shall not jointly control and operate salesrooms Additionally, the holder of this license may ship not more than 12 cases of wine per year, subject to regulation, to any person within or without this State over 21 years of age for personal consumption and not for resale A case of wine shall not exceed a maximum of nine liters A copy of the original invoice shall be available for inspection by persons authorized to enforce the alcoholic beverage laws of this State for a minimum period of three years at the licensed premises of the winery For the purposes of this subsection, "sampling" means the selling at a nominal charge or the gratuitous offering of an open container not exceeding one and one-half ounces of any wine

A holder of this license who produces not more than 250,000 gallons per year shall not own, either in whole or in part, or hold, either directly or indirectly, any interest in a winery that produces more than 250,000 gallons per year

Unless otherwise indicated, for the purposes of this subsection, with respect to farm winery licenses, "manufacture" means the vinification, aging, storage, blending, clarification, stabilization and bottling of wine or juice from New Jersey fruit to the extent required by this subsection

For the purposes of this subsection, "wine" shall include "hard cider" and "mead" as defined in this section

Wine blending license 2c The holder of this license shall be entitled, subject to rules and regulations, to blend, treat, mix, and bottle fermented wines and fruit juices with non-alcoholic beverages, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant

to the laws of the places of such sale and distribution, and to maintain a warehouse The fee for this license shall be $625

For the purposes of this subsection, "wine" shall include "hard cider" and "mead" as defined in this section

Instructional winemaking facility license 2d The holder of this license shall be entitled, subject to rules and regulations, to instruct persons in and provide them with the opportunity to participate directly in the process of winemaking and to directly assist such persons in the process of winemaking while in the process of instruction on the premises of the facility The holder of this license also shall be entitled to manufacture wine on the premises not in excess of an amount of 10 percent of the wine produced annually on the premises of the facility, which shall be used only to replace quantities lost or discarded during the winemaking process, to maintain a warehouse, and to offer samples produced by persons who have received instruction in winemaking on the premises by the licensee for sampling purposes only on the licensed premises for the purpose of promoting winemaking for personal or household use or consumption Wine produced on the premises of an instructional winemaking facility shall be used, consumed or disposed of on the facility's premises or distributed from the facility's premises to a person who has participated directly in the process of winemaking for the person's personal or household use or consumption The holder of this license may sell mercantile items traditionally associated with winemaking and novelty wearing apparel identified with the name of the establishment licensed under the provisions of this section The holder of this license may use the licensed premises for an event or affair, including an event or affair at which a plenary retail consumption licensee serves alcoholic beverages in compliance with all applicable statutes and regulations promulgated by the director The fee for this license shall be $1,000 For the purposes of this subsection, "sampling" means the gratuitous offering of an open container not exceeding one and one-half ounces of any wine

For the purposes of this subsection, "wine" shall include "hard cider" and "mead" as defined in this section

Out-of-State winery license 2e Provided that the applicant does not produce more than 250,000 gallons of wine per year, the holder of a valid winery license issued in any other state may make application to the director for this license The holder of this license shall have the right to sell and distribute his products to wholesalers licensed in accordance with this chapter and to sell such wine at retail in original packages in 16 salesrooms apart from the winery premises for consumption on or off the premises at a fee of $250 for each salesroom Licensees shall not jointly control and operate salesrooms The annual fee for this license shall be $938 A copy of a current license issued by

another state shall accompany the application The holder of this license also shall have the right to sell and distribute his products to retailers licensed in accordance with this chapter, except that the holder of this license shall not use a common carrier for such distribution The fee for this additional privilege shall be graduated as follows a licensee who manufactures more than 150,000 gallons, but not in excess of 250,000 gallons per annum, $1,000, a licensee who manufactures more than 100,000 gallons, but not in excess of 150,000 gallons per annum, $500, a licensee who manufactures more than 50,000 gallons, but not in excess of 100,000 gallons per annum, $250, a licensee who manufactures 50,000 gallons or less per annum, $100 Additionally, the holder of this license may ship not more than 12 cases of wine per year, subject to regulation, to any person within or without this State over 21 years of age for personal consumption and not for resale A case of wine shall not exceed a maximum of nine liters A copy of the original invoice shall be available for inspection by persons authorized to enforce the alcoholic beverage laws of this State for a minimum period of three years at the licensed premises of the winery

The licensee shall collect from the customer the tax due on the sale pursuant to the "Sales and Use Tax Act," P L 1966, c 30 (C 54 32B-1 et seq) and shall pay the tax due on the delivery of alcoholic beverages pursuant to the "Alcoholic beverage tax law," R S 54 41-1 et seq The Director of the Division of Taxation in the Department of the Treasury shall promulgate such rules and regulations necessary to effectuate the provisions of this paragraph, and may provide by regulation for the co-administration of the tax due on the delivery of alcoholic beverages pursuant to the "Alcoholic beverage tax law," R S 54 41-1 et seq with the administration of the tax due on the sale pursuant to the "Sales and Use Tax Act," P L 1966, c 30 (C 54 32B-1 et seq)

A holder of this license who produces not more than 250,000 gallons per year shall not own, either in whole or in part, or hold, either directly or indirectly, any interest in a winery that produces more than 250,000 gallons per year

For the purposes of this subsection, "wine" shall include "hard cider" and "mead" as defined in this section

Cidery and meadery license 2f The holder of this license shall be entitled, subject to rules and regulations, to manufacture hard cider and mead and to sell and distribute these products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse The holder of this license shall be entitled to sell these products at retail to consumers on the licensed premises for consumption on or off the premises and to offer samples for sampling purposes only The holder of this license shall be permitted to offer for sale or make the gratuitous offering of

packaged crackers, chips, nuts, and similar snacks to consumers, but shall not operate a restaurant on the licensed premises The fee for this license shall be $938

The holder of this license shall be entitled to manufacture hard cider in a quantity not to exceed 50,000 barrels of 31 fluid gallons capacity per year With respect to the sale and distribution of hard cider to a wholesaler, the licensee shall be subject to the same statutory and regulatory requirements as a brewer, and hard cider shall be considered a malt alcoholic beverage, for the purposes of the "Malt Alcoholic Beverage Practices Act," P L 2005, c 243 (C 33 1-93 12 et seq) The holder of this license shall not directly ship hard cider either within or without this State

The holder of this license shall be entitled to manufacture not more than 250,000 gallons of mead per year The holder of this license may ship not more than 12 cases of mead per year, subject to regulation, to any person within or without this State over 21 years of age for personal consumption and not for resale A case of mead shall not exceed a maximum of nine liters A copy of the original invoice shall be available for inspection by persons authorized to enforce the alcoholic beverage laws of this State for a minimum period of three years at the licensed premises

As used in this subsection

"Hard cider" means a fermented alcoholic beverage derived primarily from apples, pears, apple juice concentrate and water, or pear juice concentrate and water, which may include spices, herbs, honey, or other flavoring, and which contains at least one half of one percent but less than eight and one half percent alcohol by volume

"Mead" means an alcoholic beverage primarily made from honey, water, and yeast, and which may contain fruit, fruit juices, spices, or herbs added before or after fermentation has completed, except that the ratio of fermentable sugars from fruit or fruit juices shall not exceed 49 percent of the total fermentable sugars used to produce mead

"Sampling" means the selling at a nominal charge or the gratuitous offering of an open container not exceeding four ounces of hard cider or mead produced on the licensed premises

Plenary distillery license 3a The holder of this license shall be entitled, subject to rules and regulations, to manufacture any distilled alcoholic beverages and rectify, blend, treat and mix, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse The fee for this license shall be $12,500

Limited distillery license 3b The holder of this license shall be entitled, subject to rules and regulations, to manufacture and bottle any alcoholic beverages distilled from fruit juices and rectify, blend, treat, mix, compound with wine and add necessary sweetening and flavor to make cordial or liqueur, and to sell and distribute to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution and to warehouse these products The fee for this license shall be $3,750

Supplementary limited distillery license 3c The holder of this license shall be entitled, subject to rules and regulations, to bottle and rebottle, in a quantity to be expressed in said license, dependent upon the following fees, alcoholic beverages distilled from fruit juices by such holder pursuant to a prior plenary or limited distillery license, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse The fee for this license shall be graduated as follows to so bottle and rebottle not more than 5,000 wine gallons per annum, $313, to so bottle and rebottle not more than 10,000 wine gallons per annum, $625, to so bottle and rebottle without limit as to amount, $1,250

Craft distillery license 3d The holder of this license shall be entitled, subject to rules and regulations, to manufacture not more than 20,000 gallons of distilled alcoholic beverages, to rectify, blend, treat and mix distilled alcoholic beverages, to sell and distribute this product to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse The holder of this license shall be entitled to sell this product at retail to consumers on the licensed premises of the distillery for consumption on the premises, but only in connection with a tour of the distillery, and for consumption off the premises in a quantity of not more than five liters per person In addition, the holder of this license may offer any person not more than three samples per calendar day for sampling purposes only For the purposes of this subsection, "sampling" means the gratuitous offering of an open container not exceeding one-half ounce serving of distilled alcoholic beverage produced on the distillery premises If the holder of this license holds a bonded warehouse bottling license issued pursuant to subsection 5 of this section, product manufactured in accordance with this subsection and transferred to a bonded warehouse for bottling and storage may be sold at retail and offered for sampling on the licensed premises of the distillery by the holder of this license Nothing in this subsection shall be deemed to permit the direct shipment of distilled spirits either within or without this State

The holder of this license shall not sell food or operate a restaurant on the licensed premises A holder of this license who certifies that not less than 51 percent of the raw materials used in the production of distilled alcoholic beverages under this section are grown in this State or purchased from providers located in this State may, consistent with all applicable federal laws and regulations, label these distilled alcoholic beverages as "New Jersey Distilled " The fee for this license shall be $938

Rectifier and blender license 4 The holder of this license shall be entitled, subject to rules and regulations, to rectify, blend, treat and mix distilled alcoholic beverages, and to fortify, blend, and treat fermented alcoholic beverages, and prepare mixtures of alcoholic beverages, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse The fee for this license shall be $7,500

Bonded warehouse bottling license 5 The holder of this license shall be entitled, subject to rules and regulations, to bottle alcoholic beverages in bond on behalf of all persons authorized by federal and State law and regulations to withdraw alcoholic beverages from bond The fee for this license shall be $625 This license shall be issued only to persons holding permits to operate Internal Revenue bonded warehouses pursuant to the laws of the United States

The provisions of section 21 of P L 2003, c 117 amendatory of this section shall apply to licenses issued or transferred on or after July 1, 2003, and to license renewals commencing on or after July 1, 2003

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 408

AN ACT concerning a return to employment by a teacher or a professional staff member who provides special services during the 2021-2022 and 2022-2023 school years after retirement from the Teachers' Pension and Annuity Fund

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

1 a Notwithstanding the provisions of N J S 18A 66-53 2 to the contrary, the cancellation, reenrollment, and additional retirement allowance provisions of subsection a of N J S 18A 66-53 2 shall not apply to a former member of the Teachers' Pension and Annuity Fund who is a teacher or who is a professional staff member providing special services, including but not limited to a speech language specialist or a therapist, and who, after having been granted a retirement allowance, becomes employed by a board of education in a position of critical need as determined by the State Commissioner of Education on a contractual basis for a term of not more than one year, except that the cancellation, reenrollment, and additional retirement allowance provisions shall apply if the former member becomes employed within 180 days with the employer from which the member retired Nothing herein shall preclude a former member so reemployed with a board of education from renewing a contract for one additional year, provided that the total period of employment with any individual board of education does not exceed a two-year period, unless so approved by the Commissioner of Education as being in the best interests of the school district, and provided that no such renewal shall provide the former member an election regarding whether or not to be reenrolled

The former member's retirement shall have been a bona fide retirement and any employment or reemployment under this section shall not be prearranged before retirement

b A school district of a board of education in a position of critical need, as determined by the Commissioner of Education, seeking to reemploy a former member pursuant to the provisions of subsection a of this section shall demonstrate to the board of education the need for reemploying such members prior to reemployment by the board of education

This section shall apply only with regard to a teacher or a professional staff member who provides special services whose reemployment with any board of education commences during the remainder of the 2021-2022 school year and the entirety of the 2022-2023 school year

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 409

AN ACT concerning purposely transmitting a disease, supplementing chapter 24 of Title 2C of the New Jersey Statutes, and repealing N J S 2C 34-5

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

C 2C 24-7 2 Personal identifying information protected during certain prosecutions, knowingly exposing others to infectious, communicable disease

1 a As used in this section

"Infectious or communicable disease" means a non-airborne disease spread from person to person that is fatal or causes disabling long-term consequences in the absence of treatment and management

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

b In a prosecution under section 1 of P L 2015, c 186 (C 2C 24-7 1) against a person who knowingly or recklessly engages in conduct which creates a substantial risk of transmitting an infectious or communicable disease to another person, all court decisions, orders, petitions, motions, and other documents filed by the parties and the prosecutor shall be redacted to protect the name and other personal identifying information of the other person from public disclosure, unless the other person requests otherwise Additionally, the court shall enter appropriate orders to bar the disclosure of the name or other personal identifying information of the other person by the parties, attorneys, law enforcement, and any other persons, unless the other person requests otherwise

Repealer

2 N J S 2C 34-5 is repealed

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

Approved January 18, 2022

CHAPTER 410

AN ACT establishing the Commission on Asian American Heritage and supplementing chapter 4 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 4-51 Findings, declarations

1 The Legislature finds and declares that

a The 2010 United States Census estimated that there were approximately 17 3 million Asian Americans residing in the United States, or roughly 5 6 percent of the nation's population, with the largest subgroups being Chinese Americans, Filipino Americans, Indian Americans, Vietnamese Americans, Korean Americans, and Japanese Americans

b According to the census, almost three-quarters of all Asian Americans live in just 10 states (California, New York, Texas, New Jersey, Hawaii, Illinois, Washington, Florida, Virginia, and Pennsylvania) In fact, only two states, Hawaii and California, had a higher percentage of Asian Americans in their total populations than New Jersey

c By 2016, in its estimate of the nation's population, the census bureau estimated that the population of Asian Americans had grown to approximately 21 million

d New Jersey is home to a significant number of people of Asian descent According to the most recent American Community Survey, the Asian population of New Jersey is 9 4 percent of the total population of the State, significantly higher than the national percentage

e The histories of our nation and our State have been significantly enriched by the heritage of people of Asian descent Our nation and our State have benefitted substantially from the influences and contributions of these men, women, and children and their culture, history, and heritage

f It is desirable to educate our citizens about the positive aspects of the culture, music, art, language, history, and people of Asian heritage

g It is the policy of the State of New Jersey that the culture, history, and heritage of people of Asian descent are a proper concern for all people, particularly students enrolled in the schools of the State

h It is appropriate and desirable that programs, workshops, institutes, seminars, and other teacher-training activities for the study of the culture, history, and heritage of people of Asian descent be conducted at the high schools and institutions of higher education in this State

i It is fitting and proper to establish a permanent State-level commission to survey, design, encourage, and promote the implementation of Asian or Asian American cultural and educational programs in this State, with responsibility for the coordination of events that will provide appropriate awareness and memorialization of the culture, history, heritage, and language of people of Asian or Asian American descent on a regular basis throughout the State

C 18A 4-52 Commission on Asian American Heritage established, membership criteria, terms

2 a The Commission on Asian American Heritage is created and established in the Executive Branch of the State Government For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the commission is allocated within the Department of Education, but notwithstanding this allocation, the commission shall be independent of any supervision or control by the department or any board or officer thereof

The commission shall consist of 21 members, including the Commissioner of Education, ex officio, or a designee, the chair of the executive board of the Presidents' Council, ex officio, or a designee, and 19 public members

Public members shall be appointed as follows five public members shall be appointed by the President of the Senate, at least one of whom shall have a master's degree in an area of Asian studies, Asian American studies, or related disciplines, five public members shall be appointed by the Speaker of the General Assembly, at least one of whom shall have a master's degree in an area of Asian studies, Asian American studies, or related disciplines, and nine public members shall be appointed by the Governor, no less than four of whom shall at the time of their appointment have at least a master's degree in an area of Asian studies, Asian American studies, or related disciplines The public members shall be residents of the State who have served prominently as spokespersons for, or as leaders of, organizations in the Asian or Asian American heritage community which serve members of religious, ethnic, national heritage, or social groups or who are experienced in the field of Asian or Asian American heritage education To the greatest extent practicable, they shall be chosen with due regard to provide the commission with broad regional representation and ethnic diversity At least one-half of the public members shall be of Asian or Asian American descent

b Each public member of the commission shall serve for a term of three years, except that of the initial members appointed one member appointed by the President of the Senate, one member appointed by the Speaker of the General Assembly, and two members appointed by the Governor shall serve for terms of one year, two members appointed by the President of the Senate, two members appointed by the Speaker of the General Assembly, and three members appointed by the Governor shall serve for terms of two years, and two members appointed by the President of the Senate, two members appointed by the Speaker of the General Assembly, and four members appointed by the Governor shall serve for terms of three years

Public members shall be eligible for reappointment and shall serve until their successors are appointed and qualified. The term of the successor of any incumbent shall be calculated from the expiration of the term of that incumbent. A vacancy occurring other than by expiration of term shall be filled in the same manner as the original appointment, but for the unexpired term only.

c. The members of the commission shall serve without compensation, but shall be entitled to reimbursement for all necessary expenses incurred in the performance of their duties.

d. The commission annually shall elect a chairperson from among its members. It shall meet upon the call of the chair or of a majority of the commission members. The presence of a majority of the authorized membership of the commission shall be required for the conduct of official business.

e. The commission shall appoint an executive director, who shall serve at its pleasure and shall be a person qualified by training and experience to perform the duties of the office.

C.18A:4-53 Commission responsibilities, duties.

3. The commission shall have the following responsibilities and duties:

a. To provide, based upon the collective knowledge and experience of its members, assistance and advice to the public and nonpublic schools of this State with respect to the implementation of historical, cultural, and educational programs concerning people of Asian and Asian American descent,

b. To infuse the history of Asian Americans into the social studies curriculum in order to provide an accurate, complete, and inclusive history,

c. To ensure that New Jersey teachers are equipped to effectively teach the New Jersey Student Learning Standards in Social Studies,

d. To meet with county and local school officials and other interested public and private organizations, for the purpose of assisting with the planning, coordination, or modification of courses of study dealing with issues, matters and subjects concerning or relating to the culture, history, and heritage of people of Asian or Asian American descent,

e. To survey and catalog the extent and breadth of Asian and Asian American heritage cultural awareness and educational programs presently being incorporated into the curricula and taught in the school systems of this State, to inventory those Asian and Asian American heritage exhibits and resources which may be incorporated into courses of study at various locations throughout the State and, upon request, to assist the Department of Education and other

educational agencies in the development and implementation of Asian and Asian American heritage cultural awareness and educational programs In furtherance of this responsibility, the commission shall be authorized to contact and cooperate with existing Asian and Asian American heritage public or private nonprofit resource organizations and may act as a liaison concerning issues and topics involving and relating to the culture, history, and heritage of Asians and Asian Americans to members of the United States Senate and House of Representatives, and the New Jersey Senate and General Assembly,

f To compile a roster of individual volunteers who are willing to share their knowledge and experience in classrooms, seminars, and workshops on subjects concerning and relating to the culture, history, and heritage of people of Asian and Asian American descent These volunteers may be scholars, clergymen, community relations professionals, and other persons who, by virtue of their experience, training, or interest, have acquired personal or academic knowledge of the culture, history, and heritage of Asians and Asian Americans and who are willing to share that knowledge with students and teachers,

g To coordinate events observing the culture, history, and heritage of people of Asian and Asian American descent and to seek volunteers who are willing and able to participate in commemorative events that will enhance student awareness of the significance of the culture, history, and heritage of Asians and Asian Americans,

h To prepare reports for the Governor and the Legislature regarding its findings and recommendations to facilitate the inclusion of Asian American history, Asian heritage studies and special programs memorializing the culture, history, and heritage of Asians and Asian Americans in the educational system of this State, and

i To develop, in consultation with the Department of Education, curriculum guidelines for the teaching of subjects and topics concerning and relating to the culture, history, and heritage of people of Asian and Asian American descent To the greatest extent practicable, each board of education shall incorporate those guidelines as part of the curriculum for its district's elementary and secondary school students

C 18A 4-54 Commission authority, data access

4 a The commission is authorized to call upon any department, office, division, or agency of the State, or of any county, municipality, or school district of the State, to supply such data, program reports and other information, personnel, and assistance as it deems necessary to discharge its responsibilities under this act

b These departments, offices, divisions, and agencies shall, to the extent possible, and not inconsistent with any other law of this State, cooperate with the commission and shall furnish it with such information, personnel, and assistance as may be necessary or helpful to accomplish the purposes of this act

5 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 411

AN ACT concerning public employment relations, amending P L 1967, c 310 and P L 2018, c 15, and supplementing Title 34 of the Revised Statutes

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

C 34 13A-56 Short title

1 This act shall be known and may be cited as the "Responsible Collective Negotiations Act "

C 34 13A-57 Findings, declarations

2 The Legislature finds and declares that the public interest is best served in the prompt settlement of labor disputes and in achieving cost effective and creative solutions to ensure the efficient delivery of public services and that policy is best achieved by entrusting democratically elected government officials with broad authority to negotiate over the terms of employment of their employees

C 34 13A-58 Definitions

3 Notwithstanding any provisions of the "New Jersey Employer-Employee Relations Act," P L 1941, c 100 (C 34 13A-1 et seq), or any other law to the contrary, as used in sections 1 through 9 of P L 2021, c 411 (C 34 13A-56 through C 34 13A-64)

a The term "commission" means the New Jersey Public Employment Relations Commission

b The term "employer" means the State of New Jersey, or the several counties and municipalities thereof, or any other political subdivision of the State, or any special district, or any county college, or any authority, commission

or board, or any branch or agency of the State, except that the term does not include any local or regional school district, or board or commission under the authority of the Commissioner of Education or the State Board of Education

c The term "employee" means an employee of an employer as defined by subparagraph b above, but does not include firefighting employees of public fire departments or employees engaged in performing police services for public police departments as those terms are defined by section 2 of P L 1977, c 85 (C 34 13A-15), except that, for the purposes of sections 6 through 9 of P L 2021, c 411 (C 34 13A-61 through C 34 13A-64), the term "employee" also includes firefighting employees of public fire departments or employees engaged in performing police services for public police departments as those terms are defined by section 2 of P L 1977, c 85 (C 34 13A-15)

d The terms "employee organization" and "majority representative", unless otherwise specified, mean the "exclusive majority representative" either certified by the commission or recognized by the public employer

C 34 13A-59 Collective negotiations, resolution of disputes, employment terms, conditions

4 Notwithstanding any provisions of the "New Jersey Employer-Employee Relations Act," P L 1941, c 100 (C 34 13A-1 et seq), or any other law to the contrary

a Permissive subjects for collective negotiation shall include all terms and conditions of employment that are not otherwise mandatorily negotiable and that intimately and directly affect employee work and welfare, unless otherwise preempted by State or federal statute, or unless a negotiated agreement would prevent government from carrying out its statutory mission

b Administrative regulations adopted after the effective date of P L 2021, c 411 (C 34 13A-56 et al) that set terms and conditions of employment or that grant public employers authority over terms and conditions of employment do not preempt collective negotiations and do not supersede the provisions of any negotiated agreement, except that terms and conditions of employment set by statutes and regulations shall not be diminished by a negotiated agreement

c Parties may submit disputes about whether a matter is within the scope of collective negotiations to the commission, pursuant to the authority vested in it by subsection d of section 1 of P L 1974, c 123 (C 34 13A-5 4)

d Grievance procedures shall provide for binding arbitration as the means for resolving disputes over the application, interpretation or violation of the terms of a collective negotiations agreement entered into by the parties

e Where an employer and a majority representative agree to disciplinary review procedures that provide for binding arbitration of disputes involving employees who are covered by alternate statutory review procedures, other than public employees subject to discipline pursuant to R S 53 1-10, the disciplinary review procedures established by agreement between an employer and a majority representative shall be utilized for any dispute covered by the terms of such agreement

f Notwithstanding the expiration of a collective negotiations agreement, an impasse in negotiations, an exhaustion of the commission's impasse procedures, or the utilization or completion of the procedures required by P L 2021, c 411 (C 34 13A-56 et al) to resolve disputes involving collective negotiations, and notwithstanding any law or regulation to the contrary, no public employer, its representatives, or its agents shall unilaterally impose, modify, amend, delete, or alter any mandatorily negotiable terms and conditions of employment as set forth in the expired or expiring collective negotiations agreement, or unilaterally impose, modify, amend, delete, or alter any other mandatorily negotiable terms and conditions of employment that are not set forth in a collective negotiations agreement, without the specific written agreement of the majority representative Following contract expiration, and notwithstanding any law or regulation to the contrary, absent express language in a collective negotiations agreement providing that a specific term of the agreement will not continue after the expiration of the collective negotiations agreement, all terms and conditions of the agreement, including, but not limited to, the payment of salary increments, shall remain in effect following the agreement's expiration until the parties reach agreement on a successor collective negotiations agreement

g Notwithstanding any provision of this section, the Legislature retains the right to exempt from collective negotiations subjects that would otherwise be mandatory subjects of negotiations

h Notwithstanding any provision of this section, the resolution of disputes concerning negotiations over terms and conditions of employment shall not be subject to compulsory interest arbitration as set forth in P L 1995, c 425 (C 34 13A-14a et seq)

i The parties to collective negotiations may not insist on negotiating over permissive subjects of negotiations A party's decision to not negotiate or to cease negotiating over a permissive subject of negotiations is not a violation of subsection a or b of section 1 of P L 1974, c 123 (C 34 13A-5 4)

j The commission shall promulgate regulations to enforce the provisions of this section

C 34 13A-60 Communications related to grievances, confidential disciplinary disputes

5 The communications between a representative of a majority representative of employees and a unit member regarding the investigation and preparation for meetings and hearings of grievances and disciplinary disputes, shall be treated as confidential communications and shall not be subject to disclosure under the discovery rules of New Jersey administrative agencies, including, but not limited to, the Office of Administrative Law and the commission, or pursuant to section 17 of P L 2003, c 95 (C 2A 23B-17), and other applicable State laws authorizing arbitrators, presiding at labor arbitrations, to issue subpoenas This section does not apply to the New Jersey Court Rules or to records that are required by statute, case law, or the New Jersey Court Rules to be made available to the public by entities provided for in Article VI of the New Jersey Constitution

C 34 13A-61 Cost of representation in case of employee who does not pay dues to majority representative

6 Notwithstanding any provisions of the "New Jersey Employer-Employee Relations Act," P L 1941, c 100 (C 34 13A-1 et seq), or any other law to the contrary, if an employee who does not pay dues to a majority representative requests that the majority representative represent the employee in arbitration proceedings to enforce the terms of the collective negotiations agreement between the majority representative and the public employer, including arbitration proceedings involving the resolution of disciplinary disputes, the majority representative may charge an employee for the cost of representing the employee in the arbitration proceedings, and may decline to represent an employee in the arbitration unless the employee agrees to pay for the cost of the representation

C 34 13A-62 Collective negotiations agreement parties, authority, arbitration

7 Only the parties to a collective negotiations agreement shall have the authority to invoke the arbitration procedures of the agreement and the public employer and the employee organization shall be the only parties to the arbitration proceeding invoked pursuant to the collective negotiations agreement

C 34 13A-63 Majority representative election, certification, electronic signature

8 Authorization cards or showings of interest submitted to the commission for purposes of conducting an election to select a majority representative or certifying an employee organization as the exclusive majority representative based on a majority of employees in the unit signing authorization cards or a petition, may bear the electronic signature of the

employee, as the term electronic signature is defined in section 2 of P L 2001, c 116 (C 12A 12-2), provided that the petitioner provides to the commission verification as to the authenticity of the electronic signature, such as an email from the employee signatory confirming the authenticity of their signature or such other verification deemed acceptable by the commission Facsimile transmissions and email will be accepted in lieu of originals for authorization cards and showings of interest in certification cases, however, all original filings and submissions shall be retained by the petitioner and the originals shall be produced upon request of the commission

C 34 13A-64 Violation, unfair practice charge, scheduling of hearings

9 Complaints issued based on a violation of paragraph (3) of subsection (a) of section 1 of P L 1974, c 123 (C 34 13A-5 4) shall be scheduled for hearing within 120 calendar days from date of complaint issuance, unless the parties agree to extend the time for complaint issuance Within 60 calendar days of the filing of an unfair practice charge alleging the violation, the commission shall decide whether or not to issue a complaint The commission shall promulgate rules to provide for discovery prior to the commencement of a hearing

10 Section 1 of P L 1974, c 123 (C 34 13A-5 4) shall be amended as follows

C 34 13A-5 4 Prohibitions relative to public employees, employee organizations, their representatives, agents

1 a Public employers, their representatives or agents are prohibited from

(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act

(2) Dominating or interfering with the formation, existence or administration of any employee organization

(3) Discriminating in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage employees in the exercise of the rights guaranteed to them by this act

(4) Discharging or otherwise discriminating against any employee because he has signed or filed an affidavit, petition or complaint or given any information or testimony under this act

(5) Refusing to negotiate in good faith with a majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit, or refusing to process grievances presented by the majority representative

(6) Refusing to reduce a negotiated agreement to writing and to sign such agreement

(7) Violating any of the rules and regulations established by the commission

b Employee organizations, their representatives or agents are prohibited from

(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act

(2) Interfering with, restraining or coercing a public employer in the selection of his representative for the purposes of negotiations or the adjustment of grievances

(3) Refusing to negotiate in good faith with a public employer, if they are the majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit

(4) Refusing to reduce a negotiated agreement to writing and to sign such agreement

(5) Violating any of the rules and regulations established by the commission

c The commission shall have exclusive power as hereinafter provided to prevent anyone from engaging in any unfair practice listed in subsections a and b above Whenever it is charged that anyone has engaged or is engaging in any such unfair practice, the commission, or any designated agent thereof, shall have authority to issue and cause to be served upon such party a complaint stating the specific unfair practice charged and including a notice of hearing containing the date and place of hearing before the commission or any designated agent thereof, provided that no complaint shall issue based upon any unfair practice occurring more than six months prior to the filing of the charge unless the person aggrieved thereby was prevented from filing such charge in which event the six-month period shall be computed from the day he was no longer so prevented

In any such proceeding, the provisions of the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq) shall be applicable Evidence shall be taken at the hearing and filed with the commission If, upon all the evidence taken, the commission shall determine that any party charged has engaged or is engaging in any such unfair practice, the commission shall state its findings of fact and conclusions of law and issue and cause to be served on such party an order requiring such party to cease and desist from such unfair practice, and to take such reasonable affirmative action as will effectuate the policies of this act All cases in which a complaint and notice of hearing on a charge is actually issued by the commission, shall be prosecuted before the commission or its agent, or both, by the representative of the employee organization or party filing the charge or his authorized representative

d The commission shall at all times have the power and duty, upon the request of any public employer or majority representative, to make a determination as to whether a matter in dispute is within the scope of collective negotiations The commission shall serve the parties with its findings of fact and conclusions of law Any determination made by the commission pursuant to this subsection may be appealed to the Appellate Division of the Superior Court

e The commission shall adopt such rules as may be required to regulate the conduct of representation elections, and to regulate the time of commencement of negotiations and of institution of impasse procedures so that there will be full opportunity for negotiations and the resolution of impasses prior to required budget submission dates

f The commission or any interested party shall have the power to apply to the Superior Court, Law Division, for an appropriate order enforcing any order of the commission issued under subsection c or d hereof, and its findings of fact, if based upon substantial evidence on the record as a whole, shall not, in such action, be set aside or modified, any order for remedial or affirmative action, if reasonably designed to effectuate the purposes of this act, shall be affirmed and enforced in such proceeding

g The Director of the Division of Local Government Services in the Department of Community Affairs may notify the commission that a municipality deemed a "municipality in need of stabilization and recovery" pursuant to section 4 of P L 2016, c 4 (C 52 27BBBB-4) shall not be subject to the commission's authority to prevent an unfair practice pursuant to subsection a of this section Upon such notice, neither the commission, nor any designee, shall have the authority to issue or cause to be served upon such municipality in need of stabilization and recovery any complaint alleging an unfair practice under subsection a of this section or to hold any hearings with respect thereto Nothing in this subsection shall be construed to limit the scope of any general or specific powers of the Local Finance Board or the Director set forth in P L 2016, c 4 (C 52 27BBBB-1 et al)

The provisions of this subsection shall no longer be applicable on and after the first day of the sixth year next following the determination by the Commissioner of Community Affairs that the municipality shall be deemed "a municipality in need of stabilization and recovery" pursuant to section 4 of P L 2016, c 4 (C 52 27BBBB-4), however, actions taken pursuant to this subsection prior to the effective date of P L 2021, c 124 (C 52 27BBBB-4 et al) shall be final and shall not be subject to reconsideration

11 Section 5 of P L 2018, c 15 (C 34 13A-5 15) is amended to read as follows

C 34 13A-5 15 Inclusion in negotiations unit

5 a All regular full-time and part-time employees of the public employer who perform negotiations unit work shall be included in the negotiations unit represented by the exclusive representative employee organization

b Negotiations unit work means work that is performed by any employees who are included in a negotiations unit represented by an exclusive representative employee organization without regard to job title, job classification or number of hours worked, except that employees who are confidential employees or managerial executives, as those terms are defined by section 1 of P L 1941, c 100 (C 34 13A-3), or elected officials, members of boards and commissions, or casual employees, may be excluded from the negotiations unit Casual employees are employees who work an average of fewer than four hours per week over a period of 90 calendar days

c Every 120 calendar days beginning on January 1 following the effective date of P L 2021, c 411 (C 34 13A-56 et al), public employers shall provide to an exclusive representative employee organization in an Excel file format or other format agreed to by the exclusive representative employee organization, the following information for all employees not represented by any exclusive representative employee organization name, job title, worksite location, work email and work phone number Within 30 days of a request by an exclusive representative employee organization, a public employer shall provide a job description for each non-represented employee, including the names and job titles of all employees supervised by the employer subject to the request

d Employees who are performing negotiations unit work and who are not included in a negotiations unit because they did not meet the threshold of hours or percent of time worked as set forth in a certification of representative, recognition clause or other provision in a collective negotiations agreement, shall be included in the negotiations unit by operation of this act, within 90 calendar days from the effective date of this act

e The Public Employment Relations Commission shall promulgate rules to implement this section, including rules to resolve disputes over the inclusion of employees performing negotiations unit work in the appropriate negotiations unit The rules promulgated by the commission shall provide for the resolution of disputes that arise under this section, within 60 calendar days from the submission of the dispute to the commission by either the exclusive representative employee organization or the public employer

12 Section 1 of P L 1967, c 310 (C 52 14-15 9e) is amended to read as follows

C 52 14-15 9e Deduction from compensation to pay dues to certain employee organizations

1 Whenever any person holding employment, whose compensation is paid by this State or by any county, municipality, board of education or authority in this State, or by any board, body, agency or commission thereof shall indicate in writing, including by electronic communications, and which writing or communication may be evidenced by the electronic signature of the employee, as the term electronic signature is defined in section 2 of P L 2001, c 116 (C 12A 12-2), to the proper disbursing officer his desire to have any deductions made from his compensation, for the purpose of paying the employee's dues to a bona fide employee organization, designated by the employee in such request, and of which said employee is a member, such disbursing officer shall make such deduction from the compensation of such person and such disbursing officer shall transmit the sum so deducted to the employee organization designated by the employee in such request

Employees who have authorized the payroll deduction of fees to employee organizations prior to the effective date of the "Workplace Democracy Enhancement Act", P L 2018, c 15 (C 34 13A-5 11 et seq), may revoke such authorization in accordance with the law in effect at the time of their initial authorization of payroll deduction of fees or with the terms of that authorization as those terms are set forth on the record bearing the employee's signature, provided the terms were consistent with the law in effect at the time

Employees who have authorized the payroll deduction of fees to employee organizations on or after the effective date of the "Workplace Democracy Enhancement Act", P L, 2018, c 15 (C 34 13A-5 11 et seq), may revoke such authorization by providing written notice to their public employer An employee's notice of revocation of authorization for the payroll deduction of employee organization fees shall be effective on the 30th day after the anniversary date of employment

Within five days of receipt of notice from an employee of revocation of authorization for the payroll deduction of fees, the public employer shall provide notice to the employee organization of an employee's revocation of such authorization

Nothing herein shall preclude a public employer and a duly certified majority representative from entering into a collectively negotiated written agreement which provides that employees included in the negotiating unit may only request deduction for the payment of dues to the duly certified majority representative Such collectively negotiated agreement may include a provision that existing written authorizations for payment of dues to an employee organization other than the duly certified majority representative

be terminated Such collectively negotiated agreement may also include a provision specifying the effective date of a termination in deductions as of the July 1 next succeeding the date on which notice of withdrawal is filed by an employee with the public employer's disbursing officer

This authorization for negotiation of exclusive dues deduction provisions shall not apply to any negotiating unit which includes employees of any local school district or county college

As used in this section, dues shall mean all moneys required to be paid by the employee as a condition of membership in an employee organization and any voluntary employee contribution to a committee or fund established by such organization, including, but not limited to, welfare funds, political action committees, charity funds, legal defense funds, educational funds, and funds for donations to schools, colleges, and universities

C 34 13A-60 1 Excluded entities

13 The provisions of sections 4 and 5 of P L 2021, c 411 (C 34 13A-59 and C 34 13A-60), and of subsection c of section 5 of P L 2018, c 15 (C 34 13A-5 15) shall not apply to

a the several counties and municipalities,

b authorities, commissions, boards or other instrumentalities of the several counties and municipalities,

c State colleges and universities, including Kean University, Montclair State University, and Rowan University,

d county colleges,

e Rutgers, the State University of New Jersey, or

f the New Jersey Institute of Technology

14 This act shall take effect immediately, provided, however, that subsection a , and subsections c through i , of section 4 of P L 2021, c 411 (C 34 13A-59) shall be applicable upon the expiration of any binding collective negotiations agreements or contracts of employment in force on the date of enactment

Approved January 18, 2022

CHAPTER 412

AN ACT concerning the State contracting process and amending R S 52 25-23 and P L 1954, c 48

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

1 R S 52 25-23 is amended to read as follows

Purchasing authority delegation for amounts under $150,000, under $250,000, certain

52 25-23 The Director of the Division of Purchase and Property may, by written order, delegate purchasing authority to the using agencies for purchases or contracts not in excess of $150,000 beginning on the effective date of P L 2021, c 412, $200,000 beginning on January 1, 2023, and $250,000 beginning on January 1, 2024 and thereafter, except that

a Purchases or contracts shall not be divided to circumvent the dollar limit imposed by this section,

b Prior to issuing purchase orders pursuant to this section, a using agency shall verify the existence of funds for the purchase or contract and shall verify that the article or service to be purchased or contracted for is not available under any of the contracts issued by the Division of Purchase and Property, and

c Records of all purchases made or contracts negotiated under this section shall be maintained by the using agency and made available for audit by or under the direction of the Director of the Division of Purchase and Property and shall include proper proof that the purchase or contract was made or negotiated competitively, where competition is practicable

The Director of the Division of Purchase and Property may, by written order, rescind or reduce the level of purchasing authority delegated to any using agency determined by the director to have violated the provisions of the delegated authorization

d The director may, by written order, delegate purchasing authority to a specific agency for advertisement of purchases or contracts not in excess of $1,000,000, subject to the requirements set forth in this section,

(1) when the director has determined that such purchases or contracts are for the procurement of goods or services which are unique to the operations of that particular using agency and are not common or similar to goods or services used by other State agencies and, therefore, are not suitable for leveraging with other State agency procurements, or

(2) when a public exigency exists, such as when a "public health emergency, pursuant to the "Emergency Health Powers Act," P L 2005, c 222 (C 26 13-1 et seq), or a state of emergency, pursuant to P L 1942, c 251 (C App A 9-33 et seq), has been declared by the Governor and is in effect

2 Section 2 of P L 1954, c 48 (C 52 34-7) is amended to read as follows

C 52 34-7 State bid advertising thresholds

2 a Any such purchase, contract or agreement may be made, negotiated, or awarded by the Director of the Division of Purchase and Property or the Director of the Division of Building and Construction, as the case may be, without advertising, in any manner which the director may deem effective to promote full and free competition whenever competition is practicable, if (1) in the case of purchases for goods or services, the aggregate amount involved does not exceed $150,000 beginning on the effective date of P L 2021, c 412, $200,000 beginning on January 1, 2023, and $250,000 beginning on January 1, 2024 and thereafter, or the amount determined pursuant to subsection b of this section, whichever is greater, or (2) (Deleted by amendment, P L 1985, c 107) or (3) the aggregate amount involved including labor and construction materials does not exceed $25,000 00 or the amount determined pursuant to subsection b of this section in the case of contracts or agreements for the erection, construction, alteration, or repair of any public building or facility

When the aggregate amount involved does not exceed the amount specified in paragraph (1) of subsection a of this section, or the amount specified in paragraph (3) of subsection a of this section or the amount determined pursuant to subsection b of this section, the Director of the Division of Purchase and Property or the Director of the Division of Building and Construction may, at the director's discretion, delegate to the appropriate State department or using agency the director's authority to make, negotiate, or award a contract or agreement without advertising

The Director of the Division of Purchase and Property or the Director of the Division of Building and Construction, as the case may be, shall establish, in accordance with the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), rules and regulations concerning procedural requirements for the making, negotiating or awarding of purchases, contracts or agreements pursuant to this section, at the director's discretion

b The Governor, in consultation with the Department of the Treasury, shall, no later than March 1 of every fifth year beginning in the fifth year after the year in which P L 1999, c 440 takes effect, adjust the threshold amount set forth in subsection a of this section, or the threshold amount resulting from any adjustment under this subsection, in direct proportion to the rise or fall of the index rate as that term is defined in section 2 of P L 1971, c 198 (C 40A 11-2), and shall round the adjustment to the nearest $1,000 The Governor shall, no later than June 1 of every fifth year, notify the Director of the Division of Purchase and Property and the Director of the

Division of Building and Construction of the adjustment The adjustment shall become effective on July 1 of the year in which it is made

3 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 413

AN ACT concerning screening newborn infants for congenital cytomegalovirus infection and supplementing P L 1977, c 321 (C 26 2-110)

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

C 26 2-111 9 All infants tested, congenital cytomegalovirus, opting out of testing

1 a All infants born in this State shall be tested for congenital cytomegalovirus infection (cCMV), unless an infant's parent or legal guardian opts out of testing, beginning six months following the occurrence of all of the following

(1) the development of a reliable test or series of tests for screening newborns for cCMV using dried blood spots and quality assurance testing methodology for cCMV testing,

(2) the availability of quality assurance materials for the cCMV test from the federal Centers for Disease Control and Prevention,

(3) the inclusion of newborn screening for cCMV in the Recommended Uniform Screening Panel of the United States Secretary of Health and Human Services' Advisory Committee on Heritable Disorders in Newborns and Children, after the committee's evidence review of newborn screening for cCMV,

(4) the recommendation by the Newborn Screening Advisory Review Committee established pursuant to section 2 of P L 2019, c 296 (C 26 2-110a) that the test be included in the State Newborn Screening Program,

(5) the Commissioner of Health's approval to include the test in the State's Newborn Screening Program, which approval shall be based on the recommendations of the Newborn Screening Advisory Review Committee, and

(6) the acquisition of equipment necessary to implement the expanded screening tests by the State's Newborn Screening Laboratory

b The Department of Health may charge a reasonable fee for the test performed pursuant to this section in such amount as shall be determined by the Commissioner of Health, and may periodically increase the fee by any reasonable amount as the commissioner determines to be necessary The procedures for collecting the fee shall be determined by the commissioner

C 26 2-111 10 Public awareness campaign established

2 a The Commissioner of Health shall establish a public awareness campaign to educate pregnant persons about cytomegalovirus (CMV) and cCMV and the value of early detection of, interventions for, and possible treatments for, CMV and cCMV

b The commissioner, in establishing the public awareness campaign, shall develop outreach efforts and provide information and educational materials to pregnant persons on CMV and cCMV including, but not limited to

(1) the cause and nature of CMV and cCMV,

(2) diagnostic procedures and appropriate indications for their use,

(3) lifestyle issues relating to how a pregnant person can pass cCMV to a developing fetus, and

(4) the availability of CMV and cCMV diagnostic and treatment services in the community

c The commissioner shall prepare, and make available on the Department of Health's Internet website, in English and Spanish, and in a manner that is easily understandable by a pregnant person, information about the symptoms and treatment of CMV and cCMV and any other information that the commissioner deems to be necessary This information may be revised by the department whenever new information about CMV and cCMV becomes available

3 The Commissioner of Health shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), necessary to carry out the purposes of this act

4 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 414

AN ACT establishing a database with certain information concerning certain appointed positions and elected offices, and supplementing chapter 3 of Title 19 of the Revised Statutes

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

C 19 3-30 Databases established, information on certain appointed positions and elected offices

1 a The Eagleton Institute of Politics at Rutgers, The State University, shall establish and maintain two databases that contain for every person appointed to a State board, commission, authority, or other multi-member entity, and for every elected public official in this State, excluding school boards, the name of the individual, the title of the office held, the term of office, the race and the gender identity or expression of that individual, and the appointing authority

b To establish the database of appointed officials, the Institute may transmit to any person appointed to a State board, commission, authority, or other multi-member entity on or before the effective date of this act, P L 2021, c 414, a form, developed by the Institute, for completion that records the (a) individual's full name, (b) the title of the office held and the mailing address for that office, (c) the race of the individual, using the same racial categories as required on the federal decennial census of the United States by the federal Bureau of the Census, (d) the gender identity or expression of the individual, (e) the name and title of the appointing authority, and (f) the term of the office held

The transmission by the Governor or other appointing authority to the Institute of contact information for appointees shall not be deemed a violation of any law, rule, or regulation concerning the confidentiality or privacy of such information

c (1) To establish the database of elected officials, the Institute may transmit to any individual elected to public office in this State on or before the effective date of this act, P L 2021, c 414, a form, developed by the Institute, for completion that records (a) the individual's full name, (b) the title of the public office held and the mailing address for that public office, (c) the race of the individual, using the same racial categories as required on the federal decennial census of the United States by the federal Bureau of the Census, (d) the gender identity or expression of the individual, and (e) the term of the office held

The Secretary of State shall cooperate with the Institute regarding the survey

(2) To maintain the database of elected officials, no later than 30 days after certification of an election in this State, including an election for an individual selected to fill a vacancy in an elective public office for the remainder of a term, the Secretary of State shall transmit to the Institute the election results The transmission by the Secretary of State to the Institute of any contact information shall not be deemed a violation of any law, rule, or regulation concerning the confidentiality or privacy of such information

d (1) The Institute shall use the information from the forms received pursuant to subsections b and c of this section, to establish and maintain separate databases for appointed public officials and for elected public officials The databases shall be searchable by the public official's name, title of the office held, the term of the office held, the public official's race, the public official's gender identity or expression, and the appointing authority

Each database shall be available to the public in a prominent location on the website of the Institute, of Rutgers, The State University, and of the Secretary of State

(2) The information in each database shall be reviewed and updated in a timely manner, but no less than once each calendar year Information on completed forms received by the Institute shall be added to the database within 21 business days of receipt

Repealer

2 P L 2019, c 377 is repealed

3 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 415

AN ACT concerning the New Jersey Educational Facilities Authority, revising parts of statutory law, and supplementing chapter 72A of Title 18A of the New Jersey Statutes

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

1 N J S 18A 72A-1 is amended to read as follows

Preamble, purpose of chapter

18A 72A-1 It is hereby declared that a serious public emergency exists affecting and threatening the welfare, comfort, health, safety and prosperity of the people of the State and resulting from the fact that financial resources are lacking with which to construct required dormitory and other educational facilities at public and private institutions of higher education and that there is a shortage of working capital for the development, establishment, and operation of public and private institutions of higher education, that it is essential that this and future generations of youth be given the fullest opportunity to learn and to develop their intellectual and mental capacities, that it is essential that institutions of higher education within the State be provided with appropriate additional means to assist such youth in achieving the required levels of learning and development of their intellectual and mental capacities, that it is essential that all resources of the State be employed in order to meet the tremendous demand for higher educational opportunities, that all institutions of higher education in the State, both public and private, are an integral part of the total educational effort in the State for providing higher educational opportunities, and that it is the purpose of this chapter to provide a measure of assistance and an alternative method to enable institutions of higher education in the State to provide the facilities which are sorely needed to accomplish the purposes of this chapter and to provide working capital to public and private institutions of higher education, all to the public benefit and good, to the extent and manner provided herein

2 N J S 18A 72A-3 is amended to read as follows

Definitions

18A 72A-3 As used in this act, the following words and terms shall have the following meanings, unless the context indicates or requires another or different meaning or intent

"Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, a private college, a private institution of higher education, a public institution of higher education, a school, or a university, or a nonprofit organization exempt from federal tax under section 501(c)(3) of the Internal Revenue Code designated for the purpose of supporting an institution of higher education,

"Authority" means the New Jersey Educational Facilities Authority created by this chapter or any board, body, commission, department or officer

succeeding to the principal functions thereof or to whom the powers conferred upon the authority by this chapter shall be given by law,

"Bond" means bonds or notes of the authority issued pursuant to this chapter,

"Control" means the power of the authority to manage, direct, superintend, restrict, regulate, govern, administer, or oversee,

"County college capital project" means any capital project of a county college certified pursuant to section 2 of P L 1971, c 12 (C 18A 64A-22 2) and approved by the State Treasurer for funding pursuant to the "County College Capital Projects Fund Act," P L 1997, c 360 (C 18A 72A-12 2 et seq),

"Dormitory" means a housing unit with necessary and usual attendant and related facilities and equipment, and shall include a dormitory of a public or private school, or of a public or private institution of higher education,

"Educational facility" means a structure suitable for use as a dormitory, dining hall, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, teaching hospital, and parking maintenance storage or utility facility and other structures or facilities related thereto or required or useful for the instruction of students or the conducting of research or the operation of a participating institution, and public libraries, and the necessary and usual attendant and related facilities and equipment, but shall not include any facility used or to be used for sectarian instruction or as a place for religious worship,

"Emerging needs program" means a program at one or more public or private institutions of higher education directed to meeting new and advanced technology needs or to supporting new academic programs in science and technology,

"Higher education equipment" means any property consisting of, or relating to, scientific, engineering, technical, computer, communications or instructional equipment,

"Participating institution" means a private college, a private institution of higher education, a public institution of higher education, a school, a university, or an affiliate, which, pursuant to the provisions of this chapter, participates with the authority in undertaking the financing and construction or acquisition of a project,

"Private college" means an institution for higher education other than a public college which, by virtue of law or charter, is a nonprofit educational institution empowered to provide a program of education beyond the high school level and is situated within the State or, if incorporated and located outside of the State, the project for which assistance is provided by the authority is located within the State,

"Private institution of higher education" means independent colleges or universities incorporated and located in New Jersey, which by virtue of law or character or license, are nonprofit educational institutions authorized to grant academic degrees and which provide a level of education which is equivalent to the education provided by the State's public institutions of higher education as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which are eligible to receive State aid,

"Project" means (1) a dormitory or an educational facility or any combination thereof, (2) a county college capital project, or (3) the provision of working capital,

"Public institution of higher education" means Rutgers, The State University, the State colleges, the New Jersey Institute of Technology, Rowan University, Montclair State University, Kean University, the county colleges and any other public university or college now or hereafter established or authorized by law,

"School" means a secondary school, military school, or boarding school,

"University" means Rutgers, The State University, and

"Working capital" means, with respect to any participating institution, funds to be used in, or reserved for, the operation of the participating institution

3 N J S 18A 72A-4 is amended to read as follows

"New Jersey education facilities authority"

18A 72A-4 (a) There is hereby established in but not of the Department of the Treasury a public body corporate and politic, with corporate succession to be known as the "New Jersey educational facilities authority" Notwithstanding this allocation, the authority shall be independent of any supervision or control by the department or any officer thereof The authority shall constitute a political subdivision of the State established as an instrumentality exercising public and essential governmental functions, and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be an essential governmental function of the State

(b) The authority shall consist of seven members, two of whom shall be the Secretary of Higher Education, ex officio, and the State Treasurer, ex officio, or when so designated by them, their deputies and five citizens of the State to be appointed by the Governor with the advice and consent of the Senate for terms of five years, provided that the terms of the members first appointed shall be arranged by the Governor so that one of such terms shall expire on April 30 in each successive year ensuing after such appointments

Members shall hold office for the term of their appointments and shall continue to serve during the term of their successors unless and until his successor shall have been appointed and qualified Any vacancy among the members appointed by the Governor shall be filled by appointment for the unexpired term only A member of the authority shall be eligible for reappointment

(c) Any member of the authority appointed by the Governor may be removed from office by the Governor for cause after a public hearing

(d) The members of the authority shall serve without compensation, but the authority may reimburse its members for necessary expenses incurred in the discharge of their duties

(e) The authority, upon the first appointment of its members and thereafter on or after April 30 in each year, shall annually elect from among its members a chairman and a vice chairman who shall hold office until April 30 next ensuing and shall continue to serve during the terms of their respective successors unless and until their respective successors shall have been appointed and qualified The authority may also appoint, retain and employ, without regard to the provisions of Title 11, Civil Service, of the Revised Statutes, such officers, agents, employees and experts as it may require, and it shall determine their qualifications, terms of office, duties, services and compensation

(f) The powers of the authority shall be vested in the members thereof in office from time to time and a majority of the total authorized membership of the authority shall constitute a quorum at any meeting thereof Action may be taken and motions and resolutions adopted by the authority at any meeting thereof by the affirmative vote of a majority of the members present, unless in any case the bylaws of the authority shall require a larger number No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority

(g) Before the issuance of any bonds under the provisions of this chapter, the members and the officer of the authority charged with the handling of the authority's moneys shall be covered by a surety bond or bonds in a penal sum of not less than $25,000 00 per person conditioned upon the faithful performance of the duties of their respective offices, and executed by a surety company authorized to transact business in the State of New Jersey as surety Each such bond shall be submitted to the Attorney General for his approval and upon his approval shall be filed in the Office of the Secretary of State prior to the issuance of any bonds by the authority At all times after the issuance of any bonds by the authority the officer of the authority and each member charged with the handling of the authority's moneys shall maintain such surety bonds in full force and effect All costs of such surety bonds shall be borne by the authority

(h) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a trustee, director, officer or employee of a participating institution to serve as a member of the authority, provided such trustee, director, officer or employee shall abstain from discussion, deliberation, action and vote by the authority under this chapter in specific respect to such participating institution of which such member is a trustee, director, officer or employee

(i) A true copy of the minutes of every meeting of the authority shall be forthwith delivered by and under the certification of the secretary thereof, to the Governor No action taken at such meeting by the authority shall have force or effect until 10 days, Saturdays, Sundays and public holidays excepted, after such copy of the minutes shall have been so delivered If, in said 10-day period, the Governor returns such copy of the minutes with veto of any action taken by the authority or any member thereof at such meeting, such action shall be null and of no effect If the Governor shall not return the minutes within said 10-day period, any action therein recited shall have force and effect according to the wording thereof At any time prior to the expiration of the said 10-day period, the Governor may sign a statement of approval of any such action of the authority, in which case the action so approved shall not thereafter be disapproved

The powers conferred in this subsection (i) upon the Governor shall be exercised with due regard for the rights of the holders of bonds of the authority at any time outstanding, and nothing in, or done pursuant to, this subsection (i) shall in any way limit, restrict or alter the obligation or powers of the authority or any representative or officer of the authority to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by or on behalf of the authority with respect to its bonds or for the benefit, protection or security of the holders thereof

4 N J S 18A 72A-5 is amended to read as follows

Authority's powers

18A 72A-5 The authority shall have power

(a) To adopt bylaws for the regulation of its affairs and the conduct of its business,

(b) To adopt and have an official common seal and alter the same at pleasure,

(c) To maintain an office at such place or places within the State as it may designate,

(d) To sue and be sued in its own name, and plead and be impleaded,

(e) To borrow money and to issue bonds and notes and other obligations of the authority and to provide for the rights of the holders thereof as provided in this chapter,

(f) To acquire, lease as lessee, hold and dispose of real and personal property or any interest therein, in the exercise of its powers and the performance of its duties under this chapter,

(g) To acquire in the name of the authority by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain, any land or interest therein and other property which it may determine is reasonably necessary for any project, including any lands held by any county, municipality or other governmental subdivision of the State, and to hold and use the same and to sell, convey, lease or otherwise dispose of property so acquired, no longer necessary for the authority's purposes, and when the term of a lease agreement with a participating institution has expired or the property acquired is no longer subject to any lease agreement and no bond proceeds remain outstanding with respect to the property, and the participating institution shall have complied with all applicable terms of the lease agreement and any other agreement for any other authority bonds with respect to the property, the authority or its designee may transfer all of its rights, title and interest in and to the property to the participating institution who entered into the lease agreement with the authority,

(h) To receive and accept, from any federal or other public agency or governmental entity, grants or loans for or in aid of the acquisition or construction of any project, and to receive and accept aid or contributions from any other source, of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants, loans and contributions may be made,

(i) To prepare or cause to be prepared plans, specifications, designs and estimates of costs for the construction and equipment of projects for participating institutions under the provisions of this chapter, and from time to time to modify such plans, specifications, designs or estimates,

(j) By contract or contracts or by its own employees to construct, acquire, reconstruct, rehabilitate and improve, and furnish and equip, projects for participating institutions, however, in any contract or contracts undertaken by the authority for the construction, reconstruction, rehabilitation or improvement of a project for any public institution of higher education where the cost of such work will exceed $25,000, the contracting agent shall advertise for and receive in the manner provided by law

(1) separate bids for branches of work in the following categories

(a) the plumbing and gas fitting work,

(b) the refrigeration, heating and ventilating systems and equipment,

(c) the electrical work, including any electrical power plants, tele-data, fire alarm, or security system,

(d) the structural steel and ornamental iron work,

(e) general construction, which shall include all other work and materials required for the completion of the project, or

(2) bids for all work and materials required to complete the entire project if awarded as a single contract, or

(3) both (1) and (2) above

In the case of separate bids pursuant to paragraph (1) or (3) of this subsection, prime contractors shall not be required to name subcontractors for categories (a) through (d) in their bid In the case of a single bid under paragraph (2) or (3), all bids submitted shall set forth the names and license numbers of, and evidence of performance security from, all subcontractors to whom the general contractor will subcontract the work described in the foregoing categories (a) through (d) in paragraph (1) Subcontractors who furnish non-specialty trade work pursuant to category (e), or subcontractors who furnish work to named subcontractors pursuant to categories (a) through (d), shall not be named in the bid Notwithstanding the foregoing provisions of this subsection, an authority may choose to require in its bid specification that a subcontractor shall be named in a bid when, in the case of paragraph (1), separate bids for each category, the work of that subcontractor exceeds 35 percent of the authority's estimated amount of value of the work, which shall be set forth in the bid specification

Contracts shall be awarded to the lowest responsible bidder whose bid, conforming to the invitation for bids, will be the most advantageous to the authority,

(k) To determine the location and character of any project to be undertaken pursuant to the provisions of this chapter, and to construct, reconstruct, maintain, repair, operate, lease, as lessee or lessor, and regulate the same, to enter into contracts for any or all such purposes, to enter into contracts for the management and operation of a project, and to designate a participating institution as its agent to determine the location and character of a project undertaken by such participating institution under the provisions of this chapter and, as the agent of the authority, to construct, reconstruct, maintain, repair, operate, lease, as lessee or lessor, and regulate the same, and, as agent of the authority, to enter into contracts for any and all such purposes including contracts for the management and operation of such project,

(l) To establish rules and regulations for the use of a project or any portion thereof and to designate a participating institution as its agent to

establish rules and regulations for the use of a project undertaken by such participating institution,

(m) Generally to fix and revise from time to time and to charge and collect rates, rents, fees and other charges for the use of and for the services furnished or to be furnished by a project or any portion thereof and to contract with holders of its bonds and with any other person, party, association, corporation or other body, public or private, in respect thereof,

(n) To enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the authority or to carry out any power expressly given in this chapter,

(o) To invest any moneys held in reserve or sinking funds, or any moneys not required for immediate use or disbursement, at the discretion of the authority, in such obligations as are authorized by law for the investment of trust funds in the custody of the State Treasurer,

(p) To enter into any lease relating to higher education equipment with a public or private institution of higher education pursuant to the provisions of P L 1993, c 136 (C 18A 72A-40 et al),

(q) To enter into loan agreements with any county, to hold bonds or notes of the county evidencing those loans, and to issue bonds or notes of the authority to finance county college capital projects pursuant to the provisions of the "County College Capital Projects Fund Act," P L 1997, c 360 (C 18A 72A-12 2 et seq),

(r) To issue bonds and notes and other obligations of the authority under the direction of law for the purpose of providing financial assistance for the installation of fire prevention and safety systems in dormitories,

(s) To consider and review public-private partnership agreements for certain building projects entered into by a private entity and the New Jersey Institute of Technology pursuant to section 4 of P L 2018, c 90 (C 18A 64E-33) or by a private entity and a State or county college pursuant to section 43 of P L 2009, c 90 (C 18A 64-85), for the purposes set forth therein and to provide to a private entity that is a party to an agreement any tax exempt private activity bond financing, including but not limited to a loan of funds under terms and conditions established by the authority in consultation with the State Treasurer and as otherwise authorized under State or federal law,

(t) To enter into loan agreements with any public institution of higher education or any affiliate of a public institution of higher education, to hold bonds or notes of the public institution of higher education evidencing these loans, and to issue bonds or notes of the authority in connection with the financing or refinancing of a project

5 N J S 18A 72A-8 is amended to read as follows

Issuance of negotiable bonds for corporate purpose

18A 72A-8 (a) The authority is authorized from time to time to issue its negotiable bonds for any corporate purpose In anticipation of the sale of such bonds the authority may issue negotiable bond anticipation notes and may renew the same from time to time, but the maximum maturity of any such note, including renewals thereof, shall not exceed five years from the date of issue of the original note Such notes shall be paid from any revenues or other moneys of the authority available therefor and not otherwise pledged, or from the proceeds of sale of the bonds of the authority in anticipation of which they were issued The notes shall be issued in the same manner as the bonds Such notes and the resolution or resolutions authorizing the same may contain any provisions, conditions or limitations which a bond resolution of the authority may contain

(b) Except as may otherwise be expressly provided by the authority, every issue of its bonds or notes shall be general obligations of the authority payable from any revenues or moneys of the authority, subject only to any agreements with the holders of particular bonds or notes pledging any particular revenues or moneys Notwithstanding that bonds and notes may be payable from a special fund, they shall be fully negotiable within the meaning of Title 12A, the Uniform Commercial Code, of the New Jersey Statutes, subject only to the provisions of the bonds and notes for registration

(c) The bonds may be issued as serial bonds or as term bonds, or the authority, in its discretion, may issue bonds of both types The bonds shall be authorized by resolution of the members of the authority and shall bear such date or dates, mature at such time or times, not exceeding 50 years from their respective dates, bear interest at such rate or rates, be payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, and be subject to such terms of redemption, as such resolution or resolutions may provide The bonds or notes may be sold at public or private sale for such price or prices as the authority shall determine Pending preparation of the definitive bonds, the authority may issue interim receipts or certificates which shall be exchanged for such definitive bonds

(d) Any resolution or resolutions authorizing any bonds or any issue of bonds may contain provisions, which shall be a part of the contract with the holders of the bonds to be authorized, as to

(i) pledging all or any part of the revenues of a project or any revenue-producing contract or contracts made by the authority with any individual, partnership, corporation or association or other body, public or private, to secure the payment of the bonds or of any particular issue of bonds, subject to such agreements with bondholders as may then exist,

(ii) the rentals, fees and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues,

(iii) the setting aside of reserves or sinking funds, and the regulation and disposition thereof,

(iv) limitations on the right of the authority or its agent to restrict and regulate the use of a project,

(v) limitations on the purpose to which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the bonds or any issue of the bonds,

(vi) limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding bonds,

(vii) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given,

(viii) limitations on the amount of moneys derived from a project to be expended for operating, administrative or other expenses of the authority, and

(ix) defining the acts or omissions to act which shall constitute a default in the duties of the authority to holders of its obligations and providing the rights and remedies of such holders in the event of a default

(e) Neither the members of the authority nor any person executing the bonds or notes shall be liable personally on the bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof

(f) The authority shall have power out of any funds available therefor to purchase its bonds or notes The authority may hold, pledge, cancel or resell such bonds, subject to and in accordance with agreements with bondholders

(g) In connection with any bonds or refunding bonds issued pursuant to this section, the authority may also enter into any revolving credit agreement, agreement establishing a line of credit or letter of credit, reimbursement agreement, bank loan agreement, interest rate exchange agreement, currency exchange agreement, interest rate floor or cap, option, put or call to hedge payment, currency, rate, spread or similar exposure, or similar agreement, float agreement, forward agreement, insurance contract, surety bond, commitment to

purchase or sell bonds, purchase or sale agreement, or commitment or other contract or agreement and other security agreement approved by the authority

6 N J S 18A 72A-11 is amended to read as follows

Further powers of authority

18A 72A-11 The authority is authorized to fix, revise, charge and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by each project and to contract with any person, partnership, association or corporation, or other body, public or private, in respect thereof Such rates, rents, fees and charges shall be fixed and adjusted in respect of the aggregate of rents, rates, fees and charges from such project so as to provide funds sufficient with other revenues or moneys, if any

(a) to pay the cost of maintaining, repairing and operating the project and each and every portion thereof, to the extent that the payment of such cost has not otherwise been adequately provided for,

(b) to pay the principal of and the interest on outstanding bonds of the authority issued in respect of such project as the same shall become due and payable, and

(c) to create and maintain reserves required or provided for in any resolution authorizing, or trust agreement securing, such bonds of the authority

Such rates, rents, fees and charges shall not be subject to supervision or regulation by any department, commission, board, body, bureau or agency of this State other than the authority A sufficient amount of the revenues derived in respect of a project, except such part of such revenues as may be necessary to pay the cost of maintenance, repair and operation and to provide reserves for renewals, replacements, extensions, enlargements and improvements as may be provided for in the resolution authorizing the issuance of any bonds of the authority or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or trust agreement in a sinking or other similar fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided Such pledge shall be valid and binding from the time when the pledge is made, the rates, rents, fees and charges and other revenues or other moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise

against the authority, irrespective of whether such parties have notice thereof Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the authority The use and disposition of moneys to the credit of such sinking or other similar fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement Except as may otherwise be provided in such resolution or such trust agreement, such sinking or other similar fund shall be a fund for all such bonds issued to finance projects at a participating institution without distinction or priority of one over another, provided the authority in any such resolution or trust agreement may provide that such sinking or other similar fund shall be the fund for a particular project at a participating institution and for the bonds issued to finance a particular project and may, additionally, permit and provide for the issuance of bonds having a subordinate lien in respect of the security herein authorized to other bonds of the authority and, in such case, the authority may create separate sinking or other similar funds in respect of such subordinate lien bonds

7 Section 1 of P L 1980, c 31 (C 18A 72A-11 1) is amended to read as follows

C 18A 72A-11 1 Refinancing outstanding mortgages of private lenders

1 In addition to other powers and duties which have been granted to the authority, whenever any participating institution has constructed or acquired any work or improvement or other project which would otherwise qualify under this act except for the fact that such construction, acquisition, or project was undertaken and financed without assistance from the authority, the authority may purchase such work or improvement, and lease the same to such participating institution, or may lend funds to such participating institution for the purpose of enabling the latter to retire obligations incurred for such construction or acquisition, except that the amount of any such price or loan shall not exceed the original project cost and administrative costs, reserves, and other costs associated with the retirement of such obligations All powers, rights, obligations and duties granted to or imposed upon the authority, participating institutions, State departments and agencies or others by this chapter in respect to projects shall apply to the same extent with respect to transactions pursuant to this section, except that any action otherwise required to be taken at a particular time in the progression of a project may, where the circumstances are so required in connection with a transaction under this section, be taken with the same effect as if taken at that particular time

8 N J S 18A 72A-19 is amended to read as follows

Restriction on alteration of powers

18A 72A-19 The State of New Jersey does pledge to and agree with the holders of the bonds, notes and other obligations issued pursuant to authority contained in this chapter, and with those parties who may enter into contracts with the authority pursuant to the provisions of this chapter, that the State will not limit, alter or restrict the rights hereby vested in the authority and the participating institutions to maintain, construct, reconstruct and operate any project as defined in this chapter or to establish and collect such rents, fees, receipts or other charges as may be convenient or necessary to produce sufficient revenues to meet the expenses of maintenance and operation thereof and to fulfill the terms of any agreements made with the holders of bonds authorized by this chapter, and with the parties who may enter into contracts with the authority pursuant to the provisions of this chapter, or in any way impair the rights or remedies of the holders of such bonds or such parties until the bonds, together with interest thereon, are fully paid and discharged and such contracts are fully performed on the part of the authority The authority as a public body corporate and politic shall have the right to include the pledge herein made in its bonds and contracts

9 N J S 18A 72A-26 is amended to read as follows

Powers and duties of treasurer, institutions under State jurisdiction

18A 72A-26 In order to provide new dormitories and to enable the construction and financing thereof, to refinance indebtedness hereafter created by the authority for the purpose of providing a dormitory or dormitories or additions or improvements thereto, or for any one or more of said purposes, but for no other purpose unless authorized by law, each of the following bodies shall have the powers hereafter enumerated to be exercised upon such terms and conditions, including the fixing of any consideration or rental to be paid or received, as it shall determine by resolution as to such property and each shall be subject to the performance of the duties hereafter enumerated, that is to say, the treasurer as to such as are located on land owned by the State or by the authority, the board of governors of the university, the board of trustees of the New Jersey Institute of Technology, Rowan University, Montclair State University, or Kean University, the board of trustees of a State college, the board of trustees of a county college, or the governing body of an affiliate of a public institution of higher education as to such as are located on land owned by the university or by the particular public institution of higher education respectively, namely

a The power to sell and to convey to the authority title in fee simple in any such land and any existing dormitories thereon owned by the State or owned by the board of trustees of a county college or the power to sell and to convey to the authority such title as the university or the college respectively may have in any such land and any existing dormitories thereon

b The power to lease to the authority or any other entity which is a participating institution any land and any existing dormitories thereon so owned for a term or terms not exceeding 50 years each

c The power to lease or sublease from the authority or any other entity which is a participating institution, and to make available, any such land and existing dormitories conveyed or leased to the authority or entity under subsections a and b of this section, and any new dormitories erected upon such land or upon any other land owned by the authority or entity, any rentals to be payable, as to the university or as to any such college from available funds other than moneys appropriated to it by the State

d The power and duty, upon receipt of notice of any assignment by the authority or any other entity which is a participating institution of any lease or sublease made under subsection c of this section, or of any of its rights under any such lease or sublease, to recognize and give effect to such assignment, and to pay to the assignee thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by the authority or entity

e The power to enter into loan agreements with the authority in connection with the financing or refinancing of a project upon terms and conditions deemed necessary to effect the financing by the authority and the participating public institution of higher education or affiliate thereof

10 N J S 18A 72A-27 1 is amended to read as follows

Powers and duties, revenue-producing facilities

18A 72A-27 1 In addition to the powers and duties with respect to dormitories given under N J S 18A 72A-26 and N J S 18A 72A-27 the treasurer, the board of governors of the university, the board of trustees of the New Jersey Institute of Technology, the board of trustees of a State college, the board of trustees of Rowan University, the board of trustees of Montclair State University, the board of trustees of Kean University, the board of trustees of a county college, and the governing body of an affiliate of a public institution of higher education shall also have the same power and be subject to the same duties in relation to any conveyance, lease or sublease made under subsection a , b , or c of N J S 18A 72A-26 or loan agreement

under subsection e of N J S 18A 72A-26, with respect to revenue-producing facilities, that is to say, structures or facilities which produce revenues sufficient to pay the rentals due and to become due under any lease or sublease made under subsection c of N J S 18A 72A-26 or loan payments due and to become due under any loan agreement made under subsection e of N J S 18A 72A-26 including, without limitation, student unions and parking facilities

11 Section 1 of P L 1988, c 159 (C 18A 72A-27 2) is amended to read as follows

C 18A 72A-27 2 Powers of board of trustees

1 In addition to the powers and duties with respect to dormitories and revenue-producing facilities given under the provisions of this chapter, the board of trustees of a State college shall have the following powers with respect to any educational facility, as defined in N J S 18A 72A-3

a To enter into any conveyance, lease, sublease, or loan agreement of the type provided for in N J S 18A 72A-26, N J S 18A 72A-27, and N J S 18A 72A-27 1 with the authority, with respect to the acquisition, construction and financing of any educational facility,

b To enter into any other agreement with the authority, with respect to the acquisition, construction or financing of an educational facility according to terms and conditions which the authority and the board of trustees shall determine in accordance with the powers of the authority,

c To pledge and assign all or any part of any funds appropriated to the State college and available for the purposes provided in subsections a and b of this section or any other available monies of the State college to the payment of any amount due and owing under any agreement made under subsections a and b of this section if that agreement expressly states that the payment of any and all amounts due and owing thereunder shall, to the extent the funds shall be derived from appropriations, depend on appropriations being made by the Legislature

12 Section 2 of P L 1988, c 159 (C 18A 72A-27 3) is amended to read as follows

C 18A 72A-27 3 Submission of proposed projects to the Legislature

2 The board of trustees of the public institution of higher education shall submit a copy of a resolution approving any non-revenue-producing facility project to the President of the Senate and the Speaker of the General

Assembly and shall submit informational copies of the proposal to the members of the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee and to the Secretary of Higher Education The submission shall include all appropriate supporting information including, but not limited to, a description of the project, its impact, cost and construction schedule, and a detailed explanation of the sources of revenue which will be dedicated to the financing of the project If the Legislature does not disapprove the proposal by the adoption of a concurrent resolution within 45 days, the proposal shall be deemed to be approved

13 N J S 18A 72A-29 is amended to read as follows

Lands, assets titled in name of State

18A 72A-29 All lands and other assets real or personal presently titled in the name of the State Board of Higher Education or the State Department of Higher Education, which are occupied by a public institution of higher education shall be titled in the name of the State of New Jersey only All conveyances, leases and subleases, pursuant to this chapter shall be made, executed and delivered in the name of the State and shall be signed by the State Treasurer and sealed with the seal of the State

To the extent not otherwise expressly provided under existing law, all powers and duties conferred upon the university or an affiliate pursuant to this chapter shall be exercised and performed by resolution of its governing board and all powers and duties conferred upon any of said colleges pursuant to this chapter shall be exercised and performed by resolution of its board of trustees

All conveyances, leases and subleases made pursuant to this chapter, when duly authorized by the university, shall be made, executed and delivered in the name of the university and shall be signed by its president or a vice president and sealed with the seal of the university and all conveyances, leases and subleases made pursuant to this chapter, when duly authorized by any of said colleges, shall be made, executed and delivered in the name of the college and shall be signed by the president or a vice president and sealed with the seal of the college

14 N J S 18A 72A-30 is amended to read as follows

Additional powers, private colleges

18A 72A-30 In addition to the foregoing powers, the authority with respect to private colleges, shall have power

(a) upon application of the private college to construct, acquire or otherwise provide projects for the use and benefit of the private college and the students, faculty and staff of such private college The private college for which such a project is undertaken by the authority shall, if applicable, approve the plans and specifications and location of such project,

(b) to operate and manage any project provided pursuant to this section, or the authority may lease any such project to the private college for which such project is provided At such time as the liabilities of the authority incurred for any such project have been met and the bonds of the authority issued therefor have been paid, or such liabilities and bonds have otherwise been discharged, the authority shall transfer title to all the real and personal property of such project vested in the authority, to the private college in connection with which such project is then being operated, or to which such project is then leased, provided, however, that if at any time prior thereto such private college ceases to offer educational facilities, then such title shall vest in the State of New Jersey

Any lease of a project authorized by this section shall be a general obligation of the lessee except as the authority expressly agrees and may contain provisions, which shall be a part of the contract with the holders of the bonds of the authority issued for such project, as to

(i) pledging all or any part of the moneys, earnings, income and revenues derived by the lessee from such project or any part or parts thereof, or other personal property of the lessee, to secure payments required under the terms of such lease,

(ii) the rates, rentals, fees and other charges to be fixed and collected by the lessee, the amounts to be raised in each year thereby, and the use and disposition of such moneys, earnings, income and revenues,

(iii) the setting aside of reserves and the creation of special funds and the regulation and disposition thereof,

(iv) the procedure, if any, by which the terms of such lease may be amended, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given,

(v) vesting in a trustee or trustees such specified properties, rights, powers and duties as shall be deemed necessary or desirable for the security of the holders of the bonds of the authority issued for such projects,

(vi) the obligations of the lessee with respect to the replacement, reconstruction, maintenance, operation, repairs and insurance of such project,

(vii) defining the acts or omissions to act which shall constitute a default in the obligations and duties of the lessee, and providing for the rights and remedies of the authority and of its bondholders in the event of such default,

(viii) any other matters, of like or different character, which may be deemed necessary or desirable for the security or protection of the authority or the holders of its bonds

15 N J S 18A 72A-31 is amended to read as follows

Construction loans, terms

18A 72A-31 The authority also shall have power

(a) to make loans to any participating institution for the construction or acquisition of projects in accordance with a loan agreement and plans and specifications, as appropriate, approved by the authority No such loan shall exceed the total cost of such project and the equipment therefor as determined by the authority Each such loan shall be premised upon an agreement between the authority and the participating institution as to payment, security, maturity, redemption, interest and other appropriate matters

(b) to make loans to any participating institution to refund existing bonds, mortgages or advances given or made by such participating institution for the construction of projects to the extent that this will enable such participating institution to offer greater security for loans for new project construction or acquisition

16 N J S 18A 72A-32 is amended to read as follows

Power of private colleges to mortgage

18A 72A-32 For the purpose of obtaining and securing loans under N J S 18A 72A-31 every participating institution shall, notwithstanding the provisions of any other law, have power to mortgage and pledge any of its real or personal property, and to pledge any of its income from whatever source to repay the principal of and interest on any loan made to it by the authority or to pay the interest on and principal and redemption premium, if any, of any note, bond or other evidence of indebtedness evidencing the debt created by any such loan, provided that the foregoing shall not be construed to authorize actions in conflict with specific legislation, trusts, endowment, or other agreements relating to specific properties or funds

C 18A 72A-11 2 Loan agreement, provision of working capital to participating institution, terms

17 A participating institution and the authority may enter into a loan agreement in connection with a project which includes the provision of working capital to such institution In no event shall working capital be considered a non-revenue-producing facility under chapter 72A of Title 18A of the New Jersey Statutes Any loan agreement entered into under the provisions of this section may contain the provisions as may be agreeable to the participating institution and the authority and as may be necessary or desirable to secure the loan, including, without limitation, provisions for the granting of a security interest in personal property or receivables or a mortgage on all or any portion of the real property of the participating institution

18 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 416

AN ACT concerning instruction on Asian Americans and Pacific Islanders in public schools and supplementing chapter 35 of Title 18A of the New Jersey Statutes

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

C 18A 35-4 44 Asian American, Pacific Islander history, contributions, instruction included in curriculum

1 a A board of education shall include instruction on the history and contributions of Asian Americans and Pacific Islanders in an appropriate place in the curriculum of students in grades kindergarten through 12 as part of the school district's implementation of the New Jersey Student Learning Standards in Social Studies

b A board of education shall have policies and procedures in place pertaining to the selection of instructional materials to implement the requirements of section a of this section When adopting instructional materials for use in the school district, a board of education shall adopt inclusive instructional materials that portray the cultural and economic diversity of Asian Americans and Pacific Islanders

c A board of education shall seek the assistance and advice of the Commission on Asian Heritage established pursuant to section 2 of P L 2021, c 410 (C 18A 4-52) in fulfilling the requirements of this section

2 This act shall take effect immediately and shall first apply to the first full school year following the date of enactment

Approved January 18, 2022

CHAPTER 417

AN ACT concerning the awarding of State college and university contracts, amending N J S 18A 64-6 and P L 1992, c 61, and amending and supplementing various parts of the statutory law

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

1 N J S 18A 64-6 is amended to read as follows

Powers, duties of boards

18A 64-6 The board of trustees of a State college shall have general supervision over and shall be vested with the conduct of the college It shall have the power and duty to

a Adopt and use a corporate seal,

b Determine the educational curriculum and program of the college consistent with the programmatic mission of the institution or approved by the Commission on Higher Education,

c Determine policies for the organization, administration and development of the college,

d Study the educational and financial needs of the college, annually acquaint the Governor and Legislature with the condition of the college, and prepare and present the annual budget to the Governor, the Division of Budget and Accounting in the Department of the Treasury and the Legislature in accordance with law,

e Disburse all moneys appropriated to the college by the Legislature and all moneys received from tuition, fees, auxiliary services and other sources,

f Direct and control expenditures and transfers of funds appropriated to the college and tuition received by the college, in accordance with the

provisions of the State budget and appropriation acts of the Legislature, reporting changes and additions thereto and transfers thereof to the Director of the Division of Budget and Accounting in the State Department of the Treasury and as to funds received from other sources, direct and control expenditures and transfers in accordance with the terms of any applicable trusts, gifts, bequests, or other special provisions All accounts of the college shall be subject to audit by the State at any time,

g In accordance with the provisions of the State budget and appropriation acts of the Legislature, appoint and fix the compensation of a president of the college, who shall be the executive officer of the college and an ex officio member of the board of trustees, without vote, and shall serve at the pleasure of the board of trustees,

h Notwithstanding the provisions of Title 11, Civil Service, of the Revised Statutes, upon nomination by the president appoint a treasurer and such deans and other professional members of the academic, administrative and teaching staffs as defined in section 13 of P L 1986, c 42 (C 18A 64-21 2) as shall be required and fix their compensation and terms of employment in accordance with salary ranges and policies which shall prescribe qualifications for various classifications and shall limit the percentage of the educational staff that may be in any given classification,

i Upon nomination by the president, appoint, remove, promote and transfer such other officers, agents or employees as may be required for carrying out the purposes of the college and assign their duties, determine their salaries and prescribe qualifications for all positions, all in accordance with the provisions of Title 11, Civil Service, of the Revised Statutes,

j Grant diplomas, certificates and degrees,

k Pursuant to the provisions of the "State College Contracts Law," P L 1986, c 43 (C 18A 64-52 et seq) enter into contracts and agreements for the purchase of lands, buildings, equipment, materials, supplies and services, enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or with any public body, department or other agency of the State or the United States or with any individual, firm, or corporation, which are deemed necessary or advisable by the board for carrying out the purposes of the college,

l If necessary, take and condemn land and other property in the manner provided by the "Eminent Domain Act of 1971," P L 1971, c 361 (C 20 3-1 et seq), whenever authorized by law to purchase land or other property,

m Adopt, after consultation with the president and faculty, bylaws and make and promulgate such rules, regulations and orders, not inconsistent

with the provisions of this article, that are necessary and proper for the administration and operation of the college and the carrying out of its purposes,

n Establish fees for room and board sufficient for the operation, maintenance, and rental of student housing and food service facilities,

o Fix and determine tuition rates and other fees to be paid by students,

p Accept from any government or governmental department, agency or other public or private body or from any other source grants or contributions of money or property, which the board may use for or in aid of any of its purposes,

q Acquire by gift, purchase, condemnation or otherwise, own, lease, dispose of, use and operate property, whether real, personal or mixed, or any interest therein, which is necessary or desirable for college purposes,

r Employ architects, engineers, consultants, and other professionals to plan buildings, consistent with the provisions of the "Building Design Services Act," P L 1989, c 277 (C 45 4B-1 et seq), secure bids for the construction of buildings and for the equipment thereof, make contracts for the construction of buildings and for equipment, and supervise the construction of buildings,

s Manage and maintain, and provide for the payment of all charges and expenses in respect to all properties utilized by the college,

t Borrow money for the needs of the college, as deemed requisite by the board, in such amounts, and for such time and upon such terms as may be determined by the board, provided that this borrowing shall not be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit, or be payable out of property or funds, other than moneys appropriated for that purpose, of the State,

u Authorize any new program, educational department or school consistent with the institution's programmatic mission or approved by the commission,

v (Deleted by amendment, P L 1994, c 48),

w Pursuant to the "State College Contracts Law," P L 1986, c 43 (C 18A 64-52 et seq), award contracts and agreements for the purchase of goods and services, as distinct from contracts or agreements for the construction of buildings and other improvements, to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the State college, price and other factors considered, and

x Pursuant to the "State College Contracts Law," P L 1986, c 43 (C 18A 64-52 et seq), award contracts and agreements for the construction of buildings and other improvements to the lowest responsible bidder, whose

bid, conforming to the invitation for bids, will be the most advantageous to the State college

2 Section 2 of P L 1986, c 43 (C 18A 64-53) is amended to read as follows

C 18A 64-53 Definitions

2 As used in this article, unless the context otherwise indicates

a "Board of trustees" means the board of a State college,

b "Contracting agent" means the business officer of the State college having the power to prepare advertisements, to advertise for and receive bids, and to make awards for the State college in connection with the purchases, contracts or agreements permitted by this article or the officer, committee or employee to whom the power has been delegated by the State college,

c "Contracts" means contracts or agreements for the performance of work or the furnishing or hiring of services, materials, supplies, or construction, as distinguished from contracts of employment,

d "Legal newspaper" means a newspaper circulating in this State which has been printed and published in the English language at least once a week for at least one year continuously,

e "Materials" includes goods and property subject to chapter 2 of Title 12A of the New Jersey Statutes, apparatus or any other tangible thing, except real property or any interest therein,

f "Extraordinary unspecifiable services" means services or products which cannot be reasonably described by written specifications,

g "Professional services" means services rendered or performed by a person authorized by law to practice a recognized profession and whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training Professional services also means services rendered in the performance of work that is original and creative in character in a recognized field of artistic endeavor,

h "Project" means any work, undertaking, construction or alteration,

i "Purchases" are transactions, for a valuable consideration, creating or acquiring an interest in goods, services and property except real property or any interest therein,

j "State college" means an institution of higher education established pursuant to chapter 64 of Title 18A of the New Jersey Statutes,

k "Work" includes services and any other activity of a tangible or intangible nature performed or assumed pursuant to a contract or agreement with a State college,

l "Information technology" means telecommunication and computing goods and services, including, but not limited to, software, hardware, cloud computing, and systems implementation and support for voice, data and video

3 Section 3 of P L 1986, c 43 (C 18A 64-54) is amended to read as follows

C 18A 64-54 Bid threshold

3 a (1) Any purchase, contract or agreement for the performance of any work or the furnishing or hiring of materials or supplies, through which workers employed in the performance of the contract are paid in accordance to the "New Jersey Prevailing Wage Act," P L 1963, c 150 (C 34 11-56 25 et seq), the cost or price of which, together with any sums expended for the performance of any work or services in connection with the same project or the furnishing of similar materials or supplies during the same fiscal year, paid with or out of college funds, does not exceed the total sum of $26,200 or, commencing January 1, 2005, the amount determined pursuant to subsection b of this section, in any fiscal year may be made, negotiated and awarded by a contracting agent, when so authorized by resolution of the board of trustees of the State college without public advertising for bids and bidding therefor

(2) Any purchase, contract or agreement for the performance of any work or the furnishing or hiring of materials or supplies, through which workers employed in the performance of the contract are not paid in accordance to the "New Jersey Prevailing Wage Act," P L 1963, c 150 (C 34 11-56 25 et seq), the cost or price of which, together with any sums expended for the performance of any work or services in connection with the same project or the furnishing of similar materials or supplies during the same fiscal year, paid with or out of college funds, does not exceed the total sum of $100,000 or, commencing January 1, 2022, the amount determined pursuant to subsection b of this section, in any fiscal year may be made, negotiated and awarded by a contracting agent, when so authorized by resolution of the board of trustees of the State college without public advertising for bids and bidding therefor

b Commencing January 1, 2005 and every two years thereafter, the Governor, in consultation with the Department of the Treasury, shall adjust the threshold amounts set forth in subsection a of this section in direct proportion to the rise or fall of the Consumer Price Index for all urban consumers in the New York and Northeastern New Jersey and the

Philadelphia areas, as reported by the United States Department of Labor The adjustment shall become effective on July 1 of the year in which it is reported

c Any purchase, contract or agreement made pursuant to this section may be awarded for a period of 36 consecutive months, notwithstanding that the 36-month period does not coincide with the fiscal year

4 Section 4 of P L 1986, c 43 (C 18A 64-55) is amended to read as follows

C 18A 64-55 Public bidding required

4 a Every contract or agreement for the performance of any work or the furnishing or hiring of any materials or supplies, through which the workers employed in the performance of the contract are paid in accordance to the "New Jersey Prevailing Wage Act," P L 1963, c 150 (C 34 11-56 25 et seq), the cost or the contract price of which is to be paid with or out of college funds, not included within the terms of section 3 of this article, shall be made and awarded only by the State college after public advertising for bids and bidding therefor, except as provided otherwise in this article or specifically by any other law No work, materials or supplies shall be undertaken, acquired or furnished for a sum exceeding in the aggregate $26,200 or, commencing January 1, 2005, the amount determined pursuant to subsection b of section 3 of P L 1986, c 43 (C 18A 64-54), except by written contract or agreement

b Any purchase, contract or agreement for the performance of any work or the furnishing or hiring of materials or supplies, through which the workers employed in the performance of the contract are not paid in accordance to the "New Jersey Prevailing Wage Act," P L 1963, c 150 (C 34 11-56 25 et seq), the cost or price of which, together with any sums expended for the performance of any work or services in connection with the same project or the furnishing of similar materials or supplies during the same fiscal year, paid with or out of college funds, does not exceed the total sum of $100,000 or, commencing January 1, 2022, the amount determined pursuant to subsection b of section 3 of P L 1986, c 43 (C 18A 64-54), in any fiscal year may be made, negotiated and awarded by a contracting agent, when so authorized by resolution of the board of trustees of the State college without public advertising for bids and bidding therefor

5 Section 5 of P L 1986, c 43 (C 18A 64-56) is amended to read as follows

C 18A 64-56 Exceptions

5 Any purchase, contract or agreement of the character described in section 4 of P L 1986, c 43 (C 18A 64-55) may be made, negotiated or awarded by the State college by resolution at a public meeting of its board of trustees without public advertising for bids or bidding therefor if

a The subject matter thereof consists of

(1) Professional services, or

(2) Extraordinary unspecifiable services and products which cannot reasonably be described by written specifications, subject, however, to procedures consistent with open public bidding whenever possible, or

(3) Materials or supplies which are not available from more than one potential bidder, including without limitation materials or supplies which are patented or copyrighted, or

(4) The doing of any work by employees of the State college, or

(5) The printing of all legal notices and legal briefs, records and appendices to be used in any legal proceeding to which the State college may be a party and the use of electronic data or media services, including the internet, for the printing of these legal notices and legal briefs, records and appendices, or

(6) Textbooks, copyrighted materials, student-produced publications and services incidental thereto, library materials including without limitation books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microfilms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, other printed or published matter and audiovisual and other materials of a similar nature, necessary binding or rebinding of library materials and specialized library services, including electronic databases and digital formats, or

(7) Food supplies and services, including food supplies and management contracts for student centers, dining rooms and cafeterias, or

(8) The supplying of any product or the rendering of any service by the public utility which is subject to the jurisdiction of the Board of Public Utilities, in accordance with tariffs and schedules of charges made, charged and exacted, filed with that board, or

(9) Equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with the services, or

(10) Specialized machinery or equipment of a technical nature which will not reasonably permit the drawing of specifications, and the procurement thereof without advertising is in the public interest, or

(11) Insurance, including the purchase of insurance coverage and consulting services, which exceptions shall be in accordance with the requirements for extraordinary unspecifiable services, or

(12) Publishing of legal notices in newspapers as required by law and the use of electronic data or media services, including the internet, for the publication of the legal notices, or

(13) The acquisition of artifacts or other items of unique intrinsic, artistic or historic character, or

(14) The collection of amounts due on student loans, including without limitation loans guaranteed by or made with funds of the United States of America, and amounts due on other financial obligations to the State college, including but not limited to, the amounts due on tuition and fees and room and board, or

(15) Professional consulting services, or

(16) Entertainment, including without limitation theatrical presentations, band and other concerts, movies and other audiovisual productions, or

(17) Contracts employing funds created by student activities fees charged to students or otherwise raised by students and expended by student organizations, or

(18) Printing, including without limitation catalogs, yearbooks and course announcements and the production and reproduction of such material in electronic and digital formats, including compact discs, or

(19) Information technology, or

(20) Personnel recruitment and advertising, including without limitation advertising seeking student enrollment, or

(21) Educational supplies, books, articles of clothing and other miscellaneous articles purchased by a State college for resale to college students and employees, or

(22) Purchase or rental of graduation caps and gowns, and award certificates or plaques, or the rental of space and equipment used for graduation and other events and ceremonies, or

(23) Items available from vendors at costs below State contract pricing for the same product or service, which meets or exceeds the State contract terms or conditions, or

(24) Management contracts for bookstores, performing arts centers, residence halls, parking facilities and building operations, or

(25) Consulting services involving information technology, curricular or programmatic review, fund raising, transportation, safety or security, or

(26) Construction management services for construction, alteration or repair of any building or improvement, or

(27) Purchase or rental of equipment of a technical nature when the procurement thereof without advertising is necessary in order to assure standardization of equipment and interchangeability of parts in the public interest, or

(28) Banking and investment services, or

(29) Energy supply, such as electric and gas, from a third-party supplier, or

(30) Hazardous waste collection and disposal services, or

(31) Supplies and services for the administration of study abroad or remote programs, or

(32) Transportation services, or

(33) Vehicle maintenance, or

(34) Vending services, or

(35) Medical testing

b It is to be made or entered into with the United States of America, the State of New Jersey, a county or municipality or any board, body, or officer, agency or authority or any other state or subdivision thereof

c The State college has advertised for bids pursuant to section 4 of P L 1986, c 43 (C 18A 64-55) on two occasions and (i) has received no bids on both occasions in response to its advertisement, or (ii) has rejected the bids on two occasions because the State college has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the State college prior to the advertising therefor, or have not been independently arrived at in open competition, or (iii) on one occasion no bids were received pursuant to (i) and on one occasion all bids were rejected pursuant to (ii), in whatever sequence, any contract or agreement may then be negotiated by a two-thirds affirmative vote of the authorized membership of the board of trustees authorizing the contract or agreement, provided that

(1) A reasonable effort is just made by the contracting agent to determine that the same or equivalent materials or supplies at a cost which is lower than the negotiated price are not available from any agency or authority of the United States, the State of New Jersey or of the county in which the State college is located, or any municipality in close proximity to the State college,

(2) The terms, conditions, restrictions and specifications set forth in the negotiated contract or agreement are not substantially different from those which were the subject of competitive bidding pursuant to section 4 of this article, and

(3) Any minor amendment or modification of any of the terms, conditions, restrictions and specifications, which were the subject of competitive bidding pursuant to section 4 of P L 1986, c 43 (C 18A 64-55), shall be stated in the resolution awarding the contract or agreement, except that if on the second occasion the bids received are rejected as unreasonable as to

price, the State college shall notify each responsible bidder submitting bids on the second occasion of its intention to negotiate and afford each bidder a reasonable opportunity to negotiate, but the State college shall not award the contract or agreement unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder, is the lowest negotiated price offered by any reasonable vendor, and is a reasonable price for the work, materials, supplies or services Whenever a State college shall determine that a bid was not arrived at independently in open competition pursuant to subsection c (11) of this section, it shall thereupon notify the Attorney General of the facts upon which its determination is based and, when appropriate, it may institute appropriate proceedings in any State or federal court of competent jurisdiction for a violation of any State or federal antitrust law or laws relating to the unlawful restraint of trade

d It is to be awarded through a reverse auction for the purchase of utilities and other commodities

6 Section 6 of P L 1986, c 43 (C 18A 64-57) is amended to read as follows

C 18A 64-57 Emergency procedures

6 Any purchase, contract, or agreement may be made, negotiated or awarded by a State college without public advertising for bids and bidding therefor, notwithstanding that the cost or contract price will exceed the appropriate threshold amount, as adjusted and established pursuant to section 3 of P L 1986, c 43 (C 18A 64-54), when an emergency affecting the health, safety or welfare of occupants of college property requires the immediate delivery of the materials or supplies or the performance of the work, if the purchases, contracts or agreements are awarded or made in the following manner

a A written requisition for the performance of the work or the furnishing of materials or supplies, certified by the employee in charge of the building, facility or equipment where the emergency occurred, is filed with the contracting agent or his deputy in charge describing the nature of the emergency, the time of its occurrence, and the need for invoking this section The contracting agent, or his deputy in charge, being satisfied that the emergency exists, is authorized to award a contract for the work, materials or supplies

b Upon the furnishing of the work, materials or supplies in accordance with the terms of the contract or agreement, the contractor furnishing the work, materials or supplies is entitled to be paid therefor and the State college is obligated for the payment

c The board of trustees may prescribe rules and procedures to implement the requirements of this section

7 Section 19 of P L 1986, c 43 (C 18A 64-70) is amended to read as follows

C 18A 64-70 Awards to responsible bidder whose bid is most advantageous

19 All contracts or agreements for the purchase of goods and services, as distinct from contracts or agreements for the construction of buildings and other improvements, which require public advertisement for bids shall be awarded by the board of trustees to the responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the State college, price and other factors considered, except that a bid may be disqualified due to prior negative experience pursuant to the provisions of section 10 of P L 2021, c 417 (C 18A 64-70 1)

Prior to the award of any contract or agreement which does not require public advertisement, the estimated cost of which is 20 percent or more of the amount set forth in this act or, commencing January 1, 1985, 20 percent of the amount determined by the Governor pursuant to subsection b of section 3 of this act, the contracting agent shall, except in the case of professional services, solicit quotations therefor whenever practicable, and the award thereof shall be made, in accordance with section 3 of this article, on the basis of the quotation, conforming to the request for proposals, which is most advantageous to the State college, price and other factors considered, however, if the contracting agent deems it impractical to solicit competitive quotations or having sought the quotations determines that the award should not be made on that basis, the contracting agent shall file a statement of explanation of the reason or reasons therefor, which shall be placed on file with the purchase, contract, or agreement

8 Section 2 of P L 1992, c 61 (C 18A 64-76 1) is amended to read as follows

C 18A 64-76 1 Advertisements by contracting agent for bids, award of contracts

2 a Whenever the entire cost for the construction, alteration or repair of any building by a State college will exceed the amount determined pursuant to subsection b of section 3 of P L 1986, c 43 (C 18A 64-54), the contracting agent shall advertise for and receive in the manner provided by law

(1) separate bids for branches of work in the following categories

(a) the plumbing and gas fitting work,

(b) the refrigeration, heating and ventilating systems and equipment,

(c) the electrical work, including any electrical power plants, tele-date, fire alarm, or security systems,

(d) the structural steel and ornamental iron work,

(e) general construction, which shall include all other work and materials required for the completion of the project, or

(2) bids for all work and materials required to complete the entire project if awarded as a single contract, or

(3) both (1) and (2) above

In the case of separate bids under paragraph (1) or (3) of this subsection, prime contractors for categories (a) through (d) shall not be required to name subcontractors in their bid In the case of a single bid under paragraph (2) or (3), all bids submitted shall set forth the names and license numbers of all subcontractors to whom the general contractor will subcontract the work described in the foregoing categories (a) through (d) Subcontractors who furnish non-specialty trade work pursuant to category (e) in paragraph (1) of this subsection or subcontractors who furnish work to named subcontractors pursuant to categories (a) through (d) in paragraph (1) of this subsection shall not be named in the bid Notwithstanding the foregoing provisions of this subsection, a State college may choose to require in its bid specification that a subcontractor shall be named in a bid when, in the case of paragraph (1), separate bids for each category, the work of that subcontractor exceeds 35 percent of the State college's estimated amount of value of the work, which shall be set forth in the bid specification

b Contracts shall be awarded to the lowest responsible bidder whose bid, conforming to the invitation for bids, will be the most advantageous to the State college, except that a bid may be disqualified due to prior negative experience pursuant to the provisions of section 10 of P L 2021, c 417 (C 18A 64-70 1) Whenever two or more bids of equal amounts are the lowest bids submitted by responsible parties, the college may award the contract to any of the parties, as, in its discretion, it may determine

9 Section 27 of P L 1986, c 43 (C 18A 64-78) is amended to read as follows

C 18A 64-78 Sale of surplus personal property

27 Any college may, by resolution of its board of trustees, authorize the sale in the following manner of its personal property not needed for college purposes

a If the estimated fair value of the property to be sold exceeds $100,000 or, commencing January 1,2005, the amount determined pursuant to subsection b of section 3 of P L 1986, c 43 (C 18A 64-54), in any one sale and the property does not consist of perishable goods, it shall be sold at public sale to the highest bidder

b Notice of the date, time and place of the public sale, together with a description of the items to be sold and the conditions of sale, shall be published once in a legal newspaper Sales shall be held not less than seven nor more than 14 days after the publication of the notice thereof

c Personal property may be sold to the United States, the State of New Jersey, another college or to any body politic by private sale without advertising for bids

d If no bids are received, the property may then be sold at private sale without further publication or notice thereof but in no event at less than the estimated fair value, or the State college may, if it so elects, reoffer the property at public sale As used herein, "estimated fair value" means the market value of the property if sold by a willing seller to a willing buyer less the cost to the college of continuing to store or maintain the property

e A State college may reject all bids if it determines a rejection to be in the public interest In any case in which the college has rejected all bids, it may readvertise the personal property for a subsequent public sale If it elects to reject all bids at a second public sale pursuant to this section, it may then sell the personal property without further publication or notice thereof at private sale, but in no event shall the negotiated price at the private sale be less than the amount of the highest bid rejected at the preceding two public sales, nor shall the terms or conditions of sale be changed or amended

f If the estimated fair value of the property to be sold does not exceed $100,000 or, commencing January 1, 2005, the amount determined pursuant to subsection b of section 3 of P L 1986, c 43 (C 18A 64-54), in any one sale or the property consists of perishable goods, it may be sold at private sale without advertising for bids

C 18A 64-70 1 Disqualification of bidder, criteria

10 a A board of trustees of a State college may, by resolution approved by a majority of the board and subject to subsections b and c of this section, disqualify a bidder who would otherwise be determined to be the lowest responsible bidder or the responsible bidder whose bid would otherwise be determined to be most advantageous to the State college as applicable, if the board finds that a board of an institution of higher education in the State has had prior negative experience with the bidder within the past 15 years

b As used in this section, "prior negative experience" means any of the following

(1) the bidder has been found, through either court adjudication, arbitration, mediation, or other contractually stipulated alternate dispute resolution mechanism, to have failed to provide or perform goods or services, or failed to complete the contract in a timely manner, or otherwise performed unsatisfactorily under a prior contract with a State college,

(2) the bidder defaulted on a contract, thereby requiring a State college to utilize the services of another contractor to provide the goods or perform the services or to correct or complete the contract,

(3) the bidder defaulted on a contract, thereby requiring a State college to look to the bidder's surety for completion of the contract or tender of the costs of completion, or

(4) the bidder is debarred or suspended from contracting with any of the agencies or departments of the executive branch of the State of New Jersey at the time of the contract award, whether or not the action was based on experience with a State college

c The following conditions shall apply if the State college is contemplating a disqualification based on prior negative experience

(1) The existence of any of the indicators of prior negative experience set forth in this section shall not require that a bidder be disqualified In each instance, the decision to disqualify shall be made within the discretion of the State college and shall be rendered in the best interests of the State college

(2) All mitigating factors shall be considered in determining the seriousness of the prior negative experience and in deciding whether disqualification is warranted

(3) The bidder shall be furnished by the State college with a written notice (a) stating that a disqualification is being considered, (b) setting forth the reason for the disqualification, and (c) indicating that the bidder shall be accorded an opportunity for a hearing before the State college if the bidder so requests within a stated period of time At the hearing, the bidder shall show good cause why the bidder should not be disqualified by presenting documents and testimony If the State college determines that good cause has not been shown by the bidder, it may vote to find the bidder lacking in responsibility and, thus, disqualified

(4) Disqualification shall be for a reasonable, defined period of time which shall not exceed five years

(5) A disqualification, other than a disqualification pursuant to which a State college is prohibited by law from entering into a contract with a bidder, may be voided or the period thereof may be reduced, in the discretion of the

State college, upon the submission of a good faith application under oath, supported by documentary evidence, setting forth substantial and appropriate grounds for the granting of relief, such as reversal of a judgment, or actual change of ownership, management or control of the bidder

(6) An opportunity for a hearing need not be offered to a bidder whose disqualification is based on its suspension or debarment by an agency or department of the executive branch of the State of New Jersey The term of such a disqualification shall be concurrent with the term of the suspension or debarment by the State agency or department

C 18A 3B-6 5 Cooperative pricing system, governing board authority, definitions

11 a (1) The governing board of a public institution of higher education may by resolution establish a cooperative pricing system with the governing boards of other public institutions of higher education

(2) A lead agency shall procure goods and services through a cooperative pricing system using a master contract A master contract shall be secured in accordance with all applicable State contracting and procurement laws

(3) A participating contracting unit may use the master contract during the contract period to procure goods or services of the same specification, quality, and price as that contained in the master contract with the lead agency

b No vendor shall be required to extend bid prices to participating contracting units in a cooperative pricing system unless so specified in the bids

c As used in this section

"Cooperative pricing system" means a purchasing system in which one public institution of higher education acts as the lead agency in establishing a master contract with a vendor for the provision of goods or services and through which other public institutions of higher education may subsequently procure goods or services using the master contract

"Lead agency" means a public institution of higher education that enters into a master contract under a cooperative pricing system pursuant to the provisions of this section

"Participating contracting unit" means a public institution of higher education, other than the lead agency, that procures goods or services from a vendor using a master contract

12 This act shall take effect on the 30th day after the date of enactment

Approved January 18, 2022

CHAPTER 418

AN ACT concerning compensation, pension, and health benefits for the New Jersey Maritime Pilot and Docking Pilot Commission, amending the Fiscal Year 2022 annual appropriations act, P L 2021, c 133, and various parts of statutory law

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

1 Section 75 of the Fiscal Year 2022 annual appropriations act, P L 2021, c 133, is amended to read as follows

75 Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to the New Jersey Real Estate Commission, Civil Service Commission, State Athletic Control Board, Public Employment Relations Commission and Appeal Board, New Jersey State Board of Mediation, New Jersey Racing Commission, Council on Local Mandates, Garden State Preservation Trust, the various State professional boards, the Certified Psychoanalysts Advisory Committee and the Audiology and Speech-Language Pathology Advisory Committee in the Department of Law and Public Safety, shall be subject to the following conditions 1) the base salary, per diem salary, or any other form of compensation, including that for expenses, for the board members or commissioners paid for out of State funds shall not exceed $100 per month, and 2) no State funds shall be used to pay for participation in the State Health Benefits Program by board members or commissioners No other compensation shall be paid, provided, however, that this paragraph shall not apply to the Commissioner/Chief Executive Officer of the State Athletic Control Board, the Chairperson/Chief Executive Officer of the Civil Service Commission, the Chairman of the Public Employment Relations Commission, and any commissioner or board member of any other State board, commission or independent authority who, in addition to being a member of the board or commission, also hold a full time staff position for such entity

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

C 43 15A-7 State employee eligibility

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 The membership of the retirement system shall include Workers' Compensation Judges of the Division of Workers' Compensation in the Department of Labor and Workforce Development, 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 and the person's service credit as a member of the system or fund shall include the period of mandatory or voluntary furlough provided the person continues to make contributions based on the person's base salary or compensation If the pay of a furloughed person is insufficient to withhold the entirety of the person's regular contributions, then the person shall remit the entirety of the regular contribution which was not withheld from the person's pay to the Division of Pensions and Benefits in the Department of the Treasury in a manner determined by the division, except that no deduction for the payment of such contributions shall be made from the unemployment compensation benefits of the employee

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

k An employee of a renaissance school project established pursuant to P L 2011, c 176 (C 18A 36C-1 et seq) upon commencement of employment

l Every commissioner appointed to the New Jersey Maritime Pilot and Docking Pilot Commission pursuant to R S 12 8-1

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 This paragraph shall not include Workers' Compensation Judges of the Division of Workers' Compensation in the Department of Labor and Workforce Development This paragraph shall not include a commissioner appointed to the New Jersey Maritime Pilot and Docking Pilot Commission pursuant to R S 12 8-1

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

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

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

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

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

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

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

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

(4) the person is an officer or employee of a political subdivision of this State or of a board of education, or of any agency, authority or instrumentality thereof, who is ineligible for membership in the Public Employees' Retirement System pursuant to section 20 of P L 2007, c 92 (C 43 15A-7 2)

c A person eligible and required to participate in the retirement program pursuant to paragraph (5) of subsection a of this section may elect to waive participation with regard to that employment, office, or position by filing, when first eligible, on a form required by the division, a written waiver with the Division of Pensions and Benefits that waives all rights and benefits that would

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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 2 of P L 1961, c 49 (C 52 14-17 26) is amended to read as follows

C 52 14-17 26 Definitions relative to health care benefits for public employees

2 As used in P L 1961, c 49 (C 52 14-17 26 et seq)

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

(b) The term "commission" means the State Health Benefits Commission, created by section 3 of P L 1961, c 49 (C 52 14-17 27)

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

(2) After the effective date of P L 2010, c 2, the term "employee" means (i) a full-time appointive or elective officer whose hours of work are fixed at 35 or more per week, a full-time employee of the State, or a full-time employee of an employer other than the State who appears on a regular payroll and receives a salary or wages for an average of the number of hours per week as prescribed by the governing body of the participating employer which number of hours worked shall be considered full-time, determined by resolution, and not less than 25, (ii) an appointive or elective officer, an employee of the State, or an employee of an employer other than the State who has or is eligible for health benefits coverage provided under P L 1961, c 49 (C 52 14-17 25 et seq) or sections 31 through 41 of P L 2007, c 103 (C 52 14-17 46 1 et seq) on that effective date and continuously thereafter, provided the officer or employee is covered by the definition in paragraph

(1) of this subsection, or (iii) every commissioner appointed to the New Jersey Maritime Pilot and Docking Pilot Commission pursuant to R S 12 8-1 Any hour or part thereof, during which an employee does not work due to the employee'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 for health benefits coverage provided under P L 1961, c 49 (C 52 14-17 25 et seq), provided the employee continues to pay contributions for coverage during the period of furlough If the pay of a furloughed employee is insufficient to withhold the entirety of the employee's contribution, then the employee shall remit the portion of the contribution not withheld from the employee's pay to the Division of Pensions and Benefits in the Department of the Treasury in a manner determined by the division, except that no deduction for the payment of such contributions shall be made from the unemployment compensation benefits of the employee For the purposes of this act, an employee of Rutgers, The State University of New Jersey, shall be deemed to be an employee of the State, and an employee of the New Jersey Institute of Technology shall be considered to be an employee of the State during such time as the Trustees of the Institute are party to a contractual agreement with the State Treasurer for the provision of educational services The term "employee" shall further mean, for purposes of this act, a former employee of the South Jersey Port Corporation, who is employed by a subsidiary corporation or other corporation, which has been established by the Delaware River Port Authority pursuant to subdivision (m) of Article I of the compact creating the Delaware River Port Authority (R S 32 3-2), as defined in section 3 of P L 1997, c 150 (C 34 1B-146), and who is eligible for continued membership in the Public Employees' Retirement System pursuant to subsection j of section 7 of P L 1954, c 84 (C 43 15A-7)

For the purposes of this act the term "employee" shall not include persons employed on a short-term, seasonal, intermittent or emergency basis, persons compensated on a fee basis, persons having less than two months of continuous service or persons whose compensation from the State is limited to reimbursement of necessary expenses actually incurred in the discharge of their official duties, provided, however, that the term "employee" shall include persons employed on an intermittent basis to whom the State has agreed to provide coverage under P L 1961, c 49 (C 52 14-17 25 et seq) in accordance with a binding collective negotiations agreement An employee paid on a 10-month basis, pursuant to an annual contract, will be deemed to have satisfied the two-month waiting period if the employee begins employment at the

beginning of the contract year The term "employee" shall also not include retired persons who are otherwise eligible for benefits under this act but who, although they meet the age or disability eligibility requirement of Medicare, are not covered by Medicare Hospital Insurance, also known as Medicare Part A, and Medicare Medical Insurance, also known as Medicare Part B A determination by the commission that a person is an eligible employee within the meaning of this act shall be final and shall be binding on all parties

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

(2) Notwithstanding the provisions of paragraph (1) of this subsection to the contrary and subject to the provisions of paragraph (3) of this subsection, for the purposes of an employer other than the State that is participating in the State Health Benefits Program pursuant to section 3 of P L 1964, c 125 (C 52 14-17 34), the term "dependents" means an employee's spouse or partner in a civil union couple and the employee's unmarried children under the age of 23 years who live with the employee in a regular parent-child relationship "Children" shall include stepchildren, legally adopted children and children placed by the Division of Child Protection and Permanency in the Department of Children and Families provided they are reported for coverage and are wholly dependent upon the employee for support and maintenance A spouse, partner in a civil union couple or child enlisting or inducted into military service shall not be considered a dependent during the military service The term "dependents" shall not include spouses or partners in a civil union couple of retired persons who are otherwise eligible for benefits under P L 1961, c 49 (C 52 14-17 25 et seq) but who, although they

meet the age or disability eligibility requirement of Medicare, are not covered by Medicare Hospital Insurance, also known as Medicare Part A, and Medicare Medical Insurance, also known as Medicare Part B

(3) An employer other than the State that is participating in the State Health Benefits Program pursuant to section 3 of P L 1964, c 125 (C 52 14-17 34) may adopt a resolution providing that the term "dependents" as defined in paragraph (2) of this subsection shall include domestic partners as provided in paragraph (1) of this subsection

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

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

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

with carriers or on a self-insured basis, and may be operated and administered by the State or by carriers under contracts with the State

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

(i) The term "traditional plan" means a health care plan which provides basic benefits, extended basic benefits and major medical expense benefits as set forth in section 5 of P L 1961, c 49 (C 52 14-17 29) by indemnifying eligible employees, retirees, and dependents for expenses for covered health care services and supplies through payments to providers or reimbursements to participants

(j) The term "successor plan" means a State-managed care plan that shall replace the traditional plan and that shall provide benefits as set forth in subsection (B) of section 5 of P L 1961, c 49 (C 52 14-17 29) with provisions regarding reimbursements and payments as set forth in paragraph (1) of subsection (C) of section 5 of P L 1961, c 49 (C 52 14-17 29)

5 This act shall take effect immediately and apply retroactively to July 1, 2021

Approved January 18, 2022

CHAPTER 419

AN ACT concerning the elective pass-through entity business alternative income tax, amending P L 2019, c 320 and P L 2002, c 40

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

1 Section 2 of P L 2019, c 320 (C 54A 12-2) is amended to read as follows

C 54A 12-2 Definitions relative to pass-through entity business alternative income tax

2 As used in P L 2019, c 320 (C 54A 12-1 et al)

"Direct share of the tax paid" means the portion of business alternative income tax calculated on the sum of each member's share of distributive proceeds attributable to the pass-through entity

"Director" means the Director of the Division of Taxation in the Department of the Treasury

"Distributive proceeds" means (1) in the case of a pass-through entity classified as a partnership for purposes of federal income tax law, the sum of (a) the distributive share of partnership income derived from sources both inside and outside New Jersey of all partners who are resident individuals, estates, or trusts that the partnership is required to report to the director under N J S 54A 5-4 plus (b) the distributive share of partnership income derived from sources inside New Jersey of all partners of the pass-through entity who are not resident individuals, estates, or trusts that the partnership is required to report to the director under section N J S 54A 5-4, and (2) in the case of an electing S corporation, the pro rata share of S corporation income allocated to this State as determined under section 12 of P L 1993, c 173 (C 54A 5-10) For purposes of determining distributive proceeds, a pass-through entity shall apply the allocation factors determined under N J S 54A 5-7

"Limited liability company" means an entity organized pursuant to the "Revised Uniform Limited Liability Company Act," P L 2012, c 50 (C 42 2C-1 et seq), or prior law providing for the formation of a limited liability company in this State, or formed as a limited liability company under similar statutes of other states, that is classified as a partnership or an S Corporation for purposes of federal income tax law

"Member" means a shareholder of an S corporation, a partner in a general, limited, or limited liability partnership, or a member of a limited liability company

"Partnership" means a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on in this State

"Pass-through business alternative income tax" means the tax set forth in subsection b of section 3 of P L 2019, c 320 (C 54A 12-3)

"Pass-through entity" means a partnership, an S corporation, or a limited liability company, with at least one member who is liable for tax on distributive proceeds pursuant to the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , in a taxable year

"Share of distributive proceeds" means the portion of distributive proceeds attributable to a member of a pass-through entity in a taxable year

"Taxable year" means the same as in N J S 54A 1-2

"Taxed at the business entity level" means taxed pursuant to an election made under P L 2019, c 320 (C 54A 12-1 et al)

2 Section 3 of P L 2019, c 320 (C 54A 12-3) is amended to read as follows

C 54A 12-3 Election to pay pass-through business alternative income tax

3 a A pass-through entity with at least one member who is liable pursuant to the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , for tax on that member's share of distributive proceeds of the pass-through entity in a taxable year may elect to be liable for, and pay, a pass-through business alternative income tax in the taxable year

b Each pass-through entity that makes an election for a taxable year pursuant to this section shall annually report to each of its members, for the taxable year, the member's share of distributive proceeds

(1) The election to pay tax at the entity level is available if consent is made by each member of the electing entity who is a member at the time the election is filed or by any officer, manager, or member of the electing entity who is authorized, under law or the entity's organizational documents, to make the election and who represents to having such authorization under penalties of perjury This election shall be made annually on or before the due date of the entity's return as established by the director and on forms prescribed by the director This election shall not be made retroactively If the members decide to revoke an election, that revocation shall occur on or before the due date of the entity's return

(2) The tax imposed on a pass-through entity pursuant to this section shall be determined in accordance with the following table with respect to the sum of each member's share of distributive proceeds attributable to the pass-through entity for the taxable year

For taxable years beginning on or after January 1, 2020

If the sum of each member's share of distributive proceeds attributable to the pass-through entity is	The tax is
Not over $250,000 00	5 675% of the sum of distributive proceeds
Over $250,000 00 but not over $1,000,000 00	$14,187 50 plus 6 52% of the excess over $250,000 00
Over $1,000,000 00	$63,087 50 plus 10 9% of the excess over $1,000,000 00

c The amount of pass-through business alternative income tax due from a pass-through entity in a taxable year shall be exclusive of any amount of tax due and paid by the pass-through entity pursuant to the "Corporation Business Tax Act (1945)," P L 1945, c 162 (C 54 10A-1 et seq), during any privilege period, except as otherwise provided in P L 2019, c 320 (C 54A 12-1 et al)

(1) A pass-through entity which elects to pay the pass-through business entity income tax shall be included in a combined group, as defined in subsection (z) of section 4 of P L 1945, c 162 (C 54 10A-4), and file a New Jersey combined return pursuant to the Corporation Business Tax Act, P L 1945, c 162 (C 54 10A-1 et seq) A pass-through entity which elects to pay the pass-through business entity income tax shall be excluded from a combined group, as defined in subsection (z) of section 4 of P L 1945, c 162 (C 54 10A-4), and from filing a New Jersey combined return pursuant to the Corporation Business Tax Act, P L 1945, c 162 (C 54 10A-1 et seq) if the pass-through entity meets the following (a) all of the members of the pass-through entity are taxpayers otherwise liable for the tax under the "New Jersey Gross Income Tax Act," N J S A 54A 1-1 et seq , and (b) no business entity taxed as a corporation under the Corporation Business Tax Act, P L 1945, c 162 (C 54 10A-1 et seq), has a direct, indirect, beneficial, or constructive ownership or control of the pass-through entity

(2) Nothing shall prevent a group of pass-through entities under common ownership by an individual, estate, or trust, or a group of related individuals, estates, or trusts, from filing a composite or consolidated pass-through business entity income tax return In determining whether the pass-through entities are under common ownership, the individual, estate, or trust, or a group of related individuals, estates, or trusts, must own more than 50 percent of the direct or indirect voting control of each pass-through entity, provided, however, section 318 of the federal Internal Revenue Code, 26 U S C s 318, shall apply for determining voting control

d Pass-through entities whose members have made the business alternative income tax election shall file an entity tax return and make payments on or before the 15th day of the third month following the close of each entity's taxable year for federal income tax purposes A pass-through entity shall make estimated entity tax payments on or before the 15th day of each of the fourth month, sixth month, and ninth month of the taxable year and on or before the 15th day of the first month succeeding the close of the taxable year

e A pass-through entity that overpays tax in one taxable year shall be allowed to apply the overpayment of tax to the subsequent taxable year's estimated entity tax payments

3 Section 5 of P L 2019, c 320 (C 54A 12-5) is amended to read as follows

C 54A 12-5 Refundable gross income tax credit

5 a Each member of a pass-through entity that elects to be liable for, and pay, the pass-through business alternative income tax pursuant to section 3 of P L 2019, c 320 (C 54A 12-3) for the taxable year shall be allowed a tax credit in the amount equal to the member's direct share of the tax paid pursuant to section 3 of P L 2019, c 320 (C 54A 12-3)

The credit allowed to each member of the pass-through entity shall be applied for the taxable year as follows

(1) a member who is a natural person shall be allowed a refundable credit against the tax imposed under the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq ,

(2) a member that is an estate or trust shall be allowed a refundable credit against the tax imposed under the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , which credit may be allocated to beneficiaries or may be used against the tax liability of the estate or trust,

(3) a member that is a corporation, other than an S corporation, shall be allowed a refundable credit against (a) the surtax imposed under section 1 of P L 2018, c 48 (C 54 10A-5 41) or (b) the tax imposed under section 5 of P L 1945, c 162 (C 54 10A-5),

(4) a member that is an S Corporation shall be allowed (a) a refundable credit against the tax imposed under the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , which credit shall be allocated among the shareholders of the corporation or (b) a refundable credit against the tax liability of the corporation, which credit may be applied against (i) the surtax imposed under section 1 of P L 2018, c 48 (C 54 10A-5 41), (ii) the tax imposed under section 5 of P L 1945, c 162 (C 54 10A-5), (iii) the tax imposed under subsection d of section 4 of P L 1993, c 173 (C 54 10A-5 23), or (iv) the tax imposed under section 3 of P L 2019, c 320 (C 54A 12-3), and

(5) a member that is an entity classified as a partnership for federal tax purposes shall be allowed (a) a refundable credit against the tax imposed under the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , which credit shall be allocated among the partners of the partnership, or (b) a refundable credit against the tax liability of the partnership, which credit may be applied against (i) the tax imposed pursuant to section 12 of P L 2002, c 40 (C 54 10A-15 11), (ii) the fee imposed pursuant to N J S 54A 8-6, or (iii) the tax imposed pursuant to section 3 of P L 2019, c 320 (C 54A 12-3)

b The credit allowed by this section shall be available after the application of all other credits allowed by law and claimed by the member, or as applicable, the beneficiary of a member estate or trust, the shareholder of a member corporation, or the partner of a member partnership, in the taxable year

c For a member, if the credit exceeds the amount of tax otherwise due, that amount of excess shall be an overpayment for the purposes of N J S 54A 9-7 or R S 54 49-15, as appropriate, provided however, that subsection (f) of N J S 54A 9-7 and section 7 of P L 1992, c 175 (C 54 49-15 1) shall not apply

d (Deleted by amendment, P L 2021, c 419)

e The director shall adopt regulations to allow the amount of the credit that shall be determined to be an overpayment for the purposes of N J S 54A 9-7 or R S 54 49-15, as appropriate, to be applied against the estimated tax for a successive year

4 Section 11 of P L 2019, c 320 (C 54 10A-5 43) is amended to read as follows

C 54 10A-5 43 Tax credit for certain corporate member

11 Where the pass-through entity, which pays the pass-through business alternative income tax, is owned by both corporate members and non-corporate members, the corporate member shall be allowed a refundable tax credit against the surtax imposed pursuant to section 1 of P L 2018, c 48 (C 54 10A-5 41) or the tax imposed under paragraph (1) of subsection c of section 5 of P L 1945, c 162 (C 54 10A-5), if the corporate member is a member of a pass-through entity that elects to owe and pay the pass-through business alternative income tax determined pursuant to section 3 of P L 2019, c 320 (C 54A 12-3) for the taxable year, provided, however, the credit shall not reduce the corporate member's tax liability below the statutory minimum imposed under subsection e of section 5 of P L 1945, c 162 (C 54 10A-5)

a For each pass-through entity of which the corporate member is a member, the amount of the credit shall equal the member's share of the tax paid pursuant to section 3 of P L 2019, c 320 (C 54A 12-3), which credit shall be applied against the surtax or corporation business tax liability of the member during the member's privilege period

b The credit allowed by this section shall be taken as prescribed by the director A taxpayer shall only claim a credit for payment of the pass-through business alternative income tax made by the entity that is applicable to the same tax year

c If the pass-through entity is unitary with both the corporate member and the member's combined group filing a New Jersey combined return for which the corporate member is included as a member, within the meaning of subsection (dd) of section 4 of P L 1945, c 162 (C 54 10A-4) and section 23 of P L 2018, c 48 (C 54 10A-4 11), the credit shall be shareable for the purposes of subsection i of section 18 of P L 2018, c 48 (C 54 10A-4 6) and allowed to reduce the total surtax and total corporation business tax liability of the combined group but not the below the aggregate statutory minimum tax of the taxable members of the combined group

d If the pass-through entity is unitary with the corporate member, but not the member's combined group filing a New Jersey combined return for which the corporate member is included as a member, within the meaning of subsection (dd) of section 4 of P L 1945, c 162 (C 54 10A-4) and section 23 of P L 2018, c 48 (C 54 10A-4 11), the credit shall not be shareable for the purposes of subsection i of section 18 of P L 2018, c 48 (C 54 10A-4 6) but shall be allowed to reduce the total surtax and total corporation business tax liability of the corporate member derived from the corporate member's activities that are independent of the unitary business of the member's combined group

e An exempt corporate member that is a corporation exempt from tax pursuant to section 3 of P L 1945, c 162 (C 54 10A-3) shall be refunded the share of the tax paid by the pass-through entity on the exempt corporate member's distributive proceeds of the pass-through entity

f For the purposes of this section

"Corporate member" means a member that is not an individual, an estate, or a trust subject to taxation pursuant to the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , that is not a corporation exempt from the Corporation Business Tax Act pursuant to section 3 of P L 1945, c 162 (C 54 10A-3) A corporate member does not include another pass-through entity, including a New Jersey S Corporation

"Exempt corporate member" means a member that is not an individual, an estate, or a trust subject to taxation pursuant to the "New Jersey Gross Income Tax Act," N J S A 54A 1-1 et seq and that is a corporation exempt from the Corporation Business Tax Act pursuant to section 3 of P L 1945, c 162 (C 54 10A-3)

"Noncorporate member" means an individual, an estate or a trust subject to taxation pursuant to the "New Jersey Gross Income Tax Act," N J S A 54A 1-1 et seq

"Pass-through entity member" means a member that itself is a pass-through entity, including a New Jersey S Corporation

5 Section 12 of P L 2002, c 40 (C 54 10A-15 11) is amended to read as follows

C 54 10A-15 11 Tax payment by certain partnerships, definitions

12 a (1) A partnership that is not a qualified investment partnership or an investment club and that is not listed on a United States national stock exchange shall, on or before the 15th day of the fourth month succeeding the close of each privilege period, remit a payment of tax The amount of tax shall be equal to the sum of all of the share of the entire net income of the partnership for that privilege period of all nonresident noncorporate partners, multiplied by an allocation factor determined, pursuant to section 6 of P L 1945, c 162 (C 54 10A-6), based on the allocation fractions of the partnership for that privilege period, and multiplied by 0637 plus all of the share of the entire net income of the partnership for that privilege period of all nonresident corporate partners, multiplied by an allocation factor determined, pursuant to section 6 of P L 1945, c 162 (C 54 10A-6), based on the allocation fractions of the partnership for that privilege period, and multiplied by 09

(2) (a) A partnership that is subject to the tax payment requirements of paragraph (1) of this subsection shall make installment payments of 25% of that tax on or before the 15th day of each of the fourth month, sixth month and ninth month of the privilege period and on or before the 15th day of the first month succeeding the close of the privilege period

(b) A partnership required to make an installment payment pursuant to subparagraph (a) of this paragraph shall be deemed to make an installment payment subject to the provisions of section 5 of P L 1981, c 184 (C 54 10A-15 4) and shall be liable for any additions to tax provided thereunder

(3) A partnership shall not be required to remit a payment of tax pursuant to paragraph (1) of this subsection for any nonresident that reasonably expects to be refunded the payment on account of a tax credit pursuant to section 5 of P L 2019, c 320 (C 54A 12-5)

b An amount of tax paid by a partnership pursuant to paragraph (1) of subsection a of this section and an installment payment paid pursuant to subparagraph (a) of paragraph (2) of subsection a of this section shall be credited to the partnership accounts of its nonresident partners in proportion to each nonresident partner's share of allocated entire net income and the multiplier rate for that partner class under subsection a of this section, and each amount of tax so credited shall be deemed to have been paid by the respective partner in respect of the privilege period or taxable year of the partner Provided, however, that only a nonresident partner who files a New

Jersey tax return and reports income that is subject to tax in this State may apply the tax paid by the partnership and credited to the nonresident partner's partnership account against the partner's tax liability, and provided further that a partnership that pays tax pursuant to this section shall not be entitled to claim a refund of payments credited to any of its nonresident partners

c For the purposes of this section

"Investment club" means an entity that is classified as a partnership for federal income tax purposes, all of the owners of which are individuals, all of the assets of which are securities, cash, or cash equivalents, the market value of the total assets of which do not exceed, as measured on the last day of its privilege period, an amount equal to the lesser of $250,000 or $35,000 per owner of the entity, and which is not required to register itself or its membership interests with the federal Securities and Exchange Commission, provided that beginning with privilege periods commencing on or after January 1, 2003 the director shall prescribe the total asset value amounts which shall apply by increasing the $250,000 total asset amount and the per owner $35,000 amount hereinabove by an inflation adjustment factor, which amounts shall be rounded to the next highest multiple of $100 The inflation adjustment factor shall be equal to the factor calculated by dividing the consumer price index for urban wage earners and clerical workers for the nation, as prepared by the United States Department of Labor for September of the calendar year prior to the calendar year in which the privilege period begins, by that index for September of 2001,

"Nonresident noncorporate partner" means an individual, an estate or a trust subject to taxation pursuant to the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , that is not a resident taxpayer or a resident estate or trust under that act,

"Nonresident corporate partner" means a partner that is not an individual, an estate or a trust subject to taxation pursuant to the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , that is not a corporation exempt from tax pursuant to section 3 of P L 1945, c 162 (C 54 10A-3), and that does not maintain a regular place of business in this State other than a statutory office, and

"Partner" means an owner of an interest in the partnership, in whatever manner that owner and ownership interest are designated

6 This act shall take effect January 1, 2022

Approved January 18, 2022

CHAPTER 420

AN ACT concerning teacher certification and supplementing chapter 26 of Title 18A of the New Jersey Statutes

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

C 18A 26-34 Exemption from basic reading, writing, mathematics test, definitions

1 a Notwithstanding any law, rule, or regulation to the contrary, the State Board of Education shall not require a candidate for or the holder of a certificate of eligibility in a career and technical education endorsement or a certificate of eligibility with advance standing in a career and technical education endorsement to complete a Commissioner-approved test of basic reading, writing, and mathematics skills in order to obtain a standard certificate, including, but not limited to, the Praxis Core Academic Skills for Educators test, if the candidate can demonstrate proficiency in the use of English language and mathematics through an alternate measure

b As used in this section

"Alternate measure" means any demonstration of basic skills proficiency, other than a test, that is approved by the Department of Education, including, but not limited to a portfolio of work products as approved by the superintendent of a candidate's employing school district, obtainment of an occupational license or certification, or an industry certificate or registration

"Certificate of eligibility" means a certificate with lifetime validity issued by the State Board of Examiners to candidates who meet degree, academic, and applicable test requirements for teacher certification

"Certificate of eligibility with advanced standing" means a certificate with lifetime validity issued by the State Board of Examiners to candidates who meet degree, academic, and test requirements for teacher certification and complete an educator preparation program

2 This act shall take effect in the first full school year following enactment

Approved January 18, 2022

CHAPTER 421

AN ACT concerning the establishment of a program for direct support professionals by the New Jersey Community College Consortium for Workforce and Economic Development, supplementing chapter 64A of Title 18A of the New Jersey Statutes, and making an appropriation

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

C 18A 64A-82 Findings, declarations

1 The Legislature finds and declares that

a People with intellectual and developmental disabilities strive to live active, engaged lives within the community

b Community inclusion is shown to promote the best outcomes and quality of life for people with intellectual and developmental disabilities

c Direct support professionals (DSPs) provide critical services and supports for people with intellectual and developmental disabilities and without these services community inclusion for many people with intellectual and developmental disabilities would not be possible

d DSPs support individuals with intellectual and developmental disabilities in their own homes, family homes, provider-managed residences and programs, in the community, and workplaces They support individuals with the activities related to daily living, including personal care, health and well-being, behavioral and mental health, relationship building, home and community participation, achievement of goals, and a variety of other individual needs They require the ethics, skills, and competency to effectively provide these supports

e However, the system of services and supports that people with intellectual and developmental disabilities rely on for becoming contributing citizens in their communities is facing an ongoing workforce crisis, harming the ability of people with intellectual and developmental disabilities to access services This strain is further exacerbated by the COVID-19 pandemic

f The DSP workforce crisis, that is evident across the nation, is characterized in several ways, including high turnover, difficulty recruiting, and no discernable career path, all of which threatens the number and quality of available services and supports for people with intellectual and developmental disabilities

g The Centers for Medicare and Medicaid Services has awarded Money Follows the Person funds (MFP) to the Department of Human

Services, Division of Developmental Disabilities (DDD) to address the DSP crisis through a process facilitated by DDD and the Boggs Center on Developmental Disabilities, Rutgers, Robert Wood Johnson Medical School to establish core competencies for New Jersey and related training The federal MFP funding and this act represents a recognition of the need for a Direct Support Professional Career Development Program aligned with national and State core competencies in order to instill competence, confidence, and investment in the workforce that contributes to the well-being and quality of life of people with intellectual and developmental disabilities by providing an opportunity for career development, advancement, and learning new skills

h Efforts of the Direct Support Professional Career Development Program will be aligned with the competencies developed and adopted by New Jersey

i The Direct Support Professional Career Development Program shall have two objectives First, the program shall conduct a pilot that focuses on DSP recruitment of high school or county college students, but may also be open to individuals pursuing a change in career, and oversee implementation of one-year paid fellowship opportunities The program shall be responsible for determining and evaluating the criteria for fellowship recipients, and selecting new fellows on an annual basis

j The second objective of the Direct Support Professional Career Development Program shall be to provide support to existing and new DSPs with educational programming and experience that help them build skills and competency while working in the field and further their professional development

C 18A 64A-83 Direct Support Professional Career Development Program established, purpose, duties

2 The Direct Support Professional Career Development Program shall be established by the New Jersey Community College Consortium for Workforce and Economic Development at one of its Centers for Workforce Innovation as part of the New Jersey Pathways to Career Opportunities Initiative The program shall also establish two additional program sites, one located at a county college in the northern region of the State, and one located at a county college in the southern region of the State The Secretary of Higher Education, in consultation with the New Jersey Council of County Colleges, shall select the location for the program's additional sites

The program shall be guided by an advisory council that includes representatives from target school districts, county colleges, and One-Stop

Career Centers, and representatives from each of the following stakeholder groups people with disabilities, family members of people with disabilities, direct support professionals, frontline supervisors, and service provider leadership The advisory council shall work in partnership with the Division of Developmental Disabilities in the Department of Human Services and the Boggs Center on Developmental Disabilities, Rutgers, Robert Wood Johnson Medical School

The Secretary of Higher Education, in consultation with the President of the New Jersey Council of County Colleges, shall appoint the members of the advisory council Members of the advisory council shall serve without compensation, but shall be reimbursed for their actual and necessary expenses

It shall be the purpose of the program to provide a potential career path to individuals interested in human services and allied health career fields in addition to existing direct support professionals, thereby assisting with recruitment and retention of this critical workforce

The program, through partnerships with local school districts, county colleges, and One-Stop Career Centers, shall identify and recruit individuals who are interested in learning about and serving people with intellectual and developmental disabilities The program shall provide participating students with a one-year fellowship program that offers mentorship and training regarding the responsibilities of direct support professionals and a potential job opportunity upon graduation The program shall provide online training in addition to on-site training and mentorship with experienced direct support professionals employed by collaborating agencies that serve individuals with intellectual and developmental disabilities

In addition to students, the Direct Support Professional Career Development Program shall work with existing and potential direct support professionals to identify their educational goals including credentialing, an associate's degree, and a bachelor's degree

The Direct Support Professional Career Development Program shall collaborate with local One-Stop Career Centers to provide opportunities for unemployed and underemployed workers to receive training to pursue employment in the field of Direct Support

C 18A 64A-84 Career counseling services

3 The Direct Support Professional Career Development Program, and each additional program site, established pursuant to section 2 of this act shall provide career counseling

The career counseling shall provide ongoing support to participating students as well as direct support professionals, including providing the

student with assistance in finding appropriate postsecondary programs, support with completion of the Direct Support Professional Career Development Pathway established pursuant to section 4 of this act, or in connecting the student with a provider agency that serves people with intellectual and developmental disabilities

C 18A 64A-85 Direct Support Professional Career Development Pathway created, special attention to people with disabilities

4 In collaboration with the Division of Developmental Disabilities in the Department of Human Services and entities focused on promoting the self-determination and full participation of people with disabilities, the Center of Workforce Innovation, and each additional program site, shall implement a competency-based Direct Support Professional Career Development Pathway, in alignment with the Money Follows the Person Direct Support Professional Capacity Building effort, and develop curriculum specific to the field of intellectual and developmental disabilities, including a certificate, associate's degree, and bachelor's degree

The Career Development Pathway shall assist individuals employed as a direct support professional increase their skills, achieve competency in the field, and as part of the certificate program, earn fully transferable course credit applicable toward an associate's degree in a human service or relevant healthcare field at any county college It shall be the purpose of the Career Development Pathway to improve the recruitment, competence, and retention of the direct support professionals workforce

C 18A 64A-86 Appropriations, New Jersey Community College Consortium for Workforce and Economic Development grant distribution

5 a There is appropriated from the General Fund to the Office of the Secretary of Higher Education the sum of $1,000,000 for the purposes of fulfilling the provisions of this act

b The Office of the Secretary of Higher Education shall distribute a grant to the New Jersey Community College Consortium for Workforce and Economic Development to establish the Direct Support Professional Career Development Program at a Center for Workforce Innovation, and at the program's additional sites, distribute fellowship funding to cover living expenses for participating individuals, and establish a fund for existing direct support professionals to cover costs associated with furthering their education No more than 10 percent of the funds appropriated pursuant to this section shall be used for administrative expenses The Secretary of Higher Education shall approve any budget pursuant to this act

6 This act shall take effect on the first day of the sixth month next following the date of enactment

Approved January 18, 2022

CHAPTER 422

AN ACT concerning the labeling of fruits and vegetables by food retailers 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 10-19 3 Prohibiting certain labels on produce, penalties

1 a Beginning 60 days after the effective date of this section, a food retailer shall not label, or advertise or in any way imply with labeling or signage in the store or other establishment where the fruit or vegetable is sold, that a fruit or vegetable is "locally grown," "locally harvested," "locally sourced," or local to the State unless the fruit or vegetable was grown, harvested, and packaged within the State

b Beginning 60 days after the effective date of this section, a food retailer who violates the provisions of this section shall be subject to a penalty of not less than $100 for the first violation, or more than $200 for a second or subsequent violation, to be collected in a civil action in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P L 1999, c 274 (C 2A 58-10 et seq) The Superior Court and the municipal court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999" in connection with this section Each type of fruit or vegetable improperly labeled by a food retailer in violation of this section shall constitute a separate violation The Secretary of Agriculture is authorized to institute a civil action for a violation of this section

c As soon as practicable after the effective date of this act, the Department of Agriculture shall post on its website notification of the enactment and provisions of this section

d As used in this section, "food retailer" means an establishment that sells a selection of foods to consumers including, but not limited to, grocery stores, supermarkets, farmer's markets, and convenience stores

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 423

AN ACT concerning apprenticeship programs of public works contractors, amending and supplementing P L 1999, c 238, and repealing section 2 of P L 2019, c 518

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

1 Section 5 of P L 1999, c 238 (C 34 11-56 52) is amended to read as follows

C 34 11-56 52 Contractor to register in writing, form, requisites

5 a A contractor shall register in writing with the department on a form provided by the commissioner The form shall require the following information

(1) The name, principal business address and telephone number of the contractor,

(2) Whether the contractor is a corporation, partnership, sole proprietorship, or other form of business entity,

(3) If the contractor's principal business address is not within the State, the name and address of the contractor's custodian of records and agent for service of process in this State,

(4) The name and address of each person with a financial interest in the contractor and the percentage interest, except that if the contractor is a publicly traded corporation, the contractor shall supply the names and addresses of the corporation's officers,

(5) The contractor's tax identification number and unemployment insurance registration number,

(6) A certification form provided by the commissioner, with documentation satisfactory to the commissioner, that the contractor has all valid and effective licenses, registrations or certificates required by State law, including registrations or certifications required to do business in the State of New Jersey, and the contractor, if directly employing craftworkers, participates in a registered apprenticeship program as defined in section 3 of P L 1999, c 238 (C 34 11-56 50) for each craft they employ,

(7) A certification form provided by the commissioner, with supporting documentation, establishing to the satisfaction of the commissioner that the registered apprenticeship program, as defined in section 3 of P L 1999, c 238 (C 34 11-56 50), meets all of the requirements of section 6 of P L 2021, c 423 (C 34 11-56 55a), and 29 C F R ss 29 3, 29 4, 29 5, 29 6 and 29 7,

(a) If it is determined by the commissioner that a registered apprenticeship program in which the contractor participates does not meet all of the requirements of 29 C F R ss 29 3, 29 4, 29 5, 29 6 and 29 7, that determination of the commissioner shall, subject to the requirements of subsection b of section 9 of P L 1999, c 238 (C 34 11-56 56), including the contractor's right to request a hearing, result in initial registration application denial, registration renewal denial, revocation, or suspension of the certificate of registration to perform public work in New Jersey,

(b) The determination of the commissioner under this paragraph shall only impact the contractor's ability to obtain or maintain its public works contractor registration certificate under P L 1999, c 238 (C 34 11-56 48 et seq), and shall not affect the status of the registered apprenticeship program for the purpose of its continued operation in New Jersey,

(c) A determination by the commissioner under subparagraph (a) of this paragraph (7) that a registered apprenticeship program in which the contractor participates does not meet all of the requirements of 29 C F R ss 29 3, 29 4, 29 5, 29 6 and 29 7 shall result not only in initial registration application denial, registration renewal denial, revocation or suspension of that contractor's certificate of registration to perform public work in New Jersey, but also shall result in the initial registration application denial, registration renewal denial, revocation or suspension of every contractor who is meeting the apprenticeship program participation requirement through participation in the non-compliant registered apprenticeship program, provided that any initial registration application denial, registration renewal denial, revocation or suspension shall be subject to the requirements of subsection b of section 9 of P L 1999, c 238 (C 34 11-56 56), including the contractor's right to request a hearing, and

(8) Any other relevant and appropriate information as determined by the commissioner

b At the time of registration, and subsequently upon request, the contractor shall submit to the commissioner documentation demonstrating that the contractor has worker's compensation insurance coverage for all workers as required by law

2 Section 6 of P L 1999, c 238 (C 34 11-56 53) is amended to read as follows

C 34 11-56 53 Nonrefundable registration fees

6 a The contractor shall pay an initial annual non-refundable registration fee of $500 to the commissioner The non-refundable registration fee for the second annual registration shall be $500 Upon successful completion of two consecutive years of registration, a contractor may elect to register for a two-year period and pay a non-refundable registration fee of $750

b A contractor who is performing public work on the effective date of this act shall submit the registration application form and fee to the commissioner within 30 days of the effective date of this act

c Registration fees collected pursuant to this act shall be applied toward the enforcement and administration costs of the Division of Workplace Standards, Office of Wage and Hour Compliance, Public Contracts section and Registration section within the department

3 Section 7 of P L 1999, c 238 (C 34 11-56 54) is amended to read as follows

C 34 11-56 54 Issuance of certificate of registration

7 Upon receipt of the fee, form and documentation required by section 5 of this act, and upon a finding that the applicant for the certificate of registration has met all of the requirements set forth at section 5 of P L 1999, c 238 (C 34 11-56 52), the commissioner shall issue a certificate of registration to the contractor A registration certificate shall be valid for one calendar year from the date of registration Registrations shall be renewed not less than 30 days before the expiration date of the immediately preceding registration

C 34 11-56 54a Contractor, sponsor obligations, registration certificate renewal cycles, compliance

4 a Each contractor or sponsor as defined herein, who is registered under P L 1999, c 238 (C 34 11-56 48 et seq) to bid on and perform public work shall be under a continuing obligation between registration certificate renewal cycles to ensure compliance with the requirements of section 5 of P L 1999, c 238 (C 34 11-56 52)

b When between registration certificate renewal cycles it is determined by the department that a contractor has failed to comply with the

requirements of section 5 of P L 1999, c 238 (C 34 11-56 52), provided it is also determined by the department that the failure to comply with section 5 of P L 1999, c 238 (C 34 11-56 52) existed at the time of the contractor's most recent certificate of registration application, whether that application was for contractor registration renewal or initial approval, the department shall consider the resulting failure of the contractor to accurately complete its registration application to have been the making or causing to be made of a false, deceptive or fraudulent statement on the public works contractor registration form, which pursuant to paragraph (7) of subsection a of section 9 of P L 1999, c 238 (C 34 11-56 56), constitutes grounds for revocation of the contractor's certificate of registration

c When between registration certificate renewal cycles it is determined by the department that a contractor has failed to comply with section 5 of P L 1999, c 238 (C 34 11-56 52), but where it is also determined by the department that the failure to comply with section 5 of P L 1999, c 238 (C 34 11-56 52) did not exist at the time of the contractor's most recent certificate of registration application, whether that application was for contractor registration renewal or initial approval, the department shall suspend the contractor's certificate of registration pursuant to this section either until the contractor establishes compliance with section 5 of P L 1999, c 238 (C 34 11-56 52) or until the beginning of the next registration certificate renewal cycle, whichever occurs first

d When a contractor has had its registration certificate either revoked or suspended under subsections b or c of this section, for failure between registration certificate renewal cycles to comply with section 5 of P L 1999, c 238 (C 34 11-56 52), that registration certificate revocation or suspension shall be taken into consideration by the department as a prior offense when determining whether to grant any subsequent certificate of registration application

5 Section 9 of P L 1999, c 238 (C 34 11-56 56) is amended to read as follows

C 34 11-56 56 Violation, disorderly persons offense, other penalties, suspension, hearing

9 a A contractor who (1) willfully hinders or delays the commissioner in the performance of his duties in the enforcement of this act, (2) fails to make, keep, and preserve any records as required under the provisions of the "New Jersey Prevailing Wage Act," P L 1963, c 150 (C 34 11-56 25 et seq), (3) falsifies any such record, or refuses to make any such record accessible to the commissioner upon demand, (4) refuses to furnish a sworn statement of such

records or any other information required for the enforcement of this act to the commissioner upon demand, (5) pays or agrees to pay wages at a rate less than the rate prescribed by the "New Jersey Prevailing Wage Act," P L 1963, c 150 (C 34 11-56 25 et seq), (6) willfully makes, or causes to be made, a false, deceptive or fraudulent statement on the public works contractor registration form, or (7) otherwise violates any provision of this act, shall be guilty of a disorderly persons offense and shall, upon conviction, be subject to punishment by a fine of not less than $2,500 nor more than $25,000 and disqualification from bidding on or engaging in public work for a period of up to three years Where the contractor has made or has caused to be made a false, deceptive or fraudulent statement on the public works contractor registration form in connection with the requirement of section 5 of P L 1999, c 238 (C 34 11-56 52) that the contractor participate in a registered apprenticeship program for each craft that the contractor employs, and where the false, deceptive or fraudulent statement was made by an officer or employee charged with the duty of completion of the registration form for a contractor, that officer or employee, upon conviction, shall be subject to punishment by the fine indicated in this subsection or by imprisonment not exceeding six months, or both

b As an alternative to or in addition to sanctions provided by the "New Jersey Prevailing Wage Act," P L 1963, c 150 (C 34 11-56 25 et seq), the commissioner may, after providing the contractor with notice of any alleged violation of this act, and with an opportunity to request a hearing before the commissioner or his designee

(1) Deny renewal, revoke or suspend the registration of a contractor for a period of not more than five years, or

(2) Require a contractor, as a condition of initial or continued registration, to provide a surety bond payable to the State The surety bond shall be for the benefit of workers damaged by any failure of a contractor to pay wages or benefits pursuant to or otherwise comply with the provisions of the "New Jersey Prevailing Wage Act," P L 1963, c 150 (C 34 11-56 25 et seq) or this act The surety bond shall be in the amount and form that the commissioner deems necessary for the protection of the contractor's workers, but shall not exceed $10,000 per worker The surety bond shall be issued by a surety that meets the requirements of N J S 2A 44-143

c The director may order the immediate suspension of a contractor's registration, prior to a formal hearing on the revocation of the contractor's registration pursuant to subsection b of this section, if the director determines that ordering an immediate suspension is in the public interest

and provided that the contractor is afforded an opportunity to contest the immediate suspension in the following manner

(1) The director shall notify the contractor in writing of the immediate revocation and the contractor's rights under the subsection

(2) The contractor may notify the director of its request for an opportunity to be heard and contest the immediate suspension in writing within 72 hours of its receipt of immediate suspension notification

(3) Within seven business days of receipt of the notification from the contractor pursuant to paragraph (2) of this subsection, the director shall grant the contractor a hearing to contest the immediate suspension The director shall permit the contractor to present evidence at the hearing

(4) The director shall issue a written decision within five business days of the hearing either upholding or reversing the contractor's immediate suspension The decision shall include the grounds for upholding or reversing the contractor's immediate suspension

(5) If the contractor disagrees with the written decision, the contractor may appeal the decision to the commissioner, in accordance with the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq)

d If the director intends to impose an immediate suspension as set forth in subsection c of this section, based upon a rebuttable presumption as set forth in section 14 of P L 1963, c 150 (C 34 11-56 38), the director shall provide the contractor with a notice of intent to suspend and the contractor may request a hearing before the Director of the Division of Wage and Hour Compliance within 72 hours of the receipt of the notice of intent to suspend in order to present evidence expeditiously in support of the position that the suspension should not be imposed The suspension shall not take effect prior to the expiration of the 72-hour opportunity to request a hearing If such a request is not made, the suspension shall take effect at the end of the 72-hour period If such a request is made, the suspension shall take effect only after the director conducts the hearing

e If the director orders the immediate suspension of a contractor's registration pursuant to subsection b of this section, the violation shall have no effect on the registration of any contractor or subcontractor, regardless of tier, in the contractual chain with the suspended contractor, unless the registration form for the contractual chain of contractors and subcontractors was filed by a sponsor, in which case all of the contractors of whatever tier who participated in the sponsor's apprenticeship program shall be suspended and their registrations shall be revoked by the commissioner

C 34 11-56 55a Registered apprenticeship program requisites

6 A registered apprenticeship program shall require the completion of the on-the-job training hours which conform to the industry standards for learning the skills of a specific craft or trade, as well as on-the-job organized, related instruction in technical subjects related to the specific apprenticeable occupation in conformance with industry standards The industry standards for program completion shall be based upon the training requirements as registered and certified by the United States Department of Labor each individual occupation and craft title published by the United States Department of Labor Employment and Training Administration

The length of a program shall depend upon the complexity of the occupation Program duration shall be not less than one year and not more than six years During the program, the apprentice shall receive both structured on-the-job training and related classroom instruction For each year of the program, the apprentice shall receive at least 2,000 hours of on-the-job training and at least 144 hours of related classroom instruction

The program shall include all other recommended minimum requirements as outlined under 29 C F R s 29 5 including, but not limited to, a successful demonstration of competency, the registration of program standards, the submission and publication of program completion rates which meet the program performance standards of enrollment and completion rates as outlined under 29 C F R s 29 6, and meet the training recommendations, the terms and conditions of the employment and training agreement between the employer and the apprentice, and the publication of the graduated wages scales to be paid to the apprentice as outlined under 29 C F R s 29 7

C 34 11-56 51a Subcontractor duties

7 Subcontractors of a contractor registered pursuant to P L 1999, c 238 (C 34 11-56 48 et seq) are not required to register under that act if they do not perform work at any construction site subject to that act

Repealer

8 Section 2 of P L 2019, c 518 (C 34 11-56 71) is repealed

9 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 424

AN ACT establishing a loan program for small to medium-sized businesses to fund the costs of providing reasonable workplace accommodations for employees with disabilities and supplementing P L 1974, c 180 (C 34 1B-1 et seq)

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

C 34 1B-268 1 Definitions

1 As used in this act

"Authority" means the New Jersey Economic Development Authority established pursuant to section 4 of P L 1974, c 80 (C 34 1B-4)

"Employee with disabilities" means an individual with disabilities, as determined pursuant to State or federal law, who is employed by a qualified small to medium-sized business and who requires reasonable accommodation from the qualified business to perform the essential functions of a job at the qualified business

"Qualified small to medium-sized business" or "qualified business" means a business that

a is registered to do business in this State,

b maintains a business location or otherwise derives a majority of its income from business activities or operations conducted within this State,

c has no more than 100 employees in any calendar month during the taxable year in which the business is conducted or operated for a profit, and

d has a net income of not more than $1,000,000 from all business activities or operations conducted within and outside of this State during the taxable year in which the business applies for a loan under loan program established pursuant to section 2 of this act

"Reasonable workplace accommodation" means any change to the application or hiring process for a job with a qualified small to medium-sized business, to the way in which the job is performed, or to the work environment that allows an employee with disabilities who is qualified for the job to perform the essential functions of that job and enjoy equal employment opportunities "Reasonable workplace accommodation" shall not create an undue hardship to the qualified business

C 34 1B-268 2 Loan program established, funding workplace accomodations

2 a The New Jersey Economic Development Authority shall establish and administer a loan program to assist qualified small to medium-sized

businesses in funding the costs of providing reasonable workplace accommodations for employees with disabilities

b (1) A small to medium-sized business seeking a loan pursuant to this section shall apply to the authority, in a form and manner as determined by the authority, and shall include information concerning the proposed accessibility improvements that the loan funds will be used to make, along with any additional information that the authority determines is necessary for participation in the loan program established pursuant to the provisions of this act

(2) The authority shall review completed applications and approve those applications that meet the requirements of this act In order to receive a loan from the authority pursuant to this act, the small to medium-sized business shall be deemed by the authority to meet the criteria of a qualified small to medium-sized business and any other criteria established by the authority for that purpose pursuant to rules and regulations adopted by the authority pursuant to section 3 of this act

(3) A qualified small to medium-sized business that applies for a loan under the loan program established pursuant to this act shall not be disqualified from qualifying for any other business assistance program administered by the authority or any other State agency by virtue of receiving a loan under the loan program established pursuant to this act

c A loan to a qualified small to medium-sized business shall

(1) be made pursuant to a loan agreement with the authority,

(2) bear interest at lower rates and with more flexible repayment terms than are available to businesses from private lenders through conventional business loans, as deemed appropriate by the authority, and

(3) contain other terms and conditions considered appropriate by the authority that are consistent with the purposes of this act and with rules and regulations adopted by the authority pursuant to section 3 of this act

d The authority shall require a qualified small to medium-sized business that receives a loan pursuant to this act to submit an annual audited financial statement to the authority in order to ensure the continued viability of the qualified business The financial statement shall be accompanied by a disclosure statement from the qualified business, on a form and in a manner determined by the authority under rules and regulations adopted pursuant to section 3 of this act, showing evidence that

(1) the qualified business purchased and installed equipment that is used to provide a reasonable workplace accommodation to an employee with disabilities, and

(2) an employee with disabilities provided with an accommodation is employed by the qualified business on the date of submission of the disclosure statement to the authority

e The authority may, either through the adoption of rules and regulations, or through the terms of the loan agreement made pursuant to subsection c of this section, establish terms governing the incidence of default by a qualified small to medium-sized business that receives a loan under the loan program established pursuant to this act

f The authority may participate in, cooperate with, and utilize any programs of any agency or instrumentality of the federal government, or of any loan or other program of the authority or any other State agency in the administration of the loan program established pursuant to this act

g The authority shall advertise to the public of the availability of the provision of loans to qualified small to medium-sized businesses and other provisions of the loan program established pursuant to this act in a manner determined by the authority

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

4 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 425

AN ACT providing for the establishment of county college-based adult centers for transition for individuals with developmental disabilities and supplementing chapter 64A of Title 18A of the New Jersey Statutes, and making an appropriation

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

C 18A 64A-87 Findings, declarations

1 The Legislature finds and declares that

a Many individuals with developmental disabilities are not able to realize their potential as full community members with maximum independence and

productivity because the education and related services, which they were entitled to while in school, ended abruptly once they exited the secondary school system

b Individuals with developmental disabilities deserve the opportunity to successfully transition into meaningful employment and enhanced independent living opportunities and skills, as appropriate, and they can make greater progress with special services and support during this critical transition period

c A center that offers individuals with developmental disabilities special services and support, including the coordination of opportunities available from service providers, educational institutions, and the private sector during this period, will enable individuals with developmental disabilities to more successfully transition into independent, productive, and meaningful lives

d It is appropriate that the board of trustees of each county college establish a county college-based adult center for transition for individuals with developmental disabilities to assist them in utilizing the college's, State's, and county's existing services, programs, and resources

C 18A 64A-88 County college-based adult center for transition established, purpose, services provided

2 a The board of trustees of a county college shall establish a county college-based adult center for transition for individuals with developmental disabilities up to the age of 24 to experience a more successful transition from secondary school to postsecondary education, adult employment, and independent living opportunities and skills, as appropriate The board shall appoint a person qualified by training and experience to direct and administer the adult center for transition

It shall be the purpose of a county college-based adult center to

(1) coordinate and integrate existing county- and State-based services, programs, and resources, and

(2) ensure that individuals with developmental disabilities up to the age of 24 have opportunities to receive mentoring, job coaching, skill training, and any other appropriate wrap-around services to help them make a successful transition into employment and independent living, as appropriate

b The board of trustees of a county college may receive and expend moneys from the State and federal governments or private individuals, corporations, associations, or college foundations to meet the expenses of the county college-based adult center for transition

c The board of trustees of a county college may, through a contract with the board of trustees of another county college, satisfy the requirement established pursuant to subsection a of this section by providing individuals

with developmental disabilities up to the age of 24 who reside in the county with access to the services offered by the contracted county college's adult center for transition

3 a There is appropriated each fiscal year from the General Fund to the Office of the Secretary of Higher Education the sum of $4,500,000 for the purposes of fulfilling the provisions of this act

b The Office of the Secretary of Higher Education shall distribute grants to county college-based adult centers for transition in such amounts and by such criteria as are determined by the Secretary of Higher Education

4 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 426

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

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

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

22 DEPARTMENT OF COMMUNITY AFFAIRS
50 Economic Planning, Development, and Security
55 Social Services Programs

GRANTS-IN-AID

50-8050 Community Resources	$2,000,000
Total Grants-in-Aid Appropriation, Social Services Programs	$2,000,000
Grants-in-Aid	
05 CRDA – NAACP National Convention	($2,000,000)

The amounts hereinabove appropriated for CRDA – NAACP National Convention shall be distributed to the Casino Reinvestment Development Authority for the purpose of supporting any costs associated with hosting the NAACP National Convention in Atlantic City

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 427

AN ACT concerning access to patient medical and billing records, and amending P L 2019, c 217

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

1 Section 1 of P L 2019, c 217 (C 26 2H-5n) is amended to read as follows

C 26 2H-5n Hospital to provide medical, billing records, fees

1 a Except as provided in subsection d of this section, if a patient of a general, special, or psychiatric hospital licensed pursuant to P L 1971, c 136 (C 26 2H-1 et seq) or of a State-licensed health care professional, the patient's legally authorized representative, or an authorized third party requests, in writing, a copy of the patient's medical records, the hospital or the health care professional shall provide a legible paper or electronic reproduction of the requested records within the dates requested to the patient, the patient's legally authorized representative, or the authorized third party within 30 days of the request, in accordance with the following

(1) (a) For a request by a patient or the patient's legally authorized representative for a medical record, whether such record is stored electronically, on microfilm or microfiche, or on paper, the fee for reproducing the record shall not exceed $1 per page or $50 per individual admission record, whichever is less The fee for reproducing a medical record shall not exceed $50 per individual admission or patient record, inclusive of any additional fees specified in paragraph (3) of this subsection,

(b) If a patient requests a copy of the patient's own medical records in accordance with the federal "Health Insurance Portability and Accountability

Act of 1996," Pub L 104-191, the requirements provided under 45 C F R 164 524(b) with respect to the time required to respond to such requests and the applicable fees shall apply, and

(c) A hospital or a health care professional shall not charge any fee to provide an electronic or paper reproduction of a billing record requested by a patient, a patient's legally authorized representative, or an authorized third party

(2) Delivery of an electronic reproduction of a patient's medical or billing record shall be required only if

(a) the entire request can be reproduced from an electronic health record system,

(b) the record is specifically requested to be delivered in electronic format, and

(c) the record can be delivered electronically

(3)In addition to per-page fees, a hospital or a health care professional shall apply the following charges, provided that the total fees charged per individual admission record or patient record do not exceed $50

(a) a search fee of no more than $10 per request, provided that no search fee shall be charged to a patient who is requesting the patient's own record If a search fee may be charged under this subparagraph, the fee shall apply even if no medical records are found as a result of the search,

(b) a fee for the reproduction of x-rays or any other material that cannot be routinely copied or duplicated on a commercial photocopy machine, which shall be no more than $15 per printed image or $30 per compact disc (CD) or digital video disc (DVD), plus an administrative fee of $10,

(c) a fee for certification of a copy of a medical record of no more than $10 per certification, and

(d) costs for delivering records in any medium, plus sales tax, if applicable

(4) The fees established in this subsection shall be charged for electronic reproductions as well as paper copies of medical records

(5) The hospital or the health care professional shall establish a policy assuring access to copies of medical records for patients who do not have the ability to pay for the copies

(6) The hospital or the health care professional shall establish a fee policy providing an incentive for the use of abstracts or summaries of medical records, however, a patient, a patient's legally authorized representative, or an authorized third party shall have the right to receive a full or certified copy of the medical record

(7) Subject to the requirements of paragraph (2) of this subsection, medical and billing records shall be delivered in the manner specified by the requestor, which may include, but shall not be limited to, mailing the record to any address

or faxing the record to any number specified by the requestor, including the requestor's attorney Subject to the requirements of federal law, the method of delivery specified by a requestor shall not affect the fees that would ordinarily apply to the request under paragraphs (1) and (3) of this subsection, subject to any policies established pursuant to paragraphs (5) and (6) of this subsection and subject to the provisions of subsections c and d of this section

b Access to a copy of a patient's medical record shall be limited only to the extent necessary to protect the patient The patient's attending physician shall provide a verbal explanation for any denial of access to the patient, legally authorized representative, or authorized third party, and shall document the denial and explanation in the medical record In the event that direct access to a copy by the patient is medically contraindicated, as documented by a physician in the patient's medical record, the hospital or the health care professional shall not limit access to the record to a legally authorized representative of the patient, an authorized third party, or the patient's attending physician

c A hospital or a health care professional shall not assess any fees or charges for a copy of a patient's medical records as provided herein other than those provided for in this section

d The fees authorized by this section shall not be imposed on

(1) A patient who does not have the ability to pay and who presents either (a) a statement certifying to annual income at or below 250 percent of the federal poverty level, or (b) proof of eligibility for, or enrollment in, a State or federal assistance program including, but not limited to the federal Supplemental Nutrition Assistance Program established pursuant to the "Food and Nutrition Act of 2008," Pub L 110-246 (7 U S C s 2011 et seq), the federal Supplemental Security Income program established pursuant to Title XVI of the federal Social Security Act, Pub L 92-603 (42 U S C s 1381 et seq), the National School Lunch Program established pursuant to the "Richard B Russell National School Lunch Act," Pub L 79-396 (42 U S C s 1751 et seq), the federal special supplemental food program for women, infants, and children established pursuant to Pub L 95-627 (42 U S C s 1786), the State Medicaid program established pursuant to the "New Jersey Medical Assistance and Health Services Act," P L 1968, c 413 (C 30 4D-1 et seq), the NJ FamilyCare Program established pursuant to the "Family Health Care Coverage Act," P L 2005, c 156 (C 30 4J-8 et al), the Work First New Jersey program established pursuant to the "Work First New Jersey Act," P L 1997, c 38 (C 44 10-55 et seq), the New Jersey Supplementary Food Stamp Program established pursuant to the "New Jersey Supplementary Food Stamp Program Act," P L 1998, c 32 (C 44 10-79 et seq), any successor program, or any other State or federal assistance program now or hereafter established by law,

(2) A not-for-profit corporation indicating in writing that it is representing a patient,

(3) A health care practitioner,

(4) An attorney representing a patient on a pro bono basis, provided that the attorney submits with the request a certification that the attorney is representing the patient on a pro bono basis An attorney representing a patient on a contingency fee basis shall be assessed the ordinary fees to obtain a copy of the patient's medical records, or

(5) A patient or an attorney representing a patient who has a pending application for, or is currently receiving, federal Social Security disability benefits provided under Title II or Title XVI of the federal Social Security Act, Pub L 92-603 (42 U S C s 1351 et al)

e As used in this section

"Authorized third party" means a third party with a valid authorization, subpoena, legal process, or court order granting access to a patient's medical or billing records

"Health care professional" means an individual who, acting within the scope of the individual's licensure or certification, provides health care services, and includes, but is not limited to, a physician, dentist, nurse, pharmacist, or other health care professional whose professional practice is regulated pursuant to Title 45 of the Revised Statutes

"Legally authorized representative" means the patient's spouse, domestic partner, or civil union partner, the patient's immediate next of kin, the patient's legal guardian, the patient's attorney, the patient's third party insurer, or the patient's worker's compensation carrier, if the carrier is authorized to access the patient's treatment or billing records by contract or law, provided that access by a worker's compensation carrier shall be limited only to that portion of the treatment or billing record that is relevant to the specific work-related incident at issue in the worker's compensation claim

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

Approved January 18, 2022

CHAPTER 428

AN ACT concerning mandatory retirement from the State Police Retirement System and amending P L 2020, c 46

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

1 Section 1 of P L 2020, c 46 (C 53 5A-8 3) is amended to read as follows

C 53 5A-8 3 Limited extension of retirement date

1 When a member of the State Police Retirement System is required to retire upon attaining the age of 55 years and the retirement date for that member will occur after the date of the declaration of a public health emergency or state of emergency, or both, by the Governor as to which the Federal Emergency Management Agency has established an incident period but before the end date of the period identified by the Federal Emergency Management Agency as the time interval during which the incident that caused the emergency occurs, the retirement date shall be extended, upon the request of the member, if the Superintendent determines, based on a need to supplement available staffing or in consideration of the member's specific assignment or expertise, that the member's extended service is warranted in order to assist the Division of State Police in responding to the public health emergency or state of emergency, to no later than the first day of the second calendar month that follows the calendar month in which the end date of the incident period for the public health emergency or state of emergency, whichever is later, occurs A member may make only one request for an extension, which shall include any request made prior to the effective date of P L 2021, c 428 An extension requested pursuant to this section shall not exceed 90 days in duration, and may be terminated at any time if the Superintendent determines that there is no longer a need to supplement available staffing or for the member's specific assignment or expertise that would warrant the member's extended service in order to assist the Division of State Police in responding to the public health emergency or state of emergency

This section shall be applicable to requests submitted by members prior to, or on, or after the effective date of this act, P L 2021, c 428

This section shall not be deemed to alter or impair the entitlement and obligation set forth in subsection d of section 8 of P L 1965, c 89 (C 53 5A-8)

2 This act shall take effect on the 30th day after the date of enactment, and shall apply with respect to any declaration of a public health emergency or state of emergency declared or in effect on or after the effective date of this act

Approved January 18, 2022

CHAPTER 429

AN ACT concerning civil service preference for veterans with campaign or expedition medals and amending N J S 11A 5-1

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

1 N J S 11A 5-1 is amended to read as follows

Definitions

11A 5-1 As used in this chapter

a "Disabled veteran" means any veteran who is eligible to be compensated for a service-connected disability from war service by the United States Veterans Administration or who receives or is entitled to receive equivalent compensation for a service-connected disability which arises out of military or naval service as set forth in this chapter and who has submitted sufficient evidence of the record of disability incurred in the line of duty to the Adjutant General of the Department of Military and Veterans' Affairs and received a determination of status no later than eight days prior to the issuance of an employment list, for which that individual received a passing score on an examination,

b "Veteran" means any honorably discharged soldier, sailor, marine or nurse who served in any army or navy of the allies of the United States in World War I, between July 14, 1914 and November 11, 1918, or who served in any army or navy of the allies of the United States in World War II, between September 1, 1939 and September 2, 1945 and who was inducted into that service through voluntary enlistment, and was a citizen of the United States at the time of the enlistment, and who did not renounce or lose his or her United States citizenship, or any soldier, sailor, marine, airman, nurse or army field clerk who has served in the active military or naval service of the United States and has been discharged or released under other than dishonorable conditions from that service in any of the following wars or conflicts and who has presented to the Adjutant General of the Department of Military and Veterans' Affairs sufficient evidence of the record of service and received a determination of status no later than eight days prior to the issuance of an employment list, for which that individual received a passing score on an examination

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

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

(3) Korean conflict, on or after June 23, 1950, who shall have served at least 90 days beginning on or before January 31, 1955 in active service, exclusive of any period of assignment for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of a civilian course and was pursued to completion, or as a cadet or midshipman at one of the service academies, except that any person receiving an actual service-incurred injury or disability shall be classed as a veteran, whether or not that person has completed the 90-day service,

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

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

(6) Lebanon peacekeeping mission, on or after September 26, 1982, who has served in Lebanon or on board any ship actively engaged in patrolling

the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before December 1, 1987 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service, provided that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided,

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

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

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

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

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

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

(13) Operation "Uphold Democracy" in Haiti, on or after September 19, 1994, who served in Haiti or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuously or in the aggregate, of at least 14 days in such active service commencing on or before March 31, 1995 and who received an Armed Forces Expeditionary Medal for such service, provided that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided or received an Armed Forces Expeditionary Medal,

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

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

(16) In a campaign or expedition for which a medal has been authorized and recognized by the Veterans' Preference Act of 1944, as amended and codified under Title 5, United States Code, for civil service preference and which has been awarded to the veteran

c "War service" means service by a veteran in any war or conflict described in this chapter during the periods specified

2 This act shall take effect thirty days after the date of enactment and shall apply to open competitive examinations held after the effective date

Approved January 18, 2022

CHAPTER 430

AN ACT regarding drug overdoses 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 3A2-20 3 Definitions

1 As used in this act

"Confidential case report" means a report created by a local overdose fatality review team summarizing the data collected and analyzed regarding a confirmed fatal drug overdose

"De-identifiable data" means data or information not containing personally identifiable information

"Health care provider" means a physician, advanced practice nurse, or physician assistant acting within the scope of a valid license or certification issued pursuant to Title 45 of the Revised Statutes

"Local team" means a local overdose fatality review team

"Mental health provider" means a psychiatrist, a psychologist, an advanced practice nurse practitioner with a specialty in psychiatric mental health, a clinical social worker, a professional counselor, or a marriage and family therapist who is licensed to provide mental health services pursuant to Title 45 of the Revised Statutes

"Overdose" means "drug overdose" as that term is defined in section 3 of P L 2013, c 46 (C 24 6J-3)

"Personally identifiable information" means any information about an individual that can be used to distinguish or trace an individual's identity, including, but not limited to, an individual's name, address, social security number, date and place of birth, mother's maiden name, biometric records, and medical, educational, financial, and employment information

"Public health purpose" means a purpose of protecting and improving the health of people and their communities "Public health purpose" includes, but is not limited to, implementing educational programs, recommending policies, administering services, conducting research, and promoting healthcare equity, in an effort to protect the health of entire populations

"Substance use disorder" shall have the same meaning prescribed by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, and any subsequent editions, and shall include the symptoms of withdrawal from a substance use disorder

"Substance use disorder treatment provider" means any individual or entity licensed, registered, or certified pursuant to the laws of this State to treat substance use disorders or who holds a current and valid waiver under the federal Drug Addiction Treatment Act of 2000 (Pub L 106-310) from the federal Substance Abuse and Mental Health Services Administration to treat individuals with substance use disorder using medications approved for that indication by the United States Food and Drug Administration

C 26 3A2-20 4 Local overdose fatality review team established, county health department, membership requirements

2 a (1) A county health department may establish a local overdose fatality review team to conduct a comprehensive review of confirmed overdose fatalities, or a sample thereof using an approach authorized by the Department of Health in consultation with the Office of the Chief State Medical Examiner, in order to better understand the individual and population circumstances and the resources and characteristics of potential overdose victims for the purposes of preventing future overdose deaths and related harms in a locality

(2) A local drug overdose fatality review team may be established to serve one or more counties The Office of the Chief State Medical Examiner may direct a local overdose fatality review team to establish a municipal subcommittee to focus on a municipality with a population of 100,000 persons or more, or

a municipality with a high overdose rate as determined on annual basis by the Department of Health and the Office of the Chief State Medical Examiner

(3) A local overdose fatality review team shall be under the direction of the county health department and shall be subject to the regulation of the Department of Health A local team shall work cooperatively with the Local Advisory Committee on Alcohol Use Disorder and Substance Use Disorder, established pursuant to section 4 of P L 1983, c 531 (C 26 2B-33), if one exists within the local team's jurisdiction A local team shall cooperate with and provide any information as may be requested by the Office of the Chief State Medical Examiner or the Department of Health for public health purposes

b A local overdose fatality review team shall consist of individuals with experience and knowledge regarding health, social services, law enforcement, education, emergency medicine, mental health, juvenile delinquency, and substance use disorders

(1) At a minimum, each local overdose fatality review team shall include

(a) the county health officer, or a designee,

(b) the regional or county medical examiner, or a designee,

(c) a member of the Local Advisory Committee on Alcohol Use Disorder and Substance Use Disorder, established pursuant to section 4 of P L 1983, c 531 (C 26 2B-33), if one exists within the local team's jurisdiction,

(d) a State, county, or municipal law enforcement officer or county prosecutor,

(e) a substance use disorder health care professional, and

(f) the county or municipal director of behavioral health services, or a designee

(2) A local overdose fatality review team may also include any of the following

(a) the superintendent of schools, or a designee,

(b) an emergency medical services provider,

(c) a representative of a health care facility, including a hospital, health system, or federally qualified health center,

(d) a representative of a county jail, detention center, or corrections department,

(e) a representative of a county social services agency,

(f) an individual with access to the Prescription Monitoring Program established pursuant to section 25 of P L 2007, c 244 (C 45 1-45),

(g) a representative of the local office of the Division of Child Protection and Permanency in the Department of Children and Families,

(h) a representative of a county healthcare facility,

(i) a representative of a harm reduction center, if one is located in a municipality or county over which the local team exercises jurisdiction,

(j) any individual deemed necessary for the work of the local team, as recommended by the chair and approved by a majority vote of the team members and by the Department of Health, and

(k) a representative of the office of county probation and parole services

C 26 3A2-20 5 Duties of local overdose fatality review team

3 a A local overdose fatality review team established pursuant to section 2 of this act shall

(1) establish and implement appropriate protocols and procedures that allow the local teams to operate in accordance with applicable State and federal laws,

(2) elect, in accordance with the procedures established pursuant to paragraph (1) of this subsection and on an annual basis, a chair who shall be a member of the local team,

(3) collect, analyze, interpret, and maintain local data on overdose deaths, which information shall be maintained by the local team in accordance with all appropriate and industry-standard technical, administrative, and physical controls necessary to protect the privacy and security of the information,

(4) conduct, in accordance with Department of Health regulations and guidance, a multidisciplinary review of the information collected pursuant to this section regarding a decedent of a confirmed fatal drug overdose, as selected by the office of the county medical examiner in the county in which the overdose fatality was primarily investigated and at the direction of the Office of Chief State Medical Examiner, which review shall include, but need not be limited to

(a) consideration of the decedent's points of contact with health care systems, social services, educational institutions, child and family services,

the criminal justice system, including law enforcement, and any other systems with which the decedent had contact prior to death, and

(b) identification of the specific factors and social determinants of health that put the decedent at risk for an overdose,

(5) recommend prevention and intervention strategies to improve the coordination of services and investigations among member agencies in an effort to reduce overdose deaths,

(6) produce confidential case reports based on information received, which shall be transmitted to the Department of Health in a form and manner prescribed by the department The reports and the data used therefor shall only be accessed by the department for public health purposes, in a form and format that is secured to prevent disclosure of personally identifiable information, in accordance with applicable State and federal laws, and

(7) submit to the Department of Health an annual report, in a manner prescribed the department, containing only de-identified data associated with the jurisdiction served by the local team, which reports may be made available to the public pursuant to P L 1963, c 73 (C 47 1A-1 et seq) and shall include, but need not be limited to

(a) the total number of fatal overdoses that occurred within the jurisdiction of the local team,

(b) the number of fatal overdose cases investigated by the local overdose fatality team,

(c) any recommendations for action by State agencies, local agencies, or the Legislature for preventing fatal overdoses in this State, and

(d) any assessable results of any recommendations made by the local team, including, but not limited to, changes in local, county, or State law, policy, or funding made as a result of the local team's recommendations

b A local overdose fatality review team shall establish policies and procedures to ensure that all records in their possession containing personally identifiable information are properly handled and retained and are securely and permanently destroyed within one year of, or within a reasonable period of time, as determined by the Department of Health, after, the conclusion of a local team's review of a decedent's case The annual report and other public records shall be destroyed in accordance to the requirements of P L 1953, c 410 (C 47 3-15 et seq)

c A local team may only request, collect, analyze, and share information for public health purposes directly related to the review of confirmed fatal drug overdoses and, except as otherwise provided in this act, in compliance with all applicable State and federal laws or regulations

C 26 3A2-20 6 Disclosure of relevant information

4 a To the extent not otherwise inconsistent with State and federal laws and only upon written request of the chair of a local overdose fatality review team and as necessary to carry out the official functions of the local team and the provisions of this act, the entities listed in subsection b of this section may provide a local team with the following information

(1) any relevant information and records maintained by a health care provider related to an individual's physical health, mental health, and substance use disorder treatment, and

(2) any relevant information and records maintained by a State or local government agency, including criminal history records and records of probation and parole if the transmission of such records does not imperil ongoing investigations, medical examiner records, social service records, and school records and educational histories

b The following individuals and entities may disclose, within a reasonable period of time following a request, medical records and information requested pursuant to subsection a of this section

(1) county medical examiners,

(2) paid fire departments or volunteer fire companies,

(3) hospitals and health systems,

(4) law enforcement agencies,

(5) State and local government agencies,

(6) mental health providers,

(7) health care practitioners,

(8) substance use disorder treatment programs and providers,

(9) public and private schools and institutions of higher education,

(10) emergency medical services providers,

(11) social services agencies and providers, and

(12) the Prescription Monitoring Program

c An individual or entity subject to a request for information or records by a local overdose fatality review team pursuant to this section may charge the local team a reasonable fee for the service of duplicating any records

d (1) The chair of a local overdose fatality review team, or the chair's designee, may request individuals authorized under 42 C F R Part 2 to provide consent for the release of confidential information protected pursuant to 42 U S C s 290dd-2 and 42 C F R Part 2

(2) To the extent not otherwise inconsistent with State and federal laws, and as necessary to carry out the official functions of the local team and the provisions of this act, other individuals and entities identified by a local overdose fatality review team as having relevant data for a confidential case

report may also provide a local team with relevant information in their possession that may contain personally identifiable information

e A local overdose fatality review team shall develop a confidentiality policy and form establishing the requirements for maintaining the confidentiality of any information disclosed during a meeting, during review, or at any other time, the responsibilities concerning those requirements, and any penalties associated with failure to maintain such confidentiality Such requirements shall be in accordance with all applicable State and federal laws and any best practices identified by the Department of Health An individual shall review the confidentiality policy and form, purpose, and goals of the local team prior to participating in any review All necessary and reasonable measures shall be taken to prevent the disclosure of a decedent's name or initials at any team meeting

f Information received pursuant to this act may be shared with local team members at a meeting of the local team, provided that each individual present, including staff, has signed and abides by the provisions of the confidentiality policy and form developed pursuant to subsection e of this section Such information may be shared with any non-member attendees who meet the criteria of subsection b of section 2 of this act and whose attendance is approved in accordance with this act, provided that such attendees also sign and abide by the provisions of the confidentiality policy and form

g (1) Meetings of a local team during which confidential information is discussed shall be closed to the public, except that, upon a majority vote of the local team members present, a local team may request and permit an individual who has information relevant to the exercise of the team's duties to attend a team meeting, regardless of whether the individual meets the criteria set forth in subsection b of section 2 of this act or is a permanent member of the local team Notice concerning the individual's attendance shall be provided to members of the local team not later than 10 days prior to the meeting at which the individual will be present

(2) A representative from the Department of Health, as designated by the Deputy Commissioner for Public Health Services, and a representative from the Office of the Chief State Medical Examiner may attend any meeting of a local overdose fatality review team Notice concerning a representative's attendance shall be provided to members of the local team not later than 10 days prior to the meeting at which the representative will be present

h Meetings of a local overdose fatality review team shall be exempt from the "Senator Byron M Baer Open Public Meetings Act," P L 1975, c 231 (C 10 4-6 et seq)

i A member of the local overdose fatality review team may contact, interview, or obtain information by request from a family member or friend of an individual whose death is being reviewed by the local team

j To the extent not otherwise inconsistent with State and federal laws, an entity that provides, in good faith, information or records to a local overdose fatality review team shall not be subject to civil or criminal liability or any professional disciplinary action as a result of providing the information or records

C 26 3A2-20 7 Unspecified information kept confidential

5 a Information and records acquired by a local overdose fatality review team, except for information contained within the annual report submitted pursuant to paragraph (7) of subsection a of section 3 of this act, shall be confidential and shall not be subject to subpoena, discovery, or introduction into evidence in a civil or criminal proceeding or disciplinary or other administrative action Information and records that are otherwise available from other sources shall not be immune from subpoena, discovery, or introduction into evidence through those sources solely due to the presentation or review of the information or record to or by a local team

b Information and records created by a local overdose fatality review team shall be considered confidential and shall not be disclosed to the public or considered a government record pursuant to P L 1963, c 73 (C 47 1A-1 et seq)

c Substance use disorder treatment records requested by or provided to a local overdose fatality review team shall be subject to any additional limitations on the redisclosure of a medical record developed in connection with the provision of substance use disorder treatment services under State or federal law, including, but not limited to, 42 U S C s 290dd-2 and 42 C F R Part 2

d Local overdose fatality review team members, and any individual who presents or provides information to a local team, may not be questioned in any civil or criminal proceeding or disciplinary action regarding the information presented or provided, except in an action contesting the validity of the disclosure itself This subsection shall not prevent an individual from testifying regarding information obtained independently of the local team, public information, or publicly available information

e The county health department shall ensure the privacy, confidentiality, and security of the information provided to a local overdose fatality review team shall be maintained as required by State and federal laws and any local ordinances

f An individual damaged by the negligent or knowing and willful disclosure of confidential information by a local team or its members may bring an action for damages, costs, and attorney fees consistent with State law Additionally, the Department of Health may establish penalties for the negligent or knowing and willful disclosure of confidential information by a local team or its members

g Nothing in this act shall be construed to require the disclosure of any private or confidential health information in violation of State or federal privacy laws

C 26 3A2-20 8 Pursuit of available funds for implementation

6 a The Department of Health, the Office of the Chief State Medical Examiner, applicable county and local health departments, applicable county medical examiner offices, and local overdose fatality review teams may pursue all sources of federal funding, matching funds, and foundation funding available to implement the provisions of this act

b The Department of Health, the Office of the Chief State Medical Examiner, county medical examiner offices, and local overdose fatality review teams may accept such gifts, grants, and endowments, from public or private sources, as may be made, in trust or otherwise, or any income derived according to the terms of a gift, grant, or endowment, to implement the provisions of this act

C 26 3A2-20 9 Report to Governor, Legislature

7 a The Department of Health shall analyze and compile reports from each local overdose fatality review team and submit one Statewide annual overdose fatality report containing information from each local team The report shall be submitted to the Governor and, pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), to the Legislature The report shall be considered a government record pursuant to P L 1963, c 73 (C 47 1A-1 et seq) Each publication of the Statewide annual report shall be in a format that does not identify any individual or decedent and does not contain personally identifiable or personal identifying information

b The Office of the Chief State Medical Examiner may direct all local teams to assist with the coordination of all the relevant information necessary to review a specific decedent case

c The Department of Health may share data containing de-identified data at any time The department may only share data containing personally identifiable information if the data is being shared for public health purposes, the sharing of the data is permitted by this act and other applicable laws, and

the data is in a form and format that is secured to prevent the disclosure of personally identifiable information Any publication made available to the public shall be in a format that does not identify any individual or decedent and does not contain personally identifiable information

C 26 3A2-20 10 Compliance deadline

8 Any local overdose fatality review team in existence on the date of enactment of this act shall conform to the requirements of, and operate in accordance with, the provisions of this act no later than 90 days after the date of enactment of this act

9 The Department of Health may adopt any rules and regulations necessary to effectuate the provisions of this act, which rules and regulations shall be effective immediately upon filing with the Office of Administrative Law for a period not to exceed six months and which may thereafter be adopted pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq)

10 This act shall take effect 90 days after the date of enactment

Approved January 18, 2022

CHAPTER 431

AN ACT concerning gift cards 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 8-110 1 Gift card fraud, detection, prevention, employee training, definitions

1 a Every retail mercantile establishment in this State that displays gift cards for sale shall train employees on how to identify and respond to gift card fraud A retail mercantile establishment shall conduct the training in accordance with guidelines issued pursuant to section 2 of this act

b A retail mercantile establishment that violates the provisions of this section shall be subject to a civil penalty of $1,000, which may be collected and enforced by the Director of the Division of Consumer Affairs in the Department of Law and Public Safety in a summary proceeding pursuant to

the "Penalty Enforcement Law of 1999," P L 1999, c 274 (C 2A 58-10 et seq) The Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section

A violation of this section shall not be considered an unlawful practice in violation of P L 1960, c 39 (C 56 8-1 et seq)

c As used in this section

"Gift card" means a tangible device, whereon is embedded or encoded in an electronic or other format a value issued in exchange for payment, which promises to provide to the bearer merchandise of equal value to the remaining balance of the device

"Merchandise" means any objects, wares, goods, commodities, services, or anything offered, directly or indirectly, to the public for sale

"Retail mercantile establishment" means any place of business where merchandise is exposed or offered for sale at retail to members of the consuming public

C 56 8-110 2 Guidelines from the Division of Consumer Affairs

2 The Director of the Division of Consumer Affairs in the Department of Law and Public Safety, in consultation with the Attorney General, shall issue guidelines concerning the detection and prevention of gift card fraud The guidelines shall include, but not be limited to (1) information raising public awareness of the prevalence of gift card fraud, (2) information concerning common gift card fraud schemes, and (3) best practices for retail mercantile establishments to prevent gift card fraud The guidelines shall be published on the Internet websites of the Department of Law and Public Safety and the Division of Consumer Affairs, and updated periodically, as necessary

3 This act shall take effect on the first day of the fourth month after enactment

Approved January 18, 2022

CHAPTER 432

AN ACT concerning real property assessment appeals and amending P L 1975, c 361 and P L 1983, c 137

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

1 Section 2 of P L 1975, c 361 (C 54 3-27 2) is amended to read as follows

C 54 3-27 2 Refund of excess taxes, interest

2 Except as required in paragraph (2) of subsection a of section 2 of P L 1983, c 137 (C 54 4-134), in the event that a taxpayer is successful in an appeal from an assessment on real property, the respective taxing district shall refund any excess taxes paid, together with interest thereon from the date of payment at a rate of five percent per annum or one percentage point above the prime rate assessed for each month or fraction thereof, compounded annually at the end of each year, from the date the tax originally was due or paid, whichever date is later, until the date of actual payment, whichever interest rate is lesser, less any amount of taxes, interest, and penalties, which may be applied against delinquencies pursuant to section 2 of P L 1983, c 137 (C 54 4-134) In the case of nonresidential real property, a municipality may refund the amount owed to the taxpayer in substantially equal payment periods and substantially equal payment amounts within three years of the date of final judgment A municipality may also, in the case of nonresidential real property, refund the amount owed to the taxpayer as a credit, including any interest that accumulates until the excess is fully returned, against the balance of property taxes that become due and payable on the parcel of nonresidential real property immediately following the county board of taxation's decision or the Tax Court judgment, as appropriate, but if the excess has not been fully refunded to the taxpayer in connection with the nonresidential real property after three years, then the remaining excess shall be immediately refunded If the dollar amount of the refund due on nonresidential real property, however, does not exceed $100,000, the amount shall be repaid within 60 days of the final judgment In the case of residential real property, the refund shall be paid within 60 days of the date of final judgment

Nothing in this section shall be construed to preclude Local Finance Board approval for any municipality that has ended the previous budget year with a deficit in operations caused, whether in whole or in part, by obligations created from tax appeals to issue notes pursuant to section 3 of P L 2011, c 224 (C 40A 4-89)

2 Section 2 of P L 1983, c 137 (C 54 4-134) is amended to read as follows

C 54 4-134 Application of refund to delinquency

2 a (1) Whenever the owner of real property shall be entitled, pursuant to a determination of a county board of taxation or a judgment of the tax court, to a refund of all or any portion of the property taxes paid against the property in any given year, and any property taxes, water or sewer payments, or parking or payroll taxes imposed or to be collected by the municipality against that property or the owner or owners of that property are delinquent at the time of the determination or judgment, the governing body of the municipality constituting the taxing district in which the property is located may apply the refund, or such portion thereof as may be necessary, including any accrued interest, against the delinquency

(2) In addition to the application of a refund against a delinquency as set forth in paragraph (1) of this subsection, a refund from an appeal on the assessment of a property that was a constituent part of an industrial site or complex that is currently vacant or underutilized, and that is subject to any federal or State court order, or administrative action or order, for environmental remediation, shall be deposited by the taxing district with the Commissioner of Environmental Protection, to be used to ensure required site remediation Once the industrial site has been remediated, any remaining refund amounts shall be returned by the commissioner to the taxpayer within 30 days after completion of the site remediation Any monies not returned within 30 days shall be paid, with interest, from the date of completion of the site remediation, at a rate of 5% per annum The provisions of this paragraph shall not apply to any property for which a remediation trust fund has been established pursuant to the provisions of section 25 of P L 1993, c 139 (C 58 10B-3)

b If the total amount of the refund is equal to or exceeds the total amount of the delinquency, the lien against the property for unpaid taxes shall be extinguished, and the balance, if any, remaining after the application of the refund against the delinquency shall be forwarded to the owner not later than 60 days after the date of the determination of the county board of taxation or the tax court judgment, as the case may be, except that, in the case of nonresidential real property, a municipality may refund the amount owed to the taxpayer as a credit, including any interest that accumulates until the excess is fully returned, against the balance of property taxes that become due and payable on the parcel of nonresidential real property immediately following the county board of taxation's decision, or the Tax Court judgment, as appropriate If the excess has not been fully refunded to the taxpayer after three years, then the remaining excess shall immediately be refunded If the total amount of the delinquency exceeds the total amount of the refund, the balance of the delinquency remaining shall remain a lien against the property

3 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 433

AN ACT concerning insurance for architects and amending P L 1989, c 275

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

1 Section 4 of P L 1989, c 275 (C 45 3-17) is amended to read as follows

C 45 3-17 Offering of architectural services, requirements

4 a Architectural services shall not be rendered or offered through any business associations other than a sole proprietorship of a licensed architect, a partnership of licensed architects, a partnership of closely allied professionals including at least one licensed architect, a professional service corporation established pursuant to "The Professional Service Corporation Act," P L 1969, c 232 (C 14A 17-1 et seq), a corporation authorized pursuant to section 5 of P L 1989, c 275 (C 45 3-18) or as prescribed in the "Building Design Services Act," P L 1989, c 277 (C 45 4B-1 et seq)

b Nothing in this section shall prohibit a licensed architect from rendering architectural services as an agent, director, member, officer, shareholder, associate, employee or partner of a person whose principal business is space planning services, interior design services or the substantial equivalent thereof, provided that the architect, at all times, exercises independent professional judgment in the rendering of architectural services, and adheres to the standards set forth in section 1 of P L 1989, c 275 (C 45 3-1 1)

c An architect shall, prior to entering into an agreement for architectural services, disclose to any other party to the contract for architectural services the type of professional liability insurance under which the architect is covered

d Any architect entering into a public contract for architectural services according to the provisions of chapter 34 of Title 52 of the Revised Statutes, P L 1971, c 198 (C 40A 11-1 et seq), N J S 18A 18A-1 et seq , or P L 1986, c 43 (C 18A 64-52 et seq) shall carry errors and omissions insurance

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 434

AN ACT establishing a social innovation loan pilot program and supplementing Title 34 of the Revised Statutes

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

C 34 1B-268 3 Short title

1 This act shall be known and may be cited as the "New Jersey Social Innovation Act "

C 34 1B-268 4 Definitions

2 As used in P L 2021, c 434 (C 34 1B-268 3 et seq)

"Authority" means the New Jersey Economic Development Authority, established pursuant to P L 1974, c 80 (C 34 1B-1 et seq)

"Eligible organization" means a nonprofit organization that is exempt from federal taxation pursuant to section 501(c)(3) of the federal Internal Revenue Code of 1986, 26 U S C s 501 or a for-profit organization that has applied for participation in the social innovation loan pilot program established pursuant to section 3 of P L 2021, c 434 (C 34 1B-268 5), and is selected by the study commission as qualified to receive a loan guarantee from the "social innovation loan fund" established pursuant to section 5 of P L 2021, c 434 (C 34 1B-268 7)

"Pilot program" means the social innovation loan pilot program established pursuant to section 3 of P L 2021, c 434 (C 34 1B-268 5)

"Social innovation loan fund" or "fund" means the fund established pursuant to section 5 of P L 2021, c 434 (C 34 1B-268 7)

"Study commission" means the "New Jersey Social Innovation Study Commission" established pursuant to section 4 of P L 2021, c 434 (C 34 1B-268 6)

"Treatment and prevention services" means any early intervention health care, which shall include, but not be limited to, treatment and prevention of opioid and other substance use disorders

C 34 1B-268 5 Social innovation loan pilot program established, effectiveness, scope determined

3 a There is established a five-year social innovation loan pilot program within the New Jersey Economic Development Authority to administer and determine the effectiveness of a social innovation loan pilot program The pilot program shall concern nonprofit health care services with the purpose of encouraging private investment in public health care services, including, but not limited to, treatment and prevention services, and to reduce federal, State, and municipal expenditures related to those services The pilot program shall assess the feasibility of expanding a social innovation loan pilot program Statewide and expanding the scope of social impact loan guarantees, made pursuant to subsection b of this section, beyond the health care sector

b Under the pilot program established pursuant to subsection a of this section, the authority shall guarantee loans issued to eligible organizations for the provision of public health care services which generate positive social outcomes and public sector cost savings Each loan shall be facilitated by the study commission established pursuant to section 4 of P L 2021, c 434 (C 34 1B-268 6) and shall consist of

(1) a lending agreement between an eligible organization, a lender, and a public sector entity which shall include terms that provide

(a) the eligible organization with direct funding from a lender in exchange for the provision of public health care services,

(b) the public sector entity with public health care services in exchange for defined payments to the lender in an amount proportional to the amount of public sector savings generated by the provision of those services, and

(c) the lender with loan repayments in exchange for the provision of funding to an eligible organization

(2) a loan guarantee agreement between the authority and all parties to the lending agreement authorized pursuant to paragraph (1) of this subsection which shall require the terms of the lending agreement to conform to any loan requirements established pursuant to P L 2021, c 434 (C 34 1B-268 3 et seq) or by the authority, and

(3) an agreement between the authority, the public sector entity making performance payments, the eligible organization, and the lender which includes terms that require a method of measurement and verification of the public health care services to be performed, how the public sector savings are to be calculated, how the interest rate will be determined, and how funds shall flow between the parties according to each of the agreements made pursuant to this subsection

c Up to 100 percent of the value of a loan agreement entered into pursuant to subsection b of this section may be guaranteed by the authority, provided that the total amount in the aggregate of all loans guaranteed under the social innovation loan pilot program established pursuant to P L 2021, c 434 (C 34 1B-268 3 et seq) shall not exceed $15,000,000

d The authority, in cooperation with the study commission and the Department of Human Services, shall offer to guarantee loans made pursuant to subsection b of this section utilizing funds from the social innovation loan fund established pursuant to section 5 of P L 2021, c 434 (C 34 1B-268 7) to finance a project undertaken for the purposes of subsection b of this section The authority shall consider the following factors

(1) The economic feasibility of the project,

(2) The degree to which the project will advance Statewide and regional strategies and objectives,

(3) The degree to which the project maximizes the leverage of other State funds, and

(4) The factors listed in paragraph (1) of subsection e of section 4 of P L 2021, c 434 (C 34 1B-268 6)

e A lender or nonprofit or for-profit organization seeking to participate in the social innovation loan pilot program shall submit an application in a form as the authority shall require The application shall include any information the authority shall determine is necessary in consideration of the provisions of P L 2011, c 123 (52 14B-21 1 et seq)

f A loan guarantee agreement entered into pursuant to subsection b of this section shall provide that any loan guaranteed by the authority shall

(1) be for a loan having a fair effective interest rate as determined by the authority, and

(2) contain other terms and conditions considered appropriate by the authority that are consistent with the purposes of P L 2021, c 434 (C 34 1B-268 3 et seq) and with rules and regulations promulgated by the authority, pursuant to section 8 of P L 2021, c 434, to implement P L 2021, c 434 (C 34 1B-268 3 et seq)

g (1) Consistent with federal law, rule, or regulation, each eligible organization that receives a loan guarantee under P L 2021, c 434 (C 34 1B-268 3 et seq) shall undergo an audit, at the organization's own expense, at least once every two calendar years The authority shall designate an independent auditor to conduct the audit

(2) If an audit is performed under a requirement of federal law, rule, or regulation, the authority shall waive the audit required pursuant to this subsection with respect to all issues addressed by the federally required audit

However, the authority may require an audit of matters that are not, in the authority's judgment, addressed by the federally required audit, including, but not limited to, measurement and verification of health care intervention activities, and public sector savings

h A loan guarantee agreement made pursuant to subsection b of this section shall provide that any loan guarantee issued by the authority shall be voided if the terms and conditions of the agreement are violated by any party to that loan securitization agreement

i The authority shall solicit grants from interested public or private sources for the establishment and administration of the pilot program and study commission as well as the capitalization of the "social innovation loan fund" established pursuant to section 5 of P L 2021, c 434 (C 34 1B-268 7)

j The pilot program shall expire on the 30th day following the closing of all loans guaranteed pursuant to P L 2021, c 434 (C 34 1B-268 3 et seq)

C 34 1B-268 6 "New Jersey Social Innovation Study Commission" established, duties, membership criteria

4 a The authority shall oversee and staff a study commission, entitled the "New Jersey Social Innovation Study Commission," established for the duration of the pilot program

b The membership and size of the study commission shall be determined by the authority The authority may consider a variety of professionals, including health care, lending, and social finance experts, for membership on the study commission The study commission shall organize as soon as practicable after the appointment of the study commission members, shall select a chairperson from among its membership, and shall appoint a secretary who need not be a member of the commission At least one member of the study commission shall be a representative of the Department of Human Services, one member shall be a representative of the Department of Health, and one member shall be the Executive Director of the Office of Faith-based Initiatives in the Department of State All members of the study commission shall serve for term concurrent with the effective period of the pilot program

c Any vacancy in the membership of the study commission shall be filled in the same manner in which the original appointment was made

d The study commission may request the assistance and services of employees of any other State department, board, bureau, commission, task force, or agency as it may require and as may be available Members of the study commission shall serve without compensation, but shall be entitled to employ stenographic and clerical assistance and incur traveling and other miscellaneous

expenses as the study commission may deem necessary in order to perform its duties, within the limits of the funds made available to the study commission for its purposes The study commission may meet at the call of its chairperson at the times and in the places the study commission may deem appropriate and necessary to fulfill its duties, and may conduct public hearings at a place or places as the study commission shall designate The study commission shall conduct its meetings in accordance with the "Senator Byron M Baer Open Public Meetings Act," P L 1975, c 231 (C 10 4-6 et seq)

e It shall be the duty of the study commission to aid the authority in the administration of the social innovation loan pilot program and to issue annual reports detailing the progress of the pilot program Specifically, the study commission, in cooperation with the authority and the Department of Human Services shall

(1) identify the nonprofit and for-profit organizations that will be eligible to receive loan guarantees from the authority The study commission shall make this determination taking several factors into consideration which shall include, but not be limited to, the size and identity of the target population that benefits from the nonprofit or for-profit organization service provider, the projected financial value of the improvements as a result of the social innovation loan investments, including projected public sector savings, the ability to repay the loan in full, the ease of the measurability of the outcomes, and an analysis of impacts beyond financial savings and returns, such as social outcomes,

(2) assist the authority in soliciting donations from philanthropic organizations and other private sources to capitalize the loan fund,

(3) negotiate contract terms and conditions between social innovation loan recipients and any public entity for whom the recipient is performing health care intervention services, including the development of metrics to project and measure both financial and social outcomes, and the identification of independent third parties to measure and evaluate outcomes,

(4) determine whether an independent intermediary with expertise in the areas of social finance and health care should be retained to

(a) assist the study commission in the performance of its duties under this section, or

(b) perform the method of measurement and verification activities required in the agreements entered into pursuant to paragraph (3) of subsection b of section 3 of P L 2021, c 434 (C 34 1B-268 5), and to identify appropriate independent intermediaries to recommend to the authority if the study commission determines that intermediary services should be retained, and

(5) any other purposes related to the pilot program for which the authority requests assistance

f Not later than one year following the effective date of P L 2021, c 434 (C 34 1B-268 3 et seq), and annually for four years thereafter, the study commission shall submit to the Governor and, pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), to the Legislature, a report containing a study and evaluation of the pilot program The report shall include, but not be limited to, a description of any eligible organizations funded by the social innovation loans, State, federal, and municipal financial savings related to the issuance of social innovation loans, including Medicaid savings, the expected loan performance and projected payment schedule, the number of people serviced by the eligible organization, a comparison of the population serviced by the eligible organization and a similarly situated control group, and any community impact related to the pilot program

g The study commission shall submit its fifth and final report to the Governor and, pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), to the Legislature, within 90 days of the expiration date of the pilot program, including any recommendations for legislation it deems appropriate The study commission's final report shall include, but not be limited to, an analysis of the feasibility of implementing a permanent social innovation loan program Statewide, the sectors outside of non-profit health care in which social lending could be successfully applied, the estimated costs for the creation and administration of the permanent social innovation loan program, the projected State, federal, and municipal savings from administering the permanent program, a calculation of the loan performance realized from the pilot program, a calculation of the State, federal, and municipal savings accrued through the pilot program, and an analysis of non-financial outcomes, such as community impact and preventive results The study commission shall expire on the 30th day after the date of the issuance of its final report, or upon the expiration of the pilot program, whichever occurs later

C 34 1B-268 7 "Social innovation loan fund" established, funds appropriated

5 a To implement the social innovation loan pilot program, the authority shall establish and maintain a special non-lapsing, revolving fund called the "social innovation loan fund" which may be credited with

(1) monies appropriated by the State for the purpose of the fund,

(2) monies received by the authority from any public or private donations to be used to guarantee a loan issued pursuant to subsection f of section 3 of P L 2021, c 434 (C 34 1B-268 5),

(3) any monies as may be available to the authority from grants or other forms of assistance established to support health care intervention activities by the authority or by other State or federal agencies or authorities, and

(4) monies received from eligible organizations in the form of any applicable fees

b Loan funds may be used by the authority for the following purposes

(1) guaranteeing loans issued pursuant to subsection b of section 3 of P L 2021, c 434 (C 34 1B-268 5),

(2) reasonable and necessary expenses incurred by the authority related to the administration of the pilot program and the study commission, and

(3) administrative expenses for the provision of loan guarantees issued pursuant to subsection b of section 3 of P L 2021, c 434 (C 34 1B-268 5)

c The amount of loans guaranteed by the authority pursuant to subsection b of section 3 of P L 2021, c 434 (C 34 1B-268 5) shall not exceed $3,000,000 per year or $15,000,000 in the aggregate over five years, as determined by the authority

d The authority shall not issue a loan guarantee in an amount greater than the available and uncommitted monies in the loan fund

e The authority may charge fees in connection with applications for participation in the social innovation loan pilot program as it deems reasonable to cover authority expenses in administering the pilot program and issuing loan guarantees

f The activities required pursuant to P L 2021, c 434 (C 34 1B-268 3 et seq) shall only be paid from monies deposited into the "social innovation loan fund," established pursuant to subsection a of this section

C 34 1B-268 8 Director to manage "social innovation loan fund "

6 a The authority shall appoint a director to manage the activities associated with the "social innovation loan fund" established pursuant to section 5 of P L 2021, c 434 (C 34 1B-268 7) The director shall receive compensation as determined by the authority

b Except as provided in subsection a of this section, the activities required pursuant to P L 2021, c 434 (C 34 1B-268 3 et seq) shall only be staffed from existing authority staff resources

C 34 1B-268 9 Report issued to Governor, Legislature, detailing financing, loan guarantee recipients

7 The authority shall issue a report six months after the effective date of P L 2021, c 434 (C 34 1B-268 3 et seq), and annually thereafter not later than September 15, to the Governor and, pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), to the Legislature concerning the financing of the pilot program as described in section 5 of P L 2021, c 434 (C 34 1B-268 7), undertaken with monies from the "social innovation loan fund " The initial

report and each annual report required pursuant to this section shall include the number of eligible organizations receiving loan guarantees from the fund, the name of each eligible organization receiving loan guarantees from the fund, the amount of money each eligible organization receives from the fund, a description of each pilot program funded by loans issued to eligible organizations, and a detailed analysis of the consideration given to the factors set forth in subsection d of section 3 of P L 2021, c 434 (C 34 1B-268 5)

8 The authority shall adopt, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), any rules or regulations necessary to effectuate the purposes of this act

9 This act shall take effect on the first day of the fourth month following the date of enactment, but the authority may take any anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act

Approved January 18, 2022

CHAPTER 435

AN ACT concerning certain crimes and amending N J S 38A 14-5

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

1 N J S 38A 14-5 is amended to read as follows

New Jersey Stolen Valor Act

38A 14-5 Any person who knowingly, with intent to impersonate and with intent to deceive, misrepresents oneself as a member or veteran of the United States Armed Forces or organized militia by wearing the uniform or any medal or insignia authorized for use by the members or veterans of the United States Armed Forces or the organized militia, by federal and State laws and regulations, shall be guilty of a crime of the fourth degree

Any person who knowingly, with intent to impersonate and with intent to deceive for the purpose of obtaining money, property, or other tangible benefit, misrepresents oneself as a member or veteran of the United States Armed Forces or organized militia by wearing the uniform or any medal or

insignia authorized for use by the members or veterans of the United States Armed Forces or the organized militia, by federal and State laws and regulations, shall be guilty of a crime of the third degree, subject to a minimum fine of $1,000, if the actor obtains money, property or other tangible benefit in an amount less than $75,000, or a crime of the second degree, if the actor obtains money, property or other tangible benefit in the amount of $75,000 or more

Any person who knowingly, with intent to deceive for the purpose of obtaining money, property, or other tangible benefit, holds oneself out to be a recipient of any decoration or medal created by federal and State laws and regulations to honor the members or veterans of the United States Armed Forces or the organized militia shall be guilty of a crime of the third degree, subject to a minimum fine of $1,000, if the actor obtains money, property or other tangible benefit in the amount less than $75,000, or a crime of the second degree, if the actor obtains money, property or other tangible benefit in the amount of $75,000 or more

Any monies collected pursuant to this section shall be forwarded to the State Treasurer, and shall be deposited into the Military Dependents Scholarship Fund, as established pursuant to P L 2015, c 117 (C 18A 71B-98 et seq), in the Higher Education Student Assistance Authority

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 436

AN ACT concerning certain animals suspected of being rabid, amending R S 26 4-86 and R S 26 4-94, 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 4-86 1 Findings, declarations

1 The Legislature finds and declares that pets are important in the lives of their owners and are often integral to the owner's well-being and emotional and mental health, a domestic companion animal, the term often used for a pet in State law, may provide companionship to its owner as

important as the owner's human companions and family members and, in some cases, may be the owner's only companion in the household, a domestic companion animal is often as treasured as a family member, the loss of a domestic companion animal can be mourned with the same depth of emotion as the loss of a human family member and may have a profound effect on the mental health of an owner, organizations such as the Substance Abuse and Mental Health Services Administration in the United States Department of Health and Human Services and the National Association on Mental Illness have noted the effectiveness of animal therapy in treating or managing mental illness and the benefits attributed to the unconditional acceptance and affection received from interacting with an animal, because of the importance of a domestic companion animal to its owner its illness or death is traumatic for the owner, particularly when the owner authorizes euthanizing the animal, such trauma is unnecessarily exacerbated when the owner is not properly notified about procedures that are required in connection with the disposition of the remains of the domestic companion animal, and failure to forewarn the owner of any necessary dismemberment of the animal for public health reasons is wrongful and unnecessarily injurious to the owner

The Legislature therefore determines that it is the public policy of the State to require those caring for an animal, including veterinarians and staff at animal hospitals, to (1) clearly communicate to the owner the tests and procedures required and how the tests and procedures may affect the condition of the animal's body after death, and (2) disclose whether the remains of the animal can be returned to the owner, and the condition of the those remains The Legislature further determines that the importance of the connection between domestic companion animals and their owners needs to be recognized and addressed by those who treat animals, euthanize them, and handle their remains after death

C 26 4-86 2 Rabies testing requirements, notifying owner, acknowledgement from owner

2 a Except as provided under subsection e of this section, no rabies testing shall be performed on a dead domestic companion animal until the health official requiring the rabies testing, or the veterinarian preparing and submitting the specimen for rabies testing, and the owner of the animal have complied with the requirements of subsections b and c of this section

b Whenever it is necessary to test a dead domestic companion animal for rabies, prior to commencing any testing procedure, the health official requiring the rabies testing, or the veterinarian preparing and submitting the

specimen for rabies testing, as applicable, shall notify at the first opportunity the owner of the animal, if known, verbally and in writing, of

(1) the necessity of the rabies testing and the reasons therefor,

(2) the rabies testing protocol to be followed,

(3) the protocol to be followed with regard to the handling of the animal's body,

(4) the protocol to be followed with regard to the disposal of the animal's body or its return to the owner, and

(5) the protocol of decapitation

c Upon receiving the notification required in subsection b of this section, the owner of the animal shall immediately provide, in writing, in the manner prescribed by the department pursuant to subsection d of this section

(1) release of the animal to the health official or veterinarian, as applicable, for the rabies testing, in accordance with the protocols to be followed pursuant to subsection b of this section, and

(2) the owner's signature to acknowledge notification about the protocols and procedures to be followed pursuant to this section

d The Department of Health shall develop and provide on its website forms for use in providing the notification required pursuant to subsection b of this section, and the release, and acknowledgement of notification required pursuant to subsection c of this section

e This section shall not apply to rabies testing required pursuant to section 10 of P L 1989, c 307 (C 4 19-26) or to the handling of an impounded animal that is suspected of being rabid pursuant to section 16 of P L 1941, c 151 (C 4 19-15 16) In cases where a veterinarian or health official has made reasonable attempts to contact the owner to comply with this section and the owner is unable to be contacted or refuses to provide a signature, rabies testing can proceed When contact is made but a written signature or acknowledgement by the owner cannot be obtained, the veterinarian or health official shall document the date and time that verbal notification was made to the owner and keep this information on file for six months

f Nothing in this section shall be construed to interfere with the powers of any municipality to control rabies consistent with R S 26 4-95

g As used in this section, "domestic companion animal" means any animal commonly referred to as a pet that was bought, bred, raised, or otherwise acquired, in accordance with local ordinances and State and federal law, for the primary purpose of providing companionship to the owner, rather than for business or agricultural purposes "Domestic companion animal" shall not include "domestic livestock" as defined in subsection c of section 1 of P L 1995, c 311 (C 4 22-16 1)

3 R S 26 4-86 is amended to read as follows

Examination of animals by local board

26 4-86 The local board or the duly authorized agent of the board, within its jurisdiction, shall be permitted by the owner or person in charge of a dog, cat or other animal which has attacked or bitten a person, to examine the animal at any time, and daily if desired, within a period of 10 days after the animal has attacked or bitten a person, to determine whether the animal shows symptoms of rabies

If the animal dies within the 10-day confinement period or if the owner or person in charge of the animal chooses to euthanize the animal at any time during the confinement period, the local board may order a laboratory examination for rabies to be performed on the dead animal, in compliance with section 2 of P L 2021, c 436 (C 26 4-86 2)

Except as provided for in section 2 of P L 2021, c 436 (C 26 4-86 2), no person shall refuse, obstruct, or interfere with the local board in making any examination authorized pursuant to this section

4 R S 26 4-94 is amended to read as follows

Penalties, recovery

26 4-94 Any person who violates any of the provisions of this article, or any notice served thereunder, shall be liable to a penalty of $50 for the first offense, and not less than $50 nor more than $250 for each subsequent offense, to be recovered in a civil action brought by and in the name of the Department of Health or a local board Penalties hereunder shall be enforced and collected pursuant to R S 26 3-72, R S 26 3-77 and R S 26 3-78

5 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 437

AN ACT concerning homeless prevention programs and services and supplementing Title 52 of the Revised Statutes

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

C 52 27D-281a Information on homeless prevention programs, services made available on Internet website, Department of Community Affairs

1 a The Department of Community Affairs shall prepare and make available on the department's Internet website, in an easily printable format, or contract with a third party to prepare and make available, information on all county, State, and federal homeless prevention programs and services that are available to a homeless person or to a person who is at imminent risk of homelessness The department shall update the information whenever new information about the programs and services becomes available The information shall include, but not be limited to, a list, by county, of

(1) grant programs and homeless intervention programs, including the "Homeless Veterans Grant Fund" established by section 4 of P L 2013, c 239 (C 54A 9-25 33), "Statue of Liberty Trust Fund," established by section 3 of P L 1987, c 57 (C 32 32-3), "County Homelessness Trust Fund," created by P L 2009, c 123 (C 52 27D-287a et al), and the Homeless Intervention Program in the Department of Military and Veterans Affairs, that supply grants and provide referral assistance services to homeless veterans, homeless persons, and persons at imminent risk of homelessness, as applicable,

(2) homeless youth programs and other homeless services provided to teens and young adults by the Division of Children's System of Care and Office of Adolescent Services in the Department of Children and Families,

(3) homeless prevention services provided by the Division of Child Protection and Permanency in the Department of Children and Families to families involved in the child welfare system,

(4) homeless services provided by the Division of Mental Health and Addiction Services in the Department of Human Services to persons suffering from mental illness or co-occurring addiction and mental health disease, and

(5) other county, State, or federal housing and homeless prevention programs that provide financial and other supportive services to homeless persons or those at imminent risk of homelessness

b The department shall notify each county welfare agency, Division of Child Protection and Permanency local office, veterans service office, emergency shelter for the homeless, health care facility, State psychiatric hospital, crisis intervention unit, screening service, library, and community-based outreach program and nonprofit organizations providing housing and homeless prevention services in the State of the requirement to

(1) post the information specified in paragraph (1) of subsection a of this section in a conspicuous public place in the agency, office shelter, facility, hospital, unit, screening service, library, or place where housing and homeless prevention services are provided, and

(2) provide the information, at no cost, to homeless persons or persons at imminent risk of homelessness

c The department shall ensure, in consultation with the Departments of Children and Families, Health, Human Services, and Military and Veterans Affairs, that

(1) the information posted on its website is made available on the websites of the Departments of Children and Families, Health, Human Services, and Military and Veterans Affairs, and is updated as necessary, and

(2) a website link to the information is posted to the Internet website of every county welfare agency, Division of Child Protection and Permanency local office, and veterans service office in the State

d As used in this section, "homeless person" means a teen, a young adult, a veteran, as defined under N J S 11A 5-1, N J S 18A 66-2, section 6 of P L 1954, c 84 (C 43 15A-6), or section 1 of P L 1983, c 391 (C 43 16A-11 7), an unemployed or underemployed person, a person with mental illness, or a person with developmental disabilities 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, 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

2 Pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), the Department of Community Affairs, in consultation with the Departments of Children and Families, Health, Human Services, and Military and Veterans Affairs, may adopt rules and regulations to effectuate the purposes of this act

3 This act shall take effect nine months following enactment, except that the department may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act

Approved January 18, 2022

CHAPTER 438

AN ACT concerning the promotion of the brewery, cidery, meadery, and distillery industries in the State and supplementing Title 33 of the Revised Statutes

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

C 33 5-1 Findings, declarations

1 The Legislature finds and declares that

a It is of significant economic importance to the State of New Jersey and its residents that the State supports the future development, expansion, and continued success of New Jersey's burgeoning craft alcohol beverage industry in a myriad of ways, including direct financial support for industry-related research, development, and promotion activities positively impacting the operation and growth of New Jersey's limited brewery, restricted brewery, cidery, meadery, and craft distillery industries

b According to recent national industry statistics, New Jersey's craft beer industry is composed of hundreds of small and medium-sized businesses impacting the employment and livelihoods of over 8,000 individuals and their families statewide, equating to an over $1 35 billion annual economic impact in the State New Jersey's growing craft beer industry of production breweries and brewpubs has become a tourist draw for both in-State and out-of-State visitors, positively impacting State revenue and the economic vitality of host communities and other local business in proximity to many New Jersey craft breweries

c The State's distilled spirits industry, which supports almost 56,000 jobs and generates nearly $4 7 billion in annual State economic activity, including to New Jersey's local communities and the State in taxes, has experienced noteworthy growth and increased financial investment in the State's local craft distillery sector in recent years, which has positively impacted the local communities where these businesses are situated and the State's tourism and hospitality industry as whole

d Small producers of New Jersey-produced hard cider and mead, which are contributing greater amounts of financial investment and tax revenue to the State and their local communities in recent years, are growing in consumer popularity nationwide, which entail supports the State's agricultural community and vendors through the purchase of New Jersey-sourced products such as apples, other produce, and local honey

e Travel and tourism is one of the largest employment sectors and highest revenue-generating industries in the State of New Jersey, a vibrant travel and tourism industry is vital to the overall economic well-being of New Jersey's citizens, and a robust craft alcohol beverage industry is crucial to promoting travel and tourism in this State

f As a result of the COVID-19 pandemic, there exists a heightened sense of fear and hesitancy in people to travel and experience tourism destinations, which has caused tremendous disruption throughout the State's travel and tourism industry, including travel and tourism to the State's craft alcohol beverage industries

g According to the 2021 report released by the Division of Travel and Tourism, the "Economic Impact of Tourism in New Jersey 2020," the number of people visiting the State dropped by 27 percent in 2020, from 116 2 million visitors in 2019 to 84 6 million visitors in 2020 Visitor spending also decreased sharply by 37 percent in 2020, from $46 4 billion in 2019 to $29 4 billion in 2020

h The success of the State's craft alcoholic beverage industry, in an international, ultra-competitive marketplace, necessitates dependable and consistent financial resources so that these industries may be collectively supported and promoted on both a domestic and global basis, and to help address evolving industry priorities related to technology innovations, economic and supply chain challenges, food and beverage science research, workforce training and availability issues, and destination marketing trends

C 33 5-2 Definitions

2 As used in P L 2021, c 438 (C 33 5-1 et seq)

"Account" means the New Jersey Brewery, Cidery, Meadery, and Distillery Industry Promotion Account established pursuant to section 3 of P L 2021, c 438 (C 33 5-2)

"Advisory council" means the New Jersey Brewery, Cidery, Meadery, and Distillery Industry Advisory Council established pursuant to section 4 of P L 2021, c 438 (C 33 5-3)

"Beer" means beer, lager beer, ale, stout, porter, and all similar fermented malt beverages having an alcoholic content of one-half of one percent (1/2 of 1%) or more by volume

"Chief executive officer" means the Chief Executive Officer of the New Jersey Economic Development Authority

"Department" means the Department of State

"Division" means the Division of Travel and Tourism in the Department of State

"Executive director" means Executive Director of the Division of Travel and Tourism in the Department of State

"Cider" means a beverage made from the alcoholic fermentation of the juice of apples, including but not limited to flavored, sparkling or carbonated cider

"Liquors" means all distilled or rectified spirits, alcohol, brandy, whisky, rum, gin and all similar distilled alcoholic beverages, including all dilutions and mixtures of one or more of the foregoing, such as liqueurs, cordials, and similar compounds, having an alcoholic content of one-half of one percent (1/2 of 1%) or more by volume

"Mead" means an alcoholic beverage primarily made from honey, water, and yeast, and which may contain fruit, fruit juices, spices, or herbs added before or after fermentation has completed, except that the ratio of fermentable sugars from fruit or fruit juices shall not exceed 49 percent of the total fermentable sugars used to produce mead

"Qualifying licensee" means a person or entity that holds a limited brewery license, a restricted brewery license, a cidery and meadery license, or a craft distillery license issued pursuant to R S 33 1-10

C 33 5-3 "New Jersey Brewery, Cidery, Meadery, and Distillery Industry Promotion Account" established, credit, research, development

3 a There is established in the Division of Travel and Tourism in the Department of State the "New Jersey Brewery, Cidery, Meadery, and Distillery Industry Promotion Account " All monies received in this account shall be expended by the executive director for research and development concerning the limited brewery, restricted brewery, cidery, meadery, and craft distillery industries in the State and for the promotion of New Jersey's limited brewery, restricted brewery, cidery, meadery, and craft distillery industries, and in determining how to expend these monies the executive director shall give due consideration to the recommendations of the advisory council created pursuant to section 4 of P L 2021, c 438 (C 33 5-4)

b The account shall be credited annually, in an appropriation by law, with an amount equal to 50 percent of the receipts from the per gallon tax, as provided for pursuant to R S 54 43-1, imposed on all sales of beer, cider, mead, and liquors sold by a qualifying licensee during the preceding taxable year

c The account shall also be credited with any monies made available to it from the General Fund or any non-State public or private source

d The Secretary of State shall include with the annual budget request for the department a request for funds sufficient to carry out the purposes and intent of P L 2021, c 438 (C 33 5-1 et seq)

C 33 5-4 "New Jersey Brewery, Cidery, Meadery, and Distillery Industry Advisory Council" established, membership criteria, duties

4 a There is established in the division the "New Jersey Brewery, Cidery, Meadery, and Distillery Industry Advisory Council," comprising seven

members, one of whom shall be the executive director and one of whom shall be the Chief Executive Officer of the New Jersey Economic Development Authority, or their respective designees, who shall serve ex officio and as nonvoting members, and five public members to be appointed by the Governor, following consultation with the executive director and chief executive officer, two of whom shall be representatives of the limited brewery or restricted brewery industry, one of whom shall be a representative of the cidery industry, one of whom shall be a representative of the meadery industry, and one of whom shall be a representative of the craft distillery industry To the maximum extent practicable and feasible, the members appointed from the general public shall be chosen so as to collectively provide wide geographical representation The members appointed from the general public shall serve for terms of three years and may be reappointed and may serve until a successor has been appointed Of the public members first appointed, the representatives of the limited brewery or restricted brewery industry shall be appointed for terms of three years, the representatives of the cidery and craft distillery industries shall be appointed for terms of two years, and the representative of the meadery industry shall be appointed for a term of one year A vacancy in the membership occurring other than by expiration of a term shall be filled in the same manner as the original appointment for the remainder of the unexpired term The members of the advisory council shall serve without compensation, but the advisory council may, within the limits of funds appropriated or otherwise made available to it, reimburse members for actual expenses necessarily incurred in the discharge of their official duties

b The advisory council shall organize as soon as its membership has been appointed and shall select a chairman and vice-chairman from among its members and may select a secretary, who need not be a member of the advisory council The advisory council shall meet twice annually, and at other times as determined by the advisory council

c It shall be the duty of the advisory council to assess the condition of the limited brewery, restricted brewery, cidery, meadery, and craft distillery industries of the State and to advise the executive director on expenditures from the account for research, development, and promotion of the New Jersey limited brewery, restricted brewery, cidery, meadery, and craft distillery industries

d The advisory council is entitled to call to its assistance and avail itself of the services of such 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 these purposes

e The Division of Travel and Tourism may promulgate rules and regulations subject to the approval of the Secretary of State to effectuate the

purposes of P L 2021, c 438 (C 33 5-1 et seq) The advisory council may employ, prescribe the duties, and fix and pay the compensation of such persons it may deem necessary to carry out the duties of the advisory council within the limits of available appropriations and subject to the approval of the Secretary of State

C 33 5-5 Annual certification, taxable volume of beer, cider, mead, liquors sold

5 The Director of the Division of Taxation shall certify by March 1 annually to the advisory council the taxable volume of beer, cider, mead, and liquors sold by qualifying licensees during the preceding taxable year

6 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 439

AN ACT establishing the "New Jersey Nonprofit Security Grant Program" and supplementing chapter 9 of Appendix A

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

C App A 9-87 Findings, declarations

1 The Legislature finds and declares

a The three-year "New Jersey Nonprofit Security Grant Pilot Program" established under P L 2017, c 246 in the Office of Homeland Security and Preparedness (OHSP) expired on January 10, 2020,

b In these volatile times, the need to remain vigilant concerning domestic security and State and local preparedness remains of imminent importance,

c Certain nonprofit organizations continue to be at high risk for threats, attacks, and other violent acts, and would continue to benefit from engaging in target-hardening activities to reduce vulnerability,

d Federal grant money distributed through the United States Department of Homeland Security's Nonprofit Security Grant Program provides these organizations with a competitive process to secure funds for certain target-hardening activities, the expansion of existing security personnel, or the hiring of temporary security personnel, but such federal funds are appropriated annually and are discretionary,

e 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,

f 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

g Accordingly, it is within the public interest to make the "New Jersey Nonprofit Security Grant Program" in the Office of Homeland Security and Preparedness permanent to continue to provide grants to eligible nonprofit organizations at greatest risk of attack to hire permanent or temporary security personnel and for acquisition of target-hardening equipment for the purpose of preparedness and reduction of vulnerability

C App A 9-88 Definitions

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 is exempt from federal taxation pursuant to Section 501(c)(3) of the federal Internal Revenue Code (26 U S C s 501 (c)(3))

C App A 9-89 "New Jersey Nonprofit Security Grant Program" established, criteria for grant, funds distributed, adjusted

3 a There is hereby established the "New Jersey Nonprofit Security Grant Program" (NJNSGP) in the Office of Homeland Security and Preparedness, which shall provide grants to eligible nonprofit organizations at greatest risk of attack as annually appropriated (1) 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), and (2) for acquisition of target-hardening equipment for the purpose of preparedness against threats, attacks, and other violent acts

b The director shall administer the New Jersey Nonprofit Security Grant Program There shall annually be distributed to approved eligible nonprofit organizations a maximum grant of up to $10,000 per approved application for personnel and a maximum grant of up to $50,000 for target-hardening equipment The director may adjust these amounts based upon the final availability of funds, analytical trends, and emerging threats

c An eligible nonprofit organization shall apply to the Office of Homeland Security and Preparedness to receive a grant under the program, for either costs of security personnel or acquisition of target-hardening equipment, or both, however, an applicant only may be awarded funds for either personnel or for equipment in a fiscal year The Office of Homeland Security and Preparedness first shall evaluate all applications as to whether they are at high risk of terrorist attack, threats, domestic extremism, and other violent acts The costs of hiring security personnel shall include the cost of hiring security personnel for an event within the geographic boundaries of the State primarily organized by the applicant away from the applicant's physical location as recorded on the grant application and for which the applicant bears legal liability The funds distributed under the program shall be utilized solely for security investments made within this State No funds shall be utilized to support security needs while traveling outside of this State

Applicants may apply annually for a disbursement of funds for costs of security personnel and may be awarded grants in successive years The Office of Homeland Security and Preparedness shall assign a preference for applicants who have not received a federal security grant that includes funding for hiring security personnel in the last two federal grant cycles

Applicants may apply annually for grant funds for acquisition of target-hardening equipment The Office of Homeland Security and Preparedness shall assign a preference for applicants who have not received either a federal or State security grant for target-hardening equipment in the last two grant cycles

d The Office of Homeland Security and Preparedness shall request annually as part of its annual budget proposal a minimum of $2,000,000 to fund the grants authorized pursuant to this section The office also shall pursue and develop, with the Department of Law and Public Safety, the United States Department of Homeland Security, and any other applicable State or federal agency, any available federal, State, local, and private funding for the grants authorized pursuant to this section

e Of the amount appropriated to the program, five percent shall be allocated to the Office of Homeland Security and Preparedness to be used to administer the program

4 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 440

AN ACT concerning emergency shelters for the homeless and supplementing P L 1983, c 530 (C 55 14K-1 et seq)

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

C 55 14K-5 5 Occupancy status, information access, shelter operator duties

1 The New Jersey Housing and Mortgage Finance Agency shall allow operators of shelters for the homeless and selected local information and referral providers who place persons in the shelters to have access to real-time information about the occupancy status of shelter beds in the State, as collected by the Homeless Management Information System, in order to determine the availability of shelter beds in the community or within a certain geographic area Shelter operators shall update information in the Homeless Management Information System about the availability of shelter beds not later than one hour after a bed becomes available, or an available bed has been filled

The provisions of this section shall not apply to shelters for victims of domestic violence

C 55 14K-5 6 Criteria for receiving funding, compliance

2 A shelter for the homeless, except a shelter for victims of domestic violence, which is subject to regulation by the Department of Community Affairs pursuant to N J A C 5 15-1 1 et seq , shall cooperate in providing any necessary information to the database, as determined by the New Jersey Housing and Mortgage Finance Agency, the Department of Community Affairs, and the Department of Human Services, as a condition of being eligible to receive funding for the shelter from the Department of Community Affairs and the Department of Human Services

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

Approved January 18, 2022

CHAPTER 441

AN ACT concerning certain electric public utility service rates and supplementing Title 48 of the Revised Statutes

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

C 48 7-6 1 Definitions, vehicle charging, residential rate for residential customer

1 a As used in this section

"Designated parking space" means a parking space that is specifically designated for use by a resident of any premises intended for residential occupancy, including, but not limited to, a garage or other parking space located at the resident's premises or upon the premises of the planned real estate development where the resident resides and that is intended for a specific resident's exclusive use

"Electric public utility" shall have the same meaning as provided in section 3 of P L 1999, c 23 (C 48 3-51)

"Electric vehicle charging station" means a station that is installed in compliance with the State Uniform Construction Code, adopted pursuant to P L 1975, c 217 (C 52 27D-119 et seq), that delivers electricity from a source outside an electric vehicle into one or more electric vehicles An electric vehicle charging station may include several charge points simultaneously connecting several electric vehicles to the station and any related equipment needed to facilitate charging plug-in electric vehicles

"Planned real estate development" or "development" means any real property situated within the State, whether contiguous or not, which consists of, or will consist of, separately owned areas, irrespective of form, be it lots, parcels, units, or interest, which are offered or disposed of pursuant to a common promotional plan, and which provide for common or shared elements or interests in real property, including, but not limited to, property subject to the "Condominium Act," P L 1969, c 257 (C 46 8B-1 et seq), any form of homeowners' association, housing cooperative, or community trust or other trust device "Planned real estate development" shall not include or apply to any form of timesharing

"Point of utility delivery" means the point at which an electric public utility's electrical equipment or conductors connects to a customer's electrical equipment or conductors

"Residential unit owner" means the owner of record of a residential dwelling unit located within a planned real estate development, or, in the case of a cooperative housing corporation, a shareholder of record owning the shares appurtenant to an individual residential dwelling unit "Residential unit owner" shall not mean the owner of a commercial unit, space, or interest located within a planned real estate development

b Notwithstanding the provisions of any law, rule, regulation, or order to the contrary, an electric public utility shall charge a residential rate for service delivered to an electric public utility residential customer of record if the residential customer is a residential unit owner who uses an electric vehicle charging station at a designated parking space located at the residential customer's premises or upon the premises of the planned real estate development where the residential unit owner resides

c Notwithstanding the provisions of any law, rule, regulation, or order to the contrary, an electric public utility shall not charge greater than a residential rate, or greater than an equivalent electricity rate or load management program that is offered by an electric public utility specifically for residential electric vehicle charging, for service delivered to a planned real estate development for the use of an electric vehicle charging station which is located upon the premises of the planned real estate development and is intended for the use of a specific residential unit owner in a planned real estate development Notwithstanding the provisions of this subsection, in the event that the planned real estate development has a contract for the purchase of electric commodity service from a party other than the electric public utility serving the planned real estate development, the distribution charges, inclusive of demand charges and load management programs that are offered by the electric public utility, shall be comparable to those offered by the electric public utility to residential customers receiving basic generation service

d Nothing in subsection b of this section shall prevent a planned real estate development that has installed an electric vehicle charging station from setting the price of the sale of electricity for the use of its electric vehicle charging equipment provided as a service pursuant to section 10 of P L 2019, c 362 (C 48 25-10)

e An electric public utility, upon the request of an applicant for electric service at a planned real estate development, shall install, up to the point of utility delivery, any distribution infrastructure necessary to facilitate the future installation of an electric vehicle charging station that provides Level 2 charging capability, under rates, terms and conditions as established by the board Any prudent costs incurred by the electric public utility shall be deemed consistent with the provisions of R S 48 2-27 governing the extension of public utility facilities, subject to any maximum cost as may be established by the board The electric public utility shall be entitled to full and timely recovery of all such prudently incurred costs, provided that the cost of any electric vehicle charging station or installation thereof is not included

2 This act shall take effect immediately, but shall remain inoperative for 120 days following the date of enactment

Approved January 18, 2022

CHAPTER 442

AN ACT concerning the disclosure of certain information prior to the sale of real estate and amending P L 1999, c 76

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

1 Section 1 of P L 1999, c 76 (C 56 8-19 1) is amended to read as follows

C 56 8-19 1 Exemption from consumer fraud law, certain real estate licensees, circumstances

1 Notwithstanding any provision of P L 1960, c 39 (C 56 8-1 et seq) to the contrary, there shall be no right of recovery against a real estate broker, broker-salesperson, or salesperson licensed under R S 45 15-1 et seq for the communication of any false, misleading, or deceptive information provided to the real estate broker, broker-salesperson, or salesperson, regarding real estate located in New Jersey, if the real estate broker, broker-salesperson, or salesperson demonstrates that they

a Had no actual knowledge of the false, misleading or deceptive character of the information,

b Made a reasonable and diligent inquiry to ascertain whether the information is of a false, misleading, or deceptive character For purposes of this section, communications by a real estate broker, broker-salesperson, or salesperson which shall be deemed to satisfy the requirements of a "reasonable and diligent inquiry" include, but shall not be limited to, communications which disclose information

(1) provided in a report or upon a representation by a person, licensed or certified by the State of New Jersey, including, but not limited to, an appraiser, home inspector, plumber or electrical contractor, or an unlicensed home inspector until December 30, 2005, of a particular physical condition pertaining to the real estate derived from inspection of the real estate by that person,

(2) provided in a report or upon a representation by any governmental official or employee, if the particular information of a physical condition is likely to be within the knowledge of that governmental official or employee, or

(3) that the real estate broker, broker-salesperson, or salesperson obtained from the seller in a property condition disclosure statement, which form shall comply with regulations promulgated by the director in consultation with the New Jersey Real Estate Commission, provided that the real estate broker, broker-salesperson, or salesperson informed the buyer that the seller is the source of the information and that, prior to making that communication to the buyer, the real estate broker, broker-salesperson, or salesperson visually inspected the property with reasonable diligence to ascertain the accuracy of the information disclosed by the seller In addition to any other question as the director shall deem necessary, the property condition disclosure statement shall include a question specifically concerning the presence of lead plumbing, including but not limited to any service line, piping materials, fixtures, and solder, in the residential property, and

c If a property condition disclosure statement contained information indicating the seller's awareness of water leakage, accumulation or dampness, the presence of mold or other similar natural substance, or repairs or other attempts to control any water or dampness problem on the real property, the real estate broker, broker-salesperson, or salesperson referred the buyer of the real property to the "Mold Guidelines for New Jersey Residents" pamphlet on the Department of Health Internet website, or other pamphlet or guidelines deemed appropriate by the director and, if requested by the buyer, provided the buyer with a physical copy of the pamphlet

Nothing in this section shall be interpreted to affect the obligations of a real estate broker, broker-salesperson, or salesperson pursuant to the "New Residential Construction Off-Site Conditions Disclosure Act," P L 1995, c 253 (C 46 3C-1 et seq), or any other law or regulation

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

Approved January 18, 2022

CHAPTER 443

AN ACT concerning a Medicaid recipient's remote participation in meetings of a non-medical nature regarding benefits 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-6t Remote participation in certain meetings, eligible Medicaid recipients, authorization

1 The Division of Medical Assistance and Health Services in the Department of Human Services, to the extent permitted under federal law, shall authorize a recipient of Medicaid benefits who is determined eligible to receive a personal care service benefit and who is attending a post-secondary educational institution and residing on that institution's campus to participate remotely by telephone or other means in a meeting of a non-medical nature regarding the recipient's Medicaid benefits The provisions of this section shall apply to any meeting between the recipient and the division, a managed care organization contracted with the division to provide benefits under the Medicaid program, or any other entity or individual authorized by the division to conduct such meetings

As used in this section, "Medicaid" means the Medicaid program established pursuant to P L 1968, c 413 (C 30 4D-1 et seq)

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 444

AN ACT concerning property registration ordinances to address the risk of blight, revising various parts of the statutory law and supplementing Title 40 of the Revised Statutes

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

C 40 48-2 12s1 Findings, declarations

1 The Legislature finds and declares that

a Although New Jersey has made great strides in addressing previous foreclosure crises, foreclosure continues to be an issue confronting residents and municipalities,

b Properties in foreclosure proceedings can involve properties that are vacant and abandoned or have an increased risk of becoming vacant and abandoned during the foreclosure proceeding,

c Vacant and abandoned properties in foreclosure create a greater risk of blight and can create a wide range of problems for the communities in which they are located These problems can include fostering criminal activity, creating public health problems, depressing neighboring property values and reducing revenues for municipalities, and otherwise diminishing the quality of life for residents and business operators in those areas,

d Because of the increased risk of blight created by properties in foreclosure, it is important that municipalities possess tools to identify such properties, monitor their status, and mitigate the risk that they become vacant and abandoned and, if vacant and abandoned, lead to blight The costs of identifying, monitoring, and mitigating such risks can adversely impact a municipality's finances,

e The State has enacted statutes intended to assist municipalities in addressing such risks, including requiring that municipalities receive notice of the initiation of a foreclosure action in court in connection with residential properties and authorizing a public officer in a municipality to take certain action against properties that have been abandoned for more than six months,

f Although these State laws provide municipalities with certain tools to address blight and the risk of blight, the laws do not apply to all properties, enable municipalities to create a comprehensive way to identify, monitor, and address the risk of blight on all such properties within their jurisdictions, or address the costs to municipalities to do so,

g A number of municipalities have adopted ordinances on an ad hoc basis to create property registration programs to identify, monitor, and address the risk of blight on residential and commercial properties within their jurisdictions, and

h The Legislature finds such property registration programs provide a valuable tool to municipalities in confronting the risk of blight created by properties on which foreclosure proceedings have been initiated and such properties that become vacant and abandoned The Legislature finds that it is in the State's interest for municipalities that operate such programs to do so with certain uniformity as part of the State's overall statutory scheme addressing the risk of blight

C 40 48-2 12s2 Notice of summons, complaint to municipal clerk, mayor, other municipal chief executive officer, requirements, duties

2 a (1) A creditor serving a summons and complaint in an action to foreclose on a mortgage on commercial property in the State shall, within 10 days of serving the summons and complaint, notify the municipal clerk and the mayor or other chief executive officer of the municipality in which the

property is located that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property The notice shall contain the full name, address, and telephone number for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations and the full name and contact information for any person or entity retained by the creditor or a representative of the creditor to be responsible for any care, maintenance, security, or upkeep of the property The notice may contain information about more than one property, and shall be provided by mail or electronic communication, at the discretion of the municipal clerk In the event the creditor that has served a summons and complaint in an action to foreclose on a commercial property that is located out-of-State, the notice shall also contain the full name, address, and telephone number of an in-State representative or agent who shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if it becomes vacant and abandoned If the municipality has designated or appointed a public officer pursuant to P L 1942, c 112 (C 40 48-2 3 et seq), the municipal clerk shall forward a copy of the notice to the public officer or shall otherwise provide it to any other local official responsible for administration of any property maintenance or public nuisance code The notice shall also include the street address, lot, and block number of the property

If there is any change in the name, address, or telephone number for a representative, agent, or individual authorized to accept service on behalf of a creditor required to be provided in a notice pursuant to this paragraph following the filing of the summons and complaint, the creditor shall provide a notice to the applicable municipal clerk containing the updated name, address, or telephone number within 10 days of the change in that information

(2) Within 30 days following the effective date of P L 2021, c 444 (C 40 48-2 12s1 et al), any creditor that has initiated a foreclosure proceeding on any commercial property that is pending in Superior Court shall provide to the municipal clerk of the municipality in which the property is located, a listing of all commercial properties in the municipality for which the creditor has foreclosure actions pending by street address and lot and block number If the municipality has designated or appointed a public officer pursuant to P L 1942, c 112 (C 40 48-2 3 et seq), the municipal clerk shall forward a copy of the notice to the public officer, or shall otherwise provide it to any other local official responsible for administration of any property maintenance or public nuisance code

b If the owner of a commercial property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a commercial property becomes vacant at any point subsequent to the creditor's filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the creditor or any other third party, and the exterior of the property is found to be a nuisance or in violation of any applicable State or local code, the local public officer, municipal clerk, or other authorized municipal official shall notify the creditor or the representative or agent of an out-of-State creditor, as applicable, which shall have the responsibility to abate the nuisance or correct the violation in the same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by State law or municipal ordinance The municipality shall include a description of the conditions that gave rise to the violation with the notice of violation and shall provide a period of not less than 30 days from the creditor's receipt of the notice for the creditor to remedy the violation If the creditor fails to remedy the violation within that time period, the municipality may impose penalties allowed for the violation of municipal ordinances

c If the municipality expends public funds in order to abate a nuisance or correct a violation on a commercial property in situations in which the creditor was given notice pursuant to the provisions of subsection b of this section but failed to abate the nuisance or correct the violation as directed, the municipality shall have the same recourse against the creditor as it would have against the title owner of the property, including, but not limited to, the recourse provided under section 23 of P L 2003, c 210 (C 55 19-100)

d For the purposes of this section, "creditor" means a State-chartered bank, savings bank, savings and loan association or credit union, any person required to be licensed under the provisions of the "New Jersey Residential Mortgage Lending Act," sections 1 through 39 of P L 2009, c 53 (C 17 11C-51 through C 17 11C-89), and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers For purposes of this section, a creditor shall not include the State, a political subdivision of the State, or a State, county, or local government entity, or their agent or assignee, such as the servicer

C 40 48-2 12s3 Municipal ordinances, authority, foreclosed, abandoned properties, filing summons, complaints

3 a The governing body of any municipality may adopt ordinances to

(1) create a property registration program for the purposes of identifying and monitoring residential and commercial properties within the

municipality for which a summons and complaint in an action to foreclose on a mortgage has been filed,

(2) regulate the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential and commercial properties for which a summons and complaint in an action to foreclose has been filed, and

(3) impose property registration fees on the creditor of residential or commercial properties on an annual or semi-annual basis

b An ordinance adopted pursuant to subsection a of this section shall

(1) require that the creditor filing a summons and complaint in an action to foreclose shall, in addition to the notice provided to the municipality pursuant to section 17 of P.L.2008, c.127 (C.46:10B-51) or section 2 of P.L.2021, c.444 (C.40:48-2.12s2), register the residential or commercial property with the municipality's property registration program as a property in foreclosure and, as part of that registration (a) provide the municipality with the information regarding the creditor required by paragraph (1) of subsection a. of section 17 of P.L.2008, c.127 (C.46:10B-51) or paragraph (1) of subsection a. of section 2 of P.L.2021, c.444 (C.40:48-2.12s2), (b) identify the date the summons and complaint in an action to foreclose on a mortgage was filed against the subject property, the court in which it was filed, and the docket number of the filing, and (c) identify whether the property is vacant and abandoned in accordance with the definition in the ordinance required by paragraph (8) of this subsection,

(2) require, if there is any change in the name, address, or telephone number for a representative, agent, or individual authorized to accept service on behalf of a creditor required to register pursuant to the property registration program following the filing of the summons and complaint, the creditor shall update the property registration program within 10 days of the change in that information,

(3) require that the creditor filing a summons and complaint in an action to foreclose shall, if the registered property becomes vacant and abandoned in accordance with the definition in the ordinance required by paragraph (8) of this subsection after the property is initially registered with the municipality, update the property registration with the municipality to reflect the change in the property's status,

(4) require that the creditor filing a summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if the property is vacant and abandoned at any time while the property is registered with the property registration program,

(5) require that a creditor located out-of-State shall be responsible for appointing an in-State representative or agent to act for the foreclosing creditor,

(6) identify any requirements that the municipality imposes on the creditor filing a summons and complaint in an action to foreclose on a property, that is or becomes vacant and abandoned, relating to the care, maintenance, security, and upkeep of the exterior of the property, including, but not limited to, any requirements to secure the property against unauthorized entry, post a sign affixed to the inside of the property and visible to the public indicating the name, address, and telephone number of the creditor or an out-of-State creditor's in-State representative or agent for the purpose of receiving service of process, or acquire and otherwise maintain liability insurance by procuring a vacancy policy, covering any damage to any person or any property caused by any physical condition of the property while registered with the property registration program,

(7) identify any fees that may be imposed on the creditor in connection with the property registration program that are authorized pursuant to subsection e of this section, and

(8) define that a property shall be considered vacant and abandoned if it is not legally occupied by a mortgagor or tenant, which is in such condition that it cannot be legally reoccupied, because of the presence or finding of at least two of the following

(a) overgrown or neglected vegetation,

(b) the accumulation of newspapers, circulars, flyers, or mail on the property,

(c) disconnected gas, electric, or water utility services to the property,

(d) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property,

(e) the accumulation of junk, litter, trash, or debris on the property,

(f) the absence of window treatments such as blinds, curtains, or shutters,

(g) the absence of furnishings and personal items,

(h) statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned,

(i) windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired,

(j) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked,

(k) a risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property,

(l) an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied,

(m) the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing,

(n) a written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property, or

(o) any other reasonable indicia of abandonment

c An ordinance adopted pursuant to subsection a of this section shall authorize a public officer, designated or appointed pursuant to P L 1942, c 112 (C 40 48-2 3 et seq), or any other local official responsible for administration of any property maintenance or public nuisance code to issue a notice to the creditor filing the summons and complaint in an action to foreclose, if the public officer or other authorized municipal official determines that the creditor has violated the ordinance In the case of a violation for failure to provide care, maintenance, security, and upkeep of the exterior of vacant and abandoned property, such notice shall require the person or entity to correct the violation within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety

d A municipality may contract with and set the compensation of a private entity, pursuant to the "Local Public Contracts Law," P L 1971, c 198 (C 40A 11-1 et seq), to assist the municipality in the implementation and administration of the property registration program established pursuant to an ordinance adopted pursuant to subsection a of this section A county or county improvement authority may similarly contract with a private entity to assist the county or authority in the implementation and administration of a property registration system established for the use of a municipality with a property registration program established pursuant to an ordinance adopted pursuant to subsection a of this section as well as for the use of the county or improvement authority A local unit may delegate to such private entity any duties under the property registration program, including, without limitation, identifying properties located within the municipality that are subject to the registration requirements of the property registration program, maintaining and updating the property registrations for the municipality, communicating with the creditors or the in-State representative or agent appointed by creditors located out of State of such properties, invoicing and collecting payment from the creditors for such properties any fees authorized by the ordinance and subsection e of this section, and monitoring compliance with the requirements of the ordinance A local unit may conduct property registration services on behalf of a municipality pursuant to a shared services agreement subject to the "Uniform Shared Services and Consolidation Act," P L 2007, c 63 (C 40A 65-1 et al) Property registration fees imposed pursuant to subsection e of this

section and an ordinance adopted pursuant to subsection a of this section shall be considered a municipal charge pursuant to the "tax sale law," R S 54 5-1 et seq , regardless of whether the fees are being collected by a third-party entity or by the municipality directly The Local Finance Board of the Department of Community Affairs may adopt rules and regulations pertaining to contracts, entered pursuant to this subsection, with third-party entities for the implementation and administration of a property registration program

e A municipality may impose an annual fee on a creditor required to register a property pursuant to an ordinance adopted pursuant to subsection a of this section The fee shall not exceed (1) $500 per property annually for any property that is required to be registered because a summons and complaint in an action to foreclose was filed by the creditor, and (2) an additional $2,000 per property annually if the property is vacant or abandoned pursuant to the definition in the ordinance when the summons and complaint in an action to foreclose is filed, or becomes vacant and abandoned pursuant to the definition in the ordinance at any time thereafter while the property is in foreclosure All such annual fees and the due dates thereof shall be identified in the ordinance adopted pursuant to subsection a of this section

f Notwithstanding the provisions of N J S 40A 5-15 to the contrary, any property registration fees imposed pursuant to subsection e of this section and an ordinance adopted pursuant to subsection a of this section and collected by a third-party entity contracted with pursuant to subsections d and e of this section shall be paid over to the municipality within a timeframe specified in the contract between the municipality and the third-party entity Amounts collected by the third-party entity on behalf of the local unit shall be paid over in full to the local unit without any amount deducted as payment for services rendered by the third-party entity Once the collected fees are paid over to the local unit, the officer charged with the custody of the general funds shall deposit all such funds within 48 hours after the receipt thereof to the credit of the municipality in its designated legal depository A third-party entity shall collect and pay over to the municipality any interest and penalties, based upon the rate of interest and penalties fixed by the governing body of the municipality for late payment of property taxes, assessments, and other municipal charges pursuant to R S 54 4-67, for late payment of the property registration fees imposed pursuant to subsection e of this section and an ordinance adopted pursuant to subsection a of this section The third-party entity shall at least once a year, or as requested by the municipal tax collector, file a certification as may be required by the tax collector to enforce tax liens for all unpaid property registration program fees due and owing at the time the certification is filed

g (1) An out-of-State creditor subject to an ordinance adopted pursuant to subsection a of this section found by the municipal court of the municipality in which the property subject to the ordinance is located, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to the ordinance shall be subject to a fine of $2,500 for each day of the violation Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a of section 17 of P L 2008, c 127 (C 46 10B-51) or paragraph (1) of subsection a of section 2 of P L 2021, c 444 (C 40 48-2 12s2) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served

(2) A creditor subject to an ordinance adopted pursuant to subsection a of this section found by the municipal court of the municipality in which the property subject to the ordinance is located, or by any other court of competent jurisdiction, to be in violation, excluding only a violation addressed by paragraph (1) of this subsection, of the ordinance shall be subject to a fine of $1,500 for each day of the violation Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice of violation, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice

h No less than 20 percent of any money collected pursuant to subsection f or g of this section or an ordinance adopted pursuant to subsection a of this section shall be utilized by the municipality for municipal code enforcement purposes

1 As used in this section

"Creditor" means a mortgagee or an agent or assignee of a mortgagee, such as the servicer, who has filed a complaint in the Superior Court seeking to foreclose upon a residential or commercial mortgage If the entity seeking to foreclose upon the residential or commercial mortgage changes as a result of an assignment, transfer, or otherwise after the filing of the foreclosure complaint in the Superior Court, the new entity shall be deemed the creditor for purposes of this section For purposes of this section, a creditor shall not include the State, a political subdivision of the State, a State, county, or local government entity, or their agent or assignee, such as the servicer

"Local unit" means a municipality, a county, or a county improvement authority or other subdivision of a municipality or county

4 Section 1 of P L 2012, c 70 (C 2A 50-73) is amended to read as follows

C 2A 50-73 Summary action to foreclose mortgages on certain properties

1 a For the purposes of this section, "vacant and abandoned" residential property means residential real estate with respect to which the mortgagee proves, by clear and convincing evidence, that the mortgaged real estate is vacant and has been abandoned or where a notice of violation has been issued pursuant to section 3 of P L 2021, c 444 (C 40 48-2 12s3) Where a notice of violation has not been issued pursuant to section 3 of P L 2021, c 444 (C 40 48-2 12s3), real property shall be deemed "vacant and abandoned" if the court finds that the mortgaged property is not occupied by a mortgagor or tenant as evidenced by a lease agreement entered into prior to the service of a notice of intention to commence foreclosure according to section 4 of the "Fair Foreclosure Act," P L 1995, c 244 (C 2A 50-56), and at least two of the following conditions exist

(1) overgrown or neglected vegetation,

(2) the accumulation of newspapers, circulars, flyers or mail on the property,

(3) disconnected gas, electric, or water utility services to the property,

(4) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property,

(5) the accumulation of junk, litter, trash or debris on the property,

(6) the absence of window treatments such as blinds, curtains or shutters,

(7) the absence of furnishings and personal items,

(8) statements of neighbors, delivery persons, representatives of a common interest community association, or government employees indicating that the residence is vacant and abandoned,

(9) windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired,

(10) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked,

(11) a risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property,

(12) an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied,

(13) the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing,

(14) a written statement issued by any mortgagor expressing the clear intent of all mortgagors to abandon the property,

(15) any other reasonable indicia of abandonment

b For the purposes of this section, a residential property shall not be considered "vacant and abandoned" if, on the property

(1) there is an unoccupied building which is undergoing construction, renovation, or rehabilitation that is proceeding diligently to completion, and the building is in compliance with all applicable ordinances, codes, regulations, and statutes,

(2) there is a building occupied on a seasonal basis, but otherwise secure, or

(3) there is a building that is secure, but is the subject of a probate action, action to quiet title, or other ownership dispute

c In addition to the residential mortgage foreclosure procedures set out in the "Fair Foreclosure Act," P L 1995, c 244 (C 2A 50-53 et seq), a summary action to foreclose a mortgage debt secured by residential property that is vacant and abandoned may be brought by a lender in the Superior Court In addition, a lender may, at any time after filing a foreclosure action, file with the court, in accordance with the Rules Governing the Courts of the State of New Jersey, an application to proceed in a summary manner because the residential property that is the subject of the foreclosure action is believed to be "vacant and abandoned", provided, however, that this section shall not apply to a foreclosure of a timeshare interest secured by a mortgage

d (1) In addition to the service of process required by the Rules of Court, a lender shall establish, for the entry of a residential foreclosure judgment under this section, that a process server has made two unsuccessful attempts to serve the mortgagor or occupant at the residential property, which attempts must be at least 72 hours apart, and during different times of the day, either before noon, between noon and 6 P M , or between 6 P M and 10 P M

(2) In addition to any notices required to be served by law or the Rules of Court, a lender shall, with any order to show cause served as original service of process or a motion to proceed summarily, serve a notice that the lender is seeking, on the return date of the order to show cause, or on the date fixed by the court, to proceed summarily for entry of a residential foreclosure judgment because the property is vacant and abandoned

(3) When a property is deemed vacant and abandoned as herein defined, a lender shall not be required to serve the debtor with the notice to cure required by section 6 of the "Fair Foreclosure Act," P L 1995, c 244 (C 2A 50-58)

e (1) The court may enter a final residential mortgage foreclosure judgment under this section upon a finding, (a) by clear and convincing evidence, that the residential property is vacant and abandoned as defined under subsection a of this section, and (b) that a review of the pleadings and documents filed with the court, as required by the Rules of Court, supports the entry of a final residential mortgage foreclosure judgment

(2) A final residential mortgage foreclosure judgment under this section shall not be entered if the court finds that

(a) the property is not vacant or abandoned, or

(b) the mortgagor or any other defendant has filed an answer, appearance, or other written objection that is not withdrawn and the defenses or objection asserted provide cause to preclude the entry of a final residential mortgage foreclosure judgment

f If a final residential mortgage foreclosure judgment under this section is not entered on the original or adjourned return date of an order to show cause or the date fixed by the court to proceed summarily, the court may direct that the foreclosure action continue on the normal track for residential mortgage foreclosure actions for properties that are not vacant and abandoned and the notice to cure served with the order to show cause or the order fixing that date for the matter to proceed summarily shall be of no effect

g All actions brought to foreclose on real property pursuant to this section shall proceed in accordance with the Rules of Court

h Nothing in this section is intended to supersede or limit other procedures adopted by the Court to resolve residential mortgage foreclosure actions, including, but not limited to, foreclosure mediation

i Nothing in this section shall be construed to affect the rights of a tenant to possession of a leasehold interest under the Anti-Eviction Act, P L 1974, c 49 (C 2A 18-61 1 et seq), the "New Jersey Foreclosure Fairness Act," P L 2009, c 296 (C 2A 50-69 et seq), or any other applicable law

j (1) Notwithstanding paragraph (3) of subsection a of section 12 of P L 1995, c 244 (C 2A 50-64) to the contrary, the sheriff shall sell the property within 90 days of the sheriff's receipt of any writ of execution issued by the court if

(a) the court makes a finding in the foreclosure judgment that the property is vacant and abandoned, or

(b) the court issues an order directing the sheriff to sell the property within 90 days, pursuant to the provisions of subsection k of this section

(2) If it becomes apparent that the sheriff cannot comply with the provisions of paragraph (1) of this subsection, the foreclosing plaintiff shall apply to the court for an order appointing a Special Master or judicial agent to hold the foreclosure sale within 90 days of the date of application

k (1) Following issuance of a foreclosure judgment, in which the court did not make a finding that the property is vacant and abandoned, a foreclosing plaintiff may make application to the court for the property to be sold by the sheriff within 90 days of the date of application The application

shall include a certification that the mortgaged real estate is vacant and abandoned

(2) Upon application that meets the criteria set forth in paragraph (1) of this subsection, the court shall issue an order directing the sheriff to sell the property in accordance with the provisions of subsection j of this section A hearing shall not be required unless the application is contested

Repealer

5 Section 1 of P L 2014, c 35 (C 40 48-2 12s) is repealed

6 This act shall take effect immediately, except that municipalities that have existing ordinances that address property registration programs shall have until the first day of the seventh month next following the effective date of this act to amend their ordinances to the extent necessary to make them consistent with this act

Approved January 18, 2021

CHAPTER 445

AN ACT concerning the mental health care programs and services offered by institutions of higher education and supplementing chapter 61D 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 61D-19 Campus-based mental health care programs, services, access, duties of public, independent institutions of higher education

1 a Beginning with the 2021-2022 academic year and in each academic year thereafter, a public and independent institution of higher education shall

(1) ensure that all on-campus students have access to campus-based mental health care programs and services,

(2) provide assistance and referrals to mental health support services to any student unable to access on-campus services, and

(3) provide each newly enrolled student with information concerning the location and availability of those programs and services

b Beginning with the 2021-2022 academic year, each public and independent institution of higher education shall establish and maintain, on a 24-hour basis, a toll-free telephone hotline for students The hotline shall

receive and respond to calls from students seeking counseling for depression, anxiety, stress, or other psychological or emotional tension, trauma, or disorder The operators of the hotline shall seek to identify those callers who should be referred to additional counseling services, and to provide such referrals

The number for the hotline shall be posted in each dormitory, library, and student center, and any other facility or area on campus that the institution determines to be appropriate

c The operators of the hotline shall be, to the greatest extent possible, persons who by experience or education are (1) familiar with the emotional and psychological tensions, depressions, and anxieties unique to higher education students, or (2) trained to provide counseling services involving substance abuse, personal stress management, and other emotional or psychological disorders or conditions which may be likely to adversely affect the well-being of students

d An institution of higher education may satisfy the hotline requirement established pursuant to subsection b of this section by providing each student with the hotline number for the National Suicide Prevention Lifeline, the NJ Hopeline, or any 24/7 mental health hotline deemed appropriate by the Secretary of Higher Education In addition to providing students with the hotline numbers, the institution shall post the hotline numbers in each dormitory, library, and student center, and any other facility or area on campus that the institution determines to be appropriate

2 This act shall take effect immediately and shall first apply to the 2021-2022 academic year

Approved January 18, 2022

CHAPTER 446

AN ACT concerning student representatives on certain boards of education and boards of trustees of charter schools and supplementing chapter 12 of Title 18A of the New Jersey Statutes and P L 1995, c 426 (C 18A 36A-1 et seq)

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

C 18A 12-1 3 Requiring student representative as nonvoting member of school district board that includes grades nine through 12, procedure, duties

1 a Notwithstanding any law, rule or regulation to the contrary, each board of education of a school district that includes grades nine through 12 shall include a minimum of one student selected by the student body to serve as a nonvoting student representative on the board The student body may elect or appoint the student representative to the board, in a process to be determined by the superintendent of a school district and shall consider input provided by the student body The student representative shall serve for a one school year term

In the case of a school district that includes more than one high school, the student representative of the board shall rotate each school year among the high schools in the school district

b The duties of the student representative shall include

(1) attending all board meetings, except that a student representative shall be excluded from discussions of the board involving subjects which are confidential,

(2) representing all public high school students within the district and presenting student proposals and concerns to the board for its consideration, and

(3) keeping public high school students informed of the business of the board by providing a monthly report to the student council concerning the activities of the board

C 18A 36A-11 2 Requiring student representative as nonvoting member of charter school board that includes grades nine through 12, procedure, duties

2 a Notwithstanding any law, rule or regulation to the contrary, each board of trustees of a charter school that includes grades nine through 12 shall include a minimum of one student selected by the student body to serve as a nonvoting student representative on the board The student body may elect or appoint the student representative to the board, in a process to be determined by the chief school administrator of a charter school and shall consider input provided by the student body The student representative shall serve for a one-school-year term

b The duties of the student representative shall include

(1) attending all board meetings, except that a student representative shall be excluded from discussions of the board involving subjects which are confidential,

(2) representing all high school students within the charter school and presenting student proposals and concerns to the board for its consideration, and

(3) keeping high school students within the charter school informed of the business of the board by providing a monthly report to the student council concerning the activities of the board

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

Approved January 18, 2022

CHAPTER 447

AN ACT concerning emergency response services, supplementing Title 26 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 26 2K-72 Short title

1 This act shall be known and may be cited as the "9-1-1 First Responder Dispatcher Act "

C 26 2K-73 Findings, declarations

2 The Legislature finds and declares that

a There are over 6,000 public safety call centers, known as public safety answering points, in the United States

b Public safety communications professionals dedicate their lives to helping others by performing work that goes far beyond merely relaying information between the public and first responders

c In times of crises, the information collected and actions taken by public safety communications professionals form the foundation for an effective response by law enforcement agencies, fire departments, and emergency medical service professionals

d Public safety communications professionals are an important part of the first responder community that provides immediate assistance to crime and disaster victims

e Accordingly, it is altogether fitting and proper to recognize the role of public safety communications professionals, including 9-1-1 dispatchers or operators, as emergency response personnel by designating them as 9-1-1 first responder dispatchers

C 26 2K-74 9-1-1 first responder dispatchers, designation

3 Persons appointed as public safety communications professionals, also referred to as 9-1-1 dispatchers or operators, shall hereinafter be referred to as 9-1-1 first responder dispatchers

4 Section 1 of P L 1979, c 264 (C 2C 33-15) is amended to read as follows

C 2C 33-15 Possession, consumption by persons under legal age, penalty

1 a (1) Any person under the legal age to purchase alcoholic beverages, or under the legal age to purchase cannabis items, who knowingly possesses without legal authority or who knowingly consumes any alcoholic beverage, cannabis item, marijuana, or hashish in any school, public conveyance, public place, or place of public assembly, or motor vehicle shall be subject to the following consequences

(a) for a first violation, a written warning issued by a law enforcement officer to the underage person The written warning shall include the person's name, address, and date of birth, and a copy of the warning containing this information, plus a sworn statement that includes a description of the relevant facts and circumstances that support the officer's determination that the person committed the violation, shall be temporarily maintained in accordance with this section only for the purposes of determining a second or subsequent violation subject to the consequences set forth in subparagraph (b) or (c) of this paragraph If the violation of this section is by a person under 18 years of age, a written notification concerning the violation shall be provided to the parent, guardian or other person having legal custody of the underage person in accordance with section 3 of P L 1991, c 169 (C 33 1-81 1a)

(b) for a second violation, a written warning issued by a law enforcement officer to the underage person indicating that a second violation has occurred, which includes the person's name, address, and date of birth If the violation is by a person 18 years of age or older, the officer shall provide the person with informational materials about how to access community services provided by public or private agencies and organizations that shall assist the person with opportunities to access further social services, including but not limited to

counseling, tutoring programs, mentoring services, and faith-based or other community initiatives If the violation is by a person under 18 years of age, a written notification concerning the second violation shall be provided to the parent, guardian or other person having legal custody of the underage person in accordance with section 3 of P L 1991, c 169 (C 33 1-81 1a) The written notification shall include the same or similar informational materials about how to access community services provided by public or private agencies and organizations as those provided directly by a law enforcement officer to a person 18 years of age or older who commits a second violation of this paragraph A copy of the second written warning to the underage person, and, if applicable, the written notification to the parent, guardian or other person having legal custody of the underage person concerning the second warning, plus a sworn statement that includes a description of the relevant facts and circumstances that support the officer's determination that the person committed the second violation, shall be temporarily maintained in accordance with this section only for the purposes of determining a subsequent violation subject to the consequences set forth in subparagraph (c) of this paragraph

(c) for a third or subsequent violation, a write-up issued by a law enforcement officer to the underage person indicating that a third or subsequent violation has occurred, which includes the person's name, address, and date of birth If the violation is by a person 18 years of age or older, the officer shall include with the write-up a referral for accessing community services provided by a public or private agency or organization, and provide notice to that agency or organization of the referral which may also be used to initiate contact with the person, and the agency or organization shall offer assistance to the person with opportunities to access further social services, including but not limited to counseling, tutoring programs, mentoring services, and faith-based or other community initiatives If the violation is by a person under 18 years of age, a written notification concerning the third or subsequent violation shall be provided to the parent, guardian or other person having legal custody of the underage person in accordance with section 3 of P L 1991, c 169 (C 33 1-81 1a) The written notification shall include a referral for the person and the parent, guardian or other person having legal custody of the underage person for accessing community services provided by a public or private agency or organization, and provide notice to that agency or organization of the referral which may also then be used to initiate contact with both persons, and the agency or organization shall offer assistance to both with opportunities to access further social services, including counseling, tutoring programs, mentoring services, and faith-based or other community initiatives A copy of a write-up for a third or subsequent

violation, the written notification to the parent, guardian or other person having legal custody of the underage person, if applicable, and accompanying referrals, plus a sworn statement that includes a description of the relevant facts and circumstances that support the officer's determination that the person committed the third or subsequent violation, shall be temporarily maintained in accordance with this section only to the extent necessary to track referrals to agencies and organizations, as well as for the purposes of determining a subsequent violation subject to the consequences set forth in this subparagraph

The failure of a person under the legal age to purchase alcoholic beverages or cannabis items, or the failure of a parent, guardian or other person having legal custody of the underage person, to accept assistance from an agency or organization to which a law enforcement referral was made, or to access any community services provided by that agency or organization shall not result in any summons, initiation of a complaint, or other legal action to be adjudicated and enforced in any court

(2) (a) A person under the legal age to purchase alcoholic beverages or cannabis items is not capable of giving lawful consent to a search to determine a violation of this section, and a law enforcement officer shall not request that a person consent to a search for that purpose

(b) The odor of an alcoholic beverage, marijuana, hashish, cannabis, or cannabis item, or burnt marijuana, hashish, cannabis, or cannabis item, shall not constitute reasonable articulable suspicion to initiate an investigatory stop of a person, nor shall it constitute probable cause to initiate a search of a person or that person's personal property to determine a violation of paragraph (1) of this subsection Additionally, the unconcealed possession of an alcoholic beverage, marijuana, hashish, or cannabis item in violation of paragraph (1) of this subsection, observed in plain sight by a law enforcement officer, shall not constitute probable cause to initiate a search of a person or that person's personal property to determine any further violation of that paragraph or any other violation of law

(3) A person under the legal age to purchase alcoholic beverages or cannabis items who violates paragraph (1) of this subsection for possessing or consuming an alcoholic beverage, marijuana, hashish, or a cannabis item shall not be subject to arrest, shall not be transported to a police station, police headquarters, or other place of law enforcement operations, and shall not otherwise be subject to detention or be taken into custody by a law enforcement officer at or near the location where the violation occurred, except to the extent that detention or custody at or near the location is required to issue a written warning or write-up, collect the information

necessary to provide notice of a violation to a parent, guardian or other person having legal custody of the underage person in accordance with section 3 of P L 1991, c 169 (C 33 1-81a), or make referrals for accessing community services provided by a public or private agency or organization due to a third or subsequent violation, unless the person is being arrested, detained, or otherwise taken into custody for also committing another violation of law for which that action is legally permitted or required

(4) Consistent with the provisions of subsection c of section 1 of P L 2020, c 129 (C 40A 14-118 5), the video and audio recording functions of a law enforcement officer's body worn camera, as defined in that section, shall be activated whenever the law enforcement officer is responding to a call for service related to a violation or suspected violation of paragraph (1) of this subsection for possessing or consuming an alcoholic beverage, marijuana, hashish, or a cannabis item, or at the initiation of any other law enforcement or investigative encounter between an officer and a person related to a violation or suspected violation of that paragraph, and shall remain activated until the encounter has fully concluded and the officer leaves the scene of the encounter, provided, however, that the video and audio recording functions of a body worn camera shall not be deactivated pursuant to subparagraph (a) of paragraph (2) of subsection c of P L 2020, c 129 (C 40A 14-118 5), based on a request to deactivate the camera by a person who is the subject of a responsive call for service or law enforcement or investigative encounter related to a violation or suspected violation of paragraph (1) of this subsection

(5) As part of the process for the issuance of a written warning or write-up to a person for a violation of paragraph (1) of this subsection, the law enforcement officer shall take possession of any alcoholic beverage, marijuana, hashish, or cannabis item from the person, and any drug or cannabis paraphernalia for use with any marijuana, hashish, or cannabis item The existence and description of the alcoholic beverage, marijuana, hashish, or cannabis item, and any drug or cannabis paraphernalia shall be included in the sworn statement that includes a description of the relevant facts and circumstances that support the officer's determination that the person committed a violation, and which record is temporarily maintained in accordance with this section to determine subsequent possession or consumption violations, and track referrals for accessing community services provided by a public or private agency or organization due to a third or subsequent violation Any alcoholic beverage, marijuana, hashish, cannabis item, or drug or cannabis paraphernalia obtained by the law enforcement officer shall either be destroyed or secured for use in law enforcement training

or educational programs in accordance with applicable law and directives issued by the Attorney General

(6) With respect to any violation of paragraph (1) of this subsection concerning the possession or consumption of an alcoholic beverage, marijuana, hashish, or any cannabis item

(a) a person under the legal age to purchase alcoholic beverages or cannabis items shall not be photographed or fingerprinted, notwithstanding any provisions of section 2 of P L 1982, c 79 (C 2A 4A-61) to the contrary,

(b) (i) any copy of any written warning or write-up issued to a person under the legal age to purchase alcoholic beverages or cannabis items, written notification provided to the person's parent, guardian or other person having legal custody in accordance with section 3 of P L 1991, c 169 (C 33 1-81 1a), sworn statement describing the relevant facts and circumstances that support an officer's determination that a person committed a violation, or referrals for accessing community services provided by a public or private agency or organization pertaining to a third or subsequent violation shall be segregated and maintained in a separate physical location or electronic repository or database from any other records maintained by a law enforcement agency, and reported to the Attorney General in a manner so that they are similarly segregated and maintained in a separate physical location or electronic repository or database from other law enforcement records accessible to the Attorney General and State and local law enforcement agencies, and shall not be transferred to or copied and placed in any other physical location or electronic repository or database containing any other law enforcement records These records shall only be used to the extent necessary to determine a subsequent violation of paragraph (1) of this subsection or to track referrals to agencies and organizations, and shall not be revealed, reviewed, or considered in any manner with respect to any current or subsequent juvenile delinquency matter, including but not limited to, a charge, filing, eligibility or decision for diversion or discharge, or sentencing, other disposition, or related decision affecting the juvenile, or with respect to any current or subsequent prosecution for committing an offense or other violation of law, including but not limited to, a charge, filing, eligibility or decision for diversion or discharge, or sentencing, other disposition, or related decision affecting an adult under 21 years of age Also, these records shall be deemed confidential and shall not be subject to public inspection or copying pursuant to the provisions of P L 1963, c 73 (C 47 1A-1 et seq), and their existence shall not be acknowledged based upon any inquiry in the same manner as if the records were expunged records pursuant to the provisions of subsection a of N J S 2C 52-15

The Attorney General may use the records described herein to generate the number of occurrences and other statistics concerning first, second, third and subsequent violations of paragraph (1) of this subsection, the municipal, county or other geographic areas within which first, second, third and subsequent violations occur, and the law enforcement agencies involved in first, second, third and subsequent violations, which are to be compiled and made available by the Attorney General in accordance with section 4 of P L 2021, c 25 (C 2C 33-15 1) The identity of any person named in a record shall not be revealed or included in the information to be compiled and made available in accordance with that section

The records of violations shall only be maintained temporarily and shall be destroyed or permanently deleted as set forth in subparagraph (c) of this paragraph

(ii) any records pertaining to a person's acceptance of assistance from an agency or organization to which a law enforcement referral was made shall not be revealed, reviewed, or considered in any manner with respect to any current or subsequent juvenile delinquency matter, including but not limited to, a charge, filing, eligibility or decision for diversion or discharge, or sentencing, other disposition, or related decision affecting the juvenile, or with respect to any current or subsequent prosecution for committing an offense or other violation of law, including but not limited to, a charge, filing, eligibility or decision for diversion or discharge, or sentencing, other disposition, or related decision affecting an adult under 21 years of age Also, these records shall be deemed confidential and shall not be subject to public inspection or copying pursuant to the provisions of P L 1963, c 73 (C 47 1A-1 et seq), and their existence shall not be acknowledged based upon any inquiry in the same manner as if the records were expunged records pursuant to the provisions of subsection a of N J S 2C 52-15

(c) All of the records maintained by a law enforcement agency and reported to the Attorney General as described in subsubparagraph (i) of subparagraph (b) of this paragraph shall be destroyed or permanently deleted by the law enforcement agency and Attorney General on the second anniversary following the creation of the record concerning a violation, or not later than the last day of the month in which that second anniversary date falls, or alternatively not later than the 21st birthday of a person who is the subject of a record, or not later than the last day of the month in which that birthday falls, whichever date occurs sooner, except that a record shall be maintained upon request by the person named in the record or representative thereof, the law enforcement officer who made the record, or the law enforcement agency currently maintaining the record if it involves a lawsuit, disciplinary complaint,

or criminal prosecution arising from the violation described in the record, based on an assertion that the record has evidentiary or exculpatory value Upon final disposition of the matter for which the extended record retention was requested, the record shall be destroyed or permanently deleted

(d) A law enforcement officer shall be guilty of the crime of official deprivation of civil rights as set forth in section 3 of P L 2021, c 25 (C 2C 30-6 1) for violating the provisions of paragraph (1) of this subsection that address law enforcement actions involving persons who are under the legal age to purchase alcoholic beverages or cannabis items

b (Deleted by amendment, P L 2021, c 25)

c (Deleted by amendment, P L 2021, c 25)

d Nothing in this act shall apply to possession of alcoholic beverages by any such person while actually engaged in the performance of employment pursuant to an employment permit issued by the Director of the Division of Alcoholic Beverage Control, or for a bona fide hotel or restaurant, in accordance with the provisions of R S 33 1-26, or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post-secondary educational institution, and nothing in this section shall apply to possession of cannabis items by any such person while actually engaged in the performance of employment by a cannabis establishment, distributor, or delivery service as permitted pursuant to the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P L 2021, c 16 (C 24 6I-31 et al)

e Except as otherwise provided in this section, the provisions of section 3 of P L 1991, c 169 (C 33 1-81 1a) shall apply to a parent, guardian or other person with legal custody of a person under 18 years of age who is found to be in violation of this section

f An underage person and one or two other persons shall be immune from prosecution under this section if

(1) one of the underage persons called 9-1-1 and reported that another underage person was in need of medical assistance due to alcohol consumption, or the consumption of marijuana, hashish, or a cannabis item,

(2) the underage person who called 9-1-1 and, if applicable, one or two other persons acting in concert with the underage person who called 9-1-1 provided each of their names to the 9-1-1 first responder dispatcher,

(3) the underage person was the first person to make the 9-1-1 report, and

(4) the underage person and, if applicable, one or two other persons acting in concert with the underage person who made the 9-1-1 call remained on the scene with the person under the legal age in need of medical assistance

until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene

The underage person who received medical assistance also shall be immune from prosecution under this section

g For purposes of this section, an alcoholic beverage includes powdered alcohol as defined by R S 33 1-1, a cannabis item includes any item available for lawful consumption pursuant to the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P L 2021, c 16 (C 24 6I-31 et al), and the terms "marijuana" and "hashish" have the same meaning as set forth in N J S 2C 35-2, and the terms "drug paraphernalia" and "cannabis paraphernalia" have the same meaning as set forth in N J S 2C 36-1 and section 3 of P L 2021, c 16 (C 24 6I-33), respectively

5 Section 3 of P L 2017, c 116 (C 26 2K-68) is amended to read as follows

C 26 2K-68 System to allow for electric reporting of information established, rules, regulations

3 a The commissioner shall establish a system to allow for the electronic reporting of emergency medical services dispatch and response information as required pursuant to section 2 of P L 2017, c 116 (C 26 2K-67) Information shall be reported to the system in a format and at such intervals as required by the commissioner, except that, to the extent possible, the system shall interact with existing systems used by emergency medical services providers and emergency medical services dispatch centers, including, but not limited to, emsCharts and Image Trend, to facilitate automated, real-time reporting of the information The department shall furnish to EMS providers and 9-1-1 first responder dispatchers, without charge, any software or programs developed by the department for accessing and using the electronic reporting system

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

c The commissioner shall, in consultation with the Emergency Medical Services Advisory Council, adopt rules and regulations, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), establishing quality performance metrics and pre-hospital protocols for

emergency medical services providers, which shall be based on the data tracked and recorded pursuant to subsection b of this section The commissioner shall review and update the rules and regulations concerning quality performance metrics and pre-hospital protocols as appropriate

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

6 Section 3 of P L 1989, c 3 (C 52 17C-3) is amended to read as follows

C 52 17C-3 Office of Emergency Telecommunications Services established, enhanced 9-1-1 system plan

3 a There is established in the Office of Information Technology an Office of Emergency Telecommunications Services

b The office shall be under the immediate supervision of a director, who shall be a person qualified by training and experience to direct the work of the office The director shall administer the provisions of this act subject to review by the Chief Technology Officer and shall perform other duties as may be provided by law The director shall be appointed by the Chief Technology Officer, but the commission shall advise the Chief Technology Officer on the qualifications of the director The Chief Technology Officer is authorized to appoint, in accordance with Title 11A of the New Jersey Statutes, clerical, technical, and professional assistants, and also may designate any available personnel as shall be necessary to effectuate the purposes of this act

The office shall designate a staff member from within the Office of Information Technology to be designated as a professional spectrum manager The professional spectrum manager shall be responsible for approving all applications for public safety spectrum allocations in the State to ensure that the State fully complies with Federal Communications Commission rules that impact frequency allocation for public safety use The spectrum manager may be chosen from among the current employees of the office and the chosen employee may continue the duties and responsibilities of their current position in addition to the duties and responsibilities of spectrum manager as provided in this section

The office shall designate a staff member from within the Office of Information Technology to be designated the Statewide Interoperability Coordinator to coordinate interoperable communications grants and projects consistent with the National Communications Plan The coordinator may be chosen from among the current employees of the office and the chosen employee may continue the duties and responsibilities of his current position

in addition to the duties and responsibilities of coordinator as provided in this section

The office shall, subject to review by the commission and the Chief Technology Officer, and in consultation with the council, the telephone companies, the Board of Public Utilities and the wireless telephone companies, and with the assistance of the Office of Information Technology in but not of the Department of the Treasury, continue to plan, design, implement, and coordinate the Statewide emergency enhanced 9-1-1 telephone system to be established pursuant to this act as well as any changes to that system needed to provide wireless enhanced 9-1-1 service

To this end the office shall establish, after review and approval by the commission, in consultation with the council, a State plan for the emergency enhanced 9-1-1 system in this State, which plan shall include

(1) The configuration of, and requirements for, the enhanced 9-1-1 network The office with the approval of the commission and the Chief Technology Officer, in consultation with the council, only as provided herein, and assistance and advice of the Office of Information Technology in but not of the Department of the Treasury is empowered to enter into contracts for the provision of this network

(2) The role and responsibilities of the counties and municipalities of the State in the implementation of the system, consistent with the provisions of this act, including a timetable for implementation

(3) Technical and operational standards for the establishment of public safety answering points (PSAPs) which utilize enhanced 9-1-1 network features in accordance with the provisions of this act and in alignment with the Next Generation 9-1-1 Planning by the National 9-1-1 Office within the United States Department of Transportation, National Highway Traffic Safety Administration Those entities having responsibility for the creation and management of PSAPs shall conform to these standards in the design, implementation and operation of the PSAPs These standards shall include provisions for the training and certification of call-takers and 9-1-1 first responder dispatchers or for the adoption of such a program

The office, after review and approval by the commission and the Chief Technology Officer, in consultation with the council, only as provided herein, may update and revise the State plan from time to time

The office may inspect each PSAP to determine if it meets the requirements of this act and the technical and operational standards established pursuant to this section The office shall explore ways to maximize the reliability of the system

The plan or any portion of it may be implemented by the adoption of regulations pursuant to subsection b of section 15 of this act

The State plan shall require the consolidation of PSAPs as appropriate, consistent with revisions in the plan to upgrade the enhanced 9-1-1 system and shall condition the allocation of moneys dedicated for the operation of PSAPs on the merging and sharing of PSAP functions by municipalities, counties and the State Police, consistent with the revised plan The Treasurer may establish, by regulation, a 9-1-1 call volume minimum that may be utilized as a factor in determining which PSAP functions are to be consolidated under the State plan

The State plan shall limit the use of sworn law enforcement officers to provide dispatch services and the office shall condition the receipt of moneys dedicated for the operation of PSAPs on the limited use of sworn law enforcement officers, except for officers returning to active duty from an injury or other physical disability

The office shall plan, implement and coordinate a Statewide public education program designed to generate public awareness at all levels of the emergency enhanced 9-1-1 system Advertising and display of 9-1-1 shall be in accordance with standards established by the office Advertising expenses may be defrayed from the moneys appropriated to the office

c (Deleted by amendment, P L 1999, c 125)

d To this end, the office shall, subject to review and approval by the commission and the Chief Technology Officer, and in consultation with the council, develop a Statewide Communications Interoperability Plan, which shall include

(1) the strategy to most effectively provide interoperability and coordinate public safety communications between and among State, county and municipal public safety agencies The office shall submit recommendations and proposals, as appropriate, to the Regional Planning Committees to which the State is assigned by the Federal Communications Commission, and

(2) the role and responsibilities of the counties and municipalities of the State in the implementation of the New Jersey Interoperable Communications System, consistent with the National Communications Plan and the provisions of this act, including a timetable for implementation

e The office, after review and approval by the commission and the Chief Technology Officer, in consultation with the council, only as provided herein, may update and revise the State plan as needed The plan or any portion of it may be implemented by the adoption of regulations pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq)

f The office, after review and approval by the commission and the Chief Technology Officer, only as provided herein, shall submit a report to the Senate Revenue, Finance and Appropriations Committee and the Assembly Appropriations Committee, or their successors, not later than February 15 of each year, concerning its progress in carrying out the provisions of this act and the expenditure of moneys appropriated thereto and appropriated for the purposes of installation of the Statewide enhanced 9-1-1 network and the New Jersey Interoperable Communications System

7 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 448

AN ACT concerning certain crimes, designated as Defense Against Porch Pirates Act, and amending N J S 2C 20-2

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

1 N J S 2C 20-2 is amended to read as follows

Consolidation of theft and computer criminal activity offenses

2C 20-2 a Consolidation of Theft and Computer Criminal Activity Offenses Conduct denominated theft or computer criminal activity in this chapter constitutes a single offense, but each episode or transaction may be the subject of a separate prosecution and conviction A charge of theft or computer criminal activity may be supported by evidence that it was committed in any manner that would be theft or computer criminal activity under this chapter, notwithstanding the specification of a different manner in the indictment or accusation, subject only to the power of the court to ensure fair trial by granting a bill of particulars, discovery, a continuance, or other appropriate relief where the conduct of the defense would be prejudiced by lack of fair notice or by surprise

b Grading of theft offenses

(1) Theft constitutes a crime of the second degree if

(a) The amount involved is $75,000 or more,

(b) The property is taken by extortion,

(c) The property stolen is a controlled dangerous substance or controlled substance analog as defined in N J S 2C 35-2 and the quantity is in excess of one kilogram,

(d) The property stolen is a person's benefits under federal or State law, or from any other source, which the Department of Human Services or an agency acting on its behalf has budgeted for the person's health care and the amount involved is $75,000 or more,

(e) The property stolen is human remains or any part thereof, except that, if the human remains are stolen by deception or falsification of a document by which a gift of all or part of a human body may be made pursuant to P L 2008, c 50 (C 26 6-77 et al), the theft constitutes a crime of the first degree, or

(f) It is in breach of an obligation by a person in his capacity as a fiduciary and the amount involved is $50,000 or more

(2) Theft constitutes a crime of the third degree if

(a) The amount involved exceeds $500 but is less than $75,000,

(b) The property stolen is a firearm, motor vehicle, vessel, boat, horse, domestic companion animal or airplane,

(c) The property stolen is a controlled dangerous substance or controlled substance analog as defined in N J S 2C 35-2 and the amount involved is less than $75,000 or is undetermined and the quantity is one kilogram or less,

(d) It is from the person of the victim,

(e) It is in breach of an obligation by a person in his capacity as a fiduciary and the amount involved is less than $50,000,

(f) It is by threat not amounting to extortion,

(g) It is of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant,

(h) The property stolen is a person's benefits under federal or State law, or from any other source, which the Department of Human Services or an agency acting on its behalf has budgeted for the person's health care and the amount involved is less than $75,000,

(i) The property stolen is any real or personal property related to, necessary for, or derived from research, regardless of value, including, but not limited to, any sample, specimens and components thereof, research subject, including any warm-blooded or cold-blooded animals being used for research or intended for use in research, supplies, records, data or test results, prototypes or equipment, as well as any proprietary information or other type of information related to research,

(j) The property stolen is a New Jersey Prescription Blank as referred to in R S 45 14-14,

(k) The property stolen consists of an access device or a defaced access device,

(l) The property stolen consists of anhydrous ammonia and the actor intends it to be used to manufacture methamphetamine, or

(m) The property stolen consists of a package delivered to a residential property by a cargo carrier and the amount involved is less than $75,000 or is undetermined

(3) Theft constitutes a crime of the fourth degree if the amount involved is at least $200 but does not exceed $500

(4) Theft constitutes a disorderly persons offense if

(a) The amount involved was less than $200, or

(b) The property stolen is an electronic vehicle identification system transponder

The amount involved in a theft or computer criminal activity shall be determined by the trier of fact The amount shall include, but shall not be limited to, the amount of any State tax avoided, evaded or otherwise unpaid, improperly retained or disposed of Amounts involved in thefts or computer criminal activities committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the grade of the offense

c Claim of right It is an affirmative defense to prosecution for theft that the actor

(1) Was unaware that the property or service was that of another,

(2) Acted under an honest claim of right to the property or service involved or that he had a right to acquire or dispose of it as he did, or

(3) Took property exposed for sale, intending to purchase and pay for it promptly, or reasonably believing that the owner, if present, would have consented

d Theft from spouse It is no defense that theft or computer criminal activity was from or committed against the actor's spouse, except that misappropriation of household and personal effects, or other property normally accessible to both spouses, is theft or computer criminal activity only if it occurs after the parties have ceased living together

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 449

AN ACT prohibiting certain employer use of tracking devices and supplementing Title 34 of the Revised Statutes

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

C 34 6B-22 Written notice for vehicle tracking device, penalties, definitions

1 a As used in this act

"Electronic communications device" means any device that uses electronic signals to create, transmit, and receive information, including a computer, telephone, personal digital assistant, or other similar device

"Employer" means an employer or employer's agent, representative, or designee The term "employer" does not include the Department of Corrections, State Parole Board, county correctional facilities, any State or local government entity, or any public transportation system, including but not limited to scheduled or charter bus transportation, whether operated by a public or private company

"Tracking device" means an electronic or mechanical device which is designed or intended to be used for the sole purpose of tracking the movement of a vehicle, person, or device but shall not include devices used for the purpose of documenting employee expense reimbursement

b An employer who knowingly makes use of a tracking device in a vehicle used by an employee without providing written notice to the employee shall be subject to a civil penalty in an amount not to exceed $1,000 for the first violation and not to exceed $2,500 for each subsequent violation, collectible by the Commissioner of Labor and Workforce Development in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P L 1999, c 274 (C 2A 58-10 et seq)

c Nothing in this act shall be construed to supersede regulations governing interstate commerce including, but not limited to, the usage of electronic communications devices as mandated by the Federal Motor Carrier Safety Administration

2 This act shall take effect on the 90th day next following the date of enactment

Approved January 18, 2022

CHAPTER 450

AN ACT concerning promotional gaming credits for sports wagering and supplementing P L 2018, c 33 (C 5 12A-10 et seq)

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

C 5 12A-16 1 Deduction from gross revenue from non-Internet sports wagering, procedure to ensure against loss to Casino Revenue Fund

1 a A casino or racetrack that holds a sports wagering license shall receive an annual deduction from the gross revenue from non-Internet sports wagering taxed pursuant to section 7 of P L 2018, c 33 (C 5 12A-16) in an amount equal to the promotional gaming credits actually wagered by patrons, that are reported by that licensee in its annual tax return

b A casino or racetrack that holds a sports wagering license shall be allowed the deduction, pursuant to subsection a of this section, from gross revenues from non-Internet sports wagering for a tax year for the total value of promotional gaming credits actually wagered by patrons at all licensed casinos and racetracks for that tax year in excess of $8,000,000 For the first tax year in which this act takes effect, the division shall reduce the $8,000,000 deduction threshold for that tax year in proportion to the part of the tax year that has elapsed prior to the effective date of this act

c (1) The division shall establish, by regulation, procedures to ensure that the promotional gaming credit deduction established pursuant to this section does not result in a negative fiscal impact to the Casino Revenue Fund, or the General Fund as appropriate under section 7 of P L 2018, c 33 (C 5 12A-16) If necessary, the division may reduce the value of the available deduction to eliminate any negative fiscal impact to the Casino Revenue Fund, or the General Fund as appropriate, attributable solely to the deduction and not to other economic or other factors that cause a negative fiscal impact to the Casino Revenue Fund, or the General Fund as appropriate

(2) For the purposes of this subsection, "negative fiscal impact to the Casino Revenue Fund or the General Fund" shall mean that the amount generated from taxation of promotional gaming credits falls below the level generated in calendar year 2017

d No deduction shall be allowed pursuant to this section for any promotional gaming credits included in the calculation of any other

deduction for promotional gaming credits, including, but not limited to, the deduction allowed pursuant to section 2 of P L 2008, c 12 (C 5 12-144 2)

e As used in this section, "promotional gaming credit" means a sports wagering credit or other item approved by the division that is issued by a casino or racetrack that holds a sports wagering license to a patron for the purpose of enabling the placement of a wager in a sports pool in the licensee's casino or racetrack No such credit shall be reported as a promotional gaming credit unless the licensee can establish that the credit was issued by the licensee and received from a patron as a wager in a sports pool in the licensee's casino or racetrack

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 451

AN ACT concerning deer fencing on certain farmland 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 20-6 1 Matching grant program established, deer fencing

1 a There is established in the Department of Agriculture a matching grant program for the purpose of providing funding for deer fencing to the owner or operator of

(1) unpreserved farmland,

(2) a farm for which pinelands development credits have been sold or otherwise conveyed pursuant to the "Pinelands Development Credit Bank Act," P L 1985, c 310 (C 13 18A-30 et seq), or

(3) a farm that is located in a sending zone pursuant to section 13 of the "Highlands Water Protection and Planning Act," P L 2004, c 120 (C 13 20-13)

b (1) The department shall award grants of up to $200 per acre, not to exceed a total of $20,000 per applicant for up to 50 percent of eligible project costs

(2) Eligible project costs to be funded by a matching grant under the program shall include the cost to purchase deer fencing, the maintenance costs of existing deer fencing, and any other costs established as eligible project

costs pursuant to rules and regulations adopted by the department pursuant to subsection f of this section

c The owner or operator of a farm, as set forth pursuant to subsection a of this section, shall be eligible for a matching grant for eligible project costs and may apply in the form and manner prescribed by the department, provided that the applicant's farming operation has a minimum of $10,000 in gross sales in the preceding calendar year from agricultural or horticultural products grown or derived from the applicant's farm operation as reflected in either personal or business federal tax return forms

d (1) The owner or operator of a farm awarded a grant pursuant to this section shall, as a condition of receipt of the grant, enter into an agreement with the Department of Agriculture that requires the land to be retained in agricultural or horticultural production for eight years immediately following the receipt of the grant An agreement entered into pursuant to this subsection shall constitute a restrictive covenant and shall be filed with the municipal tax assessor and recorded with the county clerk in the same manner as a deed

(2) If the owner or operator of a farm awarded a grant pursuant to this section (a) does not retain the land in agricultural or horticultural production or (b) sells the land prior to the expiration of the eight-year period required pursuant to paragraph (1) of this subsection, the owner or operator shall be required to repay the grant to the department on a pro rata basis

e The Department of Agriculture shall request annually, as part of its annual budget proposal, such amount as may be necessary to fund the grants authorized pursuant to this section The department shall also coordinate with the Division of Fish and Wildlife in the Department of Environmental Protection, the United States Department of Agriculture, and any other applicable State or federal agency, to pursue any available federal, State, local, and private funding for the grants authorized pursuant to this section

f The Department of Agriculture shall adopt, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), rules and regulations necessary to implement this act, including, but not limited to, establishing

(1) information required to be submitted to the department to determine if a farm is eligible for funding pursuant to subsections a and c of this section,

(2) costs that qualify as eligible project costs in addition to those set forth in section b of this section,

(3) the manner in which an owner or operator of a farm eligible for funding pursuant to this section shall provide evidence of the required 50 percent match for a grant,

(4) the manner in which an owner or operator of a farm awarded a grant pursuant to this section shall repay the grant on a pro rata basis to the department if the land is sold or is not retained in agricultural or horticultural production for eight years following the receipt of the grant, and

(5) requirements to be included in an agreement entered into by a grant recipient with the department pursuant to subsection d of this section

g As used in this section, "unpreserved farmland" means a commercial farm, as that term is defined in section 3 of P L 1983, c 31 (C 4 1C-3), on which a development easement has not been conveyed to, or retained by, the State Agriculture Development Committee, a county agriculture development board, a county, a municipality, or a qualifying tax exempt nonprofit organization pursuant to any State law enacted for farmland preservation purposes

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 452

AN ACT concerning Medicaid reimbursement for providers of adult medical day 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-7hh Per diem reimbursement rate compared to established State Medicaid fee-for-service rate

1 a Notwithstanding the provisions of any law or regulation to the contrary, the per diem reimbursement rate for providers of adult medical day 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

b As used in this section

"Provider of adult medical day care services" means an adult day health services facility licensed by the Department of Health, which provides preventive, diagnostic, therapeutic, and rehabilitative services under medical and nursing supervision to meet the needs of functionally impaired adult participants for a period of time that does not exceed 12 hours during any calendar day

C 30 4D-7ll Restrictng modification, termnation of existng provider network contract

2 A managed care organization contracted with the Division of Medical Assistance and Health Services within the Department of Human Services to provide benefits under the Medicaid program, established pursuant to P L 1968, c 413 (C 30 4D-1 et seq), shall not terminate or modify an existing provider network contract solely due to a change of provider ownership or ownership structure

3 This act shall take effect on July 1, 2022 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, except that the provisions of section 2 of this act shall take effect immediately

Approved January 18, 2022

CHAPTER 453

AN ACT concerning the evaluation of the New Jersey Supplemental Nutrition Assistance Program application process and supplementing Title 44 of the Revised Statutes

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

C 44 10-106 1 SNAP applicants, beneficiaries, biennial survey on application experience, difficulties, procedure

1 a The Department of Human Services shall conduct a biennial survey of SNAP applicants and beneficiaries for the purpose of evaluating the SNAP experience of the applicants and beneficiaries The biennial survey shall include, at a minimum, questions concerning the applicant's or beneficiary's experience in navigating the SNAP application process, any difficulties the applicant or beneficiary encountered in the application process, the availability of consumer support at the county welfare agency, and how well the applicant's or beneficiary's questions and concerns were addressed by staff at the county welfare agency

b The purpose of the biennial survey shall be to

(1) identify the strengths and weaknesses of each county welfare agency in processing SNAP applications,

(2) formulate trainings or strategies to improve the processing of SNAP applications, and

(3) assess which counties require additional resource and staff support

c When conducting the biennial survey required pursuant to this section, the department shall ensure the survey is distributed to all SNAP applicants at each county welfare agency throughout the duration of the survey period

d The commissioner shall, no later than 18 months after the completion of each biennial survey, submit a report to the Legislature, pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), documenting the results of the biennial survey and providing the commissioner's recommendations for legislation or other appropriate action

e As used in this section

"Commissioner" means the Commissioner of Human Services

"Department" means the Department of Human Services

"SNAP" means the New Jersey Supplemental Nutrition Assistance Program, established pursuant to the federal "Food and Nutrition Act of 2008," Pub L 110-246 (7 U S C s 2011 et seq) and P L 1998, c 32 (C 44 10-79 et seq)

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

3 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 454

AN ACT concerning clinical laboratories, certain hospitals, and certain electronic medical records, and supplementing Title 26 of the Revised Statutes and P L 1975, c 166 (C 45 9-42 26 et seq)

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

C 26 2H-5 36 Evidence-based cultural competency training program for general acute care hospital staff, direct contact with patients

1 a Each general acute care hospital that collects data concerning patient race, ethnicity, sexual orientation, or gender identity for any reason

shall implement an evidence-based cultural competency training program for all staff members employed by or working under the supervision of the general acute hospital who have direct contact with patients and are responsible for collecting race and ethnicity, sexual orientation, and gender identity information from patients The Department of Health shall identify an evidence-based cultural competency training tool that may be utilized by cultural competency training programs implemented by general acute hospitals pursuant to this section The use of the department's approved training tool by a general acute hospital shall not preclude the hospital from utilizing additional or customized training tools in addition to or in lieu of the department's approved training tool

b Each cultural competency training program implemented pursuant to subsection a of this section shall include training on the following topics

(1) common terminology for race and ethnicity, sexual orientation, and gender identity data,

(2) information on the relationship between patient health and collecting race and ethnicity, sexual orientation, and gender identity data,

(3) information on how race and ethnicity, sexual orientation, and gender identity data will be used,

(4) information on how to navigate discomfort in patients and staff when asking patients for their race and ethnicity, sexual orientation, and gender identity information, and

(5) information on how to create an inclusive and affirming environment for all patients

c Each staff member who is employed by or working under the supervision of the general acute care hospital, has direct contact with patients, and is responsible for collecting race and ethnicity, sexual orientation, and gender identity information from patients, shall

(1) complete the cultural competency training program implemented pursuant to subsection a of this section at such times and intervals as the hospital shall require, and

(2) complete a cultural competency refresher course at least once biennially if completion of the course is deemed necessary by the hospital

C 45 9-42 46 Recording of race, ethnicity, sexual orientation, gender identity of patients, procedure

2 a (1) A clinical laboratory shall electronically record the race, ethnicity, sexual orientation, and gender identity of each patient who presents with a non-electronic order for testing at a clinical laboratory patient service center If a clinical laboratory processes a specimen without the presence of

a patient, the clinical laboratory shall not be responsible for recording and reporting the patient's gender identity, sexual orientation, and racial and ethnic information

(2) Race and ethnicity selections shall include African American, Alaska Native, American Indian, Asian, Black, Hispanic, Latino, more than one race, Native Hawaiian, Other Pacific Islander, White, and does not wish to disclose

(3) Sexual orientation selections shall include bisexual, do not know, heterosexual or straight, homosexual, gay, or lesbian, something else, and does not wish to disclose

(4) Gender identity selections shall include male, female, transgender-female, transgender-male, non-binary, other, and does not wish to disclose

b Any health care related data that is required under State law to be reported by a clinical laboratory to a local or State governmental entity shall include any corresponding gender identity, sexual orientation, and racial and ethnic data recorded pursuant to this section, and shall be incorporated into the corresponding disease surveillance reporting system of the local or State governmental entity

c A non-electronic specimen collection and analysis requisition form distributed by a clinical laboratory shall contain a section for the manual entry of the patient's racial, ethnic, sexual orientation, and gender identity information on the form

d Race and ethnicity, sexual orientation, and gender identity information that is required to be recorded or reported pursuant to this section shall be recorded or reported using a program that is compatible with the State's disease surveillance reporting system using such data fields as may be available or necessary in the version of Health Level Seven International recording and reporting standards or equivalent standards adopted by the laboratory

e The Commissioner of Health may modify, by regulation, the race, ethnicity, sexual orientation, and gender identity selections provided in subsection a of this section as appropriate or pursuant to federal requirements

C 45 9-42 47 Recorded gender identity, sexual orientation, racial, ethnic information necessary for storing demographic information, compliance, penalties

3 Any electronic medical records or laboratory information management systems used in this State or sold by a vendor of such systems in this State, on or after the effective date of this act, shall be configured in a manner that prevents an authorized user from saving or storing a patient's demographic information into the electronic medical records or laboratory information management systems unless a patient's gender identity, sexual

orientation, and racial and ethnic information is recorded Nothing in this act shall prohibit a clinical laboratory from receiving, processing, or saving data related to specimens that are ordered or received from outside of this State The gender identity, sexual orientation, and racial and ethnic information of a patient shall be included in laboratory orders generated by electronic medical record systems A vendor of electronic medical records or laboratory information management systems that fails to comply with the provisions of this section shall be liable to a civil penalty of up to $1,000 for each day during which the vendor's system is out of compliance A civil penalty assessed pursuant to this section shall be collected by and in the name of the Department of Health in summary proceedings before a court of competent jurisdiction pursuant to the provisions of the "Penalty Enforcement Law of 1999," P L 1999, c 174 (C 2A 58-10 et seq)

C 45 9-42 48 Prohibiting compelling patient to disclose demographic information

4 Nothing in this act shall be construed to compel a patient to disclose the patient's race, ethnicity, sexual orientation, or gender identity to a clinical laboratory, health care provider, or any other entity

C 45 9-42 49 Evidence-based cultural competency training program, tools, content of training

5 a Each clinical laboratory shall implement an evidence-based cultural competency training program for all staff members employed by or working under the supervision of the clinical laboratory who have direct contact with patients and are responsible for collecting race and ethnicity, sexual orientation, and gender identity information from patients The Department of Health shall identify an evidence-based cultural competency training tool that may be utilized by cultural competency training programs implemented by clinical laboratories pursuant to this section The use of the department's approved training tool by a clinical laboratory shall not preclude the clinical laboratory from utilizing additional or customized training tools in addition to or in lieu of the department's approved training tool

b Each cultural competency training program implemented pursuant to subsection a of this section shall include training on the following topics

(1) common terminology for race and ethnicity, sexual orientation, and gender identity data,

(2) information on the relationship between patient health and collecting race and ethnicity, sexual orientation, and gender identity data,

(3) information on how race and ethnicity, sexual orientation, and gender identity data will be used,

(4) information on how to navigate discomfort in patients and staff when asking patients for their race and ethnicity, sexual orientation, and gender identity information, and

(5) information on how to create an inclusive and affirming environment for all patients

c Each staff member who is employed by or working under the supervision of the clinical laboratory, has direct contact with patients, and is responsible for collecting race and ethnicity, sexual orientation, and gender identity information from patients, shall

(1) complete the cultural competency training program implemented pursuant to subsection a of this section at such times and intervals as the clinical laboratory shall require, and

(2) complete a cultural competency refresher course at least once biennially if completion of the course is deemed necessary by the clinical laboratory

6 The Commissioner of Health shall adopt rules and regulations, in accordance with the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), as are necessary to effectuate the provisions of this act

7 This act shall take effect 180 days after the date of enactment except that sections 1 and 5 of this act shall take effect 120 days after the date of enactment

Approved January 18, 2022

CHAPTER 455

AN ACT concerning police training and supplementing chapter 17B of Title 52 of the Revised Statutes

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

C 52 17B-71 11 Pilot program established, increase access to training courses applying the Crisis Intervention model

1 a The Attorney General, in consultation with the Commissioner of Human Services, shall develop a pilot program to promote and encourage law enforcement officers Statewide to complete training that applies the Crisis Intervention Team model, which program may include support for and

coordination between the Police Training Commission in the Division of Criminal Justice in the Department of Law and Public Safety and the Division of Mental Health and Addiction Services in the Department of Human Services to increase the frequency of, number of locations, and geographic accessibility to training courses offered that apply the Crisis Intervention Team model

b The Police Training Commission shall develop and implement or incorporate into an existing training course, in consultation with a crisis intervention training center, a curriculum that applies the Crisis Intervention Team model to persons experiencing an economic crisis or struggling with a substance abuse disorder who come into contact with law enforcement first responders

c As used in this section

"Crisis Intervention Team model" means the best practice jail diversion model originally developed by the Memphis Tennessee Police Department and implemented in New Jersey as a county based collaboration of professionals committed to improving the law enforcement and mental health systems' response to persons experiencing a psychiatric crisis who come into contact with law enforcement first responders

"Crisis intervention training center" means a program or entity that has operated as a crisis intervention support center in the State for a period of at least five years and that has experience in assisting political subdivisions in New Jersey in developing and implementing the Crisis Intervention Team model

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 456

AN ACT establishing the Student Wellness Grant Program and supplementing chapter 6 of Title 18A of the New Jersey Statutes

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

C 18A 6-33 20 Student Wellness Grant Program established, support programs on mental wellness, social and emotional learning, and student resilience

1 a The Commissioner of Education, in full consultation with the Commissioner of Children and Families, shall establish the Student Wellness Grant Program The purpose of the Student Wellness Grant Program shall

be to provide grants that support school districts in implementing school-based programs and practices that promote mental wellness, social and emotional learning, and student resilience

b A grant awarded through the Student Wellness Grant Program shall be used to support school districts in

(1) the provision of school-based mental health clinics or workshops for both students and families that engage the community on universal topics of student wellness and mental health,

(2) the implementation and coordination of policies, practices, and programs that support the mental, emotional, and social needs of students,

(3) the provision of mental health services on-site at the school to students in need of short-term counseling or crisis intervention focused on mental health or situational concerns, such as grief or family transitions, by a properly trained and licensed mental health professional, and

(4) the timely and appropriate referral of students in need of long-term therapeutic counseling or mental health intervention with available community resources

C 18A 6-33 21 Grant program application, criteria, special consideration

2 a A school district which elects to participate in the grant program created pursuant to this act shall submit an application to the Commissioner of Education to be reviewed by a team of qualified professionals within the Department of Education and Department of Children and Families in such form as required by the commissioner The application shall include, but need not be limited to

(1) a description of current school district actions to support the socioemotional needs of students in a stigma-free environment and how a grant will support the expansion of those efforts,

(2) a commitment to provide staff training, including a clearly outlined plan on who will receive training, the resources needed for training, and how the training will be implemented The training shall include content on how to recognize symptoms of mental health conditions in the student population, and a component on identifying at-risk students most likely to be in need of mental health supports, and

(3) the school district protocol for on-site and community referrals for targeted therapeutic interventions, such as short-term and long-term counseling

b The Commissioner of Education, in full consultation with the Commissioner of Children and Families, shall develop criteria for the evaluation of applications for grants Based upon the criteria developed by the commissioners, and within the limit of available appropriations, the

Commissioner of Education shall allocate to each selected school district a grant in such amount as determined by the commissioner Special consideration shall be given to applicants that can demonstrate strong ties to relevant community resources, such as mental health providers, or have secured external funding for their student wellness program from community partners

C 18A 6-33 22 Students not compelled to participate

3 No student shall be compelled to participate in any programs or services offered by a school district pursuant to a student wellness grant received under this act, if the student or the student's parent or guardian objects to participation

C 18A 6-33 23 Development, dissemination of best practices

4 The Commissioner of Education, in full consultation with the Commissioner of Children and Families, shall develop and disseminate to all school districts best practices in school-based programs that promote mental wellness, social and emotional learning, and student resilience

C 18A 6-33 24 Grant recipients to submit results report to Commissioner of Education

5 Each school district that receives a student wellness grant shall prepare and submit to the Commissioner of Education annually a report on its experience with and the effects of the program The report shall include, at a minimum, the specific programs and practices implemented as a result of the grant to promote mental wellness, social and emotional learning, and student resilience, and any notable changes in school climate, attendance rates, student achievement, school discipline, or other measures since receiving the grant The report shall include, to the greatest extent feasible, quantifiable measures of the program's impact

C 18A 6-33 25 Commissioner of Education to report to Governor, Legislature on Student Wellness Grant Program implementation

6 The Commissioner of Education, in full consultation with the Commissioner of Children and Families, shall submit annually a report to the Governor and, pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), the Legislature containing information on the implementation of the Student Wellness Grant Program The report shall include relevant information from the reports submitted to the Commissioner of Education by the grant recipients pursuant to section 5 of this act

C 18A 6-33 26 Available federal funds for grant program, including Coronavirus Aid, Relief, and Economic Security Act

7 The Department of Education may use any federal funds which may become available, including funds provided under the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub L 116-136, to effectuate the purposes of this act Federal funds available to the department to effectuate the purposes of this act shall be used to provide grant awards to school districts in amounts deemed appropriate by the Commissioner of Education, prior to using State funds which may be appropriated by the Legislature for the grant program established pursuant to this act If sufficient funding is unavailable, the grant program shall be paused and shall resume once funding becomes available by way of legislative appropriation or other means

8 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 457

AN ACT concerning nursing homes and supplementing Title 26 of the Revised Statutes

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

C 26 2H-46 1 Increase in penalties for deficiencies outlined in federal Centers for Medicare and Medicaid Services guidance

1 A nursing home, as defined under section 1 of PL 1975, c 397 (C 26 2H-29), cited for the same or a substantially similar F-level deficiency or higher, as outlined in federal Centers for Medicare and Medicaid Services guidance, at any point over a three-year period during any standard or special survey conducted pursuant to 42 U S C s 488 308 or any other inspection conducted by the Department of Health, or any third-party contractor or instrumentality thereof, pursuant to State or federal law or regulation, including in response to a complaint, shall be subject to a penalty that shall be more severe than the penalty imposed for the previous violation The department may impose additional penalties, sanctions, or corrective measures pursuant to regulation when such deficiencies or violations involve noncompliance with infection

control requirements or result in severe adverse health consequences for a resident or staff member of the nursing home This section shall not be construed to diminish any authority of the Department of Health or any other department that exists pursuant to any other law, rule, or regulation

C 26 2H-46 2 Enforcement of department rules, requirements, request, consolidate data regarding nursing homes reported to other State, federal authorities

2 To facilitate enforcement of department rules and requirements concerning nursing home operations, the department shall request and consolidate data concerning nursing homes reported to other State and federal authorities, including the federal Centers for Medicare and Medicaid Services, the Department of Human Services, Medicaid managed care organizations, and the Long-Term Care Ombudsman, in order to identify nursing homes with consistent or repeated performance issues, ongoing compliance issues, or high numbers of substantiated complaints The department shall make the consolidated data collected under this subsection available upon request to other State and federal entities having jurisdiction over nursing homes in the State

C 26 2H-46 3 Review of reporting requirements, standardization, consolidation of reporting requirements

3 a The department shall undertake a review of reporting requirements for nursing homes and shall take steps to standardize and consolidate the reporting requirements for the purpose of reducing the administrative demand on nursing homes in complying with reporting requirements, developing updated standardized data reporting requirements, and improving the utility of the reported data and the ability to share the data across systems, including, as appropriate, systems maintained by other State departments and agencies, county and local agencies, and federal authorities The department's review shall include

(1) identifying and eliminating duplicative reporting,

(2) establishing standardized formats, requirements, protocols, and systems for data reporting, which may include requiring nursing homes to report data in machine-readable formats to facilitate the processing and analysis of reported data,

(3) establishing a centralized, cross-agency workgroup to monitor nursing home reporting,

(4) assessing State health information technology needs to support technology-enabled and data-driven regulatory oversight across State departments and agencies, anticipate potential uses for the enhanced

technologies and systems, enable systems to readily accept and analyze additional data metrics required pursuant to subsection b of this section, and identify opportunities to centralize and modernize State health data infrastructure, processes, and analytic capabilities,

(5) assessing nursing home health information technology needs to support population health management, interoperability, and modernized reporting requirements, and

(6) identifying and applying for federal funding to support health information technology infrastructure development

b (1) The department shall require all nursing homes to post on their Internet websites annual owner-certified financial statements along with the nursing home's most recent cost reports submitted to the federal Centers for Medicare and Medicaid Services The department shall include on its Internet website a link to the page where each nursing home's certified financial statements and cost reports are posted Nursing homes that are part of a health care system may post financial statements and cost reports pursuant to this paragraph that aggregate the financial data across all nursing homes that are a part of that health care system A nonprofit nursing home that posts a copy of its most recent Internal Revenue Service Form 990 on its Internet website shall be deemed to have met the requirement for the nursing home to post an owner-certified financial statement on its Internet website pursuant to this paragraph, and the nursing home's posted Internal Revenue Service Form 990 shall be considered an owner-certified financial statement for the purposes of this paragraph and subparagraph (d) of paragraph (1) of subsection f of this section

(2) The department shall require all nursing homes to

(a) participate in the National Health Care Safety Network's Long-term Care Facility Component,

(b) complete the network's long-term care facility annual facility survey, and

(c) participate in the network's long-term care facility monthly reporting plan, including

(i) the healthcare-associated infection reporting modules for urinary tract infections, the laboratory-identified event module for Clostrum difficile (C diff) infection and multidrug-resistant organisms, and prevention measures, and

(ii) the monthly reporting plan for prevention process measures, including hand hygiene, gloves, and gown adherence

c The department may develop additional data reporting requirements for nursing homes as are necessary to improve transparency and facilitate the department's ability to oversee and regulate operations in nursing homes, including, but not limited to, data related to occupancy, operating expenses

and other appropriate financial metrics, and utilization and staffing data In developing additional reporting requirements pursuant to this subsection, the department shall solicit feedback from nursing homes, advocacy groups for nursing home residents and their families, the New Jersey Long-Term Care Ombudsman, and Medicaid managed care organizations concerning proposed new data metrics, methods of maximizing the efficiency of data collection and specification, minimizing duplicative data reporting, and identifying ways to consolidate, automate, or streamline the data required to be reported by State and federal agencies and managed care organizations

d The department shall establish centralized State protocols for nursing home communications to reduce duplicative outreach and enhance information sharing capabilities

e The department shall require nursing homes to

(1) post on their Internet websites a link to the dashboard developed and maintained by the department pursuant to paragraph (1) of subsection f of this section, and

(2) designate a staff person who shall be responsible for responding to questions from the public concerning the nursing home, including questions about the nursing home's policies, procedures, and operations The contact information for members of the public to direct questions and request information shall be posted on the nursing home's Internet website

f (1) The department shall develop, make available on its Internet website, and update at least quarterly, a data dashboard that provides a separate page or listing for each nursing home licensed in the State with links to the sites where information and data relevant to the nursing home may be found, as well as a description of the data and information that is accessible through each link The data dashboard shall be searchable by nursing home The data and information links available through the dashboard shall include, at a minimum, for each nursing home

(a) the nursing home's star rating issued by the federal Centers for Medicare and Medicaid Services,

(b) the total number of complaints involving the nursing home, the number and nature of substantiated complaints involving the nursing home, the number of open investigations of complaints involving the nursing home, and the total number of outstanding complaints involving the nursing home that have not been investigated or resolved,

(c) the dates and results of inspections and surveys of the nursing home by the Department of Health, the Department of Human Services, and the federal Centers for Medicare and Medicaid Services, including links to any

deficiencies or violations for which the nursing home was cited and to any corrective action plans in place at the nursing home,

(d) a link to the website where each nursing home's certified financial statements and the nursing home's cost reports submitted to the federal Centers for Medicare and Medicaid Services are posted,

(e) general staffing levels at the nursing home and, to the extent feasible, rates of compliance with mandatory staffing ratios,

(f) the frequency with which antipsychotic medication was administered to residents of the nursing home,

(g) the number of residents who developed a pressure ulcer, including the number of residents who developed multiple pressure ulcers,

(h) the number of each type of facility-acquired infection at the nursing home as reported to the National Health Care Safety Network's Long-term Care Facility Component pursuant to paragraph (2) of subsection b of this section, and

(i) such other data as the department determines appropriate to allow the public to make informed choices when evaluating and selecting a nursing home

(2) The department shall prepare and publish on its Internet website annual reports on New Jersey's nursing home system of care

(3) For the purposes of making available to the public the data described in subparagraph (h) of paragraph (1) of this subsection, the department shall request from the National Healthcare Safety Network, on a quarterly basis, data concerning the number of infections reported to the network by New Jersey nursing homes pursuant to paragraph (2) of subsection b of this section, make the data available on the department's Internet website, and update the data at least quarterly using the most current data obtained from the National Healthcare Safety Network The data shall provide details concerning the number of reported infections, by infection type, for each nursing home licensed in the State The department shall additionally provide on its Internet website data concerning the Statewide and national averages for each type of reported infection in nursing homes

C 26 2H-46 4 Regulations adopted, authorization

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

5 This act shall take effect on the first day of the 10th month after the date of enactment, except that section 4 of this act shall take effect immediately

Approved January 18, 2022

CHAPTER 458

AN ACT concerning the provision of electric generation service and gas supply service and amending P L 1999, c 23

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

1 Section 36 of P L 1999, c 23 (C 48 3-85) is amended to read as follows

C 48 3-85 Consumer protection standards

36 a Notwithstanding any provisions of the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq) to the contrary, the board, in consultation with the Division of Consumer Affairs in the Department of Law and Public Safety, shall initiate a proceeding and shall adopt, after notice, provision of the opportunity for comment, and public hearing, interim consumer protection standards for electric power suppliers or gas suppliers, within 90 days of February 9, 1999, including, but not limited to, standards for collections, credit, contracts, and authorized changes of an energy customer's electric power supplier or gas supplier, for the prohibition of discriminatory marketing, for advertising and for disclosure The standards shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted, or readopted by the board in accordance with the provisions of the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq)

(1) (a) An electric power supplier or gas supplier shall not provide electric generation service or gas supply service to a customer in this State unless the electric power supplier or gas supplier has provided the customer a one-page information sheet summarizing the material terms and conditions of the contract as determined by the board Contract standards shall include, but not be limited to, requirements that electric power supply contracts or gas supply contracts conspicuously disclose the duration of the contract, state the price per kilowatt hour or per therm or other pricing determinant approved

by the board, use a 12-point font, provide a one-page information sheet in a 12-point font summarizing the material terms and conditions of the contract in English and Spanish, as determined by the board, provide the phone number and website for filing complaints with the Board of Public Utilities, Division of Customer Assistance, and a one-sentence explanation of the practice known as "slamming," which is an unauthorized change of a customer's electric power supplier or gas supplier, in a 12-point, boldface font on the one-page information sheet, and state, in a 12-point, boldface font, whether the contract is for a fixed rate or a variable rate, and provide a brief explanation of the difference between a fixed rate and a variable rate that is easily understandable by the general public, including an explanation on how weather fluctuations may affect the price of variable rate contracts, have the customer's written signature or electronic signature, an audio recording of a telephone call initiated by the customer, independent, third-party verification, in accordance with section 37 of P L 1999, c 23 (C 48 3-86), of a telephone call initiated by an electric power supplier, gas supplier, or private aggregator, or any alternative forms of verification as the board, in consultation with the Division of Consumer Affairs in the Department of Law and Public Safety, may permit prior to switching electric power suppliers or gas suppliers and for contract renewal, and include termination procedures, notice of any fees, and toll-free or local telephone numbers for the electric power supplier or gas supplier and for the board An electric power supplier or gas supplier shall not provide the customer's telephone number, electronic mail address, or postal address to other electric power suppliers or gas suppliers if the customer's telephone number appears on the no telemarketing call list established and maintained by the Division of Consumer Affairs, pursuant to the provisions of section 9 of P L 2003, c 76 (C 56 8-127), or the national do-not-call registry as maintained by the Federal Trade Commission

(b) As used in this paragraph, "customer" means a residential customer or a commercial electric customer with a cumulative peak load of 50 kilowatts or less, or a commercial gas customer with a cumulative peak load of 5,000 therms or less

(2) Standards for the prohibition of discriminatory marketing shall provide, at a minimum, that a decision made by an electric power supplier or a gas supplier to accept or reject a customer shall not be based on race, color, national origin, age, gender, religion, source of income, receipt of public benefits, family status, sexual preference, or geographic location The board shall adopt reporting requirements to monitor compliance with its standards

(3) Advertising standards for electric power suppliers or gas suppliers shall provide, at a minimum, that optional charges to the customer will not be added to any advertised cost per kilowatt hour or per therm, and that the only unit of measurement that may be used in advertisements is cost per kilowatt hour or per therm, unless otherwise approved by the board If an electric power supplier or gas supplier does not advertise using cost per kilowatt hour or per therm, the electric power supplier or gas supplier shall provide, at the customer's request, an estimate of the cost per kilowatt hour or per therm Any optional charges to the customer shall be identified separately and denoted as optional

(4) Credit standards shall include, at a minimum, that the credit requirements used to make decisions must be the same for all residential customers and that electric power suppliers, gas suppliers, and private aggregators not impose unreasonable income or credit requirements

(5) Billing standards shall include, at a minimum, provisions prohibiting electric public utilities, gas public utilities, electric power suppliers, and gas suppliers from charging a fee to residential customers for either the commencement or termination of electric generation service or gas supply service

b (1) Except as provided in paragraph (2) of this subsection, an electric power supplier, a gas supplier, an electric public utility, and a gas public utility shall not disclose, sell, or transfer individual proprietary information, including, but not limited to, a customer's name, address, telephone number, energy usage, and electric power payment history, to a third party without the consent of the customer

(2) (a) An electric public utility or a gas public utility may disclose and provide, in an electronic format, which may include a CD rom, diskette, and other format as determined by the board, without the consent of a residential customer, a residential customer's name, rate class, and account number, to a government aggregator that is a municipality or a county, or to an energy agent acting as a consultant to a government aggregator that is a municipality or a county, if the customer information is to be used to establish a government energy aggregation program pursuant to sections 42, 43, and 45 of P L 1999, c 23 (C 48 3-91, C 48 3-92, and C 48 3-94) The number of residential customers and their rate class, and the load profile of non-residential customers who have affirmatively chosen to be included in a government energy aggregation program pursuant to paragraph (3) of subsection a of section 45 of P L 1999, c 23 (C 48 3-94) may be disclosed pursuant to this paragraph prior to the request by the government aggregator for bids pursuant to paragraph (1) of subsection b of section 45 of P L 1999, c 23 (C 48 3-94), and the name, address, and

account number of a residential customer and the name, address, and account number of non-residential customers who have affirmatively chosen to be included in a government energy aggregation program pursuant to paragraph (3) of subsection a of section 45 of P L 1999, c 23 (C 48 3-94) may be disclosed pursuant to this paragraph upon the awarding of a contract to a licensed power supplier or licensed gas supplier pursuant to paragraph (2) of subsection b of section 45 of P L 1999, c 23 (C 48 3-94) Any customer information disclosed pursuant to this paragraph shall not be considered a government record for the purposes of, and shall be exempt from the provisions of P L 2001, c 404 (C 47 1A-5 et al)

(b) An electric public utility or a gas public utility disclosing customer information pursuant to this paragraph shall exercise reasonable care in the preparation of this customer information, but shall not be responsible for errors or omissions in the preparation or the content of the customer information

(c) Any person using any information disclosed pursuant to this paragraph for any purpose other than to establish a government energy aggregation program pursuant to sections 42, 43, and 45 of P L 1999, c 23 (C 48 3-91, C 48 3-92, and C 48 3-94) shall be subject to the provisions of section 34 of P L 1999, c 23 (C 48 3-83)

(d) The role of an electric public utility or a gas public utility in a government energy aggregation program established pursuant to P L 1999, c 23 (C 48 3-49 et al) shall be limited to the provisions of this paragraph

(3) Whenever any individual proprietary information is disclosed, sold, or transferred, pursuant to paragraph (1) or paragraph (2) of this subsection, it shall be used only for the provision of continued electric generation service, electric-related service, gas supply service, or gas-related service to that customer In the case of a transfer or sale of a business, customer consent shall not be required for the transfer of customer proprietary information to the subsequent owner of the business for maintaining the continuation of those services

(4) Notwithstanding any provisions of the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq) to the contrary, the board shall, within 90 days of the effective date of P L 2003, c 24 (C 48 3-93 1 et al), review existing regulations including, without limitation, Chapter 4 of Title 14 of the New Jersey Administrative Code (Energy Competition), to determine their consistency with the provisions of section 36 of P L 1999, c 23 (C 48 3-85), section 43 of P L 1999, c 23 (C 48 3-92) and section 45 of P L 1999, c 23 (C 48 3-94), repeal or modify any regulations that are inconsistent with the provisions thereof, and shall adopt regulations and standards implementing the provisions thereof permitting disclosure of

customer information without the consent of the customer including, without limitation, provisions for the development of a board-approved agreement between the disclosing party and the receiving party and the creation of a mechanism for the recovery by the disclosing electric public utility or gas public utility of its reasonable incremental costs of providing the customer information if those costs are not covered in an existing third-party supplier agreement

(5) An electric power supplier, a gas supplier, a gas public utility, or an electric public utility may use individual proprietary information that it has obtained by virtue of its provision of electric generation service, electric-related service, gas supply service, or gas-related service to

(a) Initiate, render, bill, and collect for these services to the extent otherwise authorized to provide billing and collection services,

(b) Protect the rights or property of the electric power supplier, gas supplier, or public utility, and

(c) Protect consumers of these services and other electric power suppliers, gas suppliers, or electric and gas public utilities from fraudulent, abusive, or unlawful use of, or subscription to, these services

c The board shall establish and maintain a database for the purpose of recording customer complaints concerning electric and gas public utilities, electric power suppliers, gas suppliers, private aggregators, and energy agents The board shall publish on its website on a quarterly basis a detailed report regarding customer complaints that shall not include the names or other personal information of the customers who complained, but shall include the names of the electric and gas public utilities, electric power suppliers, gas suppliers, private aggregators, and energy agents against which the complaints were filed

d The board, in consultation with the Division of Consumer Affairs in the Department of Law and Public Safety, shall establish, or cause to be established, a multi-lingual electric and gas consumer education program The goal of the consumer education program shall be to educate residential, small business, and special needs consumers about the implications for consumers of the restructuring of the electric power and gas industries The consumer education program shall include, but need not be limited to, the dissemination of information to enable consumers to make informed choices among available electricity and gas services and suppliers, and the communication to consumers of the consumer protection provisions of P L 1999, c 23 (C 48 3-49 et al)

The board shall ensure the neutrality of the content and message of advertisements and materials

The board shall promulgate standards for the recovery of consumer education program costs from customers which include reasonable measures

and criteria to judge the success of the program in enhancing customer understanding of retail choice

e (Deleted by amendment, P.L. 2003, c. 24)

f. (1) In addition to the advertising standards adopted by the board pursuant to paragraph (3) of subsection a. of this section, the board, in consultation with the Division of Consumer Affairs in the Department of Law and Public Safety, shall adopt, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) interim advertising and marketing standards for electric power suppliers, gas suppliers, brokers, energy agents, marketers, private aggregators, sales representatives, and telemarketers applicable to potential residential customers, within 270 days of the effective date of P.L. 2013, c. 263, which standards shall include, but not be limited to, prohibiting electric power suppliers, gas suppliers, brokers, energy agents, marketers, private aggregators, sales representatives, and telemarketers from (a) making false or misleading advertising claims to a potential residential customer, or (b) contacting a potential residential customer by telephone for the purpose of making an unsolicited advertisement if the electric power supplier, gas supplier, broker, energy agent, marketer, private aggregator, sales representative, or telemarketer does not have an existing business relationship with the potential residential customer and the residential customer's telephone number appears on the no telemarketing call list established and maintained by the Division of Consumer Affairs, pursuant to the provisions of section 9 of P.L. 2003, c. 76 (C. 56:8-127), or the national do-not-call registry as maintained by the Federal Trade Commission. The standards shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted, or readopted by the board in accordance with the provisions of the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.).

(2) In addition to any other penalties, fines, or remedies authorized by law, an electric power supplier, gas supplier, broker, energy agent, marketer, private aggregator, sales representative, or telemarketer that violates subparagraph (a) of paragraph (1) of this subsection and collects charges for electric generation service or gas supply service supplied to a residential customer, who was subjected to false or misleading advertising claims by the electric power supplier, gas supplier, broker, energy agent, marketer, private aggregator, sales representative, or telemarketer in violation of subparagraph (a) of paragraph (1) of this subsection, shall be liable to the residential customer in an amount equal to all charges paid by the residential customer after such violation occurs in accordance with any procedures as the board may prescribe, whether the electric power supplier or gas supplier provided the electric generation service or gas

supply service to that customer, or the electric generation service or gas supply service was provided to the customer by a broker, energy agent, marketer, private aggregator, sales representative, or telemarketer who contacted the customer on behalf of the electric power supplier or gas supplier An electric power supplier, gas supplier, broker, energy agent, marketer, private aggregator, sales representative, or telemarketer that violates this subsection shall also be liable for a civil penalty pursuant to section 34 of P L 1999, c 23 (C 48 3-83) The board is hereby authorized to revoke the license of any electric power supplier, gas supplier, broker, energy agent, marketer, or private aggregator that violates this subsection

2 Section 37 of P L 1999, c 23 (C 48 3-86) is amended to read as follows

C 48 3-86 "Slamming" prevention, penalties

37 a Notwithstanding any provisions of the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq) to the contrary, the board, in consultation with the Division of Consumer Affairs in the Department of Law and Public Safety, shall initiate a proceeding and shall adopt, after notice, provision of the opportunity for comment, and public hearing, interim standards for electric power suppliers or gas suppliers, within 90 days of February 9, 1999, to prevent and establish penalties for unauthorized changes of a consumer's electric power supplier or gas supplier, a practice commonly known as "slamming " Such standards shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the board in accordance with the provisions of the "Administrative Procedure Act "

b Standards for the prohibition of unauthorized changes in a customer's electric power supplier or gas supplier shall include

(1) An electric power supplier, an electric public utility, a gas supplier or a gas public utility shall not cause an unauthorized change in a customer's electric power supplier or gas supplier, a practice known as "slamming " A change in a customer's electric power supplier or gas supplier shall be deemed to be unauthorized unless the customer has done so affirmatively and voluntarily and the electric power supplier or gas supplier has obtained the customer's approval, which approval shall be evidenced by the customer's written signature or electronic signature, an audio recording of a telephone call initiated by the customer, independent, third-party verification, in accordance with section 37 of P L 1999, c 23 (C 48 3-86), of a telephone call initiated by an electric power supplier, gas supplier, or private aggregator, or any

alternative forms of verification as the board, in consultation with the Division of Consumer Affairs in the Department of Law and Public Safety, may permit prior to switching electric power suppliers or gas suppliers and for contract renewal,

(2) (a) A company performing independent, third-party verification shall (i) be independent from the entity that seeks to provide the new service, (ii) not be directly or indirectly managed, controlled, directed or owned, wholly or in part, by the entity that seeks to provide the new service, or by any affiliate of that entity, (iii) operate from facilities physically separate from those of the entity that seeks to provide the new service, and (iv) not derive any commission or compensation based upon the number of sales confirmed,

(b) A company performing independent, third-party verification shall obtain a customer's oral confirmation regarding the change and shall record that confirmation by obtaining appropriate verification data The record shall be available to the customer upon request Information obtained from a customer through confirmation shall not be used for marketing purposes,

(3) An electric power supplier, an electric public utility, a gas supplier or a gas public utility shall not fail to cause a change in a customer's electric power supplier or gas supplier, within a period of time determined to be appropriate by the board, when a supplier or utility is in receipt of a change order provided that such change order has been received in a manner that complies with federal and State rules and regulations, including as provided in this subsection,

(4) The acts of an agent of an electric power supplier, an electric public utility, a gas supplier or a gas public utility shall be considered the acts of the electric power supplier, electric public utility, gas supplier or gas public utility

c A customer's new electric power supplier, electric public utility, gas supplier or gas public utility shall notify the customer of the change in the customer's electric or gas supplier within 30 days in a manner to be determined by the board

d Bills to customers from an electric power supplier, electric public utility, gas supplier or gas public utility shall contain the name and telephone number of each supplier for whom billing is provided, the phone number and website for filing complaints with the Board of Public Utilities, Division of Customer Assistance, and any other information deemed applicable by the board

e In addition to any other penalties, fines or remedies authorized by law, any electric power supplier, electric public utility, gas supplier or gas public utility that violates this section and collects charges for electric power supply or gas supply services from a customer or through an entity providing customer account services shall be liable to the electric power supplier, electric public

utility, gas supplier or gas public utility previously selected by the customer in an amount equal to all charges paid by the customer after such violation in accordance with such procedures as the board may prescribe Any electric power supplier, electric public utility, gas supplier or gas public utility that violates this section shall also be liable for a civil penalty pursuant to section 34 of P L 1999, c 23 (C 48 3-83), and the board is hereby authorized to revoke the license of any entity that violates this section

3 Section 41 of P L 1999, c 23 (C 48 3-90) is amended to read as follows

C 48 3-90 Registration of private aggregator

41 a A private aggregator shall register with the board, which shall include the filing of basic information pertaining to the supplier, such as name, address, telephone number, and company background and profile A private aggregator shall provide annual updates of this information to the board The registration shall also include evidence of financial integrity, as determined by the board, and evidence that the private aggregator has knowledge of the energy industry

b Any residential customer that elects to purchase electric generation service or gas supply service, after the implementation of gas unbundling pursuant to section 10 of P L 1999, c 23 (C 48 3-58), through a private aggregator must do so affirmatively and voluntarily, either through the customer's written signature or electronic signature, an audio recording of a telephone call initiated by the customer, independent, third-party verification, in accordance with section 37 of P L 1999, c 23 (C 48 3-86), of a telephone call initiated by an electric power supplier, gas supplier, or private aggregator, or any alternative forms of verification as the board, in consultation with the Division of Consumer Affairs in the Department of Law and Public Safety, may permit prior to switching electric power suppliers or gas suppliers and for contract renewal

4 This act shall take effect on the 30th day following enactment

Approved January 18, 2022

CHAPTER 459

AN ACT concerning law enforcement presence at polling places and ballot drop box locations, prohibiting electioneering within 100 feet of ballot drop boxes, and amending various parts of the statutory law

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

1 R S 19 6-15 is amended to read as follows

Constabulary powers of members, police assistance

19 6-15 a The district boards of every election district shall preserve the peace and maintain good order in their respective polling places, during the progress of all elections and the counting of the votes cast thereat To that end each member of every such board, during the progress of an election and the counting and canvassing of the votes, shall be and hereby is invested and charged with all the powers and duties of constables of this State in criminal matters

b Such election board, or any members thereof, shall not request the authorities of any municipality, county, or the State, or the body or officer having charge and direction of the police force in such municipality, county, or the State, to detail one or more police officers to assist in preserving the peace and good order in and about such polling place, and no such request shall be complied with by the body or officer to whom the same is made

c The election board or the superintendent of elections in the county in which an election is held may contact a law enforcement agency if information is obtained prior to or during the election that in the judgment of the election board or superintendent of elections should be communicated to a law enforcement agency

d Nothing in this section shall be construed to prohibit any activity otherwise permitted under R S 19 6-16

2 Section 2 of P L 1991, c 306 (C 19 6-15 1) is amended to read as follows

C 19 6-15 1 Uniforms and exposed weapons forbidden, penalty

2 a No person who is employed as a police officer, either full-time or part-time, by the State or an instrumentality thereof, or by a political subdivision of the State or an instrumentality thereof, including a person appointed as a police officer by an institution of higher education pursuant to P L 1970, c 211 (C 18A 6-4 2 et seq), shall serve as a member of a district board of elections, unless the person is off-duty, or serve as a duly authorized challenger for a political party or a candidate or on a public question in the municipality in which that person is employed, or if employed by an institution of higher education, any municipality in which the institution is physically located, or if employed by a county or the State, in the county in which that

person is employed or stationed, respectively, or wear a police officer's uniform or carry an exposed weapon at any time, including at a polling place on an election day Nothing in this subsection shall be construed to prohibit a police officer who is a candidate for an office and whose name appears upon the ballot to be voted for an election from acting as a challenger during that election as may be permitted by another provision of law for a candidate to act as a challenger

b No person employed as a police officer as described in subsection a of this section, whether on or off-duty or whether in or out of uniform, shall remain or stand within 100 feet of a polling place during the conduct of an election unless present at the location in response to a request for assistance in accordance with R S 19 6-16 or as otherwise provided herein or pursuant to this act, P L 2021 c 459

c Nothing herein shall be interpreted to prohibit a police officer or law enforcement officer from

traveling to and from, or remaining within, their personal residence if that residence is within 100 feet of a polling place,

voting at that polling place in a personal capacity, or

escorting to or from, or both, a polling place a person who may require assistance of the officer

3 R S 19 6-16 is amended to read as follows

Police assigned to the district boards in municipalities

19 6-16 a The commission, committee, board or official having charge of the police department in any county or municipality shall not assign police officers to any district board in that county or municipality, in order to enforce the election laws, maintain order, peace and quiet during the hours of registry and election, assist the board by performing the duties of a board member, or serve at the polling place of that district board, or in order to perform other routine purposes related to the conduct of elections, except that a district board, superintendent of elections, or a county clerk may request that a police officer or sheriff's officer be assigned to transport specific election materials to a polling place or from a polling place to the district board or county clerk and a police officer or sheriff's officer may be assigned for that purpose The commission, committee, board or official having charge of the police department in any county or municipality may assign one or more police officers to a senior residential center that has reported a threat or safety concern, and any such officer assigned to a senior residential center shall not interfere with any person present at the location for the purpose of voting

b Nothing in subsection a of this section, subsection b of R S 19 6-15, or subsection b of section 2 of P L 1991, c 306 (C 19 6-15 1) shall be construed to prohibit the dispatch, detail, or assignment of a police officer or other law enforcement officer due to a request for assistance made to the commission, committee, board, body, authority, or official having charge of the police department in any county or municipality, or to any other law enforcement agency, for assistance with regard to a specific emergency, allegation of criminal conduct, or disturbance that exists at the time the request for assistance is made The police officers or law enforcement officers responding to the request for assistance shall take any prompt actions as may be available and as may be necessary in order to address the emergency, allegation, or disturbance and ensure the continued orderly conduct of the election and election processes, and shall remain present at that location during the conduct of the election only as long as necessary to investigate, address, and remove that specific emergency or disturbance

The district board shall promptly notify the county board of elections or superintendent of elections, as appropriate, of the dispatch of any police officer or other law enforcement officer in response to a request for assistance in accordance with this subsection The county board of elections or superintendent of elections, as appropriate, shall promptly notify the Secretary of State of the dispatch of that police officer or other law enforcement officer The Secretary of State, county boards of elections, and superintendents of elections shall maintain a record of all dispatches issued and reported pursuant to this section, which shall include, but need not be limited to, the time of the dispatch, polling place location, reason for the dispatch, name of the police or law enforcement officer, the police or law enforcement officer's badge number, the duration of the police or law enforcement officer's presence, and the immediate outcome of the dispatch Information obtained pursuant to this section is deemed to be a public or government record and shall be subject to disclosure as provided in the public records law, P L 1963, c 73 (C 47 1A-1 et seq)

4 Section 1 of P L 2020, c 72 (C 19 63-16 1) is amended to read as follows

C 19 63-16 1 Options for delivery of mail-in ballot by voter

1 a In addition to delivering a voted mail-in ballot by mail or in person as provided under "The Vote By Mail Law," P L 2009, c 79 (C 19 63-1 et seq), a mail-in voter shall be entitled to deposit the voter's completed mail-in ballot in a ballot drop box established by the county board of elections as provided under this section Each mail-in ballot deposited in a ballot drop

box by the time designated under current law for the closing of the polls for that election shall be considered valid and shall be canvassed If, at the closing of the polls, a voter deposits a mail-in ballot at a ballot drop box in a county in which the voter does not reside, the county board of elections, upon discovering that fact, shall notify and timely deliver the ballot to the county board of elections of the county in which the voter resides, who shall accept the ballot for processing The limitations and prohibitions applicable to mail-in ballot bearers under "The Vote By Mail Law," P L 2009, c 79 (C 19 63-1 et seq) shall apply under this section

b (1) For any election, the county board of elections in each county shall establish ballot drop boxes where voters may deposit their voted mail-in ballots at least 45 days before the election The ballot drop boxes shall be located throughout the county in a manner specified under paragraph (2) of this subsection

(2) (a) A ballot drop box shall mean a secured drop box that is not required to be within view of a live person for monitoring All ballot drop boxes shall be available for use by a voter 24 hours a day and shall be placed at locations equipped with security cameras that allow for surveillance of the ballot drop box

(b) Beginning with the 2021 general election, at least one ballot drop box shall be located at any county government building in which the main office of the county clerk is located, in each municipality with a population larger than 5,000 residents, at the main campus of each State college or university, and the main campus of each independent four-year college or university with enrollments larger than 5,000 students Notwithstanding the locational criteria established by this subparagraph, whenever two or more ballot drop box locations are separated by a distance of less than 2,000 feet, the board of elections in each county shall determine secondary locations for those ballot drop boxes in compliance with the requirements of this section The secondary ballot drop box locations shall be located within the municipality where those ballot drop boxes were originally located and shall be approved by a majority vote of the members of the board of elections However, in the event of a tie in the votes cast by the members of the board of elections, the county clerk shall cast the deciding vote Whenever possible, at least one ballot drop box shall be located in a municipality with an average per capita income or a median family income at or below 250% of the federal poverty guideline according to the most recent federal American Community Survey

(c) The board of elections in each county shall establish no fewer than 10 ballot drop boxes To the best of their ability, the board of elections of every county shall place secure ballot drop boxes based on geographic

location and population density to best serve the voters of each county in compliance with the guidelines adopted pursuant to subsection c of this section The Secretary of State shall establish guidelines for the placement of the ballot drop boxes, the security of the ballot drop boxes, and the schedule for ballot pickup from the ballot boxes

(d) All ballot drop box locations shall be on sites that meet the accessibility requirements applicable to polling places under R S 19 8-2 and shall be subject to the same compliance oversight applicable to polling places under section 3 of P L 1991, c 429 (C 19 8-3 3) A ballot drop box site shall be considered accessible if it is in compliance with the federal "Americans with Disabilities Act of 1990" (42 U S C s 12101 et seq)

(e) Except as otherwise provided herein, no ballot drop box shall be located inside, or within 100 feet of an entrance or exit, of a State, county, or municipal police station

Notwithstanding the provisions of this subparagraph, a ballot drop box that has already been installed and permanently affixed prior to the effective date of this act, P L 2021, c 459, at any of the following locations may remain at that location notwithstanding that the ballot drop box is within 100 feet of an entrance or exit of a State, county, or municipal police station if the county commissioners approve the continued presence at that location by a majority vote of the commissioners and with the reasons therefor subject to public disclosure

any county government building in which the main office of the county clerk is located, any municipal government building in which the main office of the municipal clerk is located in municipalities with populations larger than 5,000 residents, the main campus of a county community college, the main campus of a State college or university, and the main campus of an independent four-year college or university with enrollments larger than 5,000 students

(f) Except as otherwise permitted herein, no State, county, or municipal police officer shall remain or stand within 100 feet of a ballot drop box in use during the conduct of an election Nothing herein shall be interpreted to prohibit the police officer from

voting at that ballot drop box in a personal capacity,

traveling to and from, or remaining within, their personal residence if that residence is within 100 feet of a ballot drop box,

investigating, addressing, or removing any cause for a disturbance, or otherwise responding to a request for assistance, on or around the premises of the location of that ballot drop box, or

escorting to or from, or both, a ballot drop box or the premise on which it is located any person who may require the assistance of the officer

(g) No person shall wear, display, sell, give, or provide any political or campaign slogan, badge, button, or other insignia associated with any political party or candidate within 100 feet of a ballot drop box in use during the conduct of an election, except with respect to the badge furnished by the county board as provided by law A person violating the provisions of this subparagraph shall be guilty of a disorderly persons offense

c The Secretary of State, in consultation with county boards of elections, shall establish the guidelines necessary to ensure the secure and successful implementation of the mail-in ballot drop boxes required by this section to ensure adequate access in various geographic areas of the county In determining the ballot drop box locations, the secretary and county boards of elections shall consider, at a minimum, concentrations of population, geographic areas, voter convenience, proximity to public transportation, community-based locations, travel time to the location, proximity to other voting locations and ballot drop boxes, commuter traffic patterns, and security The guidelines shall include, but may not be limited to, criteria for each county board of elections to

(1) determine the number of ballot drop boxes required per voter population, considering both the number of registered voters and the number of registered mail-in voters in each county before each election,

(2) select the geographic location of each ballot drop box, ensuring an equitable distribution of ballot drop boxes across the county to maximize convenience to voters,

(3) ensure the accessibility of ballot drop boxes and drop box locations to persons with disabilities, and

(4) maintain the security of ballot drop boxes and of the ballots deposited therein, including standards and procedures for ballot retrieval by authorized persons only, and for ensuring the proper chain of custody and safe storage of voted mail-in ballots before each election

d Each county clerk shall include the locations of the ballot drop boxes established in the county along with the instructions furnished with the mail-in ballot package sent to each mail-in voter pursuant to section 7 of P L 2009, c 79 (C 19 63-7) At least 45 days before each election, each county board of elections shall cause to be published on their respective websites the location of the ballot drop boxes in each county, and shall provide this information to the Secretary of State for publishing the same on the Division of Elections website

e Whenever a municipal, school, or special election is held, the board may open only the ballot drop box located geographically closest to the municipal government building in which the main office of the municipal clerk is located and the ballot drop box located at the board of elections or county office, if one is placed at that location When a school election

encompasses more than one municipality, the board shall be responsible for the selection of the ballot drop box location with respect to each municipality

5 R S 19 34-15 is amended to read as follows

Electioneering within or about polling place, disorderly persons offense

19 34-15 If a person shall distribute or display any circular or printed matter or offer any suggestion or solicit any support for any candidate, party or public question within the polling place or room or within a distance of 100 feet of the outside entrance to such polling place or room, or within 100 feet of a ballot drop box in use during the conduct of an election, the person shall be guilty of a disorderly persons offense

6 The Secretary of State may adopt guidelines or regulations, or both, necessary to effectuate the purposes of this act, P L 2021, c 459 Any such regulations shall be effective immediately upon filing with the Office of Administrative Law for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted in accordance with the provisions of the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq)

7 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 460

AN ACT concerning special probation and amending N J S 2C 35-14

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

1 N J S 2C 35-14 is amended to read as follows

Rehabilitation program for drug- and alcohol-dependent persons subject to a presumption of incarceration or a mandatory minimum period of parole ineligibility, criteria for imposing special probation, ineligible offenders, commitment to residential treatment facilities or participation in a nonresidential treatment program, presumption of revocation, brief incarceration in lieu of permanent revocation

2C 35-14 Rehabilitation Program for Drug- and Alcohol-Dependent Persons Subject to a Presumption of Incarceration or a Mandatory Minimum Period of Parole Ineligibility, Criteria for Imposing Special Probation,

Ineligible Offenders, Commitment to Residential Treatment Facilities or Participation in a Nonresidential Treatment Program, Presumption of Revocation, Brief Incarceration in Lieu of Permanent Revocation

a Any person who is ineligible for probation due to a conviction for a crime which is subject to a presumption of incarceration or a mandatory minimum period of parole ineligibility may be sentenced to a term of special probation in accordance with this section, and may not apply for drug and alcohol treatment pursuant to N J S 2C 45-1 Nothing in this section shall be construed to prohibit a person who is eligible for probation in accordance with N J S 2C 45-1 due to a conviction for an offense which is not subject to a presumption of incarceration or a mandatory minimum period of parole ineligibility from applying for drug or alcohol treatment as a condition of probation pursuant to N J S 2C 45-1, provided, however, that a person in need of treatment as defined in subsection f of section 2 of P L 2012, c 23 (C 2C 35-14 2) shall be sentenced in accordance with that section Notwithstanding the presumption of incarceration pursuant to the provisions of subsection d of N J S 2C 44-1, whenever a drug- or alcohol-dependent person who is subject to sentencing under this section is convicted of or adjudicated delinquent for an offense, other than one described in subsection b of this section, the court, upon notice to the prosecutor, may, on motion of the person, or on the court's own motion, place the person on special probation, which shall be for a term of five years, provided that the court finds on the record that

(1) the person has undergone a professional diagnostic assessment to determine whether and to what extent the person is drug- or alcohol-dependent and would benefit from treatment, and

(2) the person is a drug- or alcohol-dependent person within the meaning of N J S 2C 35-2 and was drug- or alcohol-dependent at the time of the commission of the present offense, and

(3) the present offense was committed while the person was under the influence of a controlled dangerous substance, controlled substance analog or alcohol or was committed to acquire property or monies in order to support the person's drug or alcohol dependency, and

(4) substance use disorders treatment and monitoring will serve to benefit the person by addressing the person's drug or alcohol dependency and will thereby reduce the likelihood that the person will thereafter commit another offense, and

(5) the person did not possess a firearm at the time of the present offense and did not possess a firearm at the time of any pending criminal charge, and

(6) the person has not been previously convicted on two or more separate occasions of crimes of the first or second degree, other than those listed in paragraph (7), or the person has not been previously convicted on two or more separate occasions, where one of the offenses is a crime of the third degree, other than crimes defined in N J S 2C 35-10, and one of the offenses is a crime of the first or second degree, and

(7) the person has not been previously convicted or adjudicated delinquent for, and does not have a pending charge of murder, aggravated manslaughter, manslaughter, kidnapping, aggravated assault, aggravated sexual assault or sexual assault, or a similar crime under the laws of any other state or the United States, and

(8) a suitable treatment facility licensed and approved by the Division of Mental Health and Addiction Services in the Department of Human Services is able and has agreed to provide appropriate treatment services in accordance with the requirements of this section, and

(9) no danger to the community will result from the person being placed on special probation pursuant to this section

In determining whether to sentence the person pursuant to this section, the court shall consider all relevant circumstances, and shall take judicial notice of any evidence, testimony or information adduced at the trial, plea hearing or other court proceedings, and shall also consider the presentence report and the results of the professional diagnostic assessment to determine whether and to what extent the person is drug- or alcohol-dependent and would benefit from treatment The court shall give priority to a person who has moved to be sentenced to special probation over a person who is being considered for a sentence to special probation on the court's own motion or in accordance with the provisions of section 2 of P L 2012, c 23 (C 2C 35-14 2)

As a condition of special probation, the court shall order the person to enter a residential treatment program at a facility licensed and approved by the Division of Mental Health and Addiction Services in the Department of Human Services or a program of nonresidential treatment by a licensed and approved treatment provider, which program may include the use of medication-assisted treatment as defined in paragraph (7) of subsection f of this section, to comply with program rules and the requirements of the course of treatment, to cooperate fully with the treatment provider, and to comply with such other reasonable terms and conditions as may be required by the court or by law, pursuant to N J S 2C 45-1, and which shall include periodic urine testing for drug or alcohol usage throughout the period of special probation In determining whether to order the person to participate in a nonresidential rather than a residential treatment program, the court shall

follow the procedure set forth in subsection j of this section Subject to the requirements of subsection d of this section, the conditions of special probation may include different methods and levels of community-based or residential supervision

b A person shall not be eligible for special probation pursuant to this section if the person is convicted of or adjudicated delinquent for

(1) a crime of the first degree,

(2) a crime of the first or second degree enumerated in subsection d of section 2 of P L 1997, c 117 (C 2C 43-7 2), other than a crime of the second degree involving N J S 2C 15-1 (robbery) or N J S 2C 18-2 (burglary),

(3) a crime, other than that defined in section 1 of P L 1987, c 101 (C 2C 35-7), for which a mandatory minimum period of incarceration is prescribed under chapter 35 of this Title or any other law, or

(4) an offense that involved the distribution or the conspiracy or attempt to distribute a controlled dangerous substance or controlled substance analog to a juvenile near or on school property

c (Deleted by amendment, P L 2012, c 23)

d Except as otherwise provided in subsection j of this section, a person convicted of or adjudicated delinquent for a crime of the second degree or of a violation of section 1 of P L 1987, c 101 (C 2C 35-7), or who previously has been convicted of or adjudicated delinquent for an offense under subsection a of N J S 2C 35-5 or a similar offense under any other law of this State, any other state or the United States, who is placed on special probation under this section shall be committed to the custody of a residential substance use disorders treatment facility licensed and approved by the Division of Mental Health and Addiction Services in the Department of Human Services Subject to the authority of the court to temporarily suspend imposition of all or any portion of the term of commitment to a residential treatment facility pursuant to subsection j of this section, the person shall be committed to the residential treatment facility immediately, unless the facility cannot accommodate the person, in which case the person shall be incarcerated to await commitment to the residential treatment facility The term of such commitment shall be for a minimum of six months, or until the court, upon recommendation of the treatment provider, determines that the person has successfully completed the residential treatment program, whichever is later, except that no person shall remain in the custody of a residential treatment facility pursuant to this section for a period in excess of five years Upon successful completion of the required residential treatment program, the person shall complete the period of special probation, as authorized by subsection a of this section, with credit for time served for any

imprisonment served as a condition of probation and credit for each day during which the person satisfactorily complied with the terms and conditions of special probation while committed pursuant to this section to a residential treatment facility Except as otherwise provided in subsection l of this section, the person shall not be eligible for early discharge of special probation pursuant to N J S 2C 45-2, or any other provision of the law The court, in determining the number of credits for time spent in residential treatment, shall consider the recommendations of the treatment provider A person placed into a residential treatment facility pursuant to this section shall be deemed to be subject to official detention for the purposes of N J S 2C 29-5 (escape)

e The probation department or other appropriate agency designated by the court to monitor or supervise the person's special probation shall report periodically to the court as to the person's progress in treatment and compliance with court-imposed terms and conditions The treatment provider shall promptly report to the probation department or other appropriate agency all significant failures by the person to comply with any court-imposed term or condition of special probation or any requirements of the course of treatment, including but not limited to a positive drug or alcohol test, which shall only constitute a violation for a person using medication-assisted treatment as defined in paragraph (7) of subsection f of this section if the positive test is unrelated to the person's medication-assisted treatment, or the unexcused failure to attend any session or activity, and shall immediately report any act that would constitute an escape The probation department or other appropriate agency shall immediately notify the court and the prosecutor in the event that the person refuses to submit to a periodic drug or alcohol test or for any reason terminates the person's participation in the course of treatment, or commits any act that would constitute an escape

f (1) Upon a first violation of any term or condition of the special probation authorized by this section or of any requirements of the course of treatment, the court in its discretion may permanently revoke the person's special probation

(2) Upon a second or subsequent violation of any term or condition of the special probation authorized by this section or of any requirements of the course of treatment, the court shall, subject only to the provisions of subsection g of this section, permanently revoke the person's special probation unless the court finds on the record that there is a substantial likelihood that the person will successfully complete the treatment program if permitted to continue on special probation, and the court is clearly convinced, considering the nature and seriousness of the violations, that no danger to the community will result

from permitting the person to continue on special probation pursuant to this section The court's determination to permit the person to continue on special probation following a second or subsequent violation pursuant to this paragraph may be appealed by the prosecution

(3) In making its determination whether to revoke special probation, and whether to overcome the presumption of revocation established in paragraph (2) of this subsection, the court shall consider the nature and seriousness of the present infraction and any past infractions in relation to the person's overall progress in the course of treatment, and shall also consider the recommendations of the treatment provider The court shall give added weight to the treatment provider's recommendation that the person's special probation be permanently revoked, or to the treatment provider's opinion that the person is not amenable to treatment or is not likely to complete the treatment program successfully

(4) If the court permanently revokes the person's special probation pursuant to this subsection, the court shall impose any sentence that might have been imposed, or that would have been required to be imposed, originally for the offense for which the person was convicted or adjudicated delinquent The court shall conduct a de novo review of any aggravating and mitigating factors present at the time of both original sentencing and resentencing If the court determines or is required pursuant to any other provision of this chapter or any other law to impose a term of imprisonment, the person shall receive credit for any time served in custody pursuant to N J S 2C 45-1 or while awaiting placement in a treatment facility pursuant to this section, and for each day during which the person satisfactorily complied with the terms and conditions of special probation while committed pursuant to this section to a residential treatment facility The court, in determining the number of credits for time spent in a residential treatment facility, shall consider the recommendations of the treatment provider

(5) Following a violation, if the court permits the person to continue on special probation pursuant to this section, the court shall order the person to comply with such additional terms and conditions, including but not limited to more frequent drug or alcohol testing, as are necessary to deter and promptly detect any further violation

(6) Notwithstanding any other provision of this subsection, if the person at any time refuses to undergo urine testing for drug or alcohol usage as provided in subsection a of this section, the court shall, subject only to the provisions of subsection g of this section, permanently revoke the person's special probation Notwithstanding any other provision of this section, if the person at any time while committed to the custody of a residential treatment facility pursuant to this section commits an act that would constitute an

escape, the court shall forthwith permanently revoke the person's special probation

(7) An action for a violation under this section may be brought by a probation officer or prosecutor or on the court's own motion Failure to complete successfully the required treatment program shall constitute a violation of the person's special probation In the case of the temporary or continued management of a person's drug or alcohol dependency by means of medication-assisted treatment as defined herein, whenever supported by a report from the treatment provider of existing satisfactory progress and reasonably predictable long-term success with or without further medication-assisted treatment, the person's use of the medication-assisted treatment, even if continuing, shall not be the basis to constitute a failure to complete successfully the treatment program A person who fails to comply with the terms of the person's special probation pursuant to this section and is thereafter sentenced to imprisonment in accordance with this subsection shall thereafter be ineligible for entry into the Intensive Supervision Program, provided however that this provision shall not affect the person's eligibility for entry into the Intensive Supervision Program for a subsequent conviction

As used in this section, the term "medication-assisted treatment" means the use of any medications approved by the federal Food and Drug Administration to treat substance use disorders, including extended-release naltrexone, methadone, and buprenorphine, in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of substance use disorders

g When a person on special probation is subject to a presumption of revocation on a second or subsequent violation pursuant to paragraph (2) of subsection f of this section, or when the person refuses to undergo drug or alcohol testing pursuant to paragraph (6) of subsection f of this section, the court may, in lieu of permanently revoking the person's special probation, impose a term of incarceration for a period of not less than 30 days nor more than six months, after which the person's term of special probation pursuant to this section may be reinstated In determining whether to order a period of incarceration in lieu of permanent revocation pursuant to this subsection, the court shall consider the recommendations of the treatment provider with respect to the likelihood that such confinement would serve to motivate the person to make satisfactory progress in treatment once special probation is reinstated This disposition may occur only once with respect to any person unless the court is clearly convinced that there are compelling and extraordinary reasons to justify reimposing this disposition with respect to the person Any such determination by the court to reimpose this disposition may

be appealed by the prosecution Nothing in this subsection shall be construed to limit the authority of the court at any time during the period of special probation to order a person on special probation who is not subject to a presumption of revocation pursuant to paragraph (2) of subsection f of this section to be incarcerated over the course of a weekend, or for any other reasonable period of time, when the court in its discretion determines that such incarceration would help to motivate the person to make satisfactory progress in treatment

h The court, as a condition of its order, and after considering the person's financial resources, shall require the person to pay that portion of the costs associated with the person's participation in any residential or nonresidential treatment program imposed pursuant to this section which, in the opinion of the court, is consistent with the person's ability to pay, taking into account the court's authority to order payment or reimbursement to be made over time and in installments

i The court shall impose, as a condition of the special probation, any fine, penalty, fee or restitution applicable to the offense for which the person was convicted or adjudicated delinquent

j Where the court finds that a person has satisfied all of the eligibility criteria for special probation and would otherwise be required to be committed to the custody of a residential substance use disorders treatment facility pursuant to the provisions of subsection d of this section, the court may temporarily suspend imposition of all or any portion of the term of commitment to a residential treatment facility and may instead order the person to enter a nonresidential treatment program, provided that the court finds on the record that

(1) the person conducting the diagnostic assessment required pursuant to paragraph (1) of subsection a of this section has recommended in writing that the proposed course of nonresidential treatment services is clinically appropriate and adequate to address the person's treatment needs, and

(2) no danger to the community would result from the person participating in the proposed course of nonresidential treatment services, and

(3) a suitable treatment provider is able and has agreed to provide clinically appropriate nonresidential treatment services

If the prosecutor objects to the court's decision to suspend the commitment of the person to a residential treatment facility pursuant to this subsection, the sentence of special probation imposed pursuant to this section shall not become final for ten days in order to permit the appeal by the prosecution of the court's decision

After a period of six months of nonresidential treatment, if the court, considering all available information including but not limited to the recommendation of the treatment provider, finds that the person has made satisfactory progress in treatment and that there is a substantial likelihood that the person will successfully complete the nonresidential treatment program and period of special probation, the court, on notice to the prosecutor, may permanently suspend the commitment of the person to the custody of a residential treatment program, in which event the special monitoring provisions set forth in subsection k of this section shall no longer apply

Nothing in this subsection shall be construed to limit the authority of the court at any time during the term of special probation to order the person to be committed to a residential or nonresidential treatment facility if the court determines that such treatment is clinically appropriate and necessary to address the person's present treatment needs

k (1) When the court temporarily suspends the commitment of the person to a residential treatment facility pursuant to subsection j of this section, the court shall, in addition to ordering participation in a prescribed course of nonresidential treatment and any other appropriate terms or conditions authorized or required by law, order the person to undergo urine testing for drug or alcohol use not less than once per week unless otherwise ordered by the court The court-ordered testing shall be conducted by the probation department or the treatment provider The results of all tests shall be reported promptly to the court and to the prosecutor If the person is involved with a program that is providing the person medication-assisted treatment as defined in paragraph (7) of subsection f of this section, only a positive urine test for drug or alcohol use unrelated to the medication-assisted treatment shall constitute a violation of the terms and conditions of special probation In addition, the court shall impose appropriate curfews or other restrictions on the person's movements, and may order the person to wear electronic monitoring devices to enforce such curfews or other restrictions as a condition of special probation

(2) The probation department or other appropriate agency shall immediately notify the court and the prosecutor in the event that the person fails or refuses to submit to a drug or alcohol test, knowingly defrauds the administration of a drug test, terminates the person's participation in the course of treatment, or commits any act that would constitute absconding from parole If the person at any time while entered in a nonresidential treatment program pursuant to subsection j of this section knowingly defrauds the administration

of a drug test, goes into hiding, or leaves the State with a purpose of avoiding supervision, the court shall permanently revoke the person's special probation

l If the court finds that the person has made exemplary progress in the course of treatment, the court may, upon recommendation of the person's supervising probation officer or on the court's own motion, and upon notice to the prosecutor, grant early discharge from a term of special probation provided that the person (1) has satisfactorily completed the treatment program ordered by the court, (2) has served at least two years of special probation, (3) within the preceding 12 months, did not commit a substantial violation of any term or condition of special probation, including but not limited to a positive urine test, which shall only constitute a violation for a person using medication-assisted treatment as defined in paragraph (7) of subsection f of this section if the positive test is unrelated to the person's medication-assisted treatment, and (4) is not likely to relapse or commit an offense if probation supervision and related services are discontinued

m (1) The Superior Court may order the expungement of all records and information relating to all prior arrests, detentions, convictions, and proceedings for any offense enumerated in Title 2C of the New Jersey Statutes upon successful discharge from a term of special probation as provided in this section, regardless of whether the person was sentenced to special probation under this section, section 2 of P L 2012, c 23 (C 2C 35-14 2), or N J S 2C 45-1, if the person satisfactorily completed a substance abuse treatment program as ordered by the court and was not convicted of any crime, or adjudged a disorderly person or petty disorderly person, during the term of special probation The provisions of N J S 2C 52-7 through N J S 2C 52-14 shall not apply to an expungement pursuant to this paragraph and no fee shall be charged to a person eligible for relief pursuant to this paragraph The court shall grant the relief requested unless it finds that the need for the availability of the records outweighs the desirability of having the person freed from any disabilities associated with their availability, or it finds that the person is otherwise ineligible for expungement pursuant to paragraph (2) of this subsection An expungement under this paragraph shall proceed in accordance with rules and procedures developed by the Supreme Court

(2) A person shall not be eligible for expungement under paragraph (1) of this subsection if the records include a conviction for any offense barred from expungement pursuant to subsection b or c of N J S 2C 52-2 It shall be the obligation of the prosecutor to notify the court of any disqualifying convictions or any other factors related to public safety that should be

considered by the court when deciding to grant an expungement under paragraph (1) of this subsection

(3) The Superior Court shall provide a copy of the expungement order granted pursuant to paragraph (1) of this subsection to the prosecutor and to the person and, if the person was represented by the Public Defender, to the Public Defender The person or, if the person was represented by the Public Defender, the Public Defender on behalf of the person, shall promptly distribute copies of the expungement order to appropriate agencies who have custody and control of the records specified in the order so that the agencies may comply with the requirements of N J S 2C 52-15

(4) If the person whose records are expunged pursuant to paragraph (1) of this subsection is convicted of any crime following discharge from special probation, the full record of arrests and convictions may be restored to public access and no future expungement shall be granted to such person

(5) A person who, prior to the effective date of P L 2015, c 261, was successfully discharged from a term of special probation as provided in this section, regardless of whether the person was sentenced to special probation under this section, section 2 of P L 2012, c 23 (C 2C 35-14 2), or N J S 2C 45-1, may seek an expungement of all records and information relating to all arrests, detentions, convictions, and proceedings for any offense enumerated in Title 2C of the New Jersey Statutes that existed at the time of discharge from special probation by presenting an application to the Superior Court in the county in which the person was sentenced to special probation, which contains a duly verified petition as provided in N J S 2C 52-7 for each crime or offense sought to be expunged The petition for expungement shall proceed pursuant to N J S 2C 52-1 et seq except that the requirements related to the expiration of the time periods specified in N J S 2C 52-2 through section 1 of P L 1980, c 163 (C 2C 52-4 1) shall not apply A person who was convicted of any offense barred from expungement pursuant to subsection b or c of N J S 2C 52-2, or who has been convicted of any crime or offense since the date of discharge from special probation shall not be eligible to apply for an expungement under this paragraph In addition, no application for expungement shall be considered until any pending charges are disposed It shall be the obligation of the prosecutor to notify the court of any disqualifying convictions or any other factors related to public safety that should be considered by the court when deciding to grant an expungement under this paragraph The Superior Court shall consider the person's verified petition and may order the expungement of all records and information relating to all arrests, detentions, convictions, and proceedings of the person that existed at the time of discharge from special probation as

appropriate The court shall grant the relief requested unless it finds that the need for the availability of the records outweighs the desirability of having the person freed from any disabilities associated with their availability, or it finds that the person is otherwise ineligible for expungement pursuant to this paragraph No fee shall be charged to a person eligible for relief pursuant to this paragraph

(6) (a) A person who is not eligible for expungement relief pursuant to paragraph (1) or (5) of this subsection because of a conviction occurring prior to, on, or after the effective date of P L 2021, c 460, for any offense set forth in paragraph (2) of subsection a of N J S 2C 24-4, involving endangering the welfare of a child, which is barred from expungement pursuant to subsection b of N J S 2C 52-2 and therefore renders the person ineligible under those paragraphs, may be eligible to seek expungement relief pursuant to this paragraph The person shall have been successfully discharged from a term of special probation as provided in this section, regardless of whether the person was sentenced to special probation under this section, section 2 of P L 2012, c 23 (C 2C 35-14 2), or N J S 2C 45-1, for a period of at least 10 years prior to seeking an expungement of all records and information relating to all arrests, detentions, convictions, and proceedings for any offense enumerated in Title 2C of the New Jersey Statutes that existed at the time of discharge from special probation The person shall present an application to the Superior Court in the county in which the person was sentenced to special probation, which contains a duly verified petition as provided in N J S 2C 52-7 for each crime or offense sought to be expunged The petition for expungement shall proceed pursuant to N J S 2C 52-1 et seq A person shall not be eligible to apply for an expungement under this paragraph if that person was convicted of any offense barred from expungement pursuant to subsection b or c of N J S 2C 52-2, other than a conviction for endangering the welfare of a child under paragraph (2) of subsection a of N J S 2C 24-4, which crime is also determined by the court, based upon a review by the prosecutor in accordance with subparagraph (b) of this paragraph, to have been nonviolent with respect to the facts and elements of the criminal act, or if that person has been convicted of any crime or offense since the date of discharge from special probation In addition, no application for expungement shall be considered until any pending charges are disposed It shall be the obligation of the prosecutor to notify the court of any disqualifying convictions, any conviction for endangering the welfare of a child reviewed by the prosecutor and found to be violent, or any other factors related to public safety that should be considered by the court when deciding to grant an expungement under this paragraph The Superior Court shall consider the person's verified petition and may order the expungement of all

records and information relating to all arrests, detentions, convictions, and proceedings of the person that existed at the time of discharge from special probation as appropriate The court shall grant the relief requested unless it finds that the need for the availability of the records outweighs the desirability of having the person freed from any disabilities associated with their availability, or it finds that the person is otherwise ineligible for expungement pursuant to this paragraph No fee shall be charged to a person eligible for relief pursuant to this paragraph

(b) The prosecutor, when reviewing a conviction for endangering the welfare of a child under paragraph (2) of subsection a of N J S 2C 24-4 as to whether the facts and elements of the criminal act were nonviolent and therefore do not prevent, as to this conviction, a person's eligibility for expungement relief under this paragraph, shall consider any act which falls under the following definitions to be violent acts, and render the person ineligible for expungement relief

any act of "abuse," as defined in R S 9 6-1, that is specifically listed in part (c) of the definition, employing or permitting a child to be employed in any occupation, employment or vocation dangerous to the morals of such child, part (e) of the definition, the performing of any indecent, immoral or unlawful act or deed, in the presence of a child, that may tend to debauch or endanger or degrade the morals of the child, part (f) of the definition, permitting or allowing any other person to perform any indecent, immoral or unlawful act in the presence of the child that may tend to debauch or endanger the morals of such child, or part (g) of the definition, using excessive physical restraint on the child under circumstances which do not indicate that the child's behavior is harmful to himself, others or property,

any act of "cruelty," as defined in R S 9 6-1, and

any act resulting in an "abused or neglected child," as defined by subsection c of section 1 of P L 1974, c 119 (C 9 6-8 21), that is specifically listed in paragraph (1) of the definition, inflicting or allowing to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, paragraph (2) of the definition, creating or allowing to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ, paragraph (3) of the definition, committing or allowing to be committed an act of sexual abuse against the child, subparagraph (b) of paragraph (4) of the definition, solely as to a child whose physical, mental,

or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of the child's parent or guardian to exercise a minimum degree of care in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted excessive corporal punishment, or the substantial risk thereof, paragraph (6) of the definition, for a child upon whom excessive physical restraint has been used under circumstances which do not indicate that the child's behavior is harmful to himself, others, or property, or paragraph (7) of the definition, for a child who is in an institution and, pursuant to subparagraph (a) of that paragraph, has been placed there inappropriately for a continued period of time with the knowledge that the placement has resulted or may continue to result in harm to the child's mental or physical well-being or, pursuant to subparagraph (b) of that paragraph, who has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 461

AN ACT concerning the accessibility of public school websites and web services and supplementing chapter 36 of Title 18A of the New Jersey Statutes

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

C 18A 36-35 1 School website compliance, Web Content Accessibility Guidelines, statement of assurance

1 a No school district, charter school, renaissance school, or the Marie H Katzenbach School for the Deaf shall make available to the enrolled students of the district or school or to the public an Internet website or web service unless the Internet website or web service complies with the Web Content Accessibility Guidelines (WCAG) 2 1 Level AA or the most up-to-date version of the guidelines if the guidelines are approved by the Commissioner of Education, or any other applicable guidelines or requirements as may be designated or approved by the Commissioner of Education

b The Commissioner of Education shall establish a procedure to obtain a statement of assurance that shall be submitted by the school district, charter school, renaissance school, or the Marie H Katzenbach School for the Deaf concerning the accessibility compliance status of the Internet website or web service of a school district, charter school, renaissance school, or the Marie H Katzenbach School for the Deaf The Department of Education shall be responsible for collecting the statements of assurance, which shall attest that an Internet website or web service complies with the requirements of this section and shall post such information on the Department of Education's Internet website which shall be updated every two years

c (1) If a school district, charter school, renaissance school, or the Marie H Katzenbach School for the Deaf establishes an Internet website or web service after the effective date of this act, the public school shall submit the statement of assurance to the department An Internet website or web service established by a school district, charter school, renaissance school, or the Marie H Katzenbach School for the Deaf before or after the effective date of this act shall be permitted to operate while pending receipt of the statement of assurance by the department

(2) Every two years following the effective date of this act, a school district, charter school, renaissance school, or the Marie H Katzenbach School for the Deaf shall submit the statement of assurance attesting to the compliance of each Internet website or web service operated by the school district, charter school, renaissance school, or the Marie H Katzenbach School for the Deaf with the requirements of this section

d Nothing in this section shall be construed to bar, exclude, or otherwise affect any right or action that exists under the "Law Against Discrimination," P L 1945, c 169 (C 10 5-1 et seq)

e As used in this section, "Internet website or web service" includes any webpage, website, web service, online curriculum, or online third party or open educational resource product that is made available to enrolled students or the public by a school district, charter school, renaissance school, or the Marie H Katzenbach School for the Deaf through the Internet

2 This act shall take effect on the first day of the sixth month next following the date of enactment, but the Commissioner of Education may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act

Approved January 18, 2022

CHAPTER 462

AN ACT concerning the sale of motor vehicles by motor vehicle dealers, amending various parts of the statutory law, and supplementing Title 39 of the Revised Statutes

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

1 R S 39 10-2 is amended to read as follows

Definitions

39 10-2 As used in this chapter unless other meaning is clearly apparent from the language or context, or unless inconsistent with the manifest intention of the Legislature

"Authorized signatory" means a dealer or leasing dealer and any employee, officer, director, partner, or other holder of an ownership interest in the licensed business authorized to execute documents on behalf of the dealer or leasing dealer, but shall not include any attorney-in-fact who is not an employee, officer, director, partner, or holder of an ownership interest

"New motor vehicle" means only a newly manufactured motor vehicle, except a nonconventional type motor vehicle, and includes all such vehicles propelled otherwise than by muscular power, and motorcycles, motorized bicycles, trailers and tractors, and manufactured homes not subject to real property taxation pursuant to P L 1983, c 400 (C 54 4-1 2 et seq), excepting such vehicles as run only upon rails or tracks and manufactured homes subject to real property taxation

"Used motor vehicle" means every motor vehicle and motorized bicycle, except a nonconventional type motor vehicle, title to, or possession of, which has been transferred from the person who first acquired it from the manufacturer or dealer, and so used as to become what is commonly known as "secondhand" within the ordinary meaning thereof, and includes every motor vehicle and motorized bicycle other than a "new motor vehicle," a "nonconventional type motor vehicle" or a manufactured home subject to real property taxation

"Any motor vehicle," "every motor vehicle," or similar term, means both new and used motor vehicles, except a "nonconventional type motor vehicle "

"Nonconventional type motor vehicle" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to,

ditch-digging apparatus, well-boring apparatus, road and general purpose construction and maintenance machinery, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, power shovels, drag lines, self-propelled cranes, earth-moving equipment, trailers and semitrailers which weigh less than 2,500 pounds, except that no mobile or manufactured home or travel trailer shall be classified as a nonconventional type motor vehicle, motorized wheelchairs, motorized lawn mowers, bogies, farm equipment having a factory shipping weight of less than 1,500 pounds, whether or not motorized, including farm tractors within said weight limitation, industrial tractors, scooters, go-carts, gas buggies and golf carts The Chief Administrator of the New Jersey Motor Vehicle Commission shall have power to make, amend and repeal regulations, not inconsistent with the provisions of this paragraph, prescribing what further vehicles or types of vehicles, not specified in this paragraph, shall be included in the category of nonconventional type motor vehicles

"Motor vehicles which constitute inventory held for sale" means new motor vehicles and used motor vehicles held for the purpose of sale by new motor vehicle dealers which can be identified by a manufacturer's Vehicle Identification Number (VIN) and have been invoiced to, allocated to, or reserved by a new motor vehicle dealer licensed to do business in New Jersey, and such vehicle can be shipped by the manufacturer or distributor within a reasonable period of time and used motor vehicles held for the purpose of sale by new or used motor vehicle dealers which can be identified by a manufacturer's VIN and title papers or right to title is held by the used motor vehicle dealer This term shall exclude motor vehicles held for the purpose of lease or rental by a person engaged in the motor vehicle leasing or rental business

"Manufacturer's or importer's certificate of origin" means the original written instrument or document required to be executed and delivered by the manufacturer to his agent or a dealer, or a person purchasing direct from the manufacturer, certifying the origin of the vehicle

"Certificate of ownership" means the document issued in conformance with this chapter, certifying ownership of a motor vehicle, other than manufacturer's or importer's certificate of origin

"Assignment" means the execution of a prescribed form transferring ownership of a motor vehicle from the person named therein to the purchaser

"Contract" means conditional sale agreement, bailment, lease, chattel mortgage, trust receipt or any other form of security or possession agreement executed prior to January 1, 1963, wherein and whereby possession of a motor vehicle is delivered to the buyer and title therein is to vest in the buyer

at a subsequent time upon the payment of part or all of the price, or upon the performance of any other condition or happening of any contingency, or upon the payment of a sum substantially equivalent to the value of the motor vehicle, by which contract it is agreed that the buyer is bound to become, or has the option of becoming, the owner of the motor vehicle upon full compliance with the terms of the contract

"Abstract" means the duplicate copy of the original certificate of ownership recording any encumbrance or upon which the existence of a security interest is noted

"Title papers" means any instrument or document that is evidence of ownership of a vehicle

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

"Manufacturer" means the person who originally manufactured the motor vehicle

"Licensee" means any person that is licensed to buy, sell or deal in, or lease motor vehicles pursuant to R S 39 10-19

"Established place of business" means a permanent, properly identified location within the State where the books, records, and files necessary to buy, sell, or deal in motor vehicles are kept and maintained, including, but not limited to, all documents required by R S 39 10-6, title papers, manufacturers' or importers' certificates of origin, motor vehicle registration records, contracts, security agreements, all payroll records, including, but not limited to, IRS Form W-2 and IRS Form W-4 records, checkbooks, ledgers for business accounts and trust accounts, corporate authorities and licenses, dealer plates, ledgers listing all issued and unissued dealer assignments, and dealer plates

"New motor vehicle dealer" means the agent, distributor, or authorized dealer of the manufacturer of the new motor vehicle who has an established place of business A new motor vehicle dealer shall sell a minimum of four or more new motor vehicles within a 12-month timeframe and may engage in the business of buying, selling, or dealing in used motor vehicles in this State under the provisions of this chapter

"Used motor vehicle dealer" means a person engaged in the business of selling, buying or dealing in four or more used motor vehicles per year at an established place of business, but who is not a licensed new motor vehicle dealer A used motor vehicle dealer shall engage only in the business of buying, selling, or dealing in used motor vehicles in this State under the provisions of this chapter and shall not engage in the business of buying, selling, or dealing in new motor vehicles in this State

"Person" includes natural persons, firms or copartnerships, corporations, associations, or other artificial bodies, receivers, trustees, common law or statutory assignees, executors, administrators, sheriffs, constables, marshals, or other persons in representative or official capacity, and members, officers, agents, employees, or other representatives of those hereinbefore enumerated

"Buyer" includes purchaser, debtor, lessee, bailee, transferee, and any person buying, attempting to buy, or receiving a motor vehicle subject to a security interest, lease, bailment or transfer agreement, and their legal successors in interest

"Seller" means manufacturer, dealer, lessor, bailor, transferor with or without a security interest, and any other person selling, attempting to sell, or delivering a motor vehicle, and their legal successors in interest

The terms "sell," "sale," "buy," or "purchase" and any form thereof include absolute or voluntary sales and purchases, agreements to sell and purchase, bailments, leases, security agreements whereby any motor vehicles are sold and purchased, or agreed to be sold and purchased, involuntary, statutory and judicial sales, inheritance, devise, or bequest, gift or any other form or manner of sale or agreement of sale thereof, or the giving or transferring possession of a motor vehicle to a person for a permanent use, continued possession for 60 days or more is to be construed as permanent use

"Online sale" means buying, selling, or dealing in motor vehicles in this State over the Internet using electronic means

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

"Manufacturer's number" means the original manufacturer's vehicle identification number die stamped upon the body, or frame, or either or both of them, of a motor vehicle or the original manufacturer's number die stamped upon the engine or motor of a motor vehicle

"Purchaser" means a person who takes possession of a motor vehicle by transfer of ownership, either for use or resale, except a dealer when he takes possession through a certificate of origin

"Debtor" means the person who owes payment or other performance of the obligation secured by a security interest in a motor vehicle

"Security interest" means an interest in a motor vehicle which secures payment or other performance of an obligation

"Security agreement" means an agreement which creates or provides for a security interest in a motor vehicle

"Secured party" means a lender, seller or other person in whose favor there is a security interest

"Gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of the single or combination vehicle and, if the manufacturer has not specified a value for a towed vehicle, means the value specified for the towing vehicle plus the loaded weight of the towed unit

2 R S 39 10-19 is amended to read as follows

Dealer's license, eligibility, term, fee

39 10-19 No person shall engage in the business of buying, selling or dealing in motor vehicles in this State, nor shall a person engage in activity that would qualify the person as a leasing dealer, as defined in section 2 of P L 1994, c 190 (C 56 12-61), unless a the person is a licensed real estate broker acting as an agent or broker in the sale of mobile homes without their own motor power other than recreation vehicles as defined in section 3 of P L 1990, c 103 (C 39 3-10 11), or manufactured homes as defined in section 3 of P L 1983, c 400 (C 54 4-1 4), or b the person is authorized to do so under the provisions of this chapter and P L 1985, c 361 (C 56 10-26 et seq)

The chief administrator may, upon application in such form as the chief administrator prescribes, license any proper person as a new motor vehicle dealer, a used motor vehicle dealer or a leasing dealer A licensed real estate broker shall be entitled to act as an agent or broker in the sale of a mobile or manufactured home as defined in subsection a of this section without obtaining a license from the chief administrator For the purposes of this chapter, a "licensed real estate broker" means a real estate broker licensed by the New Jersey Real Estate Commission pursuant to the provisions of chapter 15 of Title 45 of the Revised Statutes Any sale or transfer of a mobile or manufactured home, in which a licensed real estate broker acts as a broker or agent pursuant to this section, which sale or transfer is subject to any other requirements of R S 39 10-1 et seq , shall comply with all of those requirements

No person who has been convicted of a crime, arising out of fraud or misrepresentation in the sale, leasing or financing of a motor vehicle, shall be eligible to receive a license For the purposes of this section, each applicant for a license shall submit to the chief administrator the applicant's name, address, fingerprints, and written consent for a criminal history record background check to be performed The chief administrator is hereby authorized to exchange fingerprint data with and receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation consistent with applicable State and federal laws, rules, and regulations, for purposes of facilitating

determinations concerning licensure eligibility The applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check The Division of State Police shall promptly notify the chief administrator in the event a current holder of a license or prospective applicant, who was the subject of a criminal history record background check pursuant to this section, is arrested for a crime or offense in this State after the date the background check was performed

Each applicant for a new motor vehicle dealer license shall at the time such license is issued have established and maintained, or by that application shall agree to establish and maintain, within 90 days after the issuance thereof, a place of business consisting of a permanent building not less than 1,000 square feet in floor space located in the State of New Jersey to be used principally for the servicing and display of motor vehicles with such equipment installed therein as shall be requisite for the servicing of motor vehicles in such manner as to make them comply with the laws of this State and with any rules and regulations made by the board governing the equipment, use, and operation of motor vehicles within the State However, a leasing dealer, who is not engaged in the business of buying, selling, or dealing in motor vehicles in the State, shall not be required to maintain a place of business with floor space available for the servicing or display of motor vehicles or to have an exterior sign at the lessor's place of business

Each applicant for a used motor vehicle dealer license shall at the time such license is issued maintain an established place of business located in the State of New Jersey The commission shall establish, by regulation, the requirements for an established place of business

An established place of business of a new motor vehicle dealer or a used motor vehicle dealer shall display an exterior sign permanently affixed to the land or building, which sign is consistent with local ordinances and has letters easily readable from the major avenues of traffic The sign shall include the dealer name or trade name, provided such trade name has been previously disclosed to the chief administrator

A license fee of $200 shall be paid by an applicant upon the applicant's initial application for a license The chief administrator may renew an applicant's license upon application for renewal on a form prescribed by the chief administrator and accompanied by a renewal fee of $200 Every license shall expire 24 months from the date on which it is issued The chief administrator may, at the chief administrator's discretion and for good cause shown, extend an applicant's license for an additional period not to exceed 12 months from the date on which it is scheduled to expire The chief administrator may, at the chief administrator's discretion and for good cause

shown, issue a license which shall expire on a date fixed by the chief administrator The fee for licenses with an expiration date fixed by the chief administrator shall be fixed by the chief administrator in an amount proportionately less or greater than the fee established herein

For the purposes of this section, a leasing dealer or an assignee of a leasing dealer whose leasing activities are limited to buying motor vehicles for the purpose of leasing them and selling motor vehicles at the termination of a lease to the lessee shall not be deemed to be engaged in the business of buying, selling, or dealing in motor vehicles in this State Provided however, that a leasing dealer who wishes to engage in the business of buying, selling, or dealing in motor vehicles in this State by selling any vehicle at the end of the lease term to a consumer other than the lessee, shall be required to obtain a used car dealer license pursuant to this section

C 39 10-19 5 Online motor vehicle sales, requirements, criteria

3 a A licensee may conduct online sales of motor vehicles anywhere in this State in accordance with this chapter subject to the additional requirements set forth in subsection b of this section

b In addition to meeting the requirements set forth in this chapter for engaging in the business of buying, selling, and dealing in motor vehicles in this State, licensees conducting online sales of motor vehicles in this State shall meet the following requirements

(1) Licensees shall maintain a physical presence in the State of New Jersey equal to or greater than the minimum established place of business requirements for new and used motor vehicle dealerships pursuant to R S 39 10-19,

(2) Licensees may keep and maintain non-physical, electronic records of online sales of motor vehicles and shall have a stable Internet connection in the office, but the records shall be kept and maintained in a format that allows immediate inspection and examination by the chief administrator or his or her agent, and

(3) Licensees shall only conduct online sales of motor vehicles that constitute inventory held for sale by the licensee or a licensed parent or licensed affiliate thereof

C 39 10-39 Short title

4 Sections 4 through 7 of P L 2021, c 462 (C 39 10-39 through C 39 10-42) shall be known and may be cited as the "Motor Vehicle Transaction Modernization Act "

C 39 10-40 Definitions

5 As used in sections 4 through 7 of P L 2021, c 462 (C 39 10-39 through C 39 10-42)

"Buyer" includes a purchaser, debtor, lessee, bailee, transferee, and any person buying, attempting to buy, or receiving a motor vehicle subject to a security interest, lease, bailment or transfer agreement, or their legal successors in interest

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

"Electronic signature" means an electronic symbol, sound, or process attached to, or logically associated with, a record and executed or adopted by an individual with the intent to sign the record

"Licensee" means any natural person or entity that is licensed to buy, sell or deal in, or lease motor vehicles pursuant to R S 39 10-19

"Motor vehicle transaction" means any "sale," "purchase," or "online sale" as those terms are defined pursuant to R S 39 10-2 or any lease as defined pursuant to section 2 of P L 1994, c 190 (C 56 12-61), conducted by a licensee

C 39 10-41 Power of attorney documents acknowledged, electronic signature

6 a Notwithstanding any provision of law or regulation to the contrary, during a motor vehicle transaction conducted by a licensee authorized to conduct online sales pursuant to section 3 of P L 2021, c 462 (C 39 10-19 5), the buyer and authorized licensee may execute and acknowledge power of attorney documents by electronic signature

b When executing power of attorney documents pursuant to this section, an electronic signature shall be attributable to a person if it is the action of the person The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic signature is attributable

c The effect of an electronic signature attributed to a person under subsection b of this section shall be determined from the context and surrounding circumstances at the time of the creation, execution, or adoption of the electronic signature, including the parties' agreement, if any, and as otherwise provided by law

d Electronic signatures permitted under this section shall be executed in accordance with the minimum security requirements set forth by the National Highway Traffic Safety Administration under 49 C F R s 580 1 et seq for Assurance Level 2

e Nothing in sections 4 through 7 of P L 2021, c 462 (C 39 10-39 through C 39 10-42) shall mandate the use of electronic signatures or require

buyers and authorized licensees to provide electronic signatures on power of attorney documents An electronic signature shall be a valid and acceptable alternative to a traditional ink signature for the purposes of executing power of attorney documents executed in accordance with this section

f The Chief Administrator of the New Jersey Motor Vehicle Commission shall not reject power of attorney documents submitted by a licensee in accordance with this section on the basis that such documents bear electronic signatures Nothing in this section shall permit the electronic execution of any documents for the purpose of mileage disclosure subject to R S 39 10-9 or the federal Truth in Mileage Act of 1986, Pub L 99-579 (49 U S C s 32705) unless authorized by the chief administrator by regulations adopted pursuant to section 8 of P L 2021, c 462 (C 39 10-4 1)

C 39 10-42 Notarized signature not required

7 Notwithstanding any provision of law or regulation to the contrary, during a motor vehicle transaction conducted by an authorized licensee, the Chief Administrator of the New Jersey Motor Vehicle Commission shall not require a notarized signature on any electronically signed power of attorney permitted by section 6 of P L 2021, c 462 (C 39 10-41)

C 39 10-4 1 Rules, regulations, system to permit electronic motor vehicle sales transaction documents

8 Not later than 24 months after the effective date of P L 2021, c 462 (C 39 10-19 5 et al), the Chief Administrator of the New Jersey Motor Vehicle Commission shall, in accordance with the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), adopt rules and regulations necessary to establish and administer a system to permit new motor vehicle sales transaction documents to be prepared by or submitted to the commission in electronic from, or processed electronically in compliance with R S 39 10-1 et seq , the federal Truth in Mileage Act of 1986, Pub L 99-579 (49 U S C s 32705), and the regulations promulgated pursuant to the federal Truth in Mileage Act of 1986, Pub L 99-579 (49 U S C s 32705)

The chief administrator shall, by regulations adopted pursuant to this section, establish a schedule to permit used motor vehicle sales transaction documents to be prepared by or submitted to the commission in electronic form, or processed electronically, in compliance with R S 39 10-1 et seq , the federal Truth in Mileage Act of 1986, Pub L 99-579 (49 U S C s 32705), and the regulations promulgated pursuant to the federal Truth in Mileage Act of 1986, Pub L 99-579 (49 U S C s 32705)

Notwithstanding the provisions of P L 2017, c 308 (C 39 10-11 2 to 11 6) to the contrary, the system established by the commission pursuant to this section shall include the notification, recording, transfer, 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

9 Section 1 of P L 1999, c 149 (C 39 2-3 8) is amended to read as follows

C 39 2-3 8 Electronic, digital processing of motor vehicle transactions

1 a Whenever any law, rule or regulation requires or permits documents or information to be prepared by or submitted to the New Jersey Motor Vehicle Commission, the chief administrator may permit the documents or information to be prepared by or submitted to the commission in electronic or digital form, or processed electronically In no event shall an individual be required to submit documents or information only in electronic or digital form, nor shall documents or information be made available to an individual only in electronic or digital form Submission in electronic or digital form may be permitted pursuant to this section notwithstanding that any law, rule or regulation requires documents or information to be written or to be submitted in writing, specifies that documents or information be signed, certified, verified or witnessed, or otherwise explicitly or implicitly requires the preparation or submission of documents or information on paper or in written form As used in this subsection, "individual" means a natural person

b The chief administrator, after consultation with the State Records Committee, shall adopt, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), regulations specifying how the signature, verification, certification, witnessing or other formal requirements shall be met with respect to documents or information permitted to be prepared or submitted in electronic or digital form pursuant to this section and specifying such additional safeguards as the chief administrator deems necessary to protect the privacy, and prevent improper access to or disclosure, of any personal information as defined in section 1 of P L 1997, c 188 (C 39 2-3 3) that may be transmitted in an electronic or digital form, or processed Regulations adopted pursuant to this subsection may permit the use of digital signature technology for the signing of documents and other appropriate purposes

10 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 463

AN ACT concerning firefighters, supplementing Title 28 of the Revised Statutes, repealing P L 1991, c 215, and making an appropriation

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

C 28 2-26 1 Fire Museum and Fallen Firefighters Memorial reorganized as independent, non-profit organization, membership, meetings

1 a The New Jersey Fire Museum and Fallen Firefighters Memorial is hereby removed from the auspices of the Department of Environmental Protection and reorganized and established as an independent, non-profit organization, which shall oversee the permanent fire museum and fallen firefighter memorial to honor New Jersey's proud history of firefighting service and the brave men and women who have sacrificed their lives in the fire service The museum collection donated by Ernest Day shall be transferred from the Department of Environmental Protection and placed in the custody of the New Jersey Fire Museum and Fallen Firefighters Memorial

b The New Jersey Fire Museum and Fallen Firefighters Memorial shall be governed by a board of directors which shall organize within 30 days after the appointment of its members The board shall select a chairperson from among the members The board shall meet at the call of the chairperson at the times and places it may deem appropriate and necessary to fulfill its duties, except that the board shall meet a minimum of four times per year A majority of the members shall constitute a quorum for the purpose of conducting business

c The board shall appoint an executive director who shall be compensated within the limits of the funds made available by the board for that purpose The executive director shall serve at the pleasure of the board and shall be a person qualified by training and experience to perform the duties of the office

C 28 2-26 2 Powers, responsibilities, duties of board of directors

2 a The board of directors for the nonprofit New Jersey Fire Museum and Fallen Firefighters Memorial reorganized and established pursuant to section 1 of P L 2021, c 463 (C 28 2-26 1) shall have the power to make, amend, and repeal rules and bylaws for its own governance and guidance, for the administration of the museum and its collections, and in furtherance of the purposes set forth in section 1 of P L 2021, c 463 (C 28 2-26 1) that are not inconsistent with State and federal law

3 There is appropriated from the General Fund $200,000 to the board of the New Jersey Fire Museum and Fallen Firefighters Memorial to effectuate the purposes of P L 2021, c 463

Repealer

4 Section 1 of P L 1991, c 215 (C 28 2-26) is repealed

5 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 464

AN ACT establishing minimum energy and water efficiency standards for certain products sold, offered for sale, or leased, in the State and supplementing Title 52 of the Revised Statutes

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

C 52 27D-141 18 Findings, declarations

1 The Legislature finds and declares that

(a) Energy efficiency standards for certain products sold or installed in the State assure consumers and businesses that such products meet minimum efficiency performance levels, thereby reducing energy and water waste and saving consumers and businesses money on their utility bills,

(b) Energy efficiency standards save energy and therefore reduce climate-changing emissions and other environmental impacts associated with the production, distribution, and use of electricity, natural gas, and other fuels,

(c) Energy efficiency standards save water, mitigate the effects of short- and long-term droughts, and help to conserve fresh water supplies,

(d) Energy efficiency standards produce savings resulting from more efficient products that benefit all consumers but are especially important to low-income families which spend a disproportionate share of their income on utilities Such standards also help the State and local economy since savings can be instead spent on local goods and services, and

(e) Energy and water savings help reduce or delay the need for expensive investments in new power plants, transmission lines, distribution

system upgrades, new and expanded gas pipelines, and water and sewer infrastructure improvements

C 52 27D-141 19 Definitions

2 As used in this act

"Air purifier" means an electric, cord-connected, portable appliance with the primary function of removing particulate matter from the air and which can be moved from room to room

"Cold temperature fluorescent lamp" means a fluorescent bulb or lamp that is not a compact fluorescent lamp and which

(a) is designed to start at -20°F when used with a ballast conforming to the requirements of the American National Standard ANSI C78 81 and ANSI C78 901, and

(b) is designated as a cold temperature lamp both in markings on the lamp and in marketing materials, including catalogs, sales literature, and promotional material

"Commercial dishwasher" means a machine designed to clean and sanitize plates, pots, pans, glasses, cups, bowls, utensils, and trays by applying sprays of detergent solution and a sanitizing rinse

"Commercial fryer" means an appliance in which oil is placed to such a depth that the cooking food is supported by displacement of the cooking fluid rather than by the bottom of the vessel, and in which heat is delivered to the cooking fluid by means of an immersed electric element or by heat transfer from gas burners

"Commercial hot-food holding cabinet" means a heated, fully enclosed compartment with one or more solid or transparent doors designed to maintain the temperature of cooked food

"Commercial hot-food holding cabinet" shall not include heated glass merchandizing cabinets, drawer warmers, or cook-and-hold appliances

"Commercial oven" means a chamber designed for heating, roasting, or baking food by conduction, convection, radiation, or electromagnetic energy

"Commercial steam cooker," means a device also known as a "compartment steamer," with one or more food-steaming compartments in which the energy in the steam is transferred to the food by direct contact

"Commissioner" means the Commissioner of Environmental Protection

"Computer" means a computer as defined in California Code of Regulations, Title 20, Section 1602(v)

"Computer monitor" means a computer monitor as defined in California Code of Regulations, Title 20, Section 1602(v)

"Department" means the Department of Environmental Protection

"Dual-flush effective flush volume" means the average flush volume of two reduced flushes and one full flush

"Dual-flush tank-type toilet" means a toilet that allows the user to flush the toilet with either a reduced or a full volume of water

"Electric vehicle service equipment" means the same as the term is defined in section 2 of P L 2019, c 362 (C 48 25-2)

"Faucet" means a private lavatory faucet, residential kitchen faucet, metering faucet, public lavatory faucet, or replacement aerator for a private lavatory, public lavatory or residential kitchen faucet

"General service lamp" means a light bulb, including a general service incandescent lamp, compact fluorescent lamp, general service light-emitting diode lamp, organic light-emitting diode lamp, and any other lamps or bulbs that are used to satisfy lighting applications traditionally served by general service incandescent lamps

"Hand-held showerhead" means a showerhead that can be held or fixed in place for the purpose of spraying water onto a bather and that is connected to a flexible hose

"High color rendering index fluorescent lamp" means a fluorescent lamp with a color rendering index of 87 or greater that is not a compact fluorescent lamp

"Impact-resistant fluorescent lamp" means a fluorescent lamp or bulb that is not a compact fluorescent lamp and which

(a) has a coating or equivalent technology that is compliant with ANSI 51 and is designed to contain the glass if the glass envelope of the lamp is broken, and

(b) is designated and marketed as being impact-resistant, shatter-resistant, shatter-proof, or shatter-protected

"Industrial air purifier" means an indoor air cleaning device manufactured, advertised, marketed, labeled, and used solely for industrial use that are marketed solely through industrial supply outlets or businesses and prominently labeled as "Solely for industrial use Potential health hazard emits ozone "

"Lamp efficacy" or "luminous efficacy" means the measure of how well a light source produces visible light, and which is the ratio of luminous flux to power, measured in lumens per watt

"Metering faucet" means a fitting that, when turned on, will gradually shut itself off over a period of several seconds

"On demand water cooler" means the water cooler heats water as it is requested, which typically takes a few minutes to deliver water

"Person" means an individual, corporation, company, association, society, firm, partnership, or joint stock company

"Portable electric spa" means a factory-built electric spa or hot tub which may include any combination of integral controls, water heating, or water circulating equipment

"Pressure regulator" means a device that maintains constant operating pressure immediately downstream from the device, given higher pressure upstream

"Public lavatory faucet" means a fitting designed to be installed in nonresidential lavatories that are exposed to walk-in traffic

"Replacement aerator" means an aerator sold as a replacement, separate from the faucet to which it is intended to be attached

"Residential ventilating fan" means a ceiling, wall-mounted, or remotely mounted in-line fan designed to be used in a lavatory or utility room, whose purpose is to move air from inside the building to the outdoors

"Showerhead" means a device through which water is discharged for a shower bath and includes a hand-held showerhead but does not include a safety shower showerhead

"Spray sprinkler body" means the exterior case or shell of a sprinkler incorporating a means of connection to the piping system designed to convey water to a nozzle or orifice

"State-regulated general service lamp" means any of the following medium-based incandescent light bulbs

(1) Shatter-resistant lamps,

(2) Three-way lamps,

(3) Reflector lamps that are

(a) ER30, BR30, BR40, or ER40 lamps rated at 50 watts or less,

(b) BR30, BR40, or ER40 lamps rated at 65 watts, or

(c) R20 lamps rated at 45 watts or less,

(4) B, BA, CA, F and G shape lamps as defined in ANSI C79 1 2002 with a lumen output of greater than or equal to 200 and rated at 40 watts or less

(5) A and C shape lamps as defined in ANSI C79 1 2002 with lumen output greater than or equal to 200 and less than 310

"Trough-type urinal" means a urinal designed for simultaneous use by two or more persons

"Urinal" means a plumbing fixture that receives only liquid body waste and conveys the waste through a trap into a drainage system

"Water cooler" means a freestanding device that consumes energy to cool or heat potable water

C 52 27D-141 20 Efficiency standards established for certain products

3 a Beginning one year after the date of enactment of this act, no person shall sell, offer for sale, or lease a new air purifier, cold temperature fluorescent lamp, commercial dishwasher, commercial fryer, commercial hot-food holding cabinet, commercial oven, commercial steam cooker, computer, computer monitor, electrical vehicle service equipment, high color rendering index fluorescent lamp, impact-resistant fluorescent lamp, faucet, showerhead, toilet, urinal, portable electric spa, residential ventilating fan, State-regulated general service lamp, spray sprinkler body, urinal, or water cooler in the State unless the new product includes a mark, label, or tag required pursuant to subsection c of section 7 of this act, denoting that the product meets or exceeds the efficiency standards established in section 4 of this act

b Beginning one year after the date of enactment of this act, no product identified in subsection a of this section may be installed for compensation in the State unless the new product includes a mark, label, or tag required pursuant to subsection c of section 7 of this act, denoting that the product meets or exceeds the efficiency standards established in section 4 of this act

c Beginning one year after the date of enactment of this act, upon final inspection of the installation of any appliance or product subject to the State Uniform Construction Code, the appropriate subcode official shall ensure that any product identified in subsection a of this section contains a mark, label, or tag denoting that the product meets or exceeds the efficiency standards established in section 4 of this act

d No person shall affix a mark, label, or tag to a product denoting compliance with this act unless the product meets or exceeds the efficiency standards established in section 4 of this act

C 52 27D-141 21 Criteria established for efficiency standards of certain products

4 Except as provided in section 5 of this act, products identified in subsection a of section 3 of this act shall, at a minimum, meet the following efficiency standards

a Air purifiers, except industrial air purifiers, shall meet the following requirements as measured in accordance with the ENERGY STAR Program Requirements Product Specification for Room Air Cleaners, Version 2 0

(1) Clean air delivery rate for smoke shall be 30 or greater,

(2) For models with a clean air delivery rate for smoke less than 100, clean air delivery rate per watt for smoke shall be greater than or equal to 1 7,

(3) For models with a clean air delivery rate for smoke greater than or equal to 100 and less than 150, clean air delivery rate per watt for smoke shall be greater than or equal to 1 9,

(4) For models with a clean air delivery rate for smoke greater than or equal to 150, clean air delivery rate per watt for smoke shall be greater than or equal to 2 0,

(5) For ozone-emitting models, measured ozone shall be less than or equal to 50 parts per billion (ppb),

(6) For models with a Wi-Fi network connection enabled by default when shipped, partial on mode power shall not exceed two watts, and

(7) For models without a Wi-Fi network connection enabled by default when shipped, partial on mode power shall not exceed one watt

b A commercial dishwasher shall meet the product specifications of the "Energy Star Program Requirements for Commercial dishwashers Version 2 0" developed by the United States Environmental Protection Agency,

c A commercial fryer shall meet the product specifications of the "Energy Star Program Requirements for Commercial Fryers Version 2 0" developed by the United States Environmental Protection Agency,

d A commercial hot-food holding cabinet shall meet the product specifications of the "Energy Star Program Requirements for Commercial Hot Food Holding Cabinets Version 2 0" developed by the United States Environmental Protection Agency,

e A commercial oven shall meet the product specifications of the "Energy Star Program Requirements for Commercial Oven Version 2 2" developed by the United States Environmental Protection Agency,

f A commercial steam cooker shall meet the product specifications of the "Energy Star Program Requirements for Commercial Steam Cookers, Version 1 2" developed by the United States Environmental Protection Agency,

g A computer or computer monitor shall meet the requirements of the California Code of Regulations, Title 20, Section 1605 3(v) and compliance with those requirements shall be measured in accordance with test methods prescribed in the California Code of Regulations, Title 20, Section 1604(v),

h Electric vehicle service equipment shall meet the product specifications of the "Energy Star Program Requirements Product Specification for Electric Vehicle Supply Equipment, Version 1 0" developed by the United States Environmental Protection Agency,

i A faucet, except for a metering faucet, shall meet the standards in this subsection when tested in accordance with Appendix S to Subpart B of

Part 430 of Title 10, Code of Federal Regulations and compliance with those requirements shall be in accordance with the "Uniform Test Method for Measuring the Water Consumption of Faucets and Showerheads"

(1) A lavatory faucet or a replacement aerator for a lavatory faucet shall not exceed a maximum flow rate of 1 5 gallons per minute at 60 pounds per square inch,

(2) A residential kitchen faucet or replacement aerator for a residential kitchen faucet shall not exceed a maximum flow rate of 1 8 gallons per minute at 60 pounds per square inch, with an optional temporary flow rate of 2 2 gallons per minute, provided the faucet or replacement aerator defaults to a maximum flow rate of 1 8 gallons per minute at 60 pounds per square inch after each use, and

(3) A public lavatory faucet or a replacement aerator for a public lavatory faucet shall not exceed a maximum flow rate of 0 5 gallons per minute at 60 pounds per square inch

j A State-regulated general service lamp shall meet a lamp efficacy of 45 lumens per watt, when tested in accordance with the applicable federal test procedures for general service lamps, prescribed in Section 430 23(gg) of Title 10, Code of Federal Regulations,

k A high color rendering index, cold temperature, or impact-resistant fluorescent lamp shall meet the minimum efficacy requirements contained in Section 430 32(n)(4) of Title 10, Code of Federal Regulations, as measured in accordance with the "Uniform Test Method for Measuring Average Lamp Efficacy (LE), Color Rendering Index (CRI), and Correlated Color Temperature (CCT) of Electric Lamps" in Appendix R to Subpart B of Part 430 of Title 10, Code of Federal Regulations,

l A portable electric spa shall meet the requirements of the "American National Standard for Portable Electric Spa Energy Efficiency 14-2019",

m An in-line residential ventilating fan shall have a fan motor efficacy of no less than 2 8 cubic feet per minute per watt All other residential ventilating fans shall have a fan motor efficacy of no less than 1 4 cubic feet per minute per watt for airflows less than 90 cubic feet per minute and no less than 2 8 cubic feet per minute per watt for other airflows when tested in accordance with Home Ventilation Institute Publication 916 "HVI Airflow Test Procedure",

n A showerhead shall not exceed a maximum flow rate of 2 0 gallons per minute at 80 pounds per square inch when tested in accordance with Appendix S to Subpart B of Part 430 of Title 10, Code of Federal Regulations and compliance with those requirements shall be the "Uniform Test Method for Measuring the Water Consumption of Faucets and Showerheads",

o A spray sprinkler body that is not specifically excluded from the scope of the United States Environmental Protection Agency's WaterSense program "Specification for Spray Sprinkler Bodies, Version 1 0," shall include an integral pressure regulator and shall meet the water efficiency and performance criteria and other requirements of the "Specification for Spray Sprinkler Bodies, Version 1 0",

p A urinal or toilet, other than those designed and marketed exclusively for use at prisons or mental health facilities, shall meet the standards in paragraphs (1) through (4) of this subsection when tested in accordance with Appendix T to Subpart B of Part 430 of Title 10, Code of Federal Regulations "Uniform Test Method for Measuring the Water Consumption of Water Closets and Urinals " A toilet shall be required to pass the waste extraction test for toilets in the American Society of Mechanical Engineers standard A112 19 2, Section 7 9

(1) A wall-mounted urinal, except for a trough-type urinal, shall have a maximum flush volume of 0 5 gallons per flush,

(2) A floor-mounted urinal, except for a trough-type urinal, shall have a maximum flush volume of 0 5 gallons per flush,

(3) A toilet, except for a dual-flush tank-type toilet, shall have a maximum flush volume of 1 28 gallons per flush, and

(4) A dual-flush tank-type toilet shall have a maximum dual-flush effective flush volume of 1 28 gallons per flush

q A water cooler shall meet the product specifications of the "Energy Star Program Requirements Product Specification for Water Coolers, Version 2 0" developed by the United States Environmental Protection Agency

C 52 27D-141 22 Exceptions

5 The provisions of this act shall not apply to

(1) new products manufactured in the State and sold outside the State,

(2) new products manufactured outside the State and sold outside the State or at wholesale inside the State for final retail sale and installation outside the State,

(3) products installed in mobile manufactured homes at the time of construction, or

(4) products designed expressly for installation and use in recreational vehicles

C 52 27D-141 23 Liability not imposed, news media

6 Nothing in this act shall be construed to impose liability on any news media that accepts or publishes advertising for any product that may fall within the scope of this act

C 52 27D-141 24 Manufacturer to test product samples for compliance

7 a A manufacturer of a product regulated pursuant to section 4 of this act shall annually test samples of its products in order to ensure compliance with the efficiency standards established therein

b A manufacturer of a product regulated pursuant to section 4 of this act shall annually certify to the commissioner that the product is in compliance with the provisions of this act

c A manufacturer of a product regulated pursuant to section 4 of this act shall identify that each product offered for sale in the State is in compliance with the provisions of this act by means of a mark, label, or tag on the product and packaging at the time of sale An existing mark, label, or tag may be used to satisfy this requirement, provided that it clearly expresses that the product meets the applicable efficiency standard A manufacturer shall include information about the mark, label, or tag used to comply with the provisions of this subsection in its annual certification to the commissioner required by subsection b of this section

d With prior notice, the commissioner may periodically inspect distributors or retailers of new products regulated pursuant to this act in order to determine compliance with the provisions of this act

e The commissioner shall investigate complaints received concerning violations of this act A manufacturer, distributor, retailer, or person who violates the provisions of this act shall be issued a warning by the commissioner for a first violation and shall be subject to a civil penalty of up to $1,000 for each subsequent offense Third and subsequent violations shall be subject to a civil penalty of not more than $5,000 for each offense Each violation shall constitute a separate offense, and each day that such violation continues shall constitute a separate offense The department may institute an action or proceeding in the Superior Court for injunctive and other relief for any violation of this act or of any rule or regulation adopted pursuant thereto, and the court may proceed in the action in a summary manner Such relief may include prohibiting the person from selling or offering for sale the non-compliant product in the State

f In addition the penalties provided in subsection e of this section, if a product regulated pursuant to this act is found not to be in compliance with the minimum efficiency standards established under this act, the commissioner shall issue a violation to the manufacturer of such product which shall subject the manufacturer to a civil penalty equal to twice the cost of product purchase and testing The commissioner shall make information available to the public on products found not to be in compliance with the standards

g A civil penalty imposed pursuant to this section shall be collected in a summary manner under the "Penalty Enforcement Law of 1999," P L 1999, c 274 (C 2A 58-10 et seq) All monies collected by the department may be retained by the department for the costs of administering and enforcing the provisions of this act

8 No later than three years after the date of enactment of this act, the department, in consultation with the Board of Public Utilities and the Department of Community Affairs, shall conduct a study to evaluate whether to add additional products to those regulated pursuant to this act, and whether to adopt more stringent energy standards or water conservation standards The commissioner shall submit a written report thereon to the Governor and, pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), to the Legislature with recommendations for legislative action

9 The department may adopt rules and regulations, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), as necessary to implement the provisions of this act

10 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 465

AN ACT concerning fast track hiring and advancement employment opportunities by the State for persons with significant disabilities, and supplementing chapter 7 of Title 11A of the New Jersey Statutes

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

C 11A 7-13 1 Findings, declarations

1 The Legislature finds and declares that persons with significant disabilities are an underrepresented and overlooked segment of the labor pool for consideration in public employment The State should establish a fast track hiring and advancement employment opportunity program for qualified persons with significant disabilities The program would enable appointing authorities to more effectively and efficiently hire, promote, retain, and advance qualified individuals whose physical or mental impairments impact

their ability to participate in the competitive hiring and promotion process within the State workforce

C 11A 7-13 2 Fast track hiring, advancement process developed, qualified persons with significant disabilities

2 The Civil Service Commission's Division of Equal Employment and Opportunity and Affirmative Action shall develop a fast track hiring and advancement process for qualified persons with significant disabilities

"Person with significant disabilities" means a person whose physical or mental impairments impact the ability to participate in the competitive hiring and promotion process within the State workforce

C 11A 7-13 3 Guidelines, criteria

3 The Civil Service Commission's Division of Equal Employment and Opportunity and Affirmative Action shall provide guidelines for the determination of qualification as a qualified person with significant disabilities The guidelines may include a person who

a was or is currently a client of the Division of Vocational Rehabilitation Services in the Department of Labor and Workforce Development,

b meets the eligibility requirements to receive Social Security Disability Insurance or Supplemental Security Income on the basis of a disability, including a person who is eligible to participate in the federal Ticket to Work program authorized under the Social Security Administration,

c qualifies for appointment under the Office of Personnel Management, Schedule A Excepted Service Hiring on the basis of a disability, Section 213 3102(u) of Title 5, Code of Federal Regulations,

d qualifies for services, supports, or benefits under programs administered by the Division of Developmental Disabilities or the Division of Mental Health and Addiction Services in the Department of Human Services,

e notwithstanding any law, rule or regulation to the contrary regarding civil service veteran benefits, meets the eligibility requirements for services, supports, or benefits under a program for disabled veterans administered by the United States Department of Veterans Administration or the State, or

f meets the eligibility requirements for services, supports, or benefits under a program administered by an agency of the State that has been determined by the administrator as comparable to a program described in paragraphs a through e of this section

C 11A 7-13 4 Appointing to an unclassified service position, noncompetitive temporary, permanent position in civil service

4 a The appointing authority of a State agency may appoint a qualified person with significant disabilities to an unclassified service position, or a noncompetitive temporary position or noncompetitive permanent position in the career service of civil service, in accordance with the provisions of this act, P L 2021, c 465 (C 11A 7-13 1 et seq), and Title 11A of the New Jersey Statutes

The appointing authority shall require proof of the person's significant disability prior to making an appointment The appointing authority shall accept as proof of significant disability a letter or other official certification from the Division of Rehabilitation Services that the individual meets the criteria set forth in paragraph a of section 3 of this act

b A qualified person with significant disabilities shall be eligible for appointment to an unclassified temporary position or a noncompetitive temporary position in the career service of civil service when the appointing authority determines that

(1) the person is certified as eligible for appointment in the unclassified service or noncompetitive career service pursuant to this section, and

(2) it is necessary to observe the person on the job to establish that the person is able to perform the duties of the position

The appointing authority may, with the approval of the Civil Service Commission, convert an unclassified service temporary appointment or a noncompetitive career service temporary appointment to a permanent appointment when it is determined that the person provided the required proof of eligibility for appointment pursuant to this section and is likely to succeed in the performance of the duties of the position

c A person with significant disabilities shall be eligible for appointment to a noncompetitive permanent position in the career service of civil service when the appointing authority determines that

(1) the person is certified as eligible for appointment in the noncompetitive career service pursuant to this section, and

(2) the person is likely to succeed in performing the duties of the position

d In determining whether the person is likely to succeed in performing the duties of the position, the appointing authority shall rely upon the person's employment history and performance, as appropriate, education, and other relevant experience

e Appointments to an unclassified service or a noncompetitive career service position shall be subject to the working test period in accordance with Title 11A of the New Jersey Statutes The appointing authority shall provide a temporary employee with progress reports at such times during the working

test period as provided by rules of the Civil Service Commission, and a final progress report at the end of the entire working test period shall be provided to the employee, the division, and the commission

C 11A 7-13 5 Request for an interview, eligibility, qualifications

5 A person with significant disabilities applying for appointment in the State workforce under this act, P L 2021, c 465 (C 11A 7-13 1 et seq), who is denied an interview for appointment in the unclassified service or career service of civil service, shall be provided the opportunity to request an interview If an interview is requested, the appointing authority shall provide the candidate with a good faith interview The request for an interview shall be kept confidential

To be eligible to request an interview, the person shall provide proof of eligibility and qualification for appointment pursuant to the provisions of this act Written proof of the eligibility and qualification shall be provided to the appointing authority with the written request for an interview

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

7 This act shall take effect on the first day of the fourth month next following enactment, except that the Chief Executive Officer of the Civil Service Commission may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act

Approved January 18, 2022

CHAPTER 466

AN ACT concerning employment by the State of persons with disabilities, and supplementing chapter 7 of Title 11A of the New Jersey Statutes

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

C 11A 7-13 6 Findings, declarations

1 The Legislature finds and declares that persons with disabilities are an underrepresented and untapped segment of the labor pool for consideration in public employment As New Jersey's largest employer, the State should promote the awareness of persons with disabilities as a valued

employee resource and work to attract, engage, and retain people with disabilities in the State workforce It is appropriate that the State move toward becoming a model employer of persons with disabilities

C 11A 7-13 7 State as a Model Employer of People with Disabilities program developed, purpose, responsibilities

2 a The Division of Equal Employment Opportunity and Affirmative Action shall, in consultation with the Civil Service Commission, develop a State as a Model Employer of People with Disabilities, SAME, program which shall be implemented by each State agency

The purpose of the SAME program shall be to increase awareness of employment opportunities for persons with disabilities, provide appropriate avenues and remove barriers to the application and hiring process, and create mechanisms to increase advancement and retention rates for persons with disabilities employed in the State workforce

The Affirmative Action Officer of each State agency shall oversee the SAME program for that State agency

Each State agency shall provide for sufficient and qualified staff and sufficient resources and funding for the SAME program, including, as appropriate, the appointment of a disability program manager, selective placement program coordinator, and stay-at-work and return-to-work coordinator

b At a minimum, and as appropriate, the SAME program shall

(1) review existing recruitment, hiring, advancement, and retention policies and procedures applicable to persons with disabilities, including an analysis of barriers to employment,

(2) establish goals for the hiring and recruitment of persons with disabilities, maintain records of the progress towards achieving and maintaining the established goals, and maintain and report on demographic data related to disability status for applicants and employees,

(3) use fast track hiring and advancement authority that permits State agencies to consider disability status during the hiring and advancement process,

(4) establish mentoring, internship, or similar work-based learning experiences for persons with disabilities,

(5) provide an opportunity for a qualified individual with a disability to request a mandatory interview, which shall be kept confidential and separate from the agency employment applications,

(6) include a centralized accommodation program to consolidate subject matter expertise necessary to assess, evaluate, and implement effective and meaningful accommodations and funding streams for accommodations,

(7) establish a recruitment and referral program that connects the State agency with college students and recent graduates with disabilities,

(8) utilize web-based application portals that are accessible to and usable by persons with disabilities, and

(9) provide for quarterly progress reports to the director of the State agency, the Director of the Division of Equal Employment Opportunity and Affirmative Action, and the Chief Executive Officer of the Civil Service Commission, which shall be publicly available and posted on the division's website

c For purposes of the records required to be maintained under paragraph (2) of subsection b of this section, an applicant or employee may be classified as a person with a disability on the basis of the person's self-identification as a person with a disability on a form created by the division for such purpose The division may also classify an individual with a disability on the basis of records relating to the individual's request for reasonable accommodation and records related to the individual's appointment under a hiring authority that takes disability into account

The form shall state that the information collected will be kept confidential, used only for statistical purposes, and that completion of the form is voluntary

d "State agency" means any State department, and any authority, commission, office, department, division, bureau, board, or any other agency or instrumentality thereof, including institutions of higher education

C 11A 7-13 8 Report to Governor, Legislature

3 A biannual report shall be prepared and distributed to the Governor and the Legislature, pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), by the Division of Equal Employment Opportunity and Affirmative Action The report shall include ongoing barriers to employment, progress made towards increasing the number of persons with disabilities employed by the State and each State agency, retention rates of persons with disabilities employed by the State and each State agency, and plans for expanding and improving employment opportunities in the upcoming year The report may include recommendations for legislation

4 The Division of Equal Employment Opportunity and Affirmative Action and the Civil Service Commission shall jointly adopt rules and regulations pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), to effectuate the purposes of this act

5 This act shall take effect on the first day of the fourth month next following enactment, except the Director of the Division of Equal Employment Opportunity and Affirmative Action and the Chief Executive Officer of the Civil Service Commission may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act

Approved January 18, 2022

CHAPTER 467

AN ACT concerning relief from criminal and other proceedings pertaining to certain violations or alleged violations of law committed by a person while a victim of human trafficking, and amending P L 2013, c 51

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

1 Section 10 of P L 2013, c 51 (C 2C 44-1 1) is amended to read as follows

C 2C 44-1 1 Certain convictions vacated, expunged

10 a (1) A person convicted of an offense or other violation of law, except for murder pursuant to N J S 2C 11-3, manslaughter or aggravated manslaughter pursuant to N J S 2C 11-4, kidnapping pursuant to N J S 2C 13-1, luring or enticing a child pursuant to N J S 2C 13-6, and sexual assault pursuant to N J S 2C 14-2, committed as a result of the person's status as a victim of human trafficking as described in section 1 of P L 2005, c 77 (C 2C 13-8) or 22 U S C s 7102, and which offense was committed as a result of the trafficking scheme or other course of conduct in violation of either of those acts that resulted in the person's victimization, or committed at the direction of an organizer, supervisor, financier, or manager of that scheme or other course of conduct as described in paragraph (2) of subsection a of section 1 of P L 2005, c 77 (C 2C 13-8), may file an application with the Superior Court in accordance with the Rules of Court to have each conviction, finding of guilt, or, in the case of an offense committed while a juvenile, adjudication of delinquency vacated at any time following entry of a judgment of conviction, finding of guilt, or adjudication of delinquency The application shall be made to the Superior Court in the county in which the most recent disposition was adjudged, and may include any other prior disposition which

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the person is seeking to be vacated, regardless of where that prior disposition occurred

(2) In the same application filed pursuant to paragraph (1) of this subsection, the person may also seek an order for the expungement of any reference to the person's arrest, charge, complaint, conviction, adjudication of delinquency, or other disposition, and any proceeding related thereto in any records in the custody of a court, or law enforcement or correctional agency entitled to be served with the application pursuant to subsection b of this section The person may also seek, in a separate application which shall be considered in conjunction with an application filed pursuant to paragraph (1) of this subsection, an order for the expungement of the person's DNA record and other identifiable information from the State DNA Database in accordance with section 9 of P L 1994, c 136 (C 53 1-20 25)

b (1) (a) Applications made to the Superior Court under this section and all associated supporting documents filed with the applications shall remain under seal and kept confidential, and shall not be disseminated or disclosed, in whole or in part, except to another court, or a law enforcement or correctional agency as set forth in this subparagraph The application, together with a copy of all supporting documents, shall be served pursuant to the Rules of Court upon the Attorney General, the county prosecutor of the county wherein the court is located, the Superintendent of State Police, the chief of police or other executive head of the police department of the municipality wherein each offense or other violation of law was committed or alleged to have been committed, the chief law enforcement officer of any other law enforcement agency of this State that participated in the arrest of the person, the superintendent or warden of any institution in which the person was confined, and, if a disposition was made in municipal court, upon the judge of that court Each recipient of the application and supporting documents shall keep them confidential, shall only use them in a manner consistent with and in furtherance of the purpose for which they were received, and shall not further disseminate or disclose them, in whole or in part, to any party outside of the parties set forth in this subparagraph

(b) Unless a party given notice pursuant to subparagraph (a) of this paragraph files an objection to the application and requests a hearing within 60 days of the date of receipt of the application, the application shall be deemed unopposed and the court may grant the relief sought in accordance with subsections c and d of this section Any objection filed by a noticed party shall not be deemed determinative, and the court may grant relief over any party's objection

(c) When one or more of the convictions sought to be vacated is for a crime of the first or second degree, any victims of these crimes shall be given

an opportunity to submit a written statement about the impact of the crime to the court It shall be the responsibility of the county prosecutor given notice of the application pursuant to subparagraph (a) of this paragraph to make a good faith effort to notify any victim The prosecutor's office shall have the discretion to waive victim notification in instances when the victim was the trafficker or the notification could endanger the petitioner

(2) With respect to any court appearance by the person concerning the application, if required, the court shall, consistent with the Rules of Court, permit the person to enter an appearance by telephone, video link as approved by the Administrative Office of the Courts, or other approved means of audio or audio and visual communication, unless there is a compelling reason to so deny

c (1) The court may vacate any conviction, finding of guilt, or adjudication of delinquency pursuant to this section if it finds by a preponderance of the evidence that the person was a victim of human trafficking as described in section 1 of P L 2005, c 77 (C 2C 13-8) or 22 U S C s 7102, and that the offense or other violation of law to be vacated was a result of the person having been a victim of human trafficking

(2) In making a determination

(a) evidence documenting the person's status as a victim of human trafficking from a federal, state, or local governmental agency shall create a rebuttable presumption that the person's participation in the offense was a result of having been a victim, but shall not be required to vacate a conviction under this section, and

(b) the court may additionally consider other evidence it deems appropriate in determining whether the person was a victim of human trafficking, including, but not limited to

(i) certified records of federal or State court proceedings which demonstrate that the defendant was a victim of a trafficker charged with a human trafficking offense under section 1 of P L 2005, c 77 (C 2C 13-8) or chapter 77 of Title 18 of the United States Code,

(ii) certified records of approval notices or law enforcement certifications generated from a federal immigration proceeding available to victims of human trafficking, and

(iii) testimony or a sworn statement from a trained professional staff member of a victim services organization, an attorney, a member of the clergy or a health care or other professional from whom the person has sought assistance in addressing the trauma associated with being a victim of human trafficking

d If the court finds, pursuant to subsection c of this section, that the person was a victim of human trafficking, it shall enter an order vacating the conviction, finding of guilt, or adjudication of delinquency and directing that all court records be revised accordingly When the person's application also seeks an order for expungement, the court order shall require that any court, law enforcement and correctional agency noticed pursuant to subsection b of this section expunge all references to the person's arrest, charge, complaint, conviction, adjudication of delinquency, or other disposition, and any related proceedings from all records in their custody that relate to the vacated conviction An expungement ordered pursuant to this section shall have the same force as an expungement ordered pursuant to N J S 2C 52-1 et seq and section 9 of P L 1994, c 136 (C 53 1-20 25), as applicable In addition, notwithstanding any law to the contrary, once an order to vacate and expunge has been entered on a conviction, finding of guilt, or adjudication of delinquency for an offense in which the petitioner participated as a result of having been a victim of human trafficking pursuant to section 1 of P L 2005, c 77 (C 2C 13-8) or as defined in paragraph (14) of 22 U S C s 7102, the conviction, finding of guilt, or adjudication of delinquency shall not be considered for any purpose except upon order of the court An order concerning the expungement of the person's DNA record and other identifiable information from the State DNA Database shall require the Division of Criminal Justice in the Department of Law and Public Safety to purge this information in accordance with section 9 of P L 1994, c 136 (C 53 1-20 25)

e A court that grants relief pursuant to this section may take any additional action as appropriate under the circumstances to carry out the purposes of this section

2 This act shall take effect on the first day of the fourth month next following enactment, except the Attorney General and Administrative Director of the Courts may take any anticipatory administrative action in advance thereof as shall be necessary for the implementation of the act

Approved January 18, 2022

CHAPTER 468

AN ACT concerning transportation services for persons with certain disabilities

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

1 a The Commissioner of Human Services shall transmit 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, regarding expanding the accessibility and availability of transportation options in the State for persons diagnosed with autism spectrum disorder and persons with intellectual and developmental disabilities with the purchase of transportation services through private sector and governmental entities

b The report shall include, but need not be limited to, the following

(1) a survey of currently available public and private transportation for individuals with autism spectrum disorder and persons with intellectual and developmental disabilities, including an analysis of barriers to transportation for individuals with disabilities,

(2) an analysis of current federal and State laws and regulations governing transportation services, including any restrictions on funding or use,

(3) best practices for enhancing and expanding transportation services and options for individuals with intellectual and developmental disabilities receiving services from the Department of Human Services,

(4) recommendations on ways to permit individuals enrolled in department services to use existing funding for more accessible or convenient transportation services,

(5) resources that may be necessary or appropriate to accomplish the expansion of transportation options, and

(6) any other factors or considerations deemed appropriate by the commissioner

c The Department may contract with a vendor to conduct the study No later than 60 days following enactment, the Department shall commence the study or shall commence the process of obtaining a vendor The Department or its designee may consult with other State agencies, including but not limited to, the Department of Children and Families, the Department of Transportation and the New Jersey Transit Corporation, as appropriate

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

2 This act shall take effect immediately, but remain inoperative for 180 days following enactment, and shall expire upon the submission of the report to the Governor and the Legislature pursuant to section 1 of this act

Approved January 18, 2022

CHAPTER 469

AN ACT changing the annual reporting deadline of the New Jersey Racing Commission and amending P L 1940, c 17

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

1 Section 7 of P L 1940, c 17 (C 5 5-27) is amended to read as follows

C 5 5-27 Payments from appropriations, record of proceedings, preservation of maps, books, etc , annual report

7 All such payments shall be made by the State Treasurer on warrant of the Comptroller of the Treasury after countersignature by the chairman of the commission The secretary shall keep a record of all proceedings of the commission and shall preserve all maps, books, documents and papers belonging to the commission or entrusted to its care, and perform such other duties as the commission may prescribe The commission shall make an annual report in writing to the Governor on or before the last day of the State fiscal year and such additional reports as the Governor may from time to time request The annual report shall include a statement of the receipts and disbursements of the commission and a summary of its activities, and any additional information and recommendations which the commission may deem of value or which the Governor may request

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 470

AN ACT concerning eligibility for enrollment in a school district and supplementing chapter 38 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 38-3 2 School district registration, member of United States armed forces, National Guard, reserves

1 Notwithstanding the provisions of N J S 18A 38-1 or any other section of law to the contrary, a member of the armed forces of the United States, the National Guard, or any other reserve component of the armed forces who has received relocation orders and whose anticipated residence will be within the State shall be permitted to enroll a dependent child in a school district and register for courses in advance of the member's relocation, upon presentation of a copy of the relocation orders to the school district Once enrolled, the child shall be permitted to attend classes and receive services free of charge in the same manner as if they were already a resident of the school district The school district shall waive any proof of residency requirements until such time that the member's family has been relocated within the school district

2 The State Board of Education is authorized to promulgate the rules and regulations necessary to effectuate the provisions and purposes of this act, P L 2021, c 470 (C 18A 38-3 2), in accordance with the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq)

3 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 471

AN ACT concerning school bus safety, supplementing chapter 39 of Title 18A of the New Jersey Statutes, and making an appropriation

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

C 18A 39-34 Office of School Bus Safety established

1 a There is established in the Department of Education the Office of School Bus Safety The purpose of the office is to oversee the school busing industry and to coordinate enforcement and accountability among the department, school bus drivers, and school bus contractors

b The Commissioner of Education shall establish the office, which shall consist of individuals qualified by training and experience related to the school bus industry in order to perform the duties of the office The staff shall be supervised by a person of recognized judgment, integrity, and objectivity, and shall be skilled in communication, conflict resolution, and professionalism

c The office shall be responsible for the work of such professional and clerical staff as may be necessary to carry out the office's responsibilities

C 18A 39-35 Office duties

2 a The duties of the Office of School Bus Safety shall include, but need not be limited to, the following

(1) reviewing a school bus driver's information collected by the Commissioner of Education pursuant to section 6 of P L 1989, c 104 (C 18A 39-19 1),

(2) obtaining statements of assurance from school districts or contractors that all training certifications for school bus drivers from employers pursuant to subsection b of section 2 of P L 2015, c 123 (C 18A 39-19 3) are complete,

(3) assisting in the development of a student information card pursuant to section 3 of P L 2015, c 123 (18A 39-19 4),

(4) reviewing statements provided by a board of education or contractor that verify a school bus driver, whose bus driver's license is suspended or revoked, no longer operates a school bus for the board or contractor pursuant to section 1 of P L 2018, c 152 (C 18A 39-19 6),

(5) coordinating with the Motor Vehicle Commission and the Department of Law and Public Safety on the sharing of information regarding matters related to school bus safety The Motor Vehicle Commission and the Department of Law and Public Safety shall, pursuant to a valid Memorandum of Understanding and to the extent permitted by law, share information with the office to assist in effectuating the provisions of this act,

(6) maintain a list of all persons barred from bidding on any pupil transportation contract pursuant to section 3 of P L 2021, c 307 (C 18A 39-11 5),

(7) render a decision as to whether a person shall be debarred from bidding on a pupil transportation contract pursuant to the provisions of P L 2021, c 307 (C 18A 39-11 5),

(8) collecting and reviewing the name, address, and contact information of school bus contractors and the owners of school bus contracting companies,

(9) determining if a board of education or contractor has failed to comply with the provisions of N J S 18A 39-20,

(10) reviewing and recommending changes to the commissioner of the rules and regulations governing school bus safety, and

(11) any other duties the commissioner deems appropriate to ensure the safety of school buses for students in the State

b The office shall treat communications received in the course of the office's duties, including personally identifiable information regarding students, parents or guardians, school bus drivers, and others from whom information is acquired, as confidential, except when disclosure is necessary to enable the office 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 Department of Education shall maintain the confidentiality of such information and shall not disclose or disseminate the information except as provided by applicable State or federal law

c As used in this section, "person" means an individual and any business, including any corporation, partnership, association, or proprietorship in which such individual is a principal, or with respect to which the individual owns, directly or indirectly, or controls any of the stock or other equity interest of such business

C 18A 39-36 Report to Governor, Legislature

3 The Department of Education shall submit an initial report to the Governor and to the Legislature pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), which includes a summary of the services provided, and enforcement actions taken A report shall be issued annually thereafter to the Commissioner of Education by the Office of School Bus Safety containing any specific recommendations the office deems appropriate and necessary concerning the oversight and management within the department's purview

4 There is appropriated from the General Fund to the Department of Education $200,000 to effectuate the provisions of this act

5 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 472

AN ACT concerning body worn cameras for law enforcement officers and amending P L 2020, c 129

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

1 Section 1 of P L 2020, c 129 (C 40A 14-118 5) is amended to read as follows

C 40A 14-118 5 Body worn cameras, recordings, regulations concerning usage, terms defined

1 a For the purposes of this section

"Body worn camera" means a mobile audio and video recording system worn by a law enforcement officer, but shall not include a recording device worn by a law enforcement officer while engaging in an undercover assignment or a recording device used during a custodial interrogation conducted in a place of detention in compliance with Rule 3 17 of the Rules Governing the Courts of the State of New Jersey

"Constructive authority" means the use of the law enforcement officer's authority to exert control over a person, directed against a person who is subject to an investigative detention or arrest or against any person if the officer has un-holstered a firearm or a conducted energy device

"Force" shall include physical, mechanical, enhanced mechanical, and deadly force

"Law enforcement officer" means a person whose public duties include the power to act as an officer for the detection, apprehension, arrest, and conviction of offenders against the laws of this State This term shall not include a correctional police officer

"Mobile video recording system" shall have the same meaning as set forth in section 1 of P L 2014, c 54 (C 40A 14-118 1)

"School" means a public or nonpublic elementary or secondary school within this State offering education in grades kindergarten through 12, or any combination of grades, at which a child may legally fulfill compulsory school attendance requirements

"Subject of the video footage" means any law enforcement officer, suspect, victim, detainee, conversant, injured party, or other similarly situated person who appears on the body worn camera recording, and shall not include a person who only incidentally appears on the recording

"Youth facility" means a facility within this State used to house or provide services to children under P L 1951, c 138 (C 30 4C-1 et seq), including but not limited to group homes, residential facilities, day care centers, and day treatment centers

b A body worn camera used by a law enforcement officer shall be placed so that it maximizes the camera's ability to capture video footage of the officer's activities

c (1) Except as otherwise provided in this subsection or in subsection e of this section, the video and audio recording functions of a body worn camera shall be activated whenever the officer is responding to a call for service or at the initiation of any other law enforcement or investigative encounter between an officer and a member of the public, in accordance with applicable guidelines or directives promulgated by the Attorney General, provided however, if an immediate threat to the officer's life or safety makes activating the body worn camera impossible or dangerous, the officer shall activate the body worn camera at the first reasonable opportunity to do so The body worn camera shall remain activated until the encounter has fully concluded and the officer leaves the scene

(2) The video and audio recording functions of a body worn camera may be deactivated, consistent with directives or guidelines promulgated by the Attorney General, under the following circumstances

(a) when a civilian conversing with the officer requests that the device be deactivated where it reasonably appears that the person will not provide information or otherwise cooperate with the officer unless that request is respected,

(b) when a person, other than an arrestee, is seeking emergency medical services for themselves or another person and requests that the device be deactivated,

(c) while the officer is participating in a discussion pertaining to criminal investigation strategy and planning, provided that the discussion is not conducted in the immediate presence of a civilian and further provided that the officer is not actively engaged in the collection of physical evidence, or

(d) when specifically authorized to do so by an assistant prosecutor or an assistant or deputy attorney general for good and sufficient cause as determined by the assistant prosecutor or assistant or deputy attorney general

(3) Unless the officer is actively engaged in investigating the commission of a criminal offense, or is responding to an emergency or call for service, or reasonably believes that he or she will be required to use constructive authority or force, the officer shall not activate the video and audio recording functions of a body worn camera, or shall deactivate a device that has been activated, while the officer

(a) is in a school or youth facility or on school or youth facility property under circumstances where minor children would be in view of the device,

(b) is in a patient care area of a healthcare facility, medical office, or substance abuse treatment facility under circumstances where patients would be in view of the device, or

(c) is in a place of worship under circumstances where worshippers would be in view of the device

(4) The officer shall not activate the video and audio recording functions of a body worn camera, or shall deactivate a device that has been activated, if the officer knows or reasonably believes that the recording would risk revealing the identity of an individual as an undercover officer or confidential informant or otherwise would pose a risk to the safety of an undercover officer or confidential informant, unless such activation is expressly authorized by a supervisor, or unless the exigency of the situation and danger posed to an officer require that the encounter or incident be recorded, in which event the officer shall inform his or her supervisor that the recording risks revealing the identity of an individual as an undercover officer or confidential informant

(5) An officer shall not activate a body worn camera while in a courtroom during court proceedings, unless the officer is responding to a call for service or is authorized to use constructive force or authority

(6) If the body worn camera model selected by a law enforcement agency produces radio-frequency interference while activated or while in standby mode, the device shall be deactivated while in the area where an electronic alcohol breath testing device is being used, or, as necessary, shall be removed from the area where such device is being used Nothing herein shall be construed to preclude the use of a body worn camera to record the behavior of a person arrested for driving while intoxicated other than while the person is in the breath-testing area while the electronic breath testing device is being operated If this provision requires deactivation of a body worn camera, the officer shall narrate the reasons for deactivation, and the device shall be re-activated when safe and practicable to do so following the completion of the breath testing operation

d A law enforcement officer who is wearing a body worn camera shall notify the subject of the recording that the subject is being recorded by the body worn camera unless it is unsafe or infeasible to provide such notification Such notification shall be made as close to the inception of the encounter as is reasonably possible If the officer does not provide the required notification because it is unsafe or infeasible to do so, the officer shall document the reasons for that decision in a report or by narrating the reasons on the body worn camera recording, or both The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence

e Notwithstanding the requirements of subsection c of this section

(1) prior to entering a private residence, a law enforcement officer shall notify the occupant that the occupant is being recorded by the body worn camera and, if the occupant requests the officer to discontinue use of the officer's body worn camera, the officer shall immediately discontinue use of the body worn camera unless the officer is actively engaged in investigating the commission of a criminal offense, or is responding to an emergency, or reasonably believes that the officer will be required to use constructive authority or force,

(2) when interacting with an apparent crime victim, a law enforcement officer shall, as soon as practicable, notify the apparent crime victim that he or she is being recorded by the body worn camera and, if the apparent crime victim requests the officer to discontinue use of the body worn camera, the officer shall immediately discontinue use of the body worn camera, and

(3) when interacting with a person seeking to anonymously report a crime or assist in an ongoing law enforcement investigation, a law enforcement officer, if the person requests that the officer discontinue use of the body worn camera, shall evaluate the circumstances and, if appropriate, discontinue use of the body worn camera

f A request to discontinue the use of a body worn camera made to a law enforcement officer pursuant to subsection e of this section and the response to the request shall be recorded by the recording system prior to discontinuing use of the recording system

g A body worn camera shall not be used surreptitiously

h A body worn camera shall not be used to gather intelligence information based on First Amendment protected speech, associations, or religion, or to record activity that is unrelated to a response to a call for service or a law enforcement or investigative encounter between a law enforcement officer and a member of the public, provided that nothing in this subsection shall be construed to prohibit activation of video and audio recording functions of a body worn camera as authorized under this law and in accordance with any applicable guidelines or directives promulgated by the Attorney General

i Every law enforcement agency shall promulgate and adhere to a policy, standing operating procedure, directive, or order which meets the requirements of subsection j of this act and any applicable guideline or directive promulgated by the Attorney General that specifies the period of time during which a body worn camera recording shall be retained

j A body worn camera recording shall be retained by the law enforcement agency that employs the officer for a retention period consistent with the provisions of this section, after which time the recording shall be permanently deleted A body worn camera recording shall be retained for

not less than 180 days from the date it was recorded, which minimum time frame for retention shall be applicable to all contracts for retention of body worn camera recordings executed by or on behalf of a law enforcement agency on or after the effective date of this act, and shall be subject to the following additional retention periods

(1) a body worn camera recording shall automatically be retained for not less than three years if it captures images involving an encounter about which a complaint has been registered by a subject of the body worn camera recording,

(2) subject to any applicable retention periods established in paragraph (3) of this subsection to the extent such retention period is longer, a body worn camera recording shall be retained for not less than three years if voluntarily requested by

(a) the law enforcement officer whose body worn camera made the video recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value,

(b) a law enforcement officer who is a subject of the body worn camera recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value,

(c) any immediate supervisor of a law enforcement officer whose body worn camera made the recording or who is a subject of the body worn camera recording, if that immediate supervisor reasonably asserts the recording has evidentiary or exculpatory value,

(d) any law enforcement officer, if the body worn camera recording is being retained solely and exclusively for police training purposes,

(e) any member of the public who is a subject of the body worn camera recording,

(f) any parent or legal guardian of a minor who is a subject of the body worn camera recording, or

(g) a deceased subject's next of kin or legally authorized designee

(3) Notwithstanding the provisions of paragraph (1) or (2) of this subsection, a body worn camera recording shall be subject to the following additional retention requirements

(a) when a body worn camera recording pertains to a criminal investigation or otherwise records information that may be subject to discovery in a prosecution, the recording shall be treated as evidence and shall be kept in accordance with the retention period for evidence in a criminal prosecution,

(b) when a body worn camera records an arrest that did not result in an ongoing prosecution, or records the use of police force, the recording shall

be kept until the expiration of the statute of limitations for filing a civil complaint against the officer or the employing law enforcement agency,

(c) when a body worn camera records an incident that is the subject of an internal affairs complaint, the recording shall be kept pending final resolution of the internal affairs investigation and any resulting administrative action

k To effectuate subparagraphs (e), (f), and (g) of paragraph (2) of subsection j of this section, the member of the public, parent or legal guardian, or next of kin or designee shall be permitted to review the body worn camera recording in accordance with the provisions of P L 1963, c 73 (C 47 1A-1 et seq) to determine whether to request a three-year retention period

l Notwithstanding that a criminal investigatory record does not constitute a government record under section 1 of P L 1995, c 23 (C 47 1A-1 1), only the following body worn camera recordings shall be exempt from public inspection

(1) body worn camera recordings not subject to a minimum three-year retention period or additional retention requirements pursuant to subsection j of this section,

(2) body worn camera recordings subject to a minimum three-year retention period solely and exclusively pursuant to paragraph (1) of subsection j of this section if the subject of the body worn camera recording making the complaint requests the body worn camera recording not be made available to the public,

(3) body worn camera recordings subject to a minimum three-year retention period solely and exclusively pursuant to subparagraph (a), (b), (c), or (d) of paragraph (2) of subsection j of this section, and

(4) body worn camera recordings subject to a minimum three-year retention period solely and exclusively pursuant to subparagraph (e), (f), or (g) of paragraph (2) of subsection j of this section if a member, parent or legal guardian, or next of kin or designee requests the body worn camera recording not be made available to the public

m Any body worn camera recording retained beyond 180 days solely and exclusively pursuant to subparagraph (d) of paragraph (2) of subsection j of this section shall not be admissible as evidence in any criminal or civil legal or administrative proceeding

n (1) A law enforcement officer shall be permitted to review or receive an accounting of a body worn camera recording prior to that officer creating any required substantive initial report, providing a statement, or submitting to an interview regarding the recorded event, except under the following circumstances

(a) the use of force by the officer where the officer knows or should know that the use of force resulted in significant or serious bodily injury or death,

(b) the discharge of a firearm or any other use of deadly force by the law enforcement officer,

(c) the death of a person while in law enforcement custody,

(d) the death of a person during an encounter with a law enforcement officer,

(e) an incident that that officer knows or has been advised is or will be the subject of an internal affairs complaint relating to the officer's use of force, bias, or dishonesty, or

(f) an incident the officer knows or has been advised is or will be the subject of a citizen complaint related to the officer's use of force, bias, or dishonesty

(2) In the event a law enforcement officer reviews or receives an accounting of a body worn camera recording prior to the creation of any report, statement, or interview, the law enforcement officer shall be required to acknowledge that prior review or receipt either verbally or in writing within each such report, statement, or interview

(3) Nothing in this subsection shall be construed to require a law enforcement officer to review a body worn camera recording prior to creating any required initial reports, statements, and interviews regarding the recorded event, nor to prevent a law enforcement officer from reviewing or receiving an accounting of such a body worn camera recording subsequent to the creation of any required initial report, statement, or interview regarding the recorded event

o Body worn camera recordings shall not be divulged or used by any law enforcement agency for any commercial or other non-law enforcement purpose

p If a law enforcement agency authorizes a third party to act as its agent in maintaining recordings from a body worn camera, the agent shall be prohibited from independently accessing, viewing, or altering any recordings, except to delete recordings as required by law or agency retention policies

q If a law enforcement officer, employee, or agent fails to adhere to the recording or retention requirements contained in this act, or intentionally interferes with a body worn camera's ability to accurately capture audio or video recordings

(1) the officer, employee, or agent shall be subject to appropriate disciplinary action,

(2) there shall be a rebuttable presumption that exculpatory evidence was destroyed or not captured in favor of a criminal defendant who reasonably asserts that exculpatory evidence was destroyed or not captured, and

(3) there shall be a rebuttable presumption that evidence supporting the plaintiff's claim was destroyed or not captured in favor of a civil plaintiff suing the government, a law enforcement agency, or a law enforcement officer for

damages based on police misconduct if the plaintiff reasonably asserts that evidence supporting the plaintiff's claim was destroyed or not captured

r Any recordings from a body worn camera recorded in contravention of this or any other applicable law shall be immediately destroyed and shall not be admissible as evidence in any criminal, civil, or administrative proceeding

s Nothing in this act shall be deemed to contravene any laws governing the maintenance and destruction of evidence in a criminal investigation or prosecution

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 473

AN ACT concerning the purchase of copies of the "Manual of the Legislature of New Jersey" and repealing various parts of the statutory law

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

Repealer

1 The following sections are repealed
R S 52 12-3 through R S 52 12-6

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 474

A SUPPLEMENT to the Fiscal Year 2022 appropriations act, P L 2021, c 133

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

1 The following language is added to P L 2021, c 133, the annual appropriations act for Fiscal Year 2022

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS
10 Public Safety and Criminal Justice
14 Military Services
GRANTS-IN-AID

In addition to the amounts hereinabove appropriated, there is appropriated from the General Fund an amount not to exceed $500,000 for the USS New Jersey Commissioning Committee, which amount shall be used by the committee to fund traditional Commissioning Week activities The expenditure of the amount appropriated for the USS New Jersey Commissioning Committee is subject to the approval of the Adjutant General of the Department of Military and Veterans' Affairs of an itemized plan for the expenditure, as shall be submitted by the USS New Jersey Commissioning Committee Any amount unexpended shall be donated for the support of personnel and their families and for the funding of existing or the creation of new United States Navy scholarship programs

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 475

AN ACT concerning tobacco product retailers and supplementing Title 2A of the New Jersey Statutes

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

C 2A 170-51 14 Tobacco sellers to offer at least one type of nicotine replacement therapy drug, device, combination product, definitions

1 a Any entity, other than a cigar shop, that sells, offers for sale, or distributes for commercial purpose any tobacco product shall maintain a stock of, and offer for retail sale, at least one type of nicotine replacement therapy drug, device, or combination product that has been approved by the federal Food and Drug Administration for cessation of tobacco use pursuant to the "Federal Food, Drug, and Cosmetic Act," 21 U S C s 301 et seq

b An entity that is subject to the requirements of subsection a of this section shall have the discretion to determine

(1) the number and type of nicotine replacement therapy products that the entity will stock and offer for sale,

(2) the quantity of each nicotine replacement therapy product that is stocked and offered for sale, and

(3) whether the entity will stock and offer for sale more than one type of nicotine replacement therapy product

c An entity that is subject to the requirements of subsection a of this section that sells out of the entity's full stock of nicotine replacement therapy products shall have five business days to place an order for a new stock of a nicotine replacement therapy product, and shall have 14 days from the date the entity sells its last nicotine replacement therapy product to again stock and offer for retail sale a nicotine replacement therapy product

d An entity that is subject to the requirements of subsection a of this section shall

(1) display nicotine replacement therapy products that are offered for retail sale in a location behind the sales counter,

(2) provide printed notice within the establishment that nicotine replacement therapy products are available for retail sale at that location, and

(3) display the official logo, phone number, and Internet address of the NJ Smoking Quitline or a successor program

e The Commissioner of Health may establish requirements concerning how and where materials described in paragraphs (2) and (3) of subsection c of this section shall be displayed, as well as requirements concerning the size and other characteristics of the materials

f As used in this section

"Cigar shop" means a retail establishment wherein the only tobacco products and products related to tobacco use that are available for sale or commercial distribution are cigars and cigar accessories, including lighters, cigar cutters, humidors, and cigar carrying tubes An establishment shall be considered a cigar shop for the purposes of this section regardless of whether the establishment offers other, non-tobacco products for sale or commercial distribution

"Tobacco product" means any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by other means, including, but not limited to, a cigarette, cigar, pipe tobacco, chewing tobacco, snuff, or snus, any vapor product, and any component, part, or accessory of a product containing, made of, or derived from tobacco or nicotine or a vapor product, regardless of whether the component, part, or accessory contains tobacco or nicotine "Tobacco product" includes, but is not limited to, filters, rolling papers, blunt or hemp wraps, hookahs, and pipes

2 This act shall take effect 60 days after the date of enactment

Approved January 18, 2022

CHAPTER 476

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

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

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

54 DEPARTMENT OF HUMAN SERVICES
50 Economic Planning, Development, and Security
53 Economic Assistance and Security
7550 Division of Family Development
STATE AID

15-7550	Income Maintenance Management	$8,000,000
	Total State Aid Appropriation, Division of Family Development	$8,000,000

State Aid

15	Work First New Jersey and Supplemental Security Income Burial Benefits Supplement	($8,000,000)

Notwithstanding the maximum allowance for funeral, burial, and crematory services set forth in N J A C 10 90-8 5 or any other law, rule, or regulation to the contrary, the amount appropriated for Work First New Jersey and Supplemental Security Income Burial Benefits Supplement shall be allocated to county and municipal agencies for the purposes of increasing the reimbursement level paid for funeral, burial, and crematory services provided to eligible persons pursuant to N J A C 10 90-8 2 by $1,000 for each eligible person Such appropriated funds shall not supplant other amounts allocated for the reimbursement of funeral, burial, and crematory services provided to eligible persons pursuant to N J A C 10 90-8 2 that are included in appropriations under P L 2021, c 133

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 477

AN ACT concerning basic life support services

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

1 a As used in this section

"ACLS certification" means valid certification in Advanced Cardiac Life Support as issued by the American Heart Association

"Advanced life support" means an advanced level of pre-hospital, inter-hospital, and emergency service care which includes basic life support functions, cardiac monitoring, cardiac defibrillation, telemetered electrocardiography, administration of anti-arrhythmic agents, intravenous therapy, administration of specific medications, drugs and solutions, use of adjunctive ventilation devices, trauma care and other techniques and procedures authorized in writing by the Commissioner of Health

"Basic life support" means a basic level of pre-hospital care which includes patient stabilization, airway clearance, cardiopulmonary resuscitation, hemorrhage control, initial wound care and fracture stabilization, and other techniques and procedures authorized by the Commissioner of Health

"Emergency medical technician-paramedic" means a person trained in advanced life support services and certified by the Commissioner of Health to render advanced life support services as part of a mobile intensive care unit

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

"ITLS certification" means valid certification in International Trauma Life Support as issued by the American College of Emergency Physicians

"Mobile intensive care nurse" means a registered nurse who has completed at least one year of full-time nursing care performing advanced clinical skills in the critical care unit or emergency department of an acute care hospital, possesses Emergency Medical Technician-Basic, cardiopulmonary resuscitation, and ACLS certifications, possesses PALS or

Pediatric Education for Prehospital Professionals-Advanced certification or has successfully completed the Emergency Nurse Pediatric Course to the standards of the Emergency Nurses Association, possesses either PHTLS or ITLS certification, has successfully completed at least a mobile intensive care unit field internship consisting of at least 100 hours, has successfully intubated at least five patients and has demonstrated proficiency in pre-hospital advanced life support treatment to the satisfaction of the nurse's mobile intensive care program's medical director, is physically capable of performing the duties of a mobile intensive care nurse, and is endorsed by the medical director of a mobile intensive care program

"Mobile intensive care unit" means a specialized emergency medical service vehicle operated for the provision of advanced life support services under the direction of an authorized hospital

"PALS certification" means valid certification in Pediatric Advanced Life Support as issued by the American Heart Association

"PHTLS certification" means valid certification in Pre-Hospital Trauma Life Support as issued by the National Association of EMTs

"Specialty care transport nurse" means a registered nurse who has completed at least one year of full time nursing care performing advanced clinical skills in an acute care hospital's critical care unit or emergency department and possesses valid certification as either a critical care registered nurse or a certified emergency nurse, holds certifications in CPR and ACLS, holds certification in PALS or has successfully completed the Emergency Nurse Pediatric Course to the standards of the Emergency Nurses Association, has additional training in endotrachael intubation and has been deemed competent by the medical director, and has documented completion of competencies for advanced life support equipment, including, but not limited to, cardiac monitor/defibrillator, external pacemaker, IV pump, ventilator, intra-aortic balloon pump, specialized respirators, and incubators

"Specialty care transport unit" means a specialized transport medical service vehicle that is validly licensed by the department and operated in accordance with rules and regulations promulgated by the department

b (1) Until January 1, 2023, a basic life support services vehicle other than a basic life support services vehicle described in subsection d of this section, when in service, shall be staffed by a minimum of two emergency medical technicians or by a minimum of one emergency medical technician and one first responder Any individual staffing a basic life support vehicle as provided in this paragraph shall be authorized to render care within that individual's scope of practice In the case of a vehicle staffed by one emergency medical technician and one first responder, the emergency

medical technician shall be present in the patient compartment of the vehicle at all times when a patient is present in the vehicle

(2) Until January 1, 2023, a mobile intensive care unit, when in service, shall be staffed by a minimum of two persons, which two persons may be two emergency medical technician-paramedics, two mobile intensive care nurses, one emergency medical technician-paramedic and one mobile intensive care nurse, or one emergency medical technician and one emergency medical technician-paramedic or mobile intensive care nurse Any individual staffing a mobile intensive care unit as provided in this paragraph shall be authorized to render care within that individual's scope of practice In the case of a mobile intensive care unit staffed by one emergency medical technician and one emergency medical technician-paramedic or mobile intensive care nurse, the emergency medical technician-paramedic or mobile intensive care nurse shall provide primary patient care

(3) Until January 1, 2023, a specialty care transport unit, when in service, shall be staffed by a minimum of one specialty care transport nurse and one emergency medical technician Any individual staffing a specialty care transport unit as provided in this paragraph shall be authorized to render care within that individual's scope of practice The specialty care transport nurse shall provide primary patient care

c Each individual staffing a basic life support vehicle, a mobile intensive care unit, or a specialty care transport unit pursuant to subsection b of this section shall be at least 18 years of age In addition, a first responder staffing a basic life support vehicle pursuant to paragraph (1) of subsection b of this section shall

(1) be certified to administer cardio-pulmonary resuscitation,

(2) be able to operate a basic life support vehicle, and

(3) have completed a training program that has been approved by the basic life support agency medical director and that includes, at a minimum safe vehicle operations, patient lifting and moving, safe use of patient restraints, basic first aid, and documentation

d The provisions of subsection b of this section shall not apply to a basic life support vehicle dispatched in response to a 9-1-1 emergency call, which vehicles, when in service, shall be staffed by a minimum of two emergency medical technicians

e Nothing in this section shall be construed to

(1) revise the requirements for certification, or to practice, as an emergency medical technician, an emergency medical technician-paramedic, a mobile intensive care nurse, or a specialty care transport nurse in New Jersey,

(2) revise the scope of practice authorized for emergency medical technicians, emergency medical technician-paramedics, mobile intensive care nurses, or specialty care transport nurses in New Jersey, or

(3) revise the standards or requirements for equipment for basic life support vehicles, mobile intensive care units, or specialty care transport units

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 478

AN ACT mandating access to cancer screenings for firefighters enrolled in the State Health Benefits Program and supplementing P L 1961, c 49

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

C 52 14-17 29u Full-time firefighters to be screened for cancer

1 a A firefighter employed as a full-time paid employee of a fire department or unit of this State or a political subdivision of this State shall be provided a cancer screening examination conducted by a physician not less than three years after the start of the firefighter's employment as a firefighter and every three years thereafter during the course of the firefighter's employment The examination shall include screening for, at a minimum and when applicable, the following cancers

(1) colon,
(2) lung,
(3) bladder,
(4) oral,
(5) thyroid,
(6) skin,
(7) blood,
(8) breast,
(9) cervical
(10) testicular, and
(11) prostate

b Subsection a of this section shall apply only to a firefighter enrolled in the State Health Benefits Program as occupational coverage For the purpose of this section, employment as a full-time paid employee of a fire

department or unit of this State or a political subdivision of this State shall be a pre-existing condition

2 This act shall take effect January 1, 2023

Approved January 18, 2022

CHAPTER 479

AN ACT concerning the Board of Examiners of Electrical Contractors, and amending and supplementing various provisions of statutory law

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

1 Section 1 of P L 1972, c 108 (C 45 1-7) is amended to read as follows

C 45 1-7 Issuance of certain licenses or certificates of registration

1 Notwithstanding any of the provisions of Title 45 of the Revised Statutes or of any other law to the contrary, all professional or occupational licenses or certificates of registration, except such licenses or certificates issued to real estate brokers or salesmen pursuant to chapter 15 of Title 45, which prior to the effective date of this act were issued for periods not exceeding one year and were annually renewable, shall, on and after the effective date of this act, be issued for periods of two years and be biennially renewable, except that licenses and business permits issued to electrical contractors, and licenses issued to Class A journeymen electricians, Class A electrical apprentices, and Class B wiremen pursuant to chapter 5A of Title 45 shall be issued for periods of three years and be triennially renewable, provided, however, the boards or commissions in charge of the issuance or renewal of such licenses or certificates may, in order to stagger the expiration dates thereof, provide that those first issued or renewed after the effective date of this act, shall expire and become void on a date fixed by the respective boards or commissions, not sooner than six months nor later than 29 months, after the date of issue

The fees for the respective licenses and certificates of registration issued pursuant to this act for periods of less or greater than one year shall be in amounts proportionately less or greater than the fees established by law

2 Section 2 of P L 1962, c 162 (C 45 5A-2) is amended to read as follows

C 45 5A-2 Definitions

2 For the purpose of this act, unless otherwise indicated by the context

(a) "Act" means this act, P L 1962, c 162 (C 45 5A-1 et seq) and the rules and regulations adopted under it,

(b) "Board" means the Board of Examiners of Electrical Contractors created by section 3 of this act,

(c) "Department" means the Department of Law and Public Safety,

(d) "Electrical contractor" means a person who engages in the business of contracting to install, erect, repair or alter electrical equipment for the generation, transmission or utilization of electrical energy,

(e) "Person" means a person, firm, corporation or other legal entity,

(f) "Alarm business" means the sales, installation, servicing or maintenance of burglar alarm, fire alarm or electronic security systems, or the monitoring or responding to alarm signals when provided in conjunction therewith "Alarm business" shall also include the installation, sales, servicing or maintenance of a smoke detection system or a smoke aspiration system in one or two family detached residential dwellings, or both, and the type of alarm business that engages in the installation, sales, servicing or maintenance of (1) perimeter intrusion protection systems, (2) unmanned aerial drones used to protect a premise, building, or complex, and (3) any artificial intelligence and evolving technology used for physical security applications consisting of a device or machine, computer or software used for detection, security, surveillance, monitoring of unauthorized access, or providing a warning of intrusion, which is designed to discourage crime or warn of potential threats using unmanned aerial drones, robots or machines "Installation," as used in this definition, includes the survey of a premises, the design and preparation of the specifications for the equipment or system to be installed pursuant to a survey, the installation of the equipment or system, or the demonstration of the equipment or system after the installation is completed, but does not include any survey, design or preparation of specifications for equipment or for a system that is prepared by an engineer licensed pursuant to the provisions of P L 1938, c 342 (C 45 8-27 et seq), or an architect licensed pursuant to the provisions of chapter 3 of Title 45 of the Revised Statutes, if the survey, design, or preparation of specifications is part of a design for construction of a new building or premises or a renovation of an existing building or premises, which renovation includes components other than the installation of a burglar alarm, fire alarm or electronic security system, and further does not include the design or preparation of specifications for the equipment or system to be installed that are within the practice of professional engineering as defined in subsection (b) of section 2 of P L 1938, c 342 (C 45 8-28),

(g) "Burglar alarm" means a security system comprised of an interconnected series of alarm devices or components, including systems interconnected with radio frequency signals, or Internet protocol and any successor protocols, which emits an audible, visual or electronic signal indicating an alarm condition and providing a warning of intrusion, which is designed to discourage crime "Burglar alarms" include but are not limited to perimeter intrusion protection systems and perimeter fence intrusion protection systems,

(h) "Business firm" means a partnership, corporation or other business entity engaged in the alarm business or locksmithing services,

(i) "Committee" means the Fire Alarm, Burglar Alarm, and Locksmith Advisory Committee created by section 3 of P L 1997, c 305 (C 45 5A-23),

(j) "Electronic security system" means a security system comprised of an interconnected series of devices or components, or Internet protocol and any successor protocols, including systems with audio and video signals, or perimeter intrusion protection systems, or other electronic systems, which emits or transmits an audible, visual or electronic signal warning of intrusion and provides notification of authorized entry or exit, which is designed to discourage crime "Electronic security system" shall include access control systems, CCTV systems, intercom systems, automation systems when integrating with security devices, perimeter intrusion protection systems, and other electronic monitoring devices,

(k) "Fire alarm" means a system comprised of an interconnected series of alarm devices or components, and notification appliances, including systems interconnected with radio frequency signals, which emits an audible, visual or electronic signal indicating an alarm condition and which provides a warning of the presence of gas, smoke or fire, or a notification of emergency evacuation "Fire alarm" does not mean a system whose primary purpose is telecommunications with energy control, the monitoring of the interior environment being an incidental feature thereto,

(l) "Licensed locksmith" means a person who is licensed pursuant to the provisions of section 7 of P L 1997, c 305 (C 45 5A-27),

(m) "Licensee" means a person licensed to engage in the alarm business or provide locksmithing services pursuant to the provisions of section 7 of P L 1997, c 305 (C 45 5A-27),

(n) "Locksmithing services" means the modification, recombination, repair or installation of mechanical locking devices and electronic security systems for any type of compensation and includes the following repairing, rebuilding, recoding, servicing, adjusting, installing, manipulating or bypassing of a mechanical or electronic locking device, for controlled access

or egress to premises, vehicles, safes, vaults, safe doors, lock boxes, automatic teller machines or other devices for safeguarding areas where access is meant to be limited, operating a mechanical or electronic locking device, safe or vault by means other than those intended by the manufacturer of such locking devices, safes or vaults, or consulting and providing technical advice regarding selection of hardware and locking systems of mechanical or electronic locking devices and electronic security systems, except that "locksmithing services" shall not include the installation of a prefabricated lock set and door knob into a door of a residence,

(o) Class A journeyman electrician" means a person licensed pursuant to P L 1962, c 162 (C 45 5A-1 et seq) or P L 2001, c 21 (C 45 5A-11 1 et al), as a Class A journeyman electrician by the board,

(p) "Access control system" means a system that provides access to authorized persons and may record and report which persons entered or exited a facility or areas within a facility, which doors or areas were accessed while persons are within a facility, and the time that such activity occurred "Access control systems" may include the use of keys, access cards, locks, card readers, biometric identification devices, recorders, printers and control devices "Access control systems" may be independent systems or may be integrated with other electronic security systems or internet protocol and any successor protocols,

(q) "Closed circuit television" or "CCTV" means a video security system that may include video cameras, Internet protocol cameras, monitors, switches, camera enclosures, controls and other related devices "Closed circuit television" shall include an independent system or system that is integrated with other electronic security systems or Internet protocol and any successor protocols,

(r) "Internet protocol and any successor protocol" means a protocol that integrates with any electronic security devices in any existing and future data network protocols to carry alarm signals or video transmission signals or fire alarm signals or any security system now and in the future,

(s) "Intercom system" means an audio security communication system containing control circuitry that may include a feature designed to selectively release electronically secured doors or capable of viewing an image at the same time,

(t) "Perimeter intrusion protection system" means a device, machine, computer or software used for detection, security, surveillance, or monitoring of unauthorized access, providing a warning of intrusion, which is designed to discourage crime or warn of potential threats using unmanned aerial drones, robots, machines, computers, or software with minimal human intervention, and is a type or component of a security system,

(u) "Perimeter fence intrusion protection system" means a perimeter intrusion protection system that satisfies the requirements established pursuant to section 2 of P L 2021, c 2 (C 45 5A-54), and all attached system components or equipment, including but not limited to a fence, an energizer powered by a commercial storage battery not exceeding 12 volts dc, which produces a short electric pulsed charge upon contact with the fence, and battery charging device used exclusively to charge the battery, or utilization of microwave energy or radio frequencies for perimeter intrusion protection, and any successor technologies used for perimeter intrusion protection, and is a type or component of a security system,

(v) "Smoke aspiration system" means a smoke detection system that takes samples of the air and tests them for presence of smoke,

(w) "Smoke detection system" means an electronic system consisting of a control unit, which may be a component of a combination fire and burglar control panel, or one or more smoke aspiration systems, smoke detectors, heat detectors, gas detectors, if required, audible appliances, and battery back-up, as utilized in one or two family detached residential dwellings, or both,

(x) "Branch circuit wiring" means the circuit conductors between the final overcurrent device protecting the circuit and the outlet or outlets,

(y) "Class A electrical apprentice" means an individual licensed pursuant to P L 2021, c 479 (C 45 5A-11 7 et al) who enrolled in an electrical apprenticeship program accredited and approved by the United States Department of Labor and who performs electrical work under the supervision of a licensed electrical contractor or Class A journeyman electrician,

(z) "Class B wireman" means an individual licensed to pursuant to P L 2021, c 479 (C 45 5A-11 7 et al) who performs electrical work under the supervision of a licensed electrical contractor or Class A journeyman electrician

3 Section 3 of P L 1962, c 162 (C 45 5A-3) is amended to read as follows

C 45 5A-3 Board of examiners, creation, membership, qualifications, terms, vacancies

3 a There is created a Board of Examiners of Electrical Contractors in the Department of Law and Public Safety consisting of nine members, hereinafter referred to as the "board " The members of such board shall be citizens of the State appointed by the Governor, with the advice and consent of the Senate Members shall be appointed for terms of three years and until the appointment and qualification of their successors Any vacancy in said board for the unexpired portion of a term shall be filled in the manner provided for the original appointment No more than five members of the board shall be members of the same political party Three members of the board shall be

qualified electrical contractors with experience of not less than 10 years as an electrical contractor, one shall be a qualified electrical inspector, with experience of not less than five years as an electrical inspector, one shall be a Class A journeyman electrician employed in the electrical construction industry for not less than five years, one shall be appointed by the Governor as recommended by the President of the Senate, one shall be appointed by the Governor as recommended by the Speaker of the General Assembly, one shall be a public member not associated with the electrical industry, and one shall be a licensed professional engineer with experience of not less than five years in the electrical industry

b For a period of two years after the enactment of P L 2021, c 479 (C 45 5A-11 7 et al), the Governor may, if he determines it would be in the public interest, transfer the Board of Examiners of Electrical Contractors to another principal department in the Executive branch, which transfer shall not be subject to the requirements of the "Executive Reorganization Act," P L 1969, c 203 (C 52 14C-1 et seq) Any transfer under this subsection may include the transfer of the records, property, and personnel affected by the reorganization, as well as the transfer of unexpended balances of appropriations, or other funds available for use in connection with a function of the board, provided that the unexpended balances so transferred may be used only for the purposes for which the appropriation was made

4 Section 9 of P L 1962, c 162 (C 45 5A-9) is amended to read as follows

C 45 5A-9 Electrical contractors, permit, license required, qualifications, examinations, fees

9 (a) On or after July 1, 1963, no person shall advertise, enter into, engage in or work in business as an electrical contractor, unless such person has secured a business permit and such person or an officer, partner or employee who is or will be actively engaged in the business for which a business permit is sought has obtained an electrical contractor's license from the board in accordance with the provisions of this act, and such licensee shall assume full responsibility for inspection and supervision of all electrical work to be performed by the permittee in compliance with recognized safety standards A licensed electrical contractor shall not be entitled to qualify more than one person for a business permit

Any single act or transaction shall constitute engaging in the business of electrical contracting within the meaning of this chapter

(b) No person shall be granted an electrical contractor's license unless he shall first establish his qualifications therefor and shall take and pass the

examination for electrical contractors An applicant for such examination shall have been employed or engaged in the business of electrical construction and installation for a period of not less than five years preceding the time of such application During the five-year period the applicant shall spend one year as a Class A journeyman electrician and four years in an electrical apprenticeship program accredited and approved by the United States Department of Labor, with proof of passage and successful completion of this program while actively engaged or employed as a Class A electrical apprentice For a period of four years following the effective date of P L 2018, c 155, each year of employment in the electrical trade or enrollment in a formal electrical apprenticeship program completed prior to the effective date of P L 2018, c 155, shall be accepted by the board in lieu of one year's enrollment in an electrical apprenticeship program accredited and approved by the United States Department of Labor, up to a maximum total credit of four years

The examination shall be so designed as to establish the competence and qualification of the applicant to perform and supervise the various phases of electrical contracting work Any applicant who shall fail to pass such examination shall not be eligible to retake an examination until six months from the date of such failure

(c) An applicant for an examination for a license as an electrical contractor shall apply to the board for permission to take such examination upon forms provided by the board and shall provide the board with such information as shall be necessary to establish his qualifications to take the examination The applicant for an initial examination shall pay a fee to the board of $25 00 An applicant for re-examination shall pay a fee to the board of $15 00 Such fees shall not be refundable

5 Section 3 of P L 2001, c 21 (C 45 5A-11 1) is amended to read as follows

C 45 5A-11 1 Registration as qualified journeyman electrician

3 The board shall license as a Class A journeyman electrician an applicant who

a Holds a current valid license to practice electrical contracting by the board, or

b Has acquired sufficient practical experience working with tools in the installation, alteration or repair of wiring for electric light, heat or power, as determined by the board, and has successfully completed an appropriate number of classroom hours of related instruction, as determined by the board,

which requirement of practical experience shall not include time spent in supervising, engineering, estimating and other managerial tasks, or

c Has demonstrated to the satisfaction of the board that he has met the requirements of subsection b of this section through alternative means

6 Section 4 of P L 2001, c 21 (C 45 5A-11 2) is amended to read as follows

C 45 5A-11 2 Application for registration as qualified journeyman, apprentice electrician, fees

4 a On and after the effective date of P L 2021, c 479 (C 45 5A-11 7 et al), any person desiring to be licensed as a Class A journeyman electrician shall make application to the board to be so licensed and shall pay all the fees required in connection therewith, which fees shall be established, prescribed or changed by the board to the extent necessary to defray all proper expenses incurred by the board to administer the provisions of P L 2001, c 21 (C 45 5A-11 1 et al) Fees shall not be fixed at a level, however, that will raise amounts in excess of the amount estimated to be so required

b On and after the effective date of P L 2021, c 479 (C 45 5A-11 7 et al), any person desiring to be licensed as a Class A electrical apprentice enrolled in an electrical contractor's apprenticeship program accredited and approved by the United States Department of Labor shall make an application to the board to be so licensed and shall pay all the fees required in connection therewith, which fees shall be established, prescribed or changed by the board to the extent necessary to defray all proper expenses incurred by the board to administer the provisions of P L 2018, c 155 Fees shall not be fixed at a level, however, that will raise amounts in excess of the amount estimated to be so required

7 Section 5 of P L 2001, c 25 (C 45 5A-11 3) is amended to read as follows

C 45 5A-11 3 Register of applications

5 The board shall keep a record of all applications by individuals seeking licensure as Class A journeymen electricians, Class A electrical apprentices enrolled in an electrical contractor's apprenticeship program accredited and approved by the United States Department of Labor, and Class B wiremen The record shall include the following information name, address, telephone number, the age of the applicant, the date of the application, the place of business of the applicant, whether the applicant was accepted or rejected, and in the case of a rejection, the reasons for that action, the license

number, if issued, the date of action of the board, and any other information the board deems necessary

8 Section 6 of P.L. 2001, c. 21 (C. 45:5A-11.4) is amended to read as follows

C. 45:5A-11.4 Continuing education required for license renewal

6. a. The board shall require each Class A journeyman electrician, other than a Class A journeyman electrician licensed to practice electrical contracting issued by the board, and each Class B wireman, as a condition for triennial license renewal pursuant to section 1 of P.L. 1972, c. 108 (C. 45:1-7), to complete a 15-hour course of study relating to the most recent edition of the National Electrical Code.

b. The board shall approve all programs of education for the 15-hour course of study established pursuant to subsection a. of this section and the instructors for those courses.

9 Section 8 of P.L. 2001, c. 21 (C. 45:5A-11.6) is amended to read as follows

C. 45:5A-11.6 Renewal cycle for registration

8. Notwithstanding any other law, rule or regulation to the contrary, the license renewal cycle for Class A journeyman electricians, Class A electrical apprentices, and Class B wiremen shall be the same as that for licensed electrical contractors.

10 Section 18 of P.L. 1962, c. 162 (C. 45:5A-18) is amended to read as follows

C. 45:5A-18 Exempt work or construction

18. Electrical work or construction which is performed on the following facilities or which is by or for the following agencies shall not be included within the business of electrical contracting so as to require the securing of a business permit under this act:

(a) Minor repair work such as the replacement of lamps and fuses;

(b) The connection of portable electrical appliances to suitable permanently installed receptacles;

(c) The testing, servicing or repairing of electrical equipment or apparatus;

(d) Electrical work in mines, on ships, railway cars, elevators, escalators or automotive equipment;

(e) Municipal plants or any public utility as defined in R S 48 2-13, organized for the purpose of constructing, maintaining and operating works for the generation, supplying, transmission and distribution of electricity for electric light, heat, or power

(f) A public utility subject to regulation, supervision or control by a federal regulatory body, or a public utility operating under the authority granted by the State of New Jersey, and engaged in the furnishing of communication or signal service, or both, to a public utility, or to the public, as an integral part of a communication or signal system, and any agency associated or affiliated with any public utility and engaged in research and development in the communications field

(g) A railway utility in the exercise of its functions as a utility and located in or on buildings or premises used exclusively by such an agency

(h) Commercial radio and television transmission equipment

(i) Construction by any branch of the federal government

(j) Any work with a potential of less than 10 volts

(k) Repair, manufacturing and maintenance work on premises occupied by a firm or corporation, and installation work on premises occupied by a firm or corporation and performed by a regular employee who is a Class A journeyman electrician licensed pursuant to section 3 of P L 2001, c 21 (C 45 5A-11 1)

(l) Installation, repair or maintenance performed by regular employees of the State or of a municipality, county, or school district on the premises or property owned or occupied by the State, a municipality, county, or school district, provided that a regular employee of the State, municipality, county or school district performing this work is a Class A journeyman electrician licensed pursuant to section 3 of P L 2001, c 21 (C 45 5A-11 1), or holds any civil service title with a job description which includes electrical work pursuant to the "Civil Service Act," N J S 11A 1-1 et seq , or regulations adopted pursuant thereto, or any employee of a State authority who has completed an apprenticeship training program approved by the United States Department of Labor, Bureau of Apprenticeship Training, that deals specifically with electrical work, and is of a minimum duration of three years

Any regular employee of the State, or of a municipality, county or school district who has submitted his application to the board for licensure as a Class A journeyman electrician shall be permitted to continue to perform work pursuant to this subsection until such time as the board acts upon his application Any applicant whose licensure application is not approved by the board shall no longer be permitted to perform electrical work pursuant to this subsection

(m) The maintaining, installing or connecting of automatic oil, gas or coal burning equipment, gasoline or diesel oil dispensing equipment and the lighting in connection therewith to a supply of adequate size at the load side of the distribution board

(n) Work performed by a person on a dwelling that is occupied solely as a residence for himself or for a member or members of his immediate family

(o) (Deleted by amendment, P L 1997, c 305)

(p) Any work performed by a landscape irrigation contractor which has the potential of not more than 30 volts involving the installation, servicing, or maintenance of a landscape irrigation system as this term is defined by section 2 of this amendatory and supplementary act Nothing in this act shall be deemed to exempt work covered by this subsection from inspection required by the "State Uniform Construction Code Act," P L 1975, c 217 (C 52 27D-119 et seq) or regulations adopted pursuant thereto

(q) Any work performed by a person certified pursuant to sections 1 through 10 of P L 2001, c 289 (C 52 27D-25n through C 52 27D-25w) that is not branch circuit wiring For the purposes of this subsection, "branch circuit wiring" means the circuit conductors between the final overcurrent device protecting the circuit and one or more outlets A certificate holder shall be deemed to have engaged in professional misconduct for the purposes of section 8 of P L 1978, c 73 (C 45 1-21) for violating the provisions of this subsection

(r) Any work performed by an alarm business, as that term is defined by section 2 of P L 1985, c 289 (C 45 5A-18 1), licensed pursuant to P L 1997, c 305 (C 45 5A-23 et seq) that is not branch circuit wiring For the purposes of this subsection, "branch circuit wiring" means the circuit conductors between the final overcurrent device protecting the circuit and one or more outlets A licensee shall be deemed to have engaged in professional misconduct for the purposes of section 8 of P L 1978, c 73 (C 45 1-21) for violating the provisions of this subsection

The board may also exempt from the business permit provisions of this act such other electrical activities of like character which in the board's opinion warrant exclusion from the provisions of this act

C 45 5A-11 7 Temporary license, out-of-State individual, rules, restrictions

11 a Upon payment to the board and submission of an application, the board may issue without examination a temporary license to an individual from another state or jurisdiction to perform services in New Jersey as a Class A journeyman electrician, Class A electrical apprentice, or a Class B wireman However, notwithstanding any other provisions of law to the contrary, an individual holding a temporary Class A journeyman electrician

license shall be permitted to work only under the supervision of a licensed electrical contractor and shall not be permitted to supervise electrical work

b An individual from another state or jurisdiction shall not be issued more than one temporary license per triennial renewal period

c If the amount of time in which the individual from another state or jurisdiction is to provide services exceeds 30 days, the individual shall be required to apply to the board for a full license and shall be subject to all requirements for the license for which the individual is applying

C 45 5A-11 8 Granting licenses without examination

12 The board may in its discretion grant licenses without examination to applicants so licensed in another state or territory of the United States or the District of Columbia, provided that equal reciprocity is provided to electrical contractors, Class A journeyman electricians, Class A electrical apprentices, and Class B wiremen licensed by the State Board of Examiners on Electrical Contractors

C 45 5A-11 9 Deadline to exchange registration

13 a An individual currently registered as a qualified journeyman electrician shall have until the first day of the thirteenth month following enactment of P L 2021, c 479 (C 45 5A-11 7 et al) to exchange the current registration for a license as a Class A journeyman electrician After the first day of the thirteenth month, any individual registered as a qualified journeyman electrician shall not be permitted to continue performing work in that capacity unless the individual applies to the board and receives a license as a Class A journeyman electrician in order to continue performing work as a Class A journeyman electrician

b An individual currently registered as an electrical apprentice shall have until the first day of the thirteenth month following enactment of P L 2021, c 479 (C 45 5A-11 7 et al) to exchange their current registration for a license as a Class A electrical apprentice After the first day of the thirteenth month, any individual registered as an electrical apprentice shall not be permitted to continue performing work in that capacity unless the individual applies to the board and receives a license as a Class A electrical apprentice in order to continue performing work as a Class A electrical apprentice

c An individual who currently performs electrical work as the employee of an electrical contractor business permit holder and who is not a licensed electrical contractor or registered as a qualified journeyman electrician or electrical apprentice shall have until the first day of the

thirteenth month following enactment of P L 2021, c 479 (C 45 5A-11 7 et al) to become licensed as a Class B wireman After the first day of the thirteenth month, no person shall perform electrical work who is not licensed as an electrical contractor, Class A journeyman electrician, Class A electrical apprentice, or Class B wireman

d The board shall adopt regulations concerning the supervision and scope of the work performed by Class A electrical apprentices and Class B wiremen

14 There is appropriated from the General Fund to the Division of Consumer Affairs within the Department of Law and Public Safety the sum of $400,000 for the purpose of hiring additional staff to support the Board of Examiners of Electrical Contractors in carrying out the purposes of P L 2021, c 479 (C 45 5A-11 7 et al), including supporting investigations and enforcement action for violations of the "Electrical Contractors Licensing Act of 1962," P L 1962, c 162, as amended (C 45 5A-1 et seq)

15 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 480

AN ACT concerning emergency medical services and amending and supplementing P L 1984, c 146

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

1 Section 1 of P L 1984, c 146 (C 26 2K-7) is amended to read as follows

C 26 2K-7 Definitions

1 As used in this act

a "Advanced life support" means an advanced level of pre-hospital, inter-hospital, and emergency service care which includes basic life support functions, cardiac monitoring, cardiac defibrillation, telemetered electrocardiography, administration of anti-arrhythmic agents, intravenous therapy, administration of specific medications, drugs and solutions, use of adjunctive ventilation devices, trauma care and other techniques and procedures authorized in writing by the commissioner,

b "Board of Medical Examiners" means the State Board of Medical Examiners,

c "Board of Nursing" means the New Jersey Board of Nursing,

d "Commissioner" means the Commissioner of the State Department of Health,

e "Department" means the State Department of Health,

f "Emergency service" means a program in a hospital staffed 24 hours a day by a licensed physician trained in emergency medicine,

g "Inter-hospital care" means those emergency medical services rendered by mobile intensive care units to emergency patients before and during transportation between emergency treatment facilities, and upon arrival within those facilities,

h "Mobile intensive care paramedic" means a person trained in advanced life support services and certified by the commissioner to render advanced life support services as part of a mobile intensive care unit,

i "Mobile intensive care unit" means a specialized emergency medical service vehicle staffed by mobile intensive care paramedics or registered professional nurses trained in advanced life support nursing and operated for the provision of advanced life support services under the direction of an authorized hospital,

j "Pre-hospital care" means those emergency medical services rendered by mobile intensive care units to emergency patients before and during transportation to emergency treatment facilities, and upon arrival within those facilities

k "Volunteer paramedic unit" means an operational subunit within a mobile intensive care unit that is exclusively staffed by at least two volunteer paramedics with access to any vehicle, including a personal vehicle

2 Section 4 of P L 1984, c 146 (C 26 2K-10) is amended to read as follows

C 26 2K-10 Performance of advanced life support services, supervision from physician

4 A mobile intensive care paramedic may perform advanced life support services, provided that the paramedic is following a standing order or the paramedic maintains direct voice communication with and is taking orders from a licensed physician or physician directed registered professional nurse, both of whom are affiliated with a mobile intensive care hospital which is approved by the commissioner to provide advanced life support services A telemetered electrocardiogram shall be monitored when deemed appropriate by the licensed physician or when required by written rules and regulations

established by the mobile intensive care hospital and approved by the commissioner

C 26 2K-11 1 Volunteer paramedic unit members responding to emergency, jointly, separately

3 a (1) Notwithstanding any provision of law to the contrary, members of a volunteer paramedic unit may respond to an emergency jointly or separately

(2) The first member of a volunteer paramedic unit to respond to an emergency may provide aid prior to the arrival of the second member of a volunteer paramedic if necessary

(3) The first member of a volunteer paramedic unit to respond to an emergency may cancel the response of a second member of a volunteer paramedic unit to the emergency if the aid of a second member of a volunteer paramedic unit is unnecessary

b (1) Members of a volunteer paramedic unit shall be dressed professionally and shall wear identification identifying members as paramedics

(2) Members of a volunteer paramedic unit shall not be required to respond to an emergency dressed in a uniform issued by the mobile intensive care unit

4 The Commissioner of Health may adopt rules and regulations, in accordance with the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), as may be necessary to effectuate the provisions of this act

5 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 481

AN ACT concerning certain actions for wrongful death and amending N J S 2A 15-3 and N J S 2A 31-2

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

1 N J S 2A 15-3 is amended to read as follows

Actions which survive, torts to decedent, funeral and burial expenses, statute of limitations

2A 15-3 a (1) Executors, administrators, and administrators ad prosequendum may have an action for any trespass done to the person or property, real or personal, of their testator or intestate against the trespasser, and recover their damages as their testator or intestate would have had if he was living In those actions based upon the wrongful act, neglect, or default of another, where death resulted from injuries for which the deceased would have had a cause of action if he had lived, the executor, administrator, or administrator ad prosequendum may recover all reasonable funeral and burial expenses in addition to damages accrued during the lifetime of the deceased

(2) In the case of a plaintiff qualified for appointment as administrator who was not yet appointed administrator at the time the plaintiff commenced an action under this section, the court may allow the plaintiff to be designated administrator for the purposes of this section and to allow the plaintiff to amend pleadings nunc pro tunc relating back to the plaintiff's first filed pleading to reflect the designation

b Every action brought under this chapter shall be commenced within two years after the death of the decedent, and not thereafter, provided, however, that if the death resulted from murder, aggravated manslaughter or manslaughter for which the defendant has been convicted, found not guilty by reason of insanity or adjudicated delinquent, the action may be brought at any time

2 N J S 2A 31-2 is amended to read as follows

Person entitled to sue or make claim

2A 31-2 a Every action commenced under this chapter shall be brought in the name of an administrator ad prosequendum or administrator of the decedent for whose death damages are sought, except where decedent dies testate and his will is probated, in which event the executor named in the will and qualifying, or the administrator with the will annexed, as the case may be, shall bring the action

b In the case of a plaintiff who is qualified for appointment as administrator ad prosequendum, executor, or administrator with the will annexed, as the case may be, but who was not yet appointed as such at the time the plaintiff commenced an action under this chapter, the court may allow the plaintiff to be designated administrator ad prosequendum, executor, or administrator with the will annexed, as the case may be, and to allow the plaintiff to amend pleadings nunc pro tunc relating back to the plaintiff's first filed pleading to reflect the designation

3 This act shall take effect immediately and shall apply to any action commenced on or after the effective date and to any action commenced prior to the effective date and not yet dismissed or finally adjudicated as of the effective date

Approved January 18, 2022

CHAPTER 482

AN ACT concerning the transfer of certain professional and occupational licenses and amending P L 1978, c 73 and supplementing P L 2004, c 16 (C 56 8-136 et seq)

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

1 Section 12 of P L 1978, c 73 (C 45 1-25) is amended to read as follows

C 45 1-25 Violations, penalties

12 a Any person who engages in any conduct in violation of any provision of an act or regulation administered by a board shall, in addition to any other sanctions provided herein, be liable to a civil penalty of not more than $10,000 for the first violation and not more than $20,000 for the second and each subsequent violation For the purpose of construing this section, each act in violation of any provision of an act or regulation administered by a board shall constitute a separate violation and shall be deemed a second or subsequent violation under the following circumstances

(1) an administrative or court order has been entered in a prior, separate and independent proceeding,

(2) the person is found within a single proceeding to have committed more than one violation of any provision of an act or regulation administered by a board, or

(3) the person is found within a single proceeding to have committed separate violations of any provision of more than one act or regulation administered by a board

b In lieu of an administrative proceeding or an action in the Superior Court, the Attorney General may bring an action in the name of any board for the collection or enforcement of civil penalties for the violation of any provision of an act or regulation administered by such board Such action may be brought

in summary manner pursuant to the "Penalty Enforcement Law of 1999," PL 1999, c 274 (C 2A 58-10 et seq) and the rules of court governing actions for the collection of civil penalties in the municipal court where the offense occurred Process in such action may be by summons or warrant and in the event that the defendant in such action fails to answer such action, the court shall, upon finding an unlawful act or practice to have been committed by the defendant, issue a warrant for the defendant's arrest in order to bring such person before the court to satisfy the civil penalties imposed In any action commenced pursuant to this section, the court may order restored to any person in interest any moneys or property acquired by means of an unlawful act or practice

c Any action alleging the unlicensed practice of a profession or occupation shall be brought pursuant to this section or, where injunctive relief is sought, by an action commenced in the Superior Court

d In any action brought pursuant to this act, a board or the court may order the payment of costs for the use of the State, including, but not limited to, costs of investigation, expert witness fees and costs, attorney fees and costs, and transcript costs

e In addition to any other penalty provided by law, an individual regulated by the Board of Examiners of Electrical Contractors, the Elevator, Escalator, and Moving Walkway Mechanics Licensing Board, the Fire Alarm, Burglar Alarm and Locksmith Advisory Committee, the Licensed Master Hearth Specialist Advisory Committee, the State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors, the State Board of Examiners of Master Plumbers, or other State entity created to regulate a skilled trade occupation in the Division of Consumer Affairs in the Department of Law and Public Safety who transfers a license provided to the individual by the requisite board to another individual shall be liable to a civil penalty of not more than $15,000 for the first violation and not more than $25,000 for the second and each subsequent violation

For the purpose of construing this section, each violation of any provision of an act or regulation administered by a board shall constitute a separate violation and shall be deemed a second or subsequent violation under the circumstances listed in paragraphs (1), (2), and (3) of subsection a of this section

C 56 8-146 1 Additional penalties

2 In addition to any other penalty provided by law, a person who knowingly violates section 10 of PL 2004, c 16 (C 56 8-145) or who otherwise transfers a registration obtained pursuant to section 3 of PL 2004, c 16 (C 56 8-138) shall be liable to a civil penalty of not more than $15,000 for the first

violation and not more than $25,000 for the second and each subsequent violation

3 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 483

AN ACT concerning the Office of the Food Insecurity Advocate and amending P L 2021, c 242

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

1 Section 1 of P L 2021, c 242 (C 52 27J-1) is amended to read as follows

C 52 27J-1 Findings, declarations relative to food insecurity

1 The Legislature finds and declares that

(a) Over one million people are estimated to be food insecure in New Jersey and more than one-third of them are children,

(b) The coronavirus disease 2019 pandemic is projected to cause a disproportionate increase in the rate of food insecurity in this State compared to the national rate and neighboring states,

(c) Several departments are responsible for administering different food insecurity programs in the State the Department of Human Services administers the New Jersey Supplemental Nutrition Assistance Program, the Department of Health administers the New Jersey Supplemental Nutrition Program for Women Infants and Children, and the Department of Agriculture administers the United States Department of Agriculture's school nutrition program in New Jersey,

(d) The State's food insecurity programs are currently operating in silos and, in some cases, they may all cover the same families, yet not all eligible families are enrolled into each program, and

(e) Establishing an Office of the Food Security Advocate by statute will help coordinate the administration of the State's food insecurity programs, advocate for the food insecure, and develop new policy initiatives to combat hunger and facilitate greater access to food relief programs

2 Section 3 of P L 2021, c 242 (C 52 27J-3) is amended to read as follows

C 52 27J-3 Office of the Food Security Advocate created, duties of office

3 There is created in the Executive Branch of the State Government the Office of the Food Security Advocate For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Office of the Food Security Advocate is allocated to the Department of Agriculture, but notwithstanding this allocation, the office shall be independent of any supervision or control by the department, or by any board or officer thereof, in the performance of its duties The office shall have the duty to collaborate with the appropriate State agency to

(a) coordinate outreach for food insecurity programs, including developing new initiatives and outreach campaigns and identifying best practices to increase enrollment in the State's food insecurity programs,

(b) establish a 24-hour toll-free hunger hotline to assist in making information about the State's food insecurity programs as widely available as possible,

(c) support grant application processes related to food insecurity for in-state providers and State departments by monitoring available grants, recommending grant applications, and assisting with the grant application process,

(d) coordinate communication with and between food banks,

(e) establish best practices for food banks to reduce food waste and to distribute more fresh produce and proteins to food insecurity programs and food banks,

(f) cooperate with research organizations and universities to monitor ongoing gap analysis that identifies areas that are underserved by current food insecurity programs,

(g) work with State and community partners to develop a strategic plan to address identified gaps in areas that are underserved by current food insecurity programs,

(h) oversee the development and implementation of public-private partnerships to address food insecurity,

(i) provide support in coordinating assistance to address food insecurity during federal or State declared states of emergency,

(j) coordinate food insecurity programming and initiatives for institutions of higher education with the Office of the Secretary of Higher Education,

(k) develop new initiatives, establish an outreach campaign, and identify best practices to reach senior citizens, persons with disabilities, and other vulnerable populations, and

(l) coordinate outreach efforts for the newly unemployed who might be eligible for food insecurity programs

3 Section 4 of P L 2021, c 242 (C 52 27J-4) is amended to read as follows

C 52 27J-4 Appointment of food security advocate

4 The administrator and chief executive officer of the office is the food security advocate, who shall be a person qualified by training and experience to perform the duties of the office The food security advocate shall be appointed by the Governor and shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the food security advocate's successor The food security advocate shall devote time entirely to the duties of the position and shall receive a salary as determined by law Any vacancy occurring in the position of the food security advocate shall be filled in the same manner as the original appointment, except that if the food security advocate dies, resigns, becomes ineligible to serve for any reason, or is removed from office, the Governor shall appoint an acting food security advocate, who shall serve until the appointment and qualification of the food security advocate's successor, but in no event longer than six months from the occurrence of the vacancy, and who shall exercise during this period all the powers and duties of the food security advocate pursuant to the provisions of this act

4 Section 5 of P L 2021, c 242 (C 52 27J-5) is amended to read as follows

C 52 27J-5 Duties of food security advocate

5 The food security advocate, as administrator and chief executive officer of the office, shall

a administer and organize the work of the office and establish therein such administrative subdivisions as the food security advocate may deem necessary, proper and expedient The food security advocate may formulate and adopt rules and regulations and prescribe duties for the efficient conduct of the business, work and general administration of the office The food security advocate may delegate to subordinate officers or employees in the office such power as the food security advocate may deem desirable to be exercised under the food security advocate's supervision and control,

b appoint and remove stenographic, clerical, and other secretarial assistants as may be required for the proper conduct of the office, subject to the provisions of Title 11A of the New Jersey Statutes, and other applicable statutes, and within the limits of funds appropriated or otherwise made available therefor In addition, and within funding limits, the food security advocate may appoint,

retain, or employ, without regard to the provisions of Title 11A of the New Jersey Statutes or any other statutes, any officers, financial managers, social workers, or other professionally qualified personnel on a contract basis or otherwise as the food security advocate deems necessary,

c maintain suitable headquarters for the office and such other quarters as the food security advocate shall deem necessary to the proper functioning of the office,

d solicit and accept grants of funds from the federal government and from other public and any private sources for any of the purposes of this act, provided, however, that any such funds shall be expended only pursuant to an appropriation made by law,

e serve as the liaison between the Office of the Food Security Advocate and the Departments of Agriculture, Education, Health, and Human Services, and

f perform such other functions as may be prescribed in this act or by any other law

5 Section 6 of P L 2021, c 242 (C 52 27J-6) is amended to read as follows

C 52 27J-6 Rules, regulations

6 Pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), the food security advocate and the Commissioners of Agriculture, Education, Health, and Human Services may adopt any rules and regulations necessary to effectuate the purposes of this act

6 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 484

AN ACT concerning certain licensure requirements for certain motor vehicle dealers and amending R S 39 10-19

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

1 R S 39 10-19 is amended to read as follows

Dealer's license, eligibility, term, fee

39 10-19 No person shall engage in the business of buying, selling or dealing in motor vehicles in this State, nor shall a person engage in activity that would qualify the person as a leasing dealer, as defined in section 2 of P L 1994, c 190 (C 56 12-61), unless a the person is a licensed real estate broker acting as an agent or broker in the sale of mobile homes without their own motor power other than recreation vehicles as defined in section 3 of P L 1990, c 103 (C 39 3-10 11), or manufactured homes as defined in section 3 of P L 1983, c 400 (C 54 4-1 4), or b the person is authorized to do so under the provisions of this chapter and P L 1985, c 361 (C 56 10-26 et seq)

The chief administrator may, upon application in such form as the chief administrator prescribes, license any proper person as a new motor vehicle dealer, used motor vehicle dealer or, a leasing dealer A licensed real estate broker shall be entitled to act as an agent or broker in the sale of a mobile or manufactured home as defined in subsection a of this section without obtaining a license from the chief administrator For the purposes of this chapter, a "licensed real estate broker" means a real estate broker licensed by the New Jersey Real Estate Commission pursuant to the provisions of chapter 15 of Title 45 of the Revised Statutes Any sale or transfer of a mobile or manufactured home, in which a licensed real estate broker acts as a broker or agent pursuant to this section, which sale or transfer is subject to any other requirements of R S 39 10-1 et seq , shall comply with all of those requirements

No person who has been convicted of a crime, arising out of fraud or misrepresentation in the sale, leasing or financing of a motor vehicle, shall be eligible to receive a license For the purposes of this section, each applicant for a license shall submit to the chief administrator the applicant's name, address, fingerprints, and written consent for a criminal history record background check to be performed The chief administrator is hereby authorized to exchange fingerprint data with and receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation consistent with applicable State and federal laws, rules, and regulations, for purposes of facilitating determinations concerning licensure eligibility The applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check The Division of State Police shall promptly notify the chief administrator in the event a current holder of a license or prospective applicant, who was the subject of a criminal history record background check pursuant to this section, is arrested

for a crime or offense in this State after the date the background check was performed

Each applicant for a new motor vehicle dealer license shall at the time such license is issued have established and maintained, or by that application shall agree to establish and maintain, within 90 days after the issuance thereof, a place of business consisting of a permanent building not less than 1,000 square feet in floor space located in the State of New Jersey to be used principally for the servicing and display of motor vehicles with such equipment installed therein as shall be requisite for the servicing of motor vehicles in such manner as to make them comply with the laws of this State and with any rules and regulations made by the board governing the equipment, use, and operation of motor vehicles within the State However, a leasing dealer, who is not engaged in the business of buying, selling, or dealing in motor vehicles in the State, shall not be required to maintain a place of business with floor space available for the servicing or display of motor vehicles or to have an exterior sign at the lessor's place of business

Any person who possesses a used motor vehicle dealer license at the time of enactment of P L 2021, c 484 shall maintain an established place of business consisting of a minimum office space of 72 square feet within a permanent, enclosed building located in the State of New Jersey, in addition to complying with all other applicable regulations prescribed by the chief administrator

Each applicant for a used motor vehicle dealer license, or any licensee who relocates its place of business on or after the effective date of P L 2021, c 484, shall meet the requirements for an established place of business for a used motor vehicle dealer, which shall be established by the chief administrator by regulation adopted pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq)

An established place of business of a new motor vehicle dealer or a used motor vehicle dealer shall display an exterior sign permanently affixed to the land or building, which sign is consistent with local ordinances and has letters easily readable from the major avenues of traffic The sign shall include the dealer name or trade name, provided such trade name has been previously disclosed to the chief administrator

A license fee of $200 shall be paid by an applicant upon the applicant's initial application for a license The chief administrator may renew an applicant's license upon application for renewal on a form prescribed by the chief administrator and accompanied by a renewal fee of $200 Every license shall expire 24 months from the date on which it is issued The chief administrator may, at the chief administrator's discretion and for good cause shown, extend an applicant's license for an additional period not to exceed

12 months from the date on which it is scheduled to expire The chief administrator may, at the chief administrator's discretion and for good cause shown, issue a license which shall expire on a date fixed by the chief administrator The fee for licenses with an expiration date fixed by the chief administrator shall be fixed by the chief administrator in an amount proportionately less or greater than the fee established herein

For the purposes of this section, a leasing dealer or an assignee of a leasing dealer whose leasing activities are limited to buying motor vehicles for the purpose of leasing them and selling motor vehicles at the termination of a lease to the lessee shall not be deemed to be engaged in the business of buying, selling, or dealing in motor vehicles in this State Provided however, that a leasing dealer who wishes to engage in the business of buying, selling, or dealing in motor vehicles in this State by selling any vehicle at the end of the lease term to a consumer other than the lessee, shall be required to obtain a used car dealer license pursuant to this section

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 485

AN ACT concerning insurance holding companies and amending the change of control provisions in P L 1970, c 22

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

1 Section 1 of P L 1970, c 22 (C 17 27A-1) is amended to read as follows

C 17 27A-1 Definitions

1 Definitions

As used in P L 1970, c 22 (C 17 27A-1 et seq), the following terms shall have the respective meanings hereinafter set forth, unless the context shall otherwise require

a An "affiliate" of, or person "affiliated" with, a specific person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified

b The term "commissioner" shall mean the Commissioner of Banking and Insurance or the commissioner's deputies

c The term "control" (including the terms "controlling," "controlled by" and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, the holding of proxies, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, 10% or more of the voting securities of any other person, or holds or controls sufficient proxies to elect 10% or more of the board of directors of the other person, provided that no such presumption of control shall of itself relieve any person so presumed to have control from any requirement of P L 1970, c 22 (C 17 27A-1 et seq) This presumption may be rebutted by a showing made in the manner provided by subsection j of section 3 of P L 1970, c 22 (C 17 27A-3) that control does not exist in fact The commissioner may determine, after furnishing all persons in interest notice and an opportunity to be heard, that a person directly or indirectly, alone or pursuant to an oral or a written agreement, arrangement or understanding with one or more other persons, exercises influence over the management or policies of an insurer that it is necessary or appropriate for the protection of policyholders of the insurer or in the public interest that the person or persons be deemed to control the company The commissioner shall make specific findings of fact to support the determination, that control exists in fact, notwithstanding the absence of a presumption to that effect

d An "insurance holding company system" consists of two or more affiliated persons, one or more of which is an insurer A mutual holding company system resulting from a mutualization and reorganization of a health service corporation pursuant to section 5 of P L 2020, c 145 (C 17 48E-46 5), shall be an insurance holding company system pursuant to P L 1970, c 22 (C 17 27A-1 et seq)

e The term "insurer" means any person or persons, corporation, partnership or company authorized by the laws of this State to transact the business of insurance or to operate a health maintenance organization in this State, except that it shall not include agencies, authorities or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state

f A "person" is an individual, a corporation, a limited liability company, partnership, an association, a joint stock company, a trust, an unincorporated organization, any similar entity or any combination of the foregoing acting in concert

g (Deleted by amendment, P L 1993, c 241)

h A "subsidiary" of a specified person is an affiliate controlled by such person directly, or indirectly through one or more intermediaries

i The term "voting security" shall include any security convertible into or evidencing a right to acquire a voting security

j "Acquisition" means any agreement, arrangement or activity, the consummation of which results in a person acquiring directly or indirectly the control of another person, and includes but is not limited to the acquisition of voting securities, and assets, and bulk reinsurance and mergers

k "Health maintenance organization" means any person operating under a certificate of authority issued pursuant to P L 1973, c 337 (C 26 2J-1 et seq)

l "Enterprise risk" means any activity, circumstance, event or series of events involving one or more affiliates of an insurer that, if not remedied promptly, is likely to have a material adverse effect upon the financial condition or liquidity of the insurer or its insurance holding company system as a whole, including, but not limited to, anything that would cause the insurer's Risk-Based Capital to fall into company action level as set forth in administrative rules adopted by the commissioner which reflect the standards set forth in the Risk-Based Capital For Insurers Model Act adopted by the National Association of Insurance Commissioners or would cause the insurer to be in hazardous financial condition as defined in administrative rules adopted by the commissioner which reflect the standards set forth in the Model Regulation adopted by the National Association of Insurance Commissioners to define standards and the commissioner's authority over companies deemed to be in a hazardous financial condition

m "Group Capital Calculation instructions" means the Group Capital Calculation instructions as adopted by the NAIC and as amended by the NAIC from time to time in accordance with the procedures

n "NAIC" means the National Association of Insurance Commissioners

o "NAIC Liquidity Stress Test Framework" means the separate NAIC publication, which includes a history of the NAIC's development of regulatory liquidity stress testing, the scope criteria applicable for a specific data year, and the liquidity stress test instructions and reporting templates for a specific data year, the scope criteria, instructions and reporting template being as adopted by the NAIC and as amended by the NAIC from time to time in accordance with the procedures adopted by the NAIC

p "Scope criteria" means the designated exposure bases along with minimum magnitudes thereof for the specified data year, used to establish a preliminary list of insurers considered scoped into the NAIC Liquidity Stress Test Framework for that data year

q The term "own", "owned," or "owning" by a person means shares

(1) with respect to which a person has title or to which a person's nominee, custodian, or other agent has title and which such nominee, custodian, or other agent is holding on behalf of the person, or

(2) with respect to which a person

(a) has purchased or has entered into an unconditional contract, binding on both parties, to purchase the shares, but has not yet received the shares,

(b) owns a security convertible into or exchangeable for the shares and has tendered the security for conversion or exchange,

(c) has an option to purchase or acquire, or rights or warrants to subscribe to, the shares and has exercised such option, rights, or warrants, or

(d) holds a securities futures contract to purchase the shares and has received notice that the position will be physically settled and is irrevocably bound to receive the underlying shares

To the extent that any affiliates of the stockholder or beneficial owner are acting in concert with the stockholder or beneficial owner, the determination of shares owned by a person may include the effect of aggregating the shares owned by such person's affiliate or affiliates Whether shares constitute shares owned by a person shall be decided by the commissioner in the commissioner's reasonable determination

2 Section 2 of P L 1970, c 22 (C 17 27A-2) is amended to read as follows

C 17 27A-2 Acquisition of control of or merger with domestic insurer

2 Acquisition of control of or merger with domestic insurer

a (1) Filing requirements No person other than the issuer shall make a tender offer for or a request or invitation for tenders of, or enter into any agreement to exchange securities for, seek to acquire, or acquire, in the open market or otherwise, any voting security of a domestic insurer, or solicit or seek to acquire or acquire proxies of a domestic insurer, if, after the consummation thereof, such person would, directly or indirectly (or by conversion or by exercise of any right to acquire) be in control of such insurer, and no person shall enter into an agreement, arrangement or understanding to merge with or otherwise to acquire control of a domestic insurer unless, at the time any form of initial offer, request, or invitation is made or any such agreement, arrangement or understanding is entered into,

or prior to the acquisition of such securities or the solicitation or acquisition of such proxies if no offer, agreement, arrangement or understanding is involved, such person has filed with the commissioner and has sent to such insurer, a statement containing the information required by this section and such offer, request, invitation, agreement, arrangement, understanding, acquisition or solicitation has been approved by the commissioner in the manner hereinafter prescribed

For purposes of this subsection, a domestic insurer shall include any other person controlling a domestic insurer

(2) For purposes of this subsection, any controlling person of a domestic insurer seeking to divest its controlling interest in the domestic insurer, in any manner, shall file with the commissioner, with a copy to the insurer, confidential notice of its proposed divestiture at least 30 days prior to the cessation of control The commissioner shall by regulation determine those instances in which the party seeking to divest or to acquire a controlling interest in an insurer will be required to file for and obtain approval of the transaction The information shall remain confidential until the conclusion of the transaction unless the commissioner, in his or her discretion, determines that confidential treatment will interfere with enforcement of this subsection a If the statement referred to in paragraph (1) of this subsection a is otherwise filed, this paragraph (2) regarding notice of divestiture or acquisition shall not apply

(3) With respect to a transaction subject to this subsection a , the acquiring person shall also file a pre-acquisition notification with the commissioner, which shall contain the information set forth in section 7 of P L 1993, c 241 (C 17 27A-4 1) A failure to file the notification may be subject to penalties specified in paragraph (3) of subsection e of section 7 of P L 1993, c 241 (C 17 27A-4 1)

b Content of statement The statement to be filed with the commissioner hereunder shall be made under oath or affirmation and shall contain the following

(1) The name and address of each person by whom or on whose behalf the merger or other acquisition of control referred to in subsection a is to be effected (hereinafter called "acquiring party"), and

(i) If such person is an individual, his principal occupation and all offices and positions held during the past five years, and any conviction of crimes other than minor traffic violations during the past 10 years,

(ii) If such person is not an individual, a report of the nature of its business operations during the past five years or for such lesser period as such person and any predecessors thereof shall have been in existence, an

ınformatıve descrıptıon of the busıness ıntended to be done by such person and such person's subsıdıarıes, and a lıst of all ındıvıduals who are or who have been selected to become dırectors or executıve officers of such person, or who perform or wıll perform functıons approprıate to such posıtıons Such lıst shall ınclude for each such ındıvıdual the ınformatıon requıred by subparagraph (ı) of thıs paragraph

(2) The source, nature and amount of the consıderatıon used or to be used ın effectıng the merger or other acquısıtıon of control, a descrıptıon of any transactıon wherein funds were or are to be obtaıned for any such purpose (ıncludıng any pledge of the ınsurer's stock, or the stock of any of ıts subsıdıarıes or controllıng affılıates), and the ıdentıty of persons furnıshıng such consıderatıon, provıded, however, that where a source of such consıderatıon ıs a loan made ın the lender's ordınary course of busıness, the ıdentıty of the lender shall remaın confıdentıal, ıf the person fılıng such statement so requests

(3) Fully audıted fınancıal ınformatıon as to the earnıngs and fınancıal condıtıon of each acquırıng party for the precedıng fıve fıscal years of each such acquırıng party (or for such lesser perıod as such acquırıng party and any predecessors thereof shall have been ın exıstence), and sımılar unaudıted ınformatıon as of a date not earlıer than 90 days prıor to the fılıng of the statement

(4) Any plans or proposals whıch each acquırıng party may have to lıquıdate such ınsurer, to sell ıts assets or merge or consolıdate ıt wıth any person, or to make any other materıal change ın ıts busıness or corporate structure or management

(5) The number of shares of any securıty referred to ın subsectıon a whıch each acquırıng party proposes to acquıre, and the terms of the offer, request, ınvıtatıon, agreement, or acquısıtıon referred to ın subsectıon a, and a statement as to the method by whıch the faırness of the proposal was arrıved at

(6) The amount of each class of any securıty referred to ın subsectıon a whıch ıs beneficıally owned or concernıng whıch there ıs a rıght to acquıre beneficıal ownershıp by each acquırıng party

(7) (ı) A full descrıptıon of any contracts, arrangements or understandıngs wıth respect to any securıty referred to ın subsectıon a ın whıch any acquırıng party ıs ınvolved, ıncludıng but not lımıted to transfer of any of the securıtıes, joınt ventures, loan or optıon arrangements, puts or calls, guarantees of loans, guarantees agaınst loss or guarantees of profıts, dıvısıon of losses or profıts, or the gıvıng or wıthholdıng of proxıes Such descrıptıon shall ıdentıfy the

persons with whom such contracts, arrangements or understandings have been entered into,

(ii) The name and address of any person that is owned, directly or indirectly, of record or beneficially, by each acquiring party and that is also a beneficial owner of shares of the company that is the subject of the merger or other acquisition of control referred to in subsection a of this section, any affiliate of the acquiring party or such beneficial owner referred to in this subparagraph, and any associated person,

(iii) A detailed description of every agreement, arrangement, and understanding between the acquiring party and all associated persons in connection with the merger or other acquisition of control, and

(iv) A detailed description of each proxy, contract, arrangement, understanding, or relationship pursuant to which the acquiring party or any associated persons, or both, have a right to vote, or cause or direct the vote of, any security referred to in subsection a of this section

As used in this subparagraph, "associated person" means any person acting in concert, directly or indirectly, pursuant to any agreement, arrangement, or understanding, whether written or oral, with the acquiring party or such beneficial owner referred to in this subparagraph, or any of their respective affiliates, in connection with the merger, consolidation, or other acquisition of control

(8) A description of the purchase of any security referred to in subsection a during the 12 calendar months preceding the filing of the statement, by any acquiring party, including the dates of purchase, names of the purchasers, and consideration paid or agreed to be paid therefor

(9) A description of any recommendations to purchase any security referred to in subsection a made during the 12 calendar months preceding the filing of the statement, by any acquiring party, or by anyone based upon interviews or at the suggestion of such acquiring party

(10) Copies of all tender offers for, requests or invitations for tenders of, exchange offers for, and agreements to acquire or exchange any securities referred to in subsection a , and (if distributed) of additional soliciting material relating thereto

(11) The terms of any agreement, contract or understanding made or proposed to be made with any broker-dealer as to solicitation of securities referred to in subsection a for tender, and the amount of any fees, commissions or other compensation to be paid to broker-dealers with regard thereto

(12) An agreement by the person required to file the statement referred to in subsection a of this section that it will provide the annual enterprise

risk report, specified in paragraph (1) of subsection k of section 3 of P L 1970, c 22 (C 17 27A-3), so long as control exists

(13) An acknowledgement by the person required to file the statement referred to in subsection a of this section that the person and all subsidiaries within its control in the insurance holding company system will provide information to the commissioner upon request as necessary to evaluate enterprise risk to the insurer

(14) Such additional information as the commissioner may by rule or regulation prescribe as necessary or appropriate for the protection of policyholders of the insurer or in the public interest

If the person required to file the statement referred to in subsection a is a partnership, limited partnership, syndicate or other group, the commissioner may require that the information called for by paragraphs (1) through (14) shall be given with respect to each partner of such partnership or limited partnership, each member of such syndicate or group, and each person who controls such partner or member If any such partner, member or person is a corporation or the person required to file the statement referred to in subsection a is a corporation, the commissioner may require that the information called for by paragraphs (1) through (14) shall be given with respect to such corporation, each officer and director of such corporation, and each person who is directly or indirectly the beneficial owner of more than 10% of the outstanding voting securities of such corporation

If any material change occurs in the facts set forth in the statement filed with the commissioner and sent to such insurer pursuant to this section, an amendment setting forth such change, together with copies of all documents and other material relevant to such change, shall be filed with the commissioner and sent to such insurer within two business days after the person learns of such change

c Alternative filing materials If any offer, request, invitation, agreement or acquisition referred to in subsection a is proposed to be made by means of a registration statement under the Securities Act of 1933, 48 Stat 74 (15 U S C s 77a et seq), or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934, 48 Stat 881 (15 U S C s 78a et seq), or under a State law requiring similar registration or disclosure, the person required to file the statement referred to in subsection a may utilize such documents in furnishing the information called for by that statement

d Approval by commissioner, hearings

(1) The commissioner shall approve any merger or other acquisition of control referred to in subsection a unless, after a public departmental hearing thereon, he finds that

(i) After the change of control the domestic insurer referred to in subsection a would not be able to satisfy the requirements for the issuance of a license to write the line or lines of insurance for which it is presently licensed,

(ii) The effect of the merger or other acquisition of control would be substantially to lessen competition in insurance in this State or tend to create a monopoly therein In applying the competitive standard of this subparagraph

(a) The informational requirements of paragraph (1) of subsection c and paragraph (2) of subsection d of section 7 of P L 1993, c 241 (C 17 27A-4 1) shall apply,

(b) The merger or other acquisition shall not be disapproved if the commissioner finds that any of the situations meeting the criteria provided by paragraph (3) of subsection d of section 7 of P L 1993, c 241 (C 17 27A-4 1) exist, and

(c) The commissioner may condition approval of the merger or other acquisition on the removal of the basis of disapproval within a specified period of time,

(iii) The financial condition of any acquiring party is such as might jeopardize the financial stability of the insurer, or prejudice the interest of its policyholders,

(iv) The financial condition of any acquiring party is such that (a) the acquiring party has not been financially solvent on a generally accepted accounting principles basis, or if an insurer, on a statutory accounting basis, for the most recent three fiscal years immediately prior to the date of the proposed acquisition (or for the whole of such lesser period as such acquiring party and any predecessors thereof shall have been in existence), (b) the acquiring party has not generated net before-tax profits from its normal business operations for the latest two fiscal years immediately prior to the date of acquisition (or for the whole of such lesser period as such acquiring party and any predecessors thereof shall have been in existence), or (c) the acquisition debt of the acquiring party exceeds 50% of the purchase price of the insurer,

(v) The plans or proposals which the acquiring party has to liquidate the insurer, sell its assets or consolidate or merge it with any person, or to make any other material change in its business or corporate structure or management, are unfair and unreasonable to policyholders of the insurer and not in the public interest,

(vi) The competence, experience and integrity of those persons who would control the operation of the insurer are such that it would not be in the interest of policyholders of the insurer and of the public to permit the merger or other acquisition of control, or

(vii) The acquisition is likely to be hazardous or prejudicial to the insurance-buying public

(2) The public hearing referred to in paragraph (1) shall be held within 60 days after the statement required by subsection a is filed and at least 20 days' notice thereof shall be given by the commissioner to the person filing the statement and the insurer Not less than seven days' notice of such public hearing shall be given by the person filing the statement to such other persons as may be designated by the commissioner The hearing shall, at the commissioner's discretion, be conducted by the commissioner or his designee who shall report to the commissioner and advise him on the nature of the matter delegated The commissioner shall make a determination or issue an order, based upon that advice and report, as he shall, in his discretion, determine, and that determination or order shall have the same force and effect as if the commissioner had conducted that hearing personally The commissioner shall make a determination within 45 business days after the conclusion of such hearing At such hearing, the person filing the statement, the insurer, any person to whom notice of hearing was sent, and any other person whose interest may be affected thereby shall have the right to present evidence, examine and cross-examine witnesses, and offer oral and written arguments and in connection therewith shall be entitled to conduct discovery proceedings in the same manner as is presently allowed in the Superior Court of this State All discovery proceedings shall be concluded not later than three days prior to the commencement of the public hearings

(3) If the proposed acquisition of control requires the approval of more than one commissioner, the public hearing referred to in paragraph (2) may be held on a consolidated basis upon request of the person filing the statement referred to in subsection a of this section That person shall file the statement referred to in subsection a of this section with the National Association of Insurance Commissioners within five days of making the request for a public hearing A commissioner may opt out of a consolidated hearing, and shall provide notice to the applicant of the decision to opt out within 10 days of the receipt of the statement referred to in subsection a of this section A hearing conducted on a consolidated basis shall be public, if not conducted on the documents filed in accordance with the applicable state's procedures for such hearings, and shall be held within the United States in accordance with the rules and procedures of the state hosting the consolidated hearing

before the commissioners of the states in which the insurers are domiciled The commissioners shall hear and receive evidence A commissioner may attend the hearing, in person or by telecommunication

(4) The commissioner may retain, at the acquiring person's expense, any attorneys, actuaries, accountants and other persons as may be reasonably necessary to assist the commissioner in reviewing the proposed acquisition of control

e (Deleted by amendment, P L 1993, c 241)

f Exemptions The provisions of this section shall not apply to

(1) Any transaction which is subject to the provisions of R S 17 27-1 et seq or N J S 17B 18-60 et seq , concerning the merger or consolidation of two or more insurers, and

(2) Any offer, request, invitation, agreement or acquisition which the commissioner by order shall exempt therefrom as (a) not having been made or entered into for the purpose and not having the effect of changing or influencing the control of a domestic insurer, or (b) as otherwise not comprehended within the purposes of this section

g Violations The following shall be violations of this section

(1) The failure to file any statement, amendment, or other material required to be filed pursuant to subsection a or b , or

(2) Subject to subsection f , the effectuation of, or any attempt to effectuate, an acquisition of control of, divestiture of, or merger with, a domestic insurer unless the commissioner has given his approval thereto

h Jurisdiction, consent to service of process

The courts of this State are hereby vested with jurisdiction over every person not resident, domiciled, or authorized to do business in this State who files a statement with the commissioner under this section, and over all actions involving such person arising out of violations of this section, and each such person shall be deemed to have performed acts equivalent to and constituting an appointment by such a person of the commissioner to be his true and lawful attorney upon whom may be served all lawful process in any action, suit or proceeding arising out of violations of this section Copies of all such lawful process shall be served on the commissioner and transmitted by registered or certified mail by the commissioner to such person at his last known address

1 The purpose of this section is to enable the commissioner to review any acquisition of control of a domestic insurer or of any other person controlling a domestic insurer in order to determine whether or not the acquisition of control would be adverse to the public interest or protection of the existing and future policyholders of the company or is being sought by persons who would utilize the control adversely to the public interest or

protection of policyholders, and to enable the commissioner to make the findings required pursuant to paragraph (1) of subsection d of this section

3 Section 8 of P L 1970, c 22 (C 17 27A-8) is amended to read as follows

C 17 27A-8 Injunctions, prohibitions against voting securities, sequestration of voting securities

8 Injunctions, prohibitions against voting securities, sequestration of voting securities

a Injunctions Whenever it appears to the commissioner that any person or any director, officer, employee or agent thereof has committed or is about to commit a violation of this chapter or of any rule, regulation, or order issued by the commissioner hereunder, the commissioner may apply to the Superior Court for an order enjoining such person or such director, officer, employee or agent thereof from violating or continuing to violate this chapter or any such rule, regulation or order, and for such other equitable relief as the nature of the case and the interests of the insurer's policyholders, creditors and shareholders or the public may require

b Voting of securities, when prohibited No security or proxy which is the subject of any agreement, arrangement, or understanding regarding acquisition, or which is acquired or to be acquired, in contravention of the provisions of this chapter or of any rule, regulation or order issued by the commissioner hereunder may be voted at any shareholders' meeting, or may be counted for quorum purposes, and any action of shareholders requiring the affirmative vote of a percentage of shares may be taken as though such securities, including securities that may be voted pursuant to those proxies, were not issued and outstanding, but no action taken at any such meeting shall be invalidated by the voting of such securities, unless the action would materially affect control of the insurer or unless the courts of this State have so ordered If an insurer or the commissioner has reason to believe that any security or proxy of the insurer or other person controlling the insurer has been or is about to be acquired in contravention of the provisions of this chapter or of any rule, regulation or order issued by the commissioner hereunder the insurer or the commissioner may apply to the Superior Court to enjoin any offer, request, invitation, agreement or acquisition made in contravention of section 2 of P L 1970, c 22 (C 17 27A-2) or any rule, regulation, or order issued by the commissioner thereunder to enjoin the voting of any security or proxy so acquired, to void any vote of such security or proxy already cast at any meeting of shareholders, and for such other equitable relief as the nature of the case and the interests of the insurer's policyholders, creditors and shareholders or the public may require

c Sequestration of voting securities In any case where a person has acquired or is proposing to acquire any voting securities or proxies in violation of this chapter or any rule, regulation or order issued by the commissioner hereunder, the Superior Court may, on such notice as the court deems appropriate, upon the application of the insurer or the commissioner seize or sequester any voting securities or proxies of the insurer owned directly or indirectly by such person, and issue such orders with respect thereto as may be appropriate to effectuate the provisions of this chapter Notwithstanding any other provisions of law, for the purposes of this chapter the situs of the ownership of the securities of domestic insurers shall be deemed to be in this State

4 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 486

AN ACT concerning real estate broker-salespersons and salespersons, and amending the effective date of P L 2018, c 71

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

1 Section 29 of P L 2018, c 71 is amended to read as follows

29 Section 3 of this act shall take effect immediately and shall apply retroactively to enforce but not change any written agreement between a broker-salesperson or salesperson and a broker where the written agreement defines, sets forth, identifies or provides that the broker-salesperson or salesperson is or was an independent contractor The remainder of this act shall take effect on January 1, 2018, except the New Jersey Real Estate Commission may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act

2 This act shall take effect immediately and shall be retroactive to August 10, 2018

Approved January 18, 2022

CHAPTER 487

AN ACT concerning tuition rates for approved private schools for students with disabilities and amending P L 2021, c 109

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

1 Section 1 of P L 2021, c 109 (C 18A 46-6 3) is amended to read as follows

C 18A 46-6 3 Provision of education, related services to students with disabilities

1 a Notwithstanding the provisions of N J S 18A 46-6, N J S 18A 46-8, or of any other law, rule, or regulation concerning the age of eligibility for special education and related services to the contrary, a board of education shall, in the 2021-2022 school year, provide special education and related services contained in an individualized education program to a student with disabilities who attains the age of 21 during the 2020-2021 school year, provided that the parent of the student and the individualized education program team determine that the student requires additional or compensatory special education and related services, including transition services, during the 2021-2022 school year A student receiving special education and related services pursuant to this subsection shall not be eligible to receive such education and services beyond June 30, 2022, unless otherwise provided in a student's individualized education program or as ordered by a hearing officer, complaint investigation, or court of competent jurisdiction

b Notwithstanding the provisions of N J S 18A 46-6, N J S 18A 46-8, or of any other law, rule, or regulation concerning the age of eligibility for special education and related services to the contrary, a board of education shall, in the 2022-2023 school year, provide special education and related services contained in an individualized education program to a student with disabilities who attains the age of 21 during the 2021-2022 school year, provided that the parent of the student and the individualized education program team determine that the student requires additional or compensatory special education and related services, including transition services, during the 2022-2023 school year A student receiving special education and related services pursuant to this subsection shall not be eligible to receive such education and services beyond June 30, 2023, unless otherwise provided in a student's individualized education program or as ordered by a hearing officer, complaint investigation, or court of competent jurisdiction

c Notwithstanding the provisions of N J S 18A 46-6, N J S 18A 46-8, or of any other law, rule, or regulation concerning the age of eligibility for special education and related services to the contrary, a board of education shall, in the 2023-2024 school year, provide special education and related services contained in an individualized education program to a student with disabilities who attains the age of 21 during the 2022-2023 school year, provided that the parent of the student and the individualized education program team determine that the student requires additional or compensatory special education and related services, including transition services, during the 2023-2024 school year A student receiving special education and related services pursuant to this subsection shall not be eligible to receive such education and services beyond June 30, 2024, unless otherwise provided in a student's individualized education program or as ordered by a hearing officer, complaint investigation, or court of competent jurisdiction

d A student receiving special education and related services, including transition services, pursuant to this section shall be afforded the same rights, privileges, and remedies provided to students with disabilities pursuant to State law, State Board of Education regulations concerning special education, and the federal "Individuals with Disabilities Education Act," 20 U S C s 1400 et seq Any disputes that arise with respect to the provision or nature of services provided to a student with disabilities in the additional year as provided under subsections a , b , and c of this section may be addressed, as determined by the parent of the student with disabilities, by either

(1) mediation,

(2) a written request for a complaint investigation submitted to the Director of the Office of Special Education Policy and Dispute Resolution in the Department of Education, or

(3) a special education due process hearing pursuant to the provisions of the "Individuals with Disabilities Education Act," 20 U S C s 1400 et seq , chapter 46 of Title 18A of the New Jersey Statutes, or regulations promulgated thereto

e (1) The special education and related services, including transition services, provided to students with disabilities pursuant to the provisions of this section shall, to the extent permitted by federal law, be paid for from the monies received by the State or a school district under the federal "Coronavirus Aid, Relief, and Economic Security (CARES) Act," Pub L 116-136, the federal "Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, 2021," Pub L 116-260, the federal "American Rescue Plan (ARP) Act," Pub L 117-2, or any other federal funding provided to address the impact of the coronavirus pandemic on elementary and secondary schools as it becomes available

(2) To the extent that the federal funds described in paragraph (1) of this subsection do not cover the costs borne by school districts to provide the special education and related services, including transition services, to students with disabilities pursuant to the provisions of this section, the State shall appropriate funds as necessary from the Property Tax Relief Fund to reimburse school districts for these costs

(3) The special education and related services funded pursuant to the provisions of this subsection may include, but are not limited to, the additional staff, programs, and facilities deemed necessary by school districts to provide the special education and related services, including transition services, required under this section

f Notwithstanding the provisions of chapter 26 of Title 14 of the New Jersey Administrative Code, N J A C 6A 14-4 9, or of any other law, rule, or regulation establishing educational facility planning standards, temporary facility standards, or age range and group size requirements for approved private schools for students with disabilities to the contrary, for the 2021-2022 school year through the 2023-2024 school year, the Department of Education shall permit an approved private school for students with disabilities to temporarily utilize non-qualifying spaces on school property for instruction and educational purposes in order to serve any additional students receiving special education and related services, including transition services, pursuant to the provisions of this section, if the department and the applicable county office of education determine that the school is able to provide suitable accommodations in those spaces for the additional students

g (Deleted by amendment, P L 2021, c 487)

h As used in this section, "parent" means the natural or adoptive parent, the legal guardian, resource family parent when willing to so serve, a surrogate parent, or a person acting in the place of a parent, such as a grandparent or stepparent with whom the student lives or a person legally responsible for the student's welfare Parent shall also include an adult student who has attained the age of 18, who is not under legal guardianship, and who is entitled to receive special education and related services

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 488

AN ACT appropriating $60,940,361 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 $45,515,361 in the amounts, set forth in paragraphs (1) through (2) 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 "Garden State Preservation Trust Act," P L 1999, c 152 (C 13 8C-1 et seq), and the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-43 et seq)

(1) $45,328,760 from dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution 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) Of the amount appropriated pursuant to this paragraph, the sum of $3,578,886 is available due to interest earnings on the dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution, and

(2) $186,601 from the "Garden State Farmland Preservation Fund," established pursuant to section 20 of P L 1999, c 152 (C 13 8C-20)

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 to the State Agriculture Development Committee the sum of $3,325,000 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), 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)

Of the amount appropriated pursuant to this section, the sum of $126,241 is available due to interest earnings on the dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution

4 There is appropriated to the State Agriculture Development Committee the sum of $12,100,000 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), as follows

a $10,000,000 for the purpose of providing funding for organizational, administrative, and other work and services, including salaries, equipment, materials, and services necessary to administer the applicable provisions of P L 2016, c 12 (C 13 8C-43 et seq),

b $1,000,000 for the purpose of providing funding for costs associated with the acquisition of development easements on farmland by the committee, including, but not limited to, appraisal, survey, and title costs,

c $100,000 for the purpose of providing for the review of appraisals for farmland preservation programs administered by the committee pursuant to P L 2016, c 12 (C 13 8C-43 et seq), and

d $1,000,000 for the purpose of providing planning grants to counties and municipalities for the development of a farmland preservation plan element for the farmland preservation planning incentive grant program established pursuant to section 1 of P L 1999, c 180 (C 4 1C-43 1)

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 $60,753,760 to implement the provisions of this act

6 The expenditure of the sums approved by this act is subject to the provisions and conditions of P L 2016, c 12 (C 13 8C-43 et seq), P L 2009, c 117, P L 2007, c 119, P L 1999, c 152 (C 13 8C-1 et seq), P L 1998, c 45, P L 1995, c 204, P L 1992, c 88, P L 1989, c 183, P L 1983, c 32 (C 4 1C-11 et seq), and P L 1981, c 276, as appropriate

7 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 489

AN ACT appropriating $18,000,000 from constitutionally dedicated corporation business tax revenues to the State Agriculture Development Committee for planning incentive grants to counties for farmland preservation purposes

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

1 a There is appropriated to the State Agriculture Development Committee the sum of $18,000,000 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% of the cost of acquisition of development easements on farmland for projects approved as eligible for such funding pursuant to this section

b The following applicants are eligible for funding with 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**	**Amount of Grant**
Burlington County	Bass River Twp	$2,000,000
	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	
Cumberland County	Commercial Twp	2,000,000

	Deerfield 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	2,000,000
	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	2,000,000
	Bethlehem Twp	
	Califon Boro	
	Clinton Twp	
	Delaware Twp	
	East Amwell Twp	
	Franklin Twp	
	Glen Gardner Boro	
	Hampton Boro	
	Holland Twp	
	Kingwood Twp	
	Lebanon Boro	
	Lebanon Twp	
	Raritan Twp	
	Readington Twp	
	Stockton Boro	
	Tewksbury Twp	
	Union Twp	
	West Amwell Twp	
Middlesex County	Cranbury Twp	2,000,000
	East Brunswick Twp	
	Monroe Twp	

	North Brunswick Twp	
	Old Bridge Twp	
	Plainsboro Twp	
	Sayreville Boro	
	South Brunswick Twp	
Monmouth County	Colts Neck Twp	2,000,000
	Farmingdale Boro	
	Freehold Twp	
	Holmdel Twp	
	Howell Twp	
	Manalapan Twp	
	Marlboro Twp	
	Middletown Twp	
	Millstone Twp	
	Roosevelt Boro	
	Tinton Falls Boro	
	Upper Freehold Twp	
	Wall Twp	
Morris County	Boonton Twp	1,000,000
	Chester Boro	
	Chester Twp	
	Denville Twp	
	Harding Twp	
	Lincoln Park Boro	
	Long Hill Twp	
	Mendham Boro	
	Mendham Twp	
	Mine Hill Twp	
	Montville Twp	
	Mount Olive Twp	
	Randolph Twp	
	Rockaway Twp	
	Roxbury Twp	
	Washington Twp	
Salem County	Alloway Twp	2,000,000
	Carneys Point Twp	
	Elmer Boro	
	Elsinboro Twp	
	Lower Alloways Creek Twp	
	Mannington Twp	
	Oldmans Twp	
	Pilesgrove Twp	
	Pittsgrove Twp	
	Quinton Twp	
	Upper Pittsgrove Twp	
	Woodstown Boro	
Somerset County	Bedminster Twp	2,000,000
	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	
Warren County	Allamuchy Twp	1,000,000
	Alpha Boro	
	Blairstown Twp	
	Franklin Twp	
	Frelinghuysen Twp	
	Greenwich Twp	
	Hardwick Twp	
	Harmony Twp	
	Hope Twp	
	Independence Twp	
	Knowlton Twp	
	Liberty Twp	
	Lopatcong Twp	
	Mansfield Twp	
	Oxford Twp	
	Pohatcong Twp	
	Washington Twp	
	White Twp	
TOTAL		**$18,000,000**

2 There is appropriated from the General Fund to the "Preserve New Jersey Farmland Preservation Fund," established pursuant to section 8 of the "Preserve New Jersey Act," P.L. 2016, c. 12 (C. 13:8C-50), the sum of $18,000,000 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 18, 2022

CHAPTER 490

AN ACT appropriating $4,500,000 from constitutionally dedicated corporation business tax revenues to the State Agriculture Development Committee for municipal planning incentive grants 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 $4,500,000 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 municipal planning incentive grants pursuant to section 1 of P L 1999, c 180 (C 4 1C-43 1) and approved as eligible for such funding pursuant to this section

b The following municipalities are eligible for funding, in accordance with the rules and regulations of the State Agriculture Development Committee providing for a municipal planning incentive grant program, with the monies appropriated pursuant to subsection a of this section

Municipality	**County**	**Amount of Grant**
Franklin Twp	Gloucester	$500,000
Colts Neck Twp	Monmouth	$1,000,000
Pilesgrove Twp	Salem	$1,000,000
Pittsgrove Twp	Salem	$1,000,000
Upper Pittsgrove Twp	Salem	$1,000,000
TOTAL		**$4,500,000**

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 $4,500,000 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 18, 2022

CHAPTER 491

AN ACT appropriating $440,240 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 $440,240 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 nonprofit 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 farmland 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**
Monmouth Conservation Foundation	Stivala, Michael Jr & Eileen Sionas	Monmouth	Colts Neck Twp	$65,680
The Land Conservancy of New Jersey	Shotwell Family Partnership, LP	Warren	Blairstown Twp	$374,560

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 $440,240 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 18, 2022

CHAPTER 492

AN ACT appropriating $54 5 million from constitutionally dedicated corporation business tax revenues for the development of lands by the State for recreation and conservation purposes

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

1 a There is appropriated the sum of $54 5 million from dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution in the "Preserve New Jersey Green Acres Fund," established pursuant to section 6 of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-48), to the Department of Environmental Protection for the development of lands by the State for recreation and conservation purposes in accordance with the provisions of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-43 et seq) Of the amount appropriated pursuant to this paragraph, the sum of $1,833,981 is available due to interest earnings on the dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution

b The funds appropriated pursuant to subsection a of this section shall be allocated as follows

Project	**Amount**
BOATING & FISHING ACCESS	
Access Facilities	1,000,000
CAMPING DEVELOPMENT	
Camping, Cabin/Shelter Program	4,000,000
Sanitary Facilities	4,000,000
HABITAT IMPROVEMENTS & ACCESS	
Habitat Improvements & Access	1,000,000
INFRASTRUCTURE	
Bridge Repairs	250,000

Building Repairs and Renovations	4,000,000
Dam Inspections, Repairs, Removals	1,000,000
Health and Life Safety Projects	8,000,000
Historic Structure Stabilization and Repairs	7,500,000
Recreational Development	15,000,000
Road Repairs	2,000,000
IN-HOUSE PROJECTS	500,000
PALISADES INTERSTATE PARK COMMISSION	950,000
OTHER	
Contingency Fund for Repairs	2,670,000
Administration	2,630,000
TOTAL	**$54,500,000**

c Notwithstanding the provisions of subsection e of section 6 of P L 2016, c 12 (C 13 8C-48) or any other law to the contrary, the expenditure of funds pursuant to this section shall not require the approval of the Joint Budget Oversight Committee, or its successor The department may reallocate funds among the projects identified in subsection b of this section, subject to the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury The department shall send written notification of any such reallocation of funds to the President of the Senate, the Speaker of the General Assembly, the Legislative Budget and Finance Officer, the Joint Budget Oversight Committee, or its successor, and the Chairs of the Senate Environment and Energy Committee and Assembly Environment and Solid Waste Committee, or their respective successor committees

2 There is appropriated from the General Fund to the "Preserve New Jersey Green Acres Fund," established pursuant to section 6 of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-48), the sum of $54 6 million to implement the provisions of section 1 of this act

3 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 493

AN ACT appropriating $49 932 million from constitutionally dedicated corporation business tax revenues for the acquisition of lands by the State for recreation and conservation purposes, including Blue Acres projects, and certain administrative expenses

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

1 a There is appropriated to the Department of Environmental Protection the sum of $38,475,000 from dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution in the "Preserve New Jersey Green Acres Fund," established pursuant to section 6 of the "Preserve New Jersey Act," P.L. 2016, c. 12 (C. 13:8C-48), for the acquisition of lands by the State for recreation and conservation purposes in accordance with the provisions of the "Preserve New Jersey Act," P.L. 2016, c. 12 (C. 13:8C-43 et seq.). Of the amount appropriated pursuant to this subsection, the sum of $1,631,387 is available due to interest earnings on the dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution.

b. The funds appropriated pursuant to subsection a. of this section shall be allocated for the acquisition of lands within the locations of the projects set forth in paragraphs (1) through (10) of this subsection:

Project	**County**	**Municipality**
(1) CAPE MAY PENINSULA		
	Cape May	Cape May City
		Cape May Point Boro
		Dennis Twp.
		Lower Twp.
		Middle Twp.
		Ocean City
		Sea Isle City
		Upper Twp.
		West Cape May Boro
		Woodbine Boro
(2) CROSSROADS OF THE AMERICAN REVOLUTION		
	Bergen	Bogota Boro
		Carlstadt Boro
		East Rutherford Boro
		Fort Lee Boro
		Garfield City
		Hackensack City
		Hasbrouck Heights Boro
		Leonia Boro
		Little Ferry Boro
		Lodi Boro
		Lyndhurst Twp.
		Maywood Boro

	Moonachie Boro
	New Milford Boro
	North Arlington Boro
	Palisades Park Boro
	Ridgefield Park Village
	River Edge Boro
	Rochelle Park Twp
	Rutherford Boro
	South Hackensack Twp
	Teterboro Boro
	Wallington Boro
	Wood-Ridge Boro
Burlington	Beverly City
	Bordentown City
	Bordentown Twp
	Burlington City
	Burlington Twp
	Edgewater Park Twp
	Fieldsboro Boro
	Florence Twp
	Hainesport Twp
	Mansfield Twp
	Maple Shade Twp
	Moorestown Twp
	Mount Holly Twp
	Mount Laurel Twp
	Palmyra Boro
	Riverside Twp
	Riverton Boro
	Springfield Twp
	Westampton Twp
	Willingboro Twp
Camden	Audubon Boro
	Audubon Park Boro
	Brooklawn Boro
	Camden City
	Cherry Hill Twp
	Collingswood Boro
	Gloucester City
	Haddon Heights Boro
	Haddon Twp
	Haddonfield Boro
	Merchantville Boro
	Mount Ephraim Boro
	Oaklyn Boro
	Pennsauken Twp
	Woodlynne Boro
Essex	Belleville Twp
	Irvington Twp

	Livingston Twp
	Maplewood Twp
	Millburn Twp
	Newark City
	Nutley Twp
Gloucester	National Park Boro
	West Deptford Twp
	Westville Boro
Hunterdon	Delaware Twp
	East Amwell Twp
	Flemington Boro
	Franklin Twp
	Frenchtown Boro
	Kingwood Twp
	Lambertville City
	Raritan Twp
	Readington Twp
	Stockton Boro
	West Amwell Twp
Mercer	All municipalities
Middlesex	All municipalities
Monmouth	Aberdeen Twp
	Allentown Boro
	Colts Neck Twp
	Englishtown Boro
	Freehold Boro
	Freehold Twp
	Holmdel Twp
	Manalapan Twp
	Marlboro Twp
	Matawan Boro
	Millstone Twp
	Roosevelt Boro
	Upper Freehold Twp
	Wall Twp
Morris	Boonton Town
	Boonton Twp
	Butler Boro
	Chatham Boro
	Chatham Twp
	Chester Boro
	Denville Twp
	Dover Town
	East Hanover Twp
	Florham Park Boro
	Hanover Twp
	Harding Twp
	Kinnelon Boro
	Lincoln Park Boro

	Long Hill Twp
	Madison Boro
	Mendham Boro
	Mendham Twp
	Mine Hill Twp
	Montville Twp
	Morris Plains Boro
	Morris Twp
	Morristown Town
	Mountain Lakes Boro
	Parsippany-Troy Hills Twp
	Pequannock Twp
	Randolph Twp
	Riverdale Boro
	Rockaway Boro
	Rockaway Twp
	Victory Gardens Boro
	Wharton Boro
Passaic	Clifton City
	Passaic City
Somerset	All municipalities
Union	All municipalities

(3) DELAWARE AND RARITAN CANAL GREENWAY

Hunterdon	Delaware Twp
	Kingwood Twp
	Lambertville City
	Stockton Boro
	West Amwell Twp
Mercer	Ewing Twp
	Hamilton Twp
	Hopewell Twp
	Lawrence Twp
	Princeton Boro
	Trenton City
Middlesex	New Brunswick City
	Plainsboro Twp
	South Brunswick Twp
Somerset	Franklin Twp

(4) DELAWARE BAY WATERSHED GREENWAY

Atlantic	Buena Boro
	Buena Vista Twp
Cape May	Dennis Twp
	Lower Twp
	Middle Twp
	Upper Twp
Cumberland	All municipalities
Gloucester	Clayton Boro

	Elk Twp
	Franklin Twp
	Glassboro Boro
	Monroe Twp
	Newfield Boro
Salem	Alloway Twp
	Carneys Point Twp
	Elmer Boro
	Elsinboro Twp
	Lower Alloways Creek Twp
	Mannington Twp
	Oldmans Twp
	Pennsville Twp
	Pilesgrove Twp
	Pittsgrove Twp
	Quinton Twp
	Upper Pittsgrove Twp
	Woodstown Boro

(5) DELAWARE RIVER WATERSHED GREENWAY

Burlington	Bordentown City
	Bordentown Twp
	Chesterfield Twp
	Cinnaminson Twp
	Delanco Twp
	Delran Twp
	Eastampton Twp
	Hainesport Twp
	Lumberton Twp
	Mansfield Twp
	Medford Twp
	Moorestown Twp
	Mount Holly Twp
	Mount Laurel Twp
	North Hanover Twp
	Pemberton Twp
	Riverside Twp
	Southampton Twp
	Springfield Twp
	Westhampton Twp
	Willingboro Twp
Camden	Berlin Twp
	Camden City
	Clementon Boro
	Gibbsboro Boro
	Gloucester Twp
	Haddon Twp
	Lindenwold Boro
	Pine Hill Boro

	Voorhees Twp
Gloucester	Deptford Twp
	East Greenwich Twp
	Elk Twp
	Greenwich Twp
	Harrison Twp
	Logan Twp
	National Park Boro
	South Harrison Twp
	Westville Boro
	Woolwich Twp
	West Deptford Twp
Hunterdon	Alexandria Twp
	Delaware Twp
	Frenchtown Boro
	Kingwood Twp
	Lambertville City
	Stockton Boro
	West Amwell Twp
Mercer	Ewing Twp
	Hamilton Twp
	Hopewell Twp
	Robbinsville Twp
	Trenton City
Monmouth	Allentown Boro
	Millstone Twp
	Upper Freehold Twp
Ocean	Jackson Twp
	Plumsted Twp
Salem	Oldmans Twp
	Pilesgrove Twp
	Upper Pittsgrove Twp

(6) HIGHLANDS GREENWAY

Bergen	Mahwah Twp
	Oakland Boro
Hunterdon	Alexandria Twp
	Bethlehem Twp
	Bloomsbury Boro
	Califon Boro
	Clinton Town
	Clinton Twp
	Glen Gardner Boro
	Hampton Boro
	High Bridge Boro
	Holland Twp
	Lebanon Boro
	Lebanon Twp
	Milford Boro

	Tewksbury Twp
	Union Twp
Morris	Boonton Town
	Boonton Twp
	Butler Boro
	Chester Boro
	Chester Twp
	Denville Twp
	Dover Town
	Hanover Twp
	Harding Twp
	Jefferson Twp
	Kinnelon Boro
	Mendham Boro
	Mendham Twp
	Mine Hill Twp
	Montville Twp
	Morris Plains Boro
	Morris Twp
	Morristown Town
	Mount Arlington Boro
	Mount Olive Twp
	Mountain Lakes Boro
	Netcong Boro
	Parsippany-Troy Hills Twp
	Pequannock Twp
	Randolph Twp
	Riverdale Boro
	Rockaway Boro
	Rockaway Twp
	Roxbury Twp
	Victory Gardens Boro
	Washington Twp
	Wharton Boro
Passaic	Bloomingdale Boro
	Pompton Lakes Boro
	Ringwood Boro
	Wanaque Boro
	West Milford Twp
Somerset	Bedminster Twp
	Bernards Twp
	Bernardsville Boro
	Far Hills Boro
	Peapack-Gladstone Boro
Sussex	Byram Twp
	Franklin Boro
	Green Twp
	Hamburg Boro
	Hardyston Twp

	Hopatcong Boro
	Ogdensburg Boro
	Sparta Twp
	Stanhope Boro
	Vernon Twp
Warren	Allamuchy Twp
	Alpha Boro
	Belvidere Town
	Franklin Twp
	Frelinghuysen Twp
	Greenwich Twp
	Hackettstown Town
	Harmony Twp
	Hope Twp
	Independence Twp
	Liberty Twp
	Lopatcong Twp
	Mansfield Twp
	Oxford Twp
	Phillipsburg Town
	Pohatcong Twp
	Washington Boro
	Washington Twp
	White Twp

(7) HISTORIC RESOURCES

Allaire State Park		
	Monmouth	Howell Twp
		Wall Twp
Fort Mott Officers Quarters		
	Salem	Pennsville Twp
Griggstown Muletenders Barracks		
	Somerset	Franklin Twp
Historic Sites		
	Burlington	Medford Twp
	Monmouth	Red Bank Boro
Monmouth Battlefield		
	Monmouth	Freehold Twp
		Manalapan Twp
New Bridge Landing		
	Bergen	New Milford Boro
		River Edge Boro
Princeton Battlefield		
	Mercer	Princeton Boro
Proprietary House		
	Middlesex	Perth Amboy City
Register Eligible Sites		
	Somerset	Green Brook Twp

		Watchung Boro
Rockingham Farmstead		
	Somerset	Franklin Twp
Twin Lights		
	Monmouth	Highlands Boro
Washington Crossing State Park		
	Mercer	Ewing Twp
		Hopewell Twp
Waterloo Village		
	Sussex	Byram Twp
		Stanhope Boro
(8) PINELANDS		
	Atlantic	Brigantine City
		Buena Boro
		Buena Vista Twp
		Corbin City
		Egg Harbor City
		Egg Harbor Twp
		Estell Manor City
		Folsom Boro
		Galloway Twp
		Hamilton Twp
		Hammonton Town
		Mullica Twp
		Port Republic City
		Weymouth Twp
	Burlington	Bass River Twp
		Evesham Twp
		Medford Lakes Boro
		Medford Twp
		New Hanover Twp
		North Hanover Twp
		Pemberton Twp
		Shamong Twp
		Southampton Twp
		Springfield Twp
		Tabernacle Twp
		Washington Twp
		Woodland Twp
		Wrightstown Boro
	Camden	Berlin Boro
		Berlin Twp
		Chesilhurst Boro
		Waterford Twp
		Winslow Twp
	Cape May	Dennis Twp
		Middle Twp

	Upper Twp
	Woodbine Boro
Cumberland	Maurice River Twp
	Vineland City
Gloucester	Franklin Twp
	Monroe Twp
Ocean	Barnegat Twp
	Beachwood Boro
	Berkeley Twp
	Eagleswood Twp
	Jackson Twp
	Lacey Twp
	Lakehurst Boro
	Little Egg Harbor Twp
	Manchester Twp
	Ocean Twp
	Plumsted Twp
	South Toms River Boro
	Stafford Twp
	Toms River Twp
	Tuckerton Boro

(9) RIDGE AND VALLEY GREENWAY

Sussex	Andover Boro
	Andover Twp
	Branchville Boro
	Frankford Twp
	Fredon Twp
	Green Twp
	Hampton Twp
	Lafayette Twp
	Montague Twp
	Newton Town
	Sandyston Twp
	Stillwater Twp
	Sussex Boro
	Walpack Twp
	Wantage Twp
Warren	Blairstown Twp
	Frelinghuysen Twp
	Hackettstown Town
	Hardwick Twp
	Hope Twp
	Knowlton Twp
	Liberty Twp

(10) URBAN PARKS

Bergen	Edgewater Boro
Camden	Camden City

Essex	Belleville Twp
	Bloomfield Twp
	Caldwell Boro
	Cedar Grove Twp
	East Orange City
	Glen Ridge Boro
	Irvington Twp
	Maplewood Twp
	Montclair Twp
	Newark City
	Nutley Twp
	Orange City Twp
	South Orange Village Twp
	West Orange Twp
Hudson	All municipalities
Mercer	Trenton City
Middlesex	Edison Twp
Monmouth	Long Branch City
Passaic	Paterson City
	Totowa Boro
Union	Elizabeth City
	Fanwood Boro
	Garwood Boro
	Hillside Twp
	Linden City
	Plainfield City
	Rahway City
	Roselle Boro
	Roselle Park Boro
	Union Twp
	Winfield Twp
TOTAL	**$38,475,000**

c The expenditure of funds appropriated pursuant to subsection a of this section for any project listed in subsection b of this section shall not require the approval of the Joint Budget Oversight Committee, or its successor

d To the extent that moneys remain available after the projects listed in subsection b of this section are offered funding pursuant thereto, any State project that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, the Garden State Green Acres Preservation Trust Fund, established pursuant to the "Garden State Preservation Trust Act," PL 1999, c 152 (C 13 8C-1 et seq), or the "Preserve New Jersey Green Acres Fund," established pursuant to section 6 of the "Preserve New Jersey Act," PL 2016, c 12 (C 13 8C-48), for recreation and conservation purposes shall be eligible to receive additional funding, as

determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor

For the purposes of this subsection, "Green Acres bond act" means P L 2009, c 117, P L 2007, c 119, P L 1995, c 204, P L 1992, c 88, and P L 1989, c 183

2 a There is appropriated to the Department of Environmental Protection the sum of $4,655,000 from dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution in the "Preserve New Jersey Green Acres Fund," established pursuant to section 6 of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-48), for the acquisition, for recreation and conservation purposes, of lands throughout the State that have been damaged by, or may be prone to incurring damage caused by, storms or storm-related flooding, or that may buffer or protect other lands from such damage Of the amount appropriated pursuant to this subsection, the sum of $625,433 is available due to interest earnings on the dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution

b The funds appropriated pursuant to subsection a of this section shall be allocated as follows

Project	**County**	**Municipality**	**Amount**
BLUE ACRES	Every county	Every municipality	$4,655,000
TOTAL			**$4,655,000**

c The expenditure of moneys appropriated pursuant to this section is subject to the provisions of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-43 et seq)

3 a There is reappropriated to the Department of Environmental Protection the unexpended balances, due to project cancellations or cost savings, of the amounts appropriated or reappropriated from this act, any Green Acres bond act, any annual appropriations act, the Garden State Green Acres Preservation Trust Fund, established pursuant to the "Garden State Preservation Trust Act," P L 1999, c 152 (C 13 8C-1 et seq), or the "Preserve New Jersey Green Acres Fund," established pursuant to section 6 of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-48), for State projects to acquire or develop lands for recreation and conservation purposes, for the purpose of providing additional funding, as determined by the Department of Environmental Protection, to any State project that previously received funding appropriated or reappropriated from any Green Acres bond act, any

annual appropriations act, the Garden State Green Acres Preservation Trust Fund, or the "Preserve New Jersey Green Acres Fund" for recreation and conservation purposes or that receives funding approved pursuant to section 1 of this act, subject to the approval of the Joint Budget Oversight Committee or its successor Any such additional funding provided from a Green Acres bond act may include administrative costs

b For the purposes of this section, "Green Acres bond act" means P L 2009, c 117, P L 2007, c 119, P L 1995, c 204, P L 1992, c 88, and P L 1989, c 183

4 There is appropriated to the Department of Environmental Protection the sum of $6,802,000 from dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution in the "Preserve New Jersey Green Acres Fund," established pursuant to section 6 of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-48), for paying administrative costs associated with administering 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 Green Acres Fund," established pursuant to section 6 of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-48), the sum of $49,932,000 to implement the provisions of this act

6 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 494

AN ACT appropriating $80,539,578 from constitutionally dedicated corporation business tax revenues and various Green Acres funds to assist local government units to acquire or develop lands for recreation and conservation purposes

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

1 As used in this act

"Constitutionally dedicated corporation business tax revenues" means corporation business tax revenues dedicated pursuant to Article VIII, Section II, paragraph 6 of the State Constitution in the "Preserve New Jersey Green

Acres Fund" for the acquisition or development of lands by local government units for recreation and conservation purposes in accordance with the provisions of P L 2016, c 12 (C 13 8C-43 et seq)

"Densely or highly populated municipality" means a municipality with a population density of at least 5,000 persons per square mile, or a population of at least 35,000 persons, according to the latest federal decennial census

"Densely populated county" means a county with a population density of at least 5,000 persons per square mile according to the latest federal decennial census

"Garden State Green Acres Preservation Trust Fund" means the fund established pursuant to section 19 of P L 1999, c 152 (C 13 8C-19)

"Green Acres bond act" means P L 2009, c 117, P L 2007, c 119, P L 1995, c 204, P L 1992, c 88, P L 1989, c 183, P L 1987, c 265, and P L 1983, c 354

"Highly populated county" means a county with a population density of at least 1,000 persons per square mile according to the latest federal decennial census

"Preserve New Jersey Green Acres Fund" means the fund established pursuant to section 6 of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-48)

"Stewardship activity" means the same as the term is defined in section 3 of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-45)

2 There is appropriated to the Department of Environmental Protection the following sums for the purpose of providing grants or loans, or both, to assist local government units to acquire lands for recreation and conservation purposes pursuant to section 4 of this act and for the purpose of providing grants or loans, or both, to assist local government units to develop lands for recreation and conservation purposes pursuant to section 5 of this act

a $76,802,956 from constitutionally dedicated corporation business tax revenues Of the amount appropriated pursuant to this subsection, the sum of $2,170,956 is available due to interest earnings on the constitutionally dedicated corporation business tax revenues, and

b $3,736,622 from the "Garden State Green Acres Preservation Trust Fund" and any Green Acres fund established pursuant to a Green Acres bond act, made available due to loan repayments and interest earnings

3 There is appropriated from the General Fund to the "Preserve New Jersey Green Acres Fund" the sum of $76,802,956 to implement the provisions of this act

4 a The following planning incentive acquisition projects to acquire lands for recreation and conservation purposes are eligible for funding with the moneys appropriated pursuant to section 2 of this act

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Oakland Boro	Bergen	Boro of Oakland Open Space & Recreation Plan	$500,000
River Vale Twp	Bergen	Watershed Property Acquisition	500,000
Burlington County	Burlington	Planning Incentive	1,000,000
Bordentown Twp	Burlington	Bordentown Twp Open Space Acq	500,000
Eastampton Twp	Burlington	Planning Incentive	111,500
Evesham Twp	Burlington	Planning Incentive	750,000
Medford Twp	Burlington	Open Space Incentive	500,000
Moorestown Twp	Burlington	Open Space Preservation Plan	500,000
Mount Laurel Twp	Burlington	Mt Laurel Acquisition Plan	750,000
Gibbsboro Boro	Camden	Greenway Acquisition	400,000
Caldwell Boro	Essex	Caldwell OSRP Update	250,000
Livingston Twp	Essex	Livingston Twp Open Space Acquisition	500,000
Verona Twp	Essex	Verona Open Space Acquisition	500,000
Gloucester County	Gloucester	Open Space Plan	1,000,000
Bethlehem Twp	Hunterdon	Open Space Plan Implementation	500,000
Delaware Twp	Hunterdon	Open Space Acquisition	500,000
Kingwood Twp	Hunterdon	Open Space Plan	500,000
Raritan Twp	Hunterdon	Land Acquisition Plan	500,000
Readington Twp	Hunterdon	Greenway Incentive Plan	500,000
Union Twp	Hunterdon	Union Twp Open Space Plan	500,000
Mercer County	Mercer	Mercer County Planning Incentive	1,250,000
Hamilton Twp	Mercer	Hamilton Township Open Space Acquisition	750,000
Lawrence Twp	Mercer	Open Space Plan Acquisition	500,000
Pennington Boro	Mercer	Pennington Greenbelt Planning Incentive	375,000
Princeton Boro	Mercer	Princeton Open Space Acquisition	500,000
Robbinsville Twp	Mercer	Green Links Program	500,000
West Windsor Twp	Mercer	West Windsor Planning Incentive	500,000

Middlesex County	Middlesex	Middlesex County Open Space Acquisition	1,250,000
North Brunswick Twp	Middlesex	North Brunswick Plan	750,000
South Brunswick Twp	Middlesex	Open Space Acquisition	750,000
Monmouth County	Monmouth	Planning Incentive Acquisition	1,250,000
Holmdel Twp	Monmouth	Holmdel Planning Incentive Acquisition	500,000
Howell Twp	Monmouth	Planning Incentive 2	750,000
Millstone Twp	Monmouth	Millstone Planning Incentive-Project Evergreen	500,000
Madison Boro	Morris	Madison Boro Open Space Acquisition	500,000
Ocean County	Ocean	Planning Incentive Grant	1,000,000
Manchester Twp	Ocean	Planning Incentive	750,000
Point Pleasant Beach Boro	Ocean	Open Space & Recreation Acquisition	500,000
Passaic County	Passaic	Open Space Plan Acquisitions	1,250,000
Somerset County	Somerset	County Open Space Acquisition	1,000,000
Bernardsville Boro	Somerset	Bernardsville Boro Open Space & Recreation Land Acquisition	500,000
Montgomery Twp	Somerset	Open Space Acquisition 5	500,000
Peapack - Gladstone Boro	Somerset	Open Space Acquisition	500,000
Frankford Twp	Sussex	Frankford Twp Planning Incentive	462,500
Union County	Union	Open Space & Recreation Plan	1,500,000
TOTAL			**$29,349,000**

b The following projects to acquire lands for recreation and conservation purposes located in municipalities eligible to receive State aid pursuant to P L 1978, c 14 (C 52 27D-178 et seq), either as of June 30, 2021 or the effective date of this act, are eligible for funding with the moneys appropriated pursuant to section 2 of this act

LOCAL GOVERNMENT UNIT	**COUNTY**	**PROJECT**	**APPROVED AMOUNT**
Bloomfield Twp	Essex	Third River Park and Preserve	$1,000,000
Union City	Hudson	4100 Palisade Ave Acq	1,000,000
Rahway City	Union	East Cherry Street Park Acq	179,000

TOTAL	**$2,179,000**

c The following standard acquisition projects to acquire lands for recreation and conservation purposes are eligible for funding with the moneys appropriated pursuant to section 2 of this act

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
East Rutherford Boro	Bergen	Richard Outwater House Acq	$500,000
Wood-Ridge Boro	Bergen	Wood-Ridge Recreation Complex Acq	750,000
Edison Twp	Middlesex	Glendale Park Acq	750,000
Fair Haven Boro	Monmouth	Spagnuolo Acq	500,000
Lincoln Park Boro	Morris	Lincoln Park Floodplain Acq	213,518
Mountainside Boro	Union	Our Lady of Lourdes Fields	478,000
TOTAL			**$3,191,518**

d The following site-specific incentive acquisition projects to acquire lands for recreation and conservation purposes are eligible for funding with the moneys appropriated pursuant to section 2 of this act

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Lambertville City	Hunterdon	Closson Property Acq	$500,000
Parsippany-Troy Hills Twp	Morris	Kosut Tract Acq	400,000
Hardwick Twp	Warren	White Lake Natural Resource Area Addition	265,000
TOTAL			**$1,165,000**
GRAND TOTAL			**$35,884,518**

5 a The following projects to develop lands for recreation and conservation purposes, located in municipalities eligible to receive State aid pursuant to P L 1978, c 14 (C 52 27D-178 et seq) either as of June 30, 2021 or the effective date of this act, or sponsored by densely populated counties, are eligible for funding with the moneys appropriated pursuant to section 2 of this act

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Atlantic City	Atlantic	Gardner's Basin Improvements	$596,450

Pleasantville City	Atlantic	Bayview Avenue Waterfront Park	633,333
Cliffside Park Boro	Bergen	Gorge Road Park Improvements	187,500
Garfield City	Bergen	Columbus Park Improvements	1,200,000
Hackensack City	Bergen	Columbus & Carver Park Improvements	1,200,000
Burlington County	Burlington	Willingboro Lakes Improvements Ph II	1,000,000
Pemberton Twp	Burlington	Pemberton Sports Filed Lighting	1,200,000
Vineland City	Cumberland	Romano Complex Improvements	1,200,000
Essex County	Essex	Multi-Park Improvements 2021	1,519,525
Belleville Twp	Essex	Fairway Park Improvements	601,954
Bloomfield Twp	Essex	Clarks Pond South & Vassar Field Improvements	503,160
East Orange City	Essex	Oval Parks Improvements	1,200,000
Newark City	Essex	Broadway Park	1,200,000
Orange City Twp	Essex	Military Park Improvements	1,200,000
Glassboro Boro	Gloucester	S Delsea Dr Sports Complex Turf Project	1,000,000
Bayonne City	Hudson	DiDomenico Park & Pool	1,200,000
Hoboken City	Hudson	Cove Park Waterfront Improvements	576,300
Hoboken City	Hudson	Southwest Park Development	1,200,000
Jersey City	Hudson	Leonard Gordon Park	1,200,000
Kearny Town	Hudson	Harvey Field Improvement	1,200,000
Kearny Town	Hudson	Passaic River Shoreline & Dock	1,200,000
Weehawkin Twp	Hudson	Waterfront Multi-Use Pavilion II	1,200,000
West New York Town	Hudson	Washington Park Improvement	537,964
Trenton City	Mercer	Amtico Square Skatepark Complex	1,200,000
Carteret Boro	Middlesex	Arthur Kill River Walk North	1,200,000
Old Bridge Twp	Middlesex	Cottrell Farm Park Development	1,200,000
Perth Amboy City	Middlesex	Veteran Memorial Park Improvements	1,200,000
Brick Twp	Ocean	Mallard Point Park Redevelopment	712,500

Brick Twp	Ocean	Multi-Park Improvements 2	1,102,536
Passaic County	Passaic	Dundee Island Park Phase II	1,800,000
Passaic City	Passaic	Multi-Park Improvements 2021	1,200,000
Paterson City	Passaic	Vista Park Development Project	221,558
Hillside Twp	Union	Athletic Courts Resurfacing Project	304,550
Plainfield City	Union	Rushmore Ave Rec Complex – Phase II	1,200,000
Roselle Boro	Union	Home Terrace Park Improvement	1,200,000
TOTAL			**$35,297,330**

b The following projects to develop lands for recreation and conservation purposes, located in densely or highly populated municipalities or sponsored by highly populated counties, are eligible for funding with the moneys appropriated pursuant to section 2 of this act

LOCAL GOVERNMENT UNIT	**COUNTY**	**PROJECT**	**APPROVED AMOUNT**
Egg Harbor Twp	Atlantic	Tony Canale Park Expansion	$900,000
Bergen County	Bergen	Riverside County Park South	1,500,000
Fairview Boro	Bergen	Bergen Boulevard Park	90,000
North Arlington Boro	Bergen	Fisher Field Improvements	117,683
Wallington Boro	Bergen	Hathaway Park Improvements	219,384
Ewing Twp	Mercer	ESCC Pool Area Improvements	524,390
Freehold Boro	Monmouth	Liberty Park Improvements	127,243
Highlands Boro	Monmouth	Snug Harbor Skate Park	599,013
Middletown Twp	Monmouth	Multi-Park Improvements	737,750
Seaside Heights Boro	Ocean	North Bayfront Boat Ramp	286,500
Bound Brook Boro	Somerset	Billian Legion Park Development	70,325
TOTAL			**$5,172,288**

c The following standard park development projects are eligible for funding with the moneys appropriated pursuant to section 2 of this act

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Hamilton Twp	Atlantic	Leipe Recreation Complex Expansion	$600,000
Hazlet Twp	Monmouth	North Hazlet Community Park	600,000
Carneys Point Twp	Salem	Recreation Complex Improvements	600,000
TOTAL			$1,800,000

d The following projects for stewardship activities are eligible for funding with the moneys appropriated pursuant to section 2 of this act

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Evesham Twp	Burlington	Black Run Preserve Stewardship	$50,000
Cumberland County	Cumberland	Trail Development on Mid-County Park	486,060
Belleville Twp	Essex	Fairway Park River Bank Walkway	267,012
Washington Twp	Gloucester	Washington Lake Park – Phase II	315,000
Westville Boro	Gloucester	Thomas West Park Pond Improvements	65,540
Mercer County	Mercer	Watson's Creek Living Shoreline	150,000
Middletown Twp	Monmouth	Poricy Park Watershed Improvements	143,500
Millstone Twp	Monmouth	Barnegat Bay Preserve	108,330
Passaic County	Passaic	Lambert Castle Landscape Restoration	500,000
Bound Brook Boro	Somerset	North Park Project	300,000
TOTAL			**$2,385,442**
GRAND TOTAL			**$44,655,060**

6 a Any transfer of funds, or change in project sponsor, site, or type, listed in section 4 or 5 of this act shall require the approval of the Joint Budget Oversight Committee or its successor

b To the extent that moneys remain available after the projects listed in section 4 or 5 of this act are offered funding pursuant thereto, any project of a local government unit that previously received funding appropriated or

reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes, or that receives funding approved pursuant to this act, shall be eligible to receive additional funding, as determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor

7 a There is reappropriated to the Department of Environmental Protection the unexpended balances, due to project withdrawals, cancellations, or cost savings, of the amounts appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund to assist local government units to acquire or develop lands for recreation and conservation purposes, for the purposes of providing

(1) grants or loans, or both, to assist local government units to acquire or develop lands for recreation and conservation purposes, for projects approved as eligible for such funding pursuant to this act, and

(2) additional funding, as determined by the Department of Environmental Protection, to any project of a local government unit that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes or that receives funding approved pursuant to this act, subject to the approval of the Joint Budget Oversight Committee or its successor Any such additional funding provided from a Green Acres bond act may include administrative costs

b There is appropriated to the Department of Environmental Protection such sums as may be, or may become, available on or before June 30, 2022, due to interest earnings or loan repayments in any "Green Trust Fund" established pursuant to a Green Acres bond act or in the "Garden State Green Acres Preservation Trust Fund," for the purpose of providing

(1) grants or loans, or both, to assist local government units to acquire or develop lands for recreation and conservation purposes, for projects approved as eligible for such funding pursuant to this act, and

(2) additional funding, as determined by the Department of Environmental Protection, to any project of a local government unit that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes or that receives funding approved pursuant to this act, subject to the approval

of the Joint Budget Oversight Committee or its successor Any such additional funding provided from a Green Acres bond act may include administrative costs

8 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 495

AN ACT appropriating $14,687,510 from constitutionally dedicated corporation business tax revenues to provide grants to assist qualifying tax exempt nonprofit organizations to acquire or develop lands for recreation and conservation purposes

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

1 a There is appropriated to the Department of Environmental Protection the sum of $14,687,510 from the dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution in the "Preserve New Jersey Green Acres Fund," established pursuant to section 6 of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-48), for the purpose of providing grants to assist qualifying tax exempt nonprofit organizations to acquire lands for recreation and conservation purposes pursuant to subsection b of this section, to develop lands for recreation and conservation purposes pursuant to subsection c of this section, and to undertake stewardship activities pursuant to subsection d of this section Of the amount appropriated pursuant to this subsection, the sum of $504,090 is available due to interest earnings on the dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution

b The following projects for the acquisition of lands for recreation and conservation purposes are eligible for funding with the moneys appropriated pursuant to subsection a of this section

Nonprofit Organization	**Project**	**County**	**Municipality**	**Approved Amount**
(1) Bergen SWAN	Ramapo Mountain Conservation Area	Bergen	Mahwah Twp Oakland Boro	$500,000

(2) D & R Greenway Land Trust	Greenway Acq	Burlington	Beverly City Bordentown City Bordentown Twp Burlington City Burlington Twp Chesterfield Twp Cinnaminson Twp Delanco Twp Delran Twp Edgewater Park Twp Fieldsboro Boro Florence Twp Hainesport Twp Mansfield Twp Maple Shade Twp Moorestown Twp Mount Holly Twp Mount Laurel Twp Palmyra Boro Riverside Twp Riverton Boro Springfield Twp Westhampton Twp Willingboro Twp	1,000,000
		Camden	Audubon Boro Audubon Park Boro Brooklawn Boro Camden City Cherry Hill Twp Collingswood Boro Gloucester City Haddon Heights Boro Haddon Twp Haddonfield Boro Merchantville Boro Mount Ephraim Boro Oaklyn Boro Pennsauken Twp Woodlynne Boro	
		Cumberland	Deerfield Twp Fairfield Twp Greenwich Twp Hopewell Twp Stow Creek Twp Upper Deerfield Twp	
		Gloucester	National Park Boro West Deptford Twp Westville Boro	
		Hunterdon	All municipalities	

		Mercer	All municipalities	
		Middlesex	All municipalities	
		Monmouth	All municipalities	
		Morris	All municipalities	
		Salem	Elsinboro Twp	
			Lower Alloways Creek Twp	
			Mannington Twp	
			Pennsville Twp	
		Somerset	All municipalities	
(3) Friends of Hopewell Quarry, Inc	Quarry Swim Club	Mercer	Hopewell Twp	91,450
(4) Friends of Hopewell Valley Open Space	Hopewell Valley Park Acq	Mercer	Hopewell Boro	500,000
			Hopewell Twp	
			Lawrence Twp	
(5) Friends of Princeton Open Space	Millstone River Watershed	Mercer	Princeton Boro	250,000
(6) Greater Culver Lake Watershed Conservation Foundation	Watershed Protection Program	Sussex	Frankford Twp	230,000
(7) Hunterdon Land Trust	Hunterdon Open Space Plan Priority Areas	Hunterdon	All municipalities	500,000
(8) Lamington Conservancy	Central Lamington Project	Hunterdon	Readington Twp	500,000
			Tewksbury Twp	
		Morris	Chester Twp	
			Washington Twp	
		Somerset	Bedminster Twp	
			Peapack-Gladstone Boro	
(9) Monmouth Conservation Foundation	Open Space Plans 2	Monmouth	All municipalities	500,000
(10) Natural Lands Trust, Inc	Delaware Estuaries Acquisition	Cumberland	Commercial Twp	100,000
			Downe Twp	
			Greenwich Twp	
			Hopewell Twp	
			Lawrence Twp	
			Maurice River Twp	
			Millville City	
			Stow Creek Twp	
		Salem	Alloway Twp	
			Lower Alloways Creek Twp	
			Quinton Twp	
(11) New Jersey Conservation Foundation	Priority Area Acq	Atlantic	Buena Vista Twp	1,000,000
			Egg Harbor City	
			Egg Harbor Twp	
			Estell Manor City	

	Folsom Boro
	Galloway Twp
	Hamilton Twp
	Hammonton Town
	Mullica Twp
	Weymouth Twp
Burlington	Bass River Twp
	Beverly City
	Bordentown City
	Bordentown Twp
	Burlington City
	Burlington Twp
	Chesterfield Twp
	Cinnaminson Twp
	Delanco Twp
	Delran Twp
	Evesham Twp
	Fieldsboro Boro
	Florence Twp
	Mansfield Twp
	Medford Twp
	New Hanover Twp
	North Hanover Twp
	Pemberton Twp
	Shamong Twp
	Southampton Twp
	Springfield Twp
	Tabernacle Twp
	Washington Twp
	Woodland Twp
Camden	Camden City
	Merchantville Boro
	Pennsauken Twp
Cape May	Lower Twp
	Middle Twp
Cumberland	Fairfield Twp
	Greenwich Twp
	Hopewell Twp
	Maurice River Twp
	Millville City
	Stow Creek Twp
	Upper Deerfield Twp
	Vineland City
Gloucester	Logan Twp
	South Harrison Twp
	Woolwich Twp
Hunterdon	All municipalities
Mercer	East Windsor Twp
	Ewing Twp

	Hamilton Twp
	Hightstown Boro
	Hopewell Twp
	Lawrence Twp
	Trenton City
	Princeton Boro
	Robbinsville Twp
	West Windsor Twp
Middlesex	Cranberry Twp
	Edison Twp
Monmouth	Allentown Boro
	Millstone Twp
	Upper Freehold Twp
Morris	All municipalities
Ocean	Lacey Twp
	Ocean Twp
	Plumsted Twp
Passaic	West Milford Twp
Salem	Alloway Twp
	Carneys Point Twp
	Elmer Boro
	Elsinboro Twp
	Lower Alloways Creek Twp
	Mannington Twp
	Oldmans Twp
	Pennsville Twp
	Pilesgrove Twp
	Pittsgove Twp
	Quinton Twp
	Upper Pittsgrove Twp
	Woodstown Boro
Somerset	Bedminster Twp
	Bernards Twp
	Bernardsville Boro
	Branchburg Twp
	Bridgewater Twp
	Far Hills Boro
	Hillsborough Twp
	Montgomery Twp
	Peapack-Gladstone Boro
	Raritan Boro
Sussex	Andover Twp
	Byram Twp
	Frankford Twp
	Green Twp
	Hampton Twp
	Hopatcong Boro
	Sparta Twp
	Vernon Twp

			Wantage Twp	
		Union	Elizabeth City	
			Linden City	
			Springfield Twp	
			Union Twp	
		Warren	Blairstown Twp	
			Franklin Twp	
			Frelinghuysen Twp	
			Greenwich Twp	
			Hardwick Twp	
			Harmony Twp	
			Lopatcong Twp	
			Mansfield Twp	
			Pohatcong Twp	
			Washington Twp	
			White Twp	
(12) Rancocas Conservancy	Rancocas Watershed Acq	Burlington	All municipalities	495,000
(13) Raritan Headwaters Association	Raritan Headwaters Acq	Hunterdon	Alexandria Twp	500,000
			Bethlehem Twp	
			Califon Boro	
			Clinton Town	
			Clinton Twp	
			Delaware Twp	
			East Amwell Twp	
			Flemington Boro	
			Franklin Twp	
			Glen Gardener Boro	
			Hampton Twp	
			High Bridge Boro	
			Lebanon Boro	
			Lebanon Twp	
			Raritan Twp	
			Readington Twp	
			Tewksbury Twp	
			Union Twp	
			West Amwell Twp	
		Morris	Chester Boro	
			Chester Twp	
			Mine Hill Twp	
			Mendham Boro	
			Mendham Twp	
			Mount Arlington Twp	
			Mount Olive Twp	
			Randolph Twp	
			Roxbury Twp	
			Washington Twp	
		Somerset	Bedminster Twp	

			Bernards Twp Bernardsville Boro Branchburg Twp Bridgewater Twp Far Hills Boro Hillsborough Twp Peapack-Gladstone Boro Raritan Boro	
(14) Ridge and Valley Conservancy	Open Space Conservation Plan	Sussex	Andover Boro Andover Twp Frankford Twp Fredon Twp Green Twp Hampton Twp Hardyston Twp Lafayette Twp Sandyston Twp Stillwater Twp Wantage Twp	500,000
		Warren	Allamuchy Twp Blairstown Twp Frelinghuysen Twp Hardwick Twp Hope Twp Knowlton Twp Mansfield Twp White Twp	
(15) Ridgeview Conservancy	Province Line Woods Acq	Mercer	Princeton Boro	250,000
(16) South Jersey Land and Water	South Jersey Watersheds	Gloucester	All municipalities	394,410
		Salem	Carney's Point Twp Oldmans Twp Pilesgrove Twp	
(17) The Land Conservancy of New Jersey	Priority Areas Acq	Bergen	All municipalities	1,000,000
		Essex	All municipalities	
		Middlesex	All municipalities	
		Morris	All municipalities	
		Passaic	All municipalities	
		Somerset	All municipalities	
		Sussex	All municipalities	
		Union	All municipalities	
		Warren	All municipalities	
(18) The Watershed Institute	Watershed Connectors	Mercer	Hopewell Boro Hopewell Twp Pennington Boro Princeton Boro	500,000
TOTAL				**$8,810,860**

c The following projects for the development of lands for recreation and conservation purposes are eligible for funding with the moneys appropriated pursuant to subsection a of this section

Nonprofit Organization	Project	County	Municipality	Approved Amount
Branch Brook Park Alliance	Branch Brook Park Improvements 2021	Essex	Newark City	$500,000
Brookdale Park Conservancy	Brookdale Park Improvements 2021	Essex	Bloomfield Twp Montclair Twp	500,000
Congregation Ahavas Sholom	Lincoln Elementary Schoolyard Improvements	Essex	Orange City Twp	250,000
Essex County Parks Foundation	Amazing Asia Exhibit – Turtle Back Zoo	Essex	West Orange Twp	500,000
Flat Rock Brook Nature Association	Jones Road Area Restoration	Bergen	Englewood City	500,000
Friends of Passaic County Parks, Inc	Rifle Camp Park Amphitheater	Passaic	Woodlawn Park Borough	500,000
Hamilton Partnership for Paterson	Alexander Hamilton Visitor Center Landscaping	Passaic	Paterson City	225,000
South Mountain Conservancy	South Mountain Reservation Improvements 2021	Essex	Millburn Twp	500,000
SPARK Friends, Inc	Independence Park Trust for Public Land Improvement 2021	Essex	Newark City	500,000
	Multi Park Improvements	Essex	Newark City	500,000
Zoological Society of NJ	Amazing Asia Exhibit – Turtle Back Zoo	Essex	West Orange Twp	500,000
TOTAL				**$4,975,000**

d The following stewardship activity projects are eligible for funding with the moneys appropriated pursuant to subsection a of this section

Nonprofit Organization	Project	County	Municipality	Approved Amount
African American Fund of NJ	Ambrose Ward Mansion Grounds Renovation	Essex	East Orange Twp	$273,750

D&R Greenway Land Trust	Multi-Park Stewardship	Burlington Hunterdon Mercer	Bordentown City East Amwell Twp Hopewell Twp	172,900
Flat Rock Brook Nature Association	Boardwalk Trail Restoration	Bergen	Englewood City	25,000
Friends of Passaic County Parks, Inc	Lambert Tower Historic Landscape	Passaic	Paterson City	290,000
Harding Land Trust	Gatehouse and Primrose Phase 2	Morris	Harding Twp	80,000
The Land Conservancy of New Jersey	Nancy Conger West Brook Riparian Restoration	Passaic	West Milford Twp	60,000
TOTAL				**$901,650**

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

f To the extent that moneys remain available after the projects listed in subsection b , c , or d of this section are offered funding pursuant thereto, any project of a qualifying tax exempt nonprofit organization that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes shall be eligible to receive additional funding, as determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor

g There is reappropriated to the Department of Environmental Protection the unexpended balances, due to project withdrawals, cancellations, or cost savings, of the amounts appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund to assist qualifying tax exempt nonprofit organizations to acquire or develop lands for recreation and conservation purposes, for the purposes of (1) this section, and (2) providing additional funding, as determined by the Department of Environmental Protection, to any project of a qualifying tax exempt nonprofit organization that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes, subject to the approval of the Joint Budget Oversight Committee or its successor Any such additional funding provided from a Green Acres bond act may include administrative costs

h For the purposes of this section

"Garden State Green Acres Preservation Trust Fund" means the fund established pursuant to section 19 of P L 1999, c 152 (C 13 8C-19)

"Green Acres bond act" means P L 2009, c 117, P L 2007, c 119, P L 1995, c 204, P L 1992, c 88, P L 1989, c 183, P L 1987, c 265, and P L 1983, c 354

"Preserve New Jersey Green Acres Fund" means the fund established pursuant to section 6 of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-48)

"Stewardship activity" means the same as the term is defined in section 3 of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-45)

2 There is appropriated from the General Fund to the "Preserve New Jersey Green Acres Fund," established pursuant to section 6 of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-48), the sum of $14,687,510 to implement the provisions of section 1 of this act

3 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 496

AN ACT concerning changes in control of hotels and disruptions of hotel services and supplementing Title 29 of the Revised Statutes

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

C 29 4-13 Former, successor hotel employer duties, responsibilities during, after power transfer, violation penalties, exceptions, definitions

1 a (1) Not less than 30 days before a change in control or change in controlling interest or identity, a former hotel employer shall provide the successor hotel employer with a full and accurate list containing the name, address, date of hire, phone number, wage rate, and employment classification of each hotel service employee employed at an affected hotel At the same time that the former hotel employer provides the list, the former hotel employer shall post the list in a notice to the hotel service employees that also sets forth the rights provided by this section, in the same location and manner that other statutorily required notices to the employees are posted at the affected hotel, provided that if the hotel is not open to the public, the notice shall be transmitted in the same manner as any offer of employment

made pursuant to paragraph (2) of this subsection a The notice shall also be provided to the employees' collective bargaining representative, if any

(2) A successor hotel employer shall, during the hotel service employee retention period, offer each eligible hotel service employee employment for no less than 90 working days under the terms and conditions established by the successor hotel employer, with no reduction of wages or benefits, except that the wage and benefit rates offered and paid for the period may be higher than the rates last paid to the employee by the former hotel employer, and shall not be lower than any rate required by law The offers shall be made in writing and shall remain open for at least 10 business days from the date of the offer

(3) Except as provided in paragraph (4) of this subsection, an eligible hotel service employee retained pursuant to this section shall not be discharged without cause during the hotel service employee retention period

(4) If at any time during the hotel service employee retention period the successor hotel employer determines that fewer hotel service employees are required than were employed by the former hotel employer, the successor hotel employer shall retain eligible hotel service employees by seniority and experience within each job classification, to the extent the classification exists, and offer to rehire the laid-off employees if the positions are subsequently restored

(5) A successor hotel employer shall retain written verification of each offer of employment made pursuant to paragraph (2) of this subsection The verification shall include the name, address, date of hire, phone number, wage rate, and employment classification of the eligible hotel service employee to whom the offer was made A successor hotel employer shall retain the verification for no less than three years from the date the offer is made

(6) At the end of the hotel service employee retention period, the successor hotel employer shall perform a written performance evaluation for each hotel service employee retained pursuant to this section If the employee's performance during the retention period is satisfactory, the successor hotel employer shall offer the employee continued employment under the terms and conditions established by the successor hotel employer A successor hotel employer shall retain the written performance evaluation for no less than three years from the date it is issued

b A hotel service employee who has been discharged or not retained in violation of this section, or a representative of the employee, may bring an action in a court of competent jurisdiction against a former hotel employer or successor hotel employer for any violation of an obligation imposed pursuant to this section

The court shall have authority to order preliminary and permanent equitable relief, including, but not limited to, reinstatement of any employee who has been discharged or not retained in violation of this section If the court finds that by reason of a violation of any obligation imposed pursuant to subsection b of this section, a hotel service employee has been discharged or not retained in violation of this section, the court shall award

(1) back pay, and an equal amount as liquidated damages, for each day during which the violation continues, which shall be calculated at a rate of compensation not less than the higher of the average regular rate of pay received by the employee during the last three years of the employee's employment in the same occupation classification, or the final regular rate of pay received by the employee Back pay shall apply to the period commencing on the date of the discharge or refusal-to-retain by the successor hotel employer and ending on the effective date of any offer of instatement or reinstatement of the employee,

(2) costs of benefits the successor hotel service employer would have incurred for the employee under the employee's benefit plan, and

(3) the employee's reasonable attorney's fees and costs

The court shall have authority to order the former or successor hotel employer, as applicable, to provide any information required pursuant to subsection b of this section

c This section shall not apply to

(1) any successor hotel employer who, on or before the change of control or change in controlling interest or identity, agrees to assume, or to be bound by, the collective bargaining agreement of the former hotel employer until the end of the term of the agreement or the end of hotel service employee retention period, whichever is later, provided that the collective bargaining agreement includes terms and conditions for the discharge or laying off of employees,

(2) if there was no existing collective bargaining agreement as described in paragraph (1) of this subsection, any successor hotel employer who agrees, on or before the change of control or change in controlling interest or identity, to enter into a new collective bargaining agreement covering its hotel service employees, provided that the collective bargaining agreement includes terms and conditions for the discharge or laying off of employees, or

(3) a former hotel employer who obtains a written commitment from a successor hotel employer that the successor hotel employer's hotel service employees will be covered by a collective bargaining agreement that includes terms and conditions for the discharge or laying off of employees

d Each hotel employer shall maintain for three years, for each employee and former employee, by name, a record showing the employee's

regular hourly rate of pay for each week of the employee's employment The hotel employer shall make an employee's or former employee's records available in full to the employee or former employee upon request

e For the purposes of this section

"Affected hotel" means a hotel or discrete portion of a hotel that has been the subject of a change in control or a change in controlling interest or identity

"Change in control" means any sale, assignment, transfer, contribution or other disposition of all or substantially all of the assets used in the operation of a hotel or a discrete portion of a hotel A change in control shall be defined to occur on the date of execution of the document effectuating the change

"Change in controlling interest or identity" means any sale, assignment, transfer, contribution or other disposition of a controlling interest, including by consolidation, merger or reorganization, of a hotel employer or any person who controls a hotel employer, or any other event or sequence of events, including a purchase, sale or lease termination of a management contract or lease, that causes the identity of the hotel employer at a hotel to change A change in controlling interest or identity shall be defined to occur on the date of execution of the document effectuating the change

"Eligible hotel service employee" means a hotel service employee employed by a hotel employer at an affected hotel

"Former hotel employer" means any hotel employer who owns, controls or operates a hotel prior to a change in control or change in controlling interest or identity of a hotel or of a discrete portion of a hotel that continues to operate as a hotel after the change

"Hotel" means a hotel, apartment hotel, motel, inn, tourist camp, tourist cabin, tourist home, club, or similar establishment where sleeping accommodations are supplied for pay to transient or permanent guests

"Hotel employer" means any person who owns, controls or operates a hotel, and includes any person or contractor who, in a managerial, supervisory or confidential capacity, employs one or more hotel service employees

"Hotel service" means work performed in connection with the operation of a hotel, including, but not limited to, letting of guest rooms, letting of meeting rooms, provision of food or beverage services, provision of banquet services, or provision of spa services

"Hotel service employee" means any person employed to perform a hotel service at an affected hotel during the 365-day period immediately preceding the change in control or change in controlling interest or identity of the hotel, or any person formerly employed to perform a hotel service at an affected hotel who retains recall rights under the former hotel employer's collective bargaining

agreement, if any, or under any comparable arrangement established by the former hotel employer, on the date of the change in control or change in controlling interest or identity of the hotel, except that "hotel service employee" shall not include persons who are managerial, supervisory or confidential employees or who otherwise exercise control over the management of the hotel

"Hotel service employee retention period" means the 90-day period beginning on the date of a change in control or change in controlling interest or identity of the hotel or of a discrete portion of the hotel that continues to operate as a hotel after the change, except that, if the hotel is not open to the public on the date, the 90-day period shall begin on the first day that the hotel is open to the public after the change

"Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity

"Successor hotel employer" means a hotel employer who owns, controls or operates a hotel after a change in control or change in controlling interest or identity of the hotel or of a discrete portion of the hotel that continues to operate as a hotel after the change

C 29 4-14 Notice of service disruption provided to third-party vendors, guests, definitions

2 a Within 24 hours of the occurrence of a service disruption, a hotel operator shall provide, in all modifiable mediums in which the hotel advertises, solicits customers, or through which customers can book or reserve rooms or services, notification of the service disruption to each third-party vendor and each guest who is seeking, or has entered into, a reservation, booking, or agreement with the hotel operator or a third-party vendor for the use or occupancy of a room The notification shall also be provided immediately before accepting or entering into any new reservation, booking, or agreement for the use or occupancy of a room or hotel service The notification shall also be provided to any current guest If the circumstances of the service disruption make timely notification impracticable, the notification shall be made as soon as practicable

b The notification shall describe the nature of the service disruption, the extent of the service disruption's effect on reservations, bookings, or agreements to use or occupy the room or hotel services, and the right of a guest to cancel or terminate the reservation, booking, or agreement for the use or occupancy of the room or hotel services, with a refund if applicable and without the imposition of any fee, penalty, or other charge, as provided in subsections c and d of this section If the

notification is included in a communication containing other information, the notification shall be in a significantly larger font and different color than the remainder of the communication

c A hotel operator shall not impose any fee, penalty, or other charge, nor retain any deposit, in the event a guest, prior to checking in, cancels a reservation, booking, or agreement with the hotel operator for the use or occupancy of a room, if the guest's stay or room is, or could be, substantially affected by a service disruption during the guest's stay or use of a hotel service

d If a service disruption arises only after any guest of the room has checked in, the hotel operator shall prominently and clearly notify the guest of the service disruption within 24 hours of the disruption, as provided in subsection a of this section The notification shall specify the rights set forth in this subsection, pursuant to subsection b of this section The guests of the room or hotel service may terminate any reservation, booking, or agreement for the rental of the room or use of a hotel service, and the hotel operator shall not impose any fee, penalty, or other charge for the termination, nor retain any deposit related to any unused portion of the period of the reservation, booking, or agreement following the onset of the service disruption

e A hotel operator that violates or causes another person to violate a provision of this section or any rule promulgated pursuant to the section, shall be subject to a civil penalty collectible by the Division of Consumer Affairs in the Department of Law and Public Safety, as follows

(1) a civil penalty of $500 for the first violation,

(2) a civil penalty of $1,000 for the second violation issued for the same offense within a period of two years of the date of the first violation,

(3) a civil penalty of $2,500 for the third violation issued for the same offense within a period of two years of the date of the first violation, and

(4) a civil penalty of $5,000 for the fourth and each subsequent violation issued for the same offense within a period of two years of the date of the first violation

The continuation of a violation shall constitute a separate offense for each successive day

f In addition to any other penalties or remedies for violations of this section, any guest or customer may also bring a private cause of action in any court of competent jurisdiction to recover, in addition to the remedies provided for in this act, compensatory, equitable and consequential damages, and reasonable costs of the action and attorney's fees

g For the purposes of this section

"Hotel" means a hotel, apartment hotel, motel, inn, tourist camp, tourist cabin, tourist home, club, or similar establishment where sleeping accommodations are supplied for pay to transient or permanent guests

"Hotel operator" means any person, including a contractor, who owns, controls or operates a hotel

"Hotel service" means work performed in connection with the operation of a hotel, including, but not limited to, letting of guest rooms, letting of meeting rooms, provision of food or beverage services, provision of banquet services, or provision of spa services

"Room" means a room available or let out for use or occupancy in a hotel

"Service disruption" means any of the following conditions where the condition substantially affects or is likely to substantially affect any guest's use of a room or utilization of a hotel service, provided that conditions described in paragraphs (2), (6) and (7) of this definition shall be presumed to substantially affect a guest's use of a room or utilization of a hotel service

(1) construction work in or directly related to the hotel that creates excessive noise that is likely to substantially disturb a guest, other than construction that is intended to correct an emergency condition or other condition requiring immediate attention,

(2) conditions of which the hotel operator is aware, indicating the presence in the hotel of any infestation by bed bugs, lice or other insects, rodents or other vermin capable of spreading disease or being carried, including on one's person, if the infestation has not been fully treated by a licensed exterminator within 24 hours of identifying it,

(3) the unavailability, for a period of 24 hours or more, of any advertised hotel amenity, including, but not limited to, a pool, spa, shuttle service, internet access, or food and beverage service,

(4) the unavailability, for a period of 24 hours or more, of any advertised room appliances or technology, including but not limited to, in-room refrigerators, or internet or Wi-Fi services,

(5) the unavailability of any advertised or legally required accessibility feature, including, but not limited to, an elevator, wheelchair lift, ramp, or accessible bathroom in the room or in any common area of the hotel,

(6) the unavailability for a period of 24 hours or more, of any utility, including, but not limited to, gas, water, or electricity when the unavailability affects only the location of the hotel, or

(7) any strike, lockout or picketing activity, or other demonstration or event for a calendar day or more at or near the hotel

"Third-party vendor" means a vendor with which a hotel operator has an arrangement for third-party room reservations, or any other entity that has

reserved or entered into an agreement or booking for the use or occupancy of one or more rooms in a hotel in furtherance of the business of reselling the rooms to guests

C 29 4-15 Severability

3 The provisions of this act shall be deemed to be severable and if any section, subsection, paragraph, sentence or other portion of this act is for any reason held or declared by any court of competent jurisdiction to be unconstitutional or preempted by federal law, or the applicability of that portion to any person or facility is held invalid, the remainder of this act shall not thereby be deemed to be unconstitutional, preempted or invalid

4 This act shall take effect immediately and shall apply to any change in control or change in controlling interest or identity of a hotel occurring after the effective date

Approved January 18, 2022

CHAPTER 497

AN ACT imposing a surcharge on casino hotel occupancies to fund public safety services, supplementing Title 5 of the Revised Statutes

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

C 5 12-152 1 Casino hotel facility surcharge, rate

1 a A surcharge at the rate of $2 per day for each occupied room shall be imposed on a casino hotel facility

b A surcharge imposed under subsection a of this section shall be collected and administered by the Director of the Division of Taxation in the Department of the Treasury In carrying out the provisions of this subsection, the director shall have all the powers granted in P L 1966, c 30 (C 54 32B-1 et seq) The director shall determine and certify to the State Treasurer on a monthly basis the amount of revenues collected by the director pursuant to subsection a of this section The State Treasurer, upon the certification of the director and upon the warrant of the Director of the Division of Budget and Accounting in the Department of the Treasury, shall pay and distribute on a

monthly basis to the municipality in which the casino hotel facility is located the amount so determined and certified

c All surcharges received by a municipality pursuant to subsection b of this section shall be deposited into a dedicated public safety services trust fund Amounts deposited in the trust fund shall be used by the municipality solely and exclusively to fund appropriations for public safety services The amount deposited into the dedicated public safety services trust fund shall be anticipated in the budget of the municipality as a special item of revenue and as an appropriation item of an amount equal to any such special item of revenue pursuant to N J S 40A 4-87 The amount deposited into the public safety services trust fund shall be inserted into the annual budget as a special item of revenue or appropriation only when the total amount appropriated for public safety services in the adopted budget of the municipality for the current fiscal year is greater than the amount appropriated for public safety services, exclusive of any amount from the public safety services trust fund appropriated in the budget in the previous fiscal year The amount appropriated and expended for the hiring and retention of employees of the fire and police departments shall not exceed 37 percent of all surcharge revenue received by the municipality and deposited into the dedicated public safety services trust fund in the period beginning January 1, 2022 and ending December 31, 2024 Beginning January 1, 2025, the Director of the Division of Local Government Services may set the maximum percentage of surcharge revenue received by the municipality that may be utilized for the hiring and retention of employees of the police and fire departments

d As used in this section

"Occupied room" means a room or rooms of any kind in any part of a hotel, other than a place of assembly, that is used or possessed by a guest or guests overnight or for a portion of a day, whether or not for consideration

"Public safety services" means the hiring, retention, and training of and equipment for employees of the police and fire departments, and capital improvements benefitting the police and fire departments, in the municipality authorized to receive surcharges pursuant to subsection a of this section

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

Approved January 18, 2022

CHAPTER 498

AN ACT concerning a temporary return to employment by a former employee of the Legislature after retirement from the Public Employees' Retirement System

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

1 Notwithstanding any provision of P L 1954, c 84 (C 43 15A-1 et seq) to the contrary, a former member of the Public Employees' Retirement System who is a former employee of the Legislature and who has been granted a retirement allowance prior to the effective date of this act, P L 2021, c 498, or during calendar year 2022, for any cause other than disability, may return to employment in the Legislature, without cancellation of the retirement and reenrollment in the system, for a term of not more than two years if (1) the return commences no less than 30 days after the retirement allowance becomes due and payable, (2) the former member had attained the service retirement age, applicable to that member, as of the date of retirement, and (3) the former member is re-employed as a part-time employee and works no more than 20 hours per week

The former member's retirement shall have been a bona fide retirement and any employment or reemployment under this section shall not be prearranged before retirement

This section shall be effective if the qualified status of the retirement system under federal law can be maintained upon its application, and such notifications to the system as may be available shall be made to allow for its application

A former member of the Legislature shall not be eligible to return to employment or office with the Legislature under this section

2 This act shall take effect immediately

Approved January 18, 2022

CHAPTER 499

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

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

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

01 LEGISLATURE
70 Government Direction, Management, and Control
77 Legislative Commissions and Committees
DIRECT STATE SERVICES

09	Legislative Services Commission	$2,000,000
	Total Direct State Services Appropriation, Legislative Commissions and Committees	$2,000,000
Direct State Services		
09	Legislative Services Commission	($2,000,000)

2 This act shall take effect immediately

Approved January 18, 2022

JOINT RESOLUTIONS

JOINT RESOLUTION NO 1

A JOINT RESOLUTION designating March 9 of each year as "COVID-19 Heroes Day" in New Jersey

WHEREAS, COVID-19 is a novel coronavirus that has caused a global pandemic, leading to an unprecedented and overwhelming public health crisis throughout the United States, and

WHEREAS, New Jersey has the second highest incidence of COVID-19 in the United States, leading to the State's healthcare system and economy becoming overwhelmed, and

WHEREAS, In response to the devastating effects COVID-19 has had throughout New Jersey, the Governor issued a declaration of a State of Emergency on March 9, 2020, and

WHEREAS, In an effort to combat COVID-19 and to provide necessary services during the State of Emergency, essential workers have been called upon to keep the State's citizens safe and healthy, and

WHEREAS, Essential workers provide services which involve interactions with the public and are essential to the public's health, safety, and welfare during a State of Emergency, and includes healthcare workers, first responders, pharmacy workers, postal workers, childcare workers, food service workers, transportation workers, warehouse workers, and all frontline workers, and

WHEREAS, Essential workers are willing to put their own health at risk to continue to meet their existing responsibilities to maintain safety and public health while overcoming staggering new challenges posed by COVID-19, and

WHEREAS, These workers have risen to the task and carried out critical missions designed to protect the health and safety of New Jersey communities, and to minimize the disruption that COVID-19 has caused to daily life, and

WHEREAS, A designated day to commemorate essential workers who continued to work during the COVID-19 pandemic is necessary to help bring awareness to these heroes, and to demonstrate support for those individuals that every day risked their safety for the health and well-being of this State, now, therefore,

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

C 36 2-402 "COVID-19 Heroes Day," March 9, designated

1 March 9 of each year shall be designated as "COVID-19 Heroes Day" in New Jersey to honor essential workers

C 36 2-403 Annual observance

2 The Governor is respectfully requested to issue a proclamation each year calling upon public officials and the citizens of this State to observe "COVID-19 Heroes Day" with appropriate activities and programs

3 This joint resolution shall take effect immediately

Approved March 9, 2021

JOINT RESOLUTION NO 2

A JOINT RESOLUTION designating March as "Multiple System Atrophy Awareness Month "

WHEREAS, Multiple system atrophy (MSA) is a rare progressive neurodegenerative disorder characterized by a combination of symptoms that affect both the automatic nervous system and movement, and

WHEREAS, According to the National Institute of Neurological Disorders and Stroke, MSA may affect between 15,000 and 50,000 Americans, including men and women of all races, and

WHEREAS, Symptoms, including problems with heart rate, progressive loss of motor function and difficulties with balance, coordination, gait, bladder and bowel control, speech, swallowing, and breathing, advance rapidly over the course of five to 10 years once symptoms initially appear, and

WHEREAS, While there are medications that treat MSA symptoms, researchers continue to search for medications with fewer side effects as well as methods to better manage the disease until a cure is found, and

WHEREAS, A multidisciplinary approach to MSA care includes physical, psychological, and financial support for patients, caregivers, support groups, and MSA research foundations, and

WHEREAS, The worldwide MSA community has designated March as "Multiple System Atrophy Awareness Month" to increase awareness of the devastating effects of MSA, now, therefore,

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

C 36 2-404 "Multiple System Atrophy Awareness Month," March, designated

1 Each year, March shall be designated as "Multiple System Atrophy Awareness Month "

C 36 2-405 Annual observance

2 The Governor may issue a proclamation annually recognizing March as "Multiple System Atrophy Awareness Month" and 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 March 26, 2021

JOINT RESOLUTION NO 3

A JOINT RESOLUTION designating February 14 of each year as Frederick Douglass Day in New Jersey

WHEREAS, Frederick Douglass, a renowned African-American abolitionist, human rights activist, author, and public speaker, was born into slavery in or around 1818 in Talbot County, Maryland, and

WHEREAS, Frederick Douglass' exact birthdate is unknown, but during his lifetime he chose to celebrate his birth annually on February 14, and

WHEREAS, Frederick Douglass spent a majority of his youth and young adulthood as a slave when he experienced physical abuse, cruelty, and received very minimal education, and

WHEREAS, Despite the challenges he faced, Frederick Douglass learned how to read and write through self-education and later began teaching other slaves how to read using the Bible, and

WHEREAS, After years of slavery and abuse, Frederick Douglass escaped from slavery in 1838 at the age of 20, and

WHEREAS, After escaping from slavery, Frederick Douglass began attending and giving speeches at abolitionist meetings, and

WHEREAS, Because of his activism and public speaking, Frederick Douglass was chosen, in 1843, to become part of the American Anti-Slavery Society's Hundred Conventions Project, which was a six-month tour across the United States, and

WHEREAS, Throughout this tour, Frederick Douglass shared his experiences with slavery and spoke publically about the importance of abolishing slavery and ensuring equality for all Americans, and

WHEREAS, Frederick Douglass continued to utilize his knowledge and passion for the abolition of slavery to publish his own abolitionist newsletter titled The North Star, which published articles on slavery and other injustices, and

WHEREAS, Frederick Douglass became highly respected and served as an advisor to Abraham Lincoln throughout the Civil War, and

WHEREAS, Even after slavery was abolished as a result of the Emancipation Proclamation of 1863, Frederick Douglass continued to fight tirelessly for the full-integration of African-Americans into the political and economic life of the United States, and

WHEREAS, Because of his determination, passion for human rights, and anti-slavery activism, Frederick Douglass was named the "Father of the Civil Rights Movement", and

WHEREAS, Frederick Douglass' activism extended beyond the abolition of slavery as he also became a leader in the movement for women's rights, fighting for equality and women's suffrage, and

WHEREAS, In addition to Frederick Douglass' accomplishments as an activist, he also became the first African-American to hold high office serving as an ambassador to the Dominican Republic, and later being the first African-American to receive a vote for President of the United States during the Republican National Convention in 1888, and

WHEREAS, Frederick Douglass remained an active speaker, writer, and human rights activist until his death in 1895, and

WHEREAS, Frederick Douglass dedicated his life to ensuring freedom and equality for future generations of Americans and for this reason, the remarkable life of Frederick Douglass should be remembered and celebrated by all New Jersey residents, now, therefore,

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

C 36 2-406 "Frederick Douglass Day," February 14, designated

1 February 14 of each year is designated as "Frederick Douglass Day" in New Jersey to honor the remarkable life of Frederick Douglass, his accomplishments, and his activism

C 36 2-407 Annual observance

2 The Governor is respectfully requested to annually issue a proclamation calling upon public officials, private organizations, and all citizens of the State to observe "Frederick Douglass Day" with appropriate events and activities

3 This joint resolution shall take effect immediately

Approved April 19, 2021

JOINT RESOLUTION NO 4

A JOINT RESOLUTION designating June 2 of each year as "Gun Violence Awareness Day" in the State of New Jersey

WHEREAS, According to data from the Centers for Disease Control and Prevention (CDC), in 2017 there were a total of 39,773 firearm related deaths in the United States and of those deaths an estimated 14,542 are attributed to firearm homicides, and

WHEREAS, According to the CDC, in New Jersey there were 478 firearm related deaths in 2017 and 420 firearm related deaths in 2018, and

WHEREAS, Americans are 25 times more likely to be murdered with firearms than people in other developed countries, and

WHEREAS, Firearm violence is the leading cause of death for women in instances of domestic violence in the United States each year, and

WHEREAS, An estimated 1,500 children die annually as a result of firearms, according to the Giffords Law Center to Prevent Gun Violence, and

WHEREAS, One example of these tragic child victims is Hadiya Pendleton who, at the age of 15, was shot and killed in Chicago just one week after performing at former President Barack Obama's second inaugural parade in 2013, and

WHEREAS, On June 2, 2013, a group of Chicago teens commemorated the life of their slain friend, Hadiya, by marching to raise awareness about firearm violence, and

WHEREAS, Many communities across the nation have marched annually on June 2 to recognize the death of Hadiya, to honor the many lives cut short and the hundreds more injured by firearm violence every day, and to demand action to end these tragedies, and

WHEREAS, Support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping firearms away from dangerous people, and

WHEREAS, The goals of the national "Gun Violence Awareness Day" campaign are to promote greater awareness about firearm violence and firearm safety, to concentrate annual heightened attention to firearm violence during the summer months, when firearm violence typically increases, and to bring citizens and community leaders together to discuss ways to make our communities safer, and

WHEREAS, The State of New Jersey encourages all citizens to support their local communities' efforts to prevent the tragic effects of firearm violence and declares June 2 of every year as "Gun Violence Awareness Day" in this State to honor and remember all victims and survivors of firearm violence and to declare that we as a country must do more to reduce firearm violence, now, therefore,

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

C 36 2-408 "Gun Violence Awareness Day", designated

1 June 2 of each year is designated as "Gun Violence Awareness Day" in New Jersey to honor and remember all victims of, and others affected by, firearm violence

C 36 2-409 Annual gubernatorial proclamation

2 The Governor shall annually issue a proclamation and call upon public officials, private organizations, and all citizens of this State to observe "Gun Violence Awareness Day" with appropriate awareness activities and programs

3 This joint resolution shall take effect immediately

Approved November 8, 2021

JOINT RESOLUTION NO 5

A JOINT RESOLUTION condemning hate and violent extremism and committing to defending the integrity of a safe and just democratic society

WHEREAS, On January 6, 2021, a violent attack took place in the nation's capital when a mob of riotous extremists attempted to overtake the United States Capitol Building and invalidate the results of a fair and free election, and

WHEREAS, This act of domestic terrorism was an assault on our democracy and has brought to light the grave danger created when we ignore the hateful, divisive actions of those who seek to garner power based on fear, bigotry and falsehoods, and

WHEREAS, The central and overriding tenet of living in a fair and secure democratic society is the idea that all people are deemed equal under the law and that no one is above that law, and

WHEREAS, The State of New Jersey is committed to defending these democratic ideals by promoting inclusiveness and celebrating diversity, working to ensure equitable opportunities for all, and rejecting hate and bias in any form, and

WHEREAS, The Anti-Defamation League (ADL) is a world renowned anti-hate organization dedicated to fighting threats to democracy, securing justice and fair treatment for all, and creating a world which is free from discrimination, bias and hate, and

WHEREAS, The ADL issued a report finding a strong link between right-wing extremists, white supremacists and extremist-related murders and violence, and further noted that disinformation, misinformation and online conspiracy theories are spreading and inspiring real world violence and otherwise threatening our democracy, and

WHEREAS, The State of New Jersey condemns these acts of violence and any actions based on hate or extremism as these actions are antithetical to our democracy and the safety and well-being of the people of this State, and

WHEREAS, The elected leaders of this State are committed to defending the democratic process and all the people and mechanisms necessary to ensure its integrity, now, therefore,

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

1 The Governor and Legislature of the State of New Jersey condemn hate and violent extremism and express support for democracy

2 Copies of this resolution as filed by the Secretary of State shall be transmitted by the Clerk of the General Assembly or the Secretary of the Senate to the Majority and Minority Leaders of the United States Senate, the Speaker and Minority Leader of the United States House of Representatives, and every member of the United States Congress elected from the State of New Jersey

3 This joint resolution shall take effect immediately

Approved November 8, 2021

JOINT RESOLUTION NO 6

A JOINT RESOLUTION designating April of each year as "Educational Opportunity Fund (EOF) Month" in New Jersey

WHEREAS, The "New Jersey Educational Opportunity Act of 1968," P L 1968, c 142 (C 18A 71-28 et seq) established the Educational Opportunity Fund (EOF) to ensure meaningful access to higher education for economically and educationally disadvantaged students, and

WHEREAS, For over 50 years, EOF has provided a wide array of services and support for students, including counseling, tutoring, and developmental course work, designed to foster academic achievement, the development of leadership skills, and persistence to graduation, and

WHEREAS, In addition to support services, EOF provides financial assistance to eligible students at participating institutions Under EOF, annual undergraduate grants range from $200 to $2,650 depending on the type of institution, enrollment status, and financial need of the student The grants are renewable based upon continued eligibility, and

WHEREAS, According to the Secretary of Higher Education, EOF serves more than 13,000 students each year at 70 EOF campus programs at 41 participating post-secondary institutions in the State Approximately 11,600 of the EOF recipients attend public institutions of higher education, and

WHEREAS, In its final report issued in September 2016, the New Jersey College Affordability Study Commission found that EOF is a well-structured program with an effective and targeted approach to making

college more attainable and affordable for the students it serves The commission commended EOF for its outstanding work in providing a gateway to higher education for students with academic and financial challenges, and

WHEREAS, The commission also urged the continued support of EOF and, where possible, encouraged the expansion of EOF through increased State appropriations in order to meet the needs of more New Jersey students, now, therefore,

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

C 36 2-410 "Educational Opportunity Fund (EOF) Month", designated

1 The month of April of each year is designated as "Educational Opportunity Fund (EOF) Month" in New Jersey in order to recognize the critical role that EOF plays in ensuring the meaningful access to higher education for economically and educationally disadvantaged students in the State

C 36 2-411 Annual gubernatorial proclamation

2 The Governor is respectfully requested to annually issue a proclamation recognizing April as "Educational Opportunity Fund (EOF) Month" in New Jersey and calling upon high schools, EOF-participating postsecondary institutions, and other interested groups to observe the month with appropriate activities and programs, to promote EOF awareness, and to provide all students with information about utilizing EOF

3 This joint resolution shall take effect immediately

Approved November 8, 2021

JOINT RESOLUTION NO 7

A JOINT RESOLUTION urging the President of the United States and the United States Environmental Protection Agency to take appropriate action to issue waivers and implement other reforms to allow for the blending of renewable fuels under the federal "Clean Air Act," while containing costs for independent refiners

WHEREAS, Over the past year, United States refiners have been devastated by spiking, volatile Renewable Identification Number (RIN) prices under the federal Renewable Fuel Standard (RFS) program and a dramatic

reduction in the use of fuel that was triggered by the COVID-19 pandemic These factors have resulted in a shortage of RINs, and eight refinery closures, throughout the nation, and

WHEREAS, The United States Environmental Protection Agency (EPA) has authority from Congress to waive the RFS program's renewable fuel requirements "in whole or in part" if the EPA Administrator determines that "implementation of the requirement would severely harm the economy" of a State, region, or the United States, and

WHEREAS, Many independent refiners already struggle with slim margins and the RFS program's RIN requirements, as well as the manner in which the unregulated RIN market operates without oversight and subject to speculation and fraud, all of which are currently inflicting serious economic harm on those businesses, and

WHEREAS, Current RFS compliance expenses exceed refineries' combined annual costs for labor, utilities, and maintenance, making the costs of such compliance refineries' largest expense, other than the purchase of crude oil, and

WHEREAS, RIN prices have dramatically increased as a result of the COVID-19 pandemic, increasing from as low as 10 cents at the beginning of 2020 to nearly $2 00 in June 2021, and leading to a consequent increase, of approximately 30 cents per gallon, in the cost of making gasoline,

WHEREAS, Harmful financial effects associated with the complex RFS program are especially severe under current market conditions, where demand for refined products is significantly depressed by the COVID-19 pandemic and is not expected to fully recover in the near future, and

WHEREAS, The COVID-19 pandemic caused an unprecedented year-over-year decline in demand for petroleum and other liquid fuels, leading to temporary, partial, and permanent refinery closures, including the mothballing of the fuels section of the Paulsboro Refinery in New Jersey, as well as other capacity reductions throughout the United States, and

WHEREAS, Production data published by the Energy Information Administration (EIA) in the United States Department of Energy (DOE) has repeatedly shown, for several years, that there is no relationship between RIN prices and the amount of ethanol that is actually blended into the nation's gasoline supply, and

WHEREAS, The EIA recently noted that, in 2020, 800 million fewer RINs were actually generated than what was required to meet the 2020 RFS standard, thereby resulting in a shortage of available RINs, especially

when combined with hoarding by unregulated, non-industry speculators, and

WHEREAS, Prior to the COVID-19 pandemic, State and regional refineries supported over 16,500 New Jersey jobs, compensating those employees with more than a billion dollars in total, while adding $4 2 billion to the State's gross domestic product and generating over $12 3 billion in total economic output, including the payment of more than $382 million in State and local taxes Unfortunately, some of the jobs supported by these refineries were lost due to a partial shutdown attributable to the COVID-19 pandemic, and

WHEREAS, Refining and petrochemical industries contribute approximately $600 billion annually to the nation's economy and employ over three million industrial workers in 33 states, but increasing dependence on imported fuels threatens these industries and potentially affects their fuel supplies, and

WHEREAS, The recent hacking incident affecting the Colonial Pipeline has exposed the vulnerability of the nation's energy supply, highlighting the need to keep our refineries open to fuel the economy, and

WHEREAS, On June 1, 2021, Governor Phil Murphy wrote to the EPA to urge the agency to extend flexibilities to merchant refiners through the renewable volume obligation under the RFS program, 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 respectfully urges the United States Environmental Protection Agency to exercise its waiver authority, pursuant to section 211(o)(7)(A)(i) of the "Clean Air Act," 42 U S C s 7545(o)(7)(A)(i), to reduce nationwide Renewable Fuel Standard volume mandates in order to provide relief to refiners in New Jersey, on the East Coast, and elsewhere

2 The Legislature also respectfully urges the President of the United States and the United States Environmental Protection Agency to establish reasonable 2021 and 2022 Renewable Fuel Standard volume mandates, which are in line with actual gasoline and diesel demand, and to make the reforming and restructuring of the Renewable Fuel Standard program a national priority, so as to maintain low and stable Renewable Identification Number prices while allowing for the continued blending of renewable fuels, consistent with the original intent of the program

3 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 President of the United States, the Administrator of the United States Environmental Protection Agency, the Majority and Minority Leaders of the United States Senate, the Speaker and Minority Leader of the United States House of Representatives, and every member of Congress elected from this State

4 This joint resolution shall take effect immediately

Approved November 8, 2021

JOINT RESOLUTION NO 8

A JOINT RESOLUTION designating December 4 of each year as "Alpha Phi Alpha Day" in New Jersey

WHEREAS, Since its founding on Tuesday, December 4, 1906, Alpha Phi Alpha Fraternity, Inc has consistently supplied voice and vision to the struggle of African Americans and people of color around the world, and

WHEREAS, Alpha Phi Alpha, the first intercollegiate Greek-letter fraternity established for African American men, was founded on the campus of Cornell University in Ithaca, New York, by seven college African-American men who recognized the need for a strong bond of brotherhood among African descendants in this country, and

WHEREAS, Alpha Phi Alpha initially served as a study and support group for African American students who faced racial prejudice, both educationally and socially, at Cornell University, but later became a fraternity and evolved into a service organization that has provided leadership and service opportunities for its members, and

WHEREAS, The visionary founders, known as the "Jewels" of the fraternity, are Henry Arthur Callis, Charles Henry Chapman, Eugene Kinckle Jones, George Biddle Kelley, Nathaniel Allison Murray, Robert Harold Ogle, and Vertner Woodson Tandy, and

WHEREAS, The Jewels and early leaders of the fraternity succeeded in laying a firm foundation for Alpha Phi Alpha's principles of scholarship, fellowship, good character, and the uplifting of humanity, and

WHEREAS, Alpha Phi Alpha has over 700 college and alumni chapters in the United States, Africa, Asia, the Caribbean, and Europe, and

WHEREAS, Alpha Phi Alpha's presence in New Jersey started with the founding of the Alpha Alpha Lambda alumni chapter in Newark in 1926 and further expanded with the first college chapter in New Jersey, the Delta Iota chapter at Rutgers University-New Brunswick, in 1950, and

WHEREAS, Alpha Phi Alpha develops leaders, and promotes brotherhood and academic excellence, while providing service and advocacy for our communities, and

WHEREAS, While advocating scholarship and excellence among its members, Alpha Phi Alpha also recognized the need to help correct the educational, economic, social, and political injustices faced by African Americans and developed programs to address those injustices, and

WHEREAS, Alpha Phi Alpha programs and charitable activities include a college readiness campaign ("Go-to-High-School, Go-to-College"), a voter registration and civic engagement campaign (A Voteless People is a Hopeless People), a sexual education and responsibility campaign (Project Alpha), and partnerships with the March of Dimes, Boy Scouts of America, and Big Brother and Big Sister of America, and

WHEREAS, Alpha Phi Alpha has long stood at the forefront of civil rights and social justice movements through its members, including but not limited to, Martin Luther King Jr , Adam Clayton Powell, Thurgood Marshall, Andrew Young, and Paul Robeson, and

WHEREAS, Alpha Phi Alpha continues to enrich the lives of its members, who, in turn, become change agents and leaders within our communities as evidenced by its members funding academic scholarships for college students and its members engaging in community service projects and initiatives throughout the State, and

WHEREAS, It is fitting and proper to designate a special day to commend Alpha Phi Alpha for its programs and activities that exemplify the importance of service to all mankind and to recognize the positive impact the fraternity continues to have throughout the world, including 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 2-412 "Alpha Phi Alpha Day", designated

1 December 4 of each year is designated "Alpha Phi Alpha Day" in the State of New Jersey to commemorate the founding of the first Black intercollegiate Greek-letter fraternity and to recognize the contributions and achievements of Alpha Phi Alpha Fraternity, Inc and its members

C 36 2-413 Annual gubernatorial proclamation

2 The Governor is respectfully requested to issue an annual proclamation calling upon public officials and citizens of this State to observe "Alpha Phi Alpha Day" with appropriate activities and programs

3 This joint resolution shall take effect immediately

Approved December 3, 2021

EXECUTIVE ORDERS

EXECUTIVE ORDER NO 215

WHEREAS, on March 9, 2020, through Executive Order No 103, the facts and circumstances of which are adopted by reference herein, I declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard created by Coronavirus disease 2019 ("COVID-19"), and

WHEREAS, Executive Order No 103 (2020) described both the symptoms and dangers presented by COVID-19 and the likelihood of community spread across the State, and it recognized the need to use all available statewide authorities to prepare for and respond to COVID-19 cases in New Jersey, to implement appropriate measures to mitigate the spread of COVID-19, and to prepare in the event of an increasing number of individuals requiring medical care or hospitalization, and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act ("EHPA"), to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104- 133, 135-138, 140-166, 168-173, 175, 177-181, 183, 187, 189-198, 200, 203-204, 207, 210-211 and 214 (2020), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, N J S A 26 13-3(b) establishes that a Public Health Emergency declared by the Governor shall automatically terminate after 30 days, unless renewed for an additional 30 days through a declaration of the Governor, and

WHEREAS, on April 7, 2020, I issued Executive Order No 119, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on May 6, 2020, I issued Executive Order No 138, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on June 4, 2020, I issued Executive Order No 151, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on July 2, 2020, I issued Executive Order No 162, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on August 1, 2020, I issued Executive Order No 171, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on August 27, 2020, I issued Executive Order No 181, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

New Jersey State Library

WHEREAS, on September 25, 2020, I issued Executive Order No 186, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on October 24, 2020, I issued Executive Order No 191, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on November 22, 2020, I issued Executive Order No 200, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on December 21, 2020, I issued Executive Order No 210, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 181, 186, 191, 200, and 210 (2020), I declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, due to the significant emergency measures the State had taken in response to COVID-19, there was previously a decrease in the rate of reported new cases of COVID-19 in New Jersey, in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey, and

WHEREAS, given the progress the State had made based on these emergency measures and after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan (the "Plan") for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification, and

WHEREAS, in line with the Plan, the State had been able to relax a number of restrictions, each time tailored to the relative risk the activity presents, and additional restrictions on outdoor and indoor recreational and entertainment businesses were lifted over the past several months, and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive COVID-19 Vaccination Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19, and

WHEREAS, certain individuals within the State started receiving the vaccine on December 15, 2020, and

WHEREAS, although the State has made every effort to prioritize the distribution of vaccines, current supply is not enough to meet demand and the administration rate is not sufficient to establish widespread resistance against the spread or effects of COVID-19, and

WHEREAS, the fact that the spread of COVID-19 had been limited by the State's emergency measures did not in any way suggest that the ongoing Public Health Emergency had dissipated, because absent social distancing measures, public

health experts anticipated that the spread of COVID-19 would again significantly increase, and

WHEREAS, since the Public Health Emergency was renewed on December 21, 2020, at which time there were over 432,592 positive cases of COVID-19 in New Jersey, the COVID-19 outbreak has continued to present a public health hazard in New Jersey, in the region, and across the United States, and

WHEREAS, as of January 19, 2021, according to the World Health Organization, there were over 93,956,883 confirmed cases of COVID-19 worldwide, with over 2,029,084 of those cases having resulted in death, and

WHEREAS, as of January 18, 2021, according to the Centers for Disease Control and Prevention (CDC), there were over 23,653,919 confirmed cases of COVID-19 in the United States, with over 315,260 of those cases having resulted in death, and

WHEREAS, as of January 18, 2021, there were over 568,573 positive cases of COVID-19 in New Jersey, with at least 18,367 of those cases having resulted in death, and

WHEREAS, there have been positive cases of COVID-19 in every county in New Jersey, and there have been deaths relating to COVID-19 in every county in New Jersey, and

WHEREAS, the State is again experiencing significant upticks in the rate of reported new cases across all counties, demonstrating the need for many of the State's current measures to remain in place, both to reduce additional new infections and to save lives, and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is necessary to allow the State to continue with the Plan to allow for the methodical and strategic reopening of the State, consistent with the State's authority under the EHPA, and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is also necessary to ensure that the State can swiftly respond to take all appropriate actions should the rate of reported new cases of COVID-19 in New Jersey, number of individuals being admitted to hospitals for COVID-19, or rate of reproduction for COVID-19 infections in New Jersey continue to increase, as we are now seeing in numerous states across the country, and

WHEREAS, the spread of COVID-19 has greatly strained the resources and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, and the situation is too large in scope to be handled entirely by the normal county and municipal operating services, and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of DOH confirm that the spread of COVID-19 in New Jersey constitutes an ongoing public health hazard that threatens and presently endangers the health, safety, and welfare of the residents of one or more municipalities or counties of the State, and it is necessary and appropriate to take action against this public

health hazard to protect and maintain the health, safety, and welfare of New Jersey residents and visitors, and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of DOH confirm that there exists a Public Health Emergency in the State, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby DECLARE and PROCLAIM that the Public Health Emergency declared in Executive Order No 103 (2020) pursuant to the EHPA, N J S A 26 13-1, et seq , continues to exist throughout the State of New Jersey, and I hereby ORDER and DIRECT

1 All Executive Orders adopted in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak remain in full force and effect

2 All actions taken by any Executive Branch departments and agencies in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak, or in whole or in part based on authority delegated by any Executive Orders described in Paragraph 1 of this Order, including but not limited to any Administrative Orders, remain in full force and effect

3 For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General

4 This Order shall take effect immediately

Dated January 19, 2021

EXECUTIVE ORDER NO 216

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, and 215 issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, and January 19, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act, N J S A App A 9-33 et seq and the Emergency Health Powers Act, N J S A 26 13-1 et seq , to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, Nos 210-211, and Nos 214-215 (2020), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, on March 19, 2020, I issued Executive Order No 105, which required the electronic collection and submission of political party candidate and delegate petitions through an online form created by the Secretary of State, and

WHEREAS, On April 8, 2020, I issued Executive Order No 120, which extended the required electronic collection and submission of petitions through an online form to Independent candidates seeking direct nomination for the general election, and

WHEREAS, on April 29, 2020, I issued Executive Order No 132, which allowed for the submission of initiative and referendum petitions electronically in addition to submission by hand delivery and which required the collection of signatures via an online form created by the Secretary of State, and

WHEREAS, P L 2020, c 55 subsequently codified the standards adopted by Executive Order Nos 105, 120, and 132 (2020) for the collection of signatures and submission of petitions, and

WHEREAS, full participation in the electoral process, both as a voter and as a candidate, is essential to a strong democracy, and

WHEREAS, our knowledge about COVID-19 and its transmission is more advanced than it was in March of 2020, and we now know that contact with contaminated surfaces is not the primary method by which COVID-19 is spread, and

WHEREAS, social distancing and other measures critical to limiting the spread of COVID-19 can sometimes require greater time and resources to meet certain obligations under elections law than would otherwise be required, and

WHEREAS, given the fast approach of an election cycle in which hundreds of elected offices are to be filled, including all 80 seats in the New Jersey General Assembly and all 40 seats in the New Jersey Senate, it remains vital that every appropriate option, consistent with social distancing and other precautions, be available for the collection and submission of petitions and signatures, and

WHEREAS, permitting the collection of signatures and the submission of petitions both electronically and, consistent with proper health guidance, in person will facilitate the greatest involvement in the electoral process and will better allow qualified candidates to meet the nomination requirements under the law, and

WHEREAS, states generally have discretion to dictate the time, manner, and place of elections in the absence of controlling federal law, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The Secretary of State, county clerks, municipal clerks, board of education secretaries, and fire district board secretaries shall allow for any candidate, delegate, recall, initiative, referendum, or other petition required to be filed prior to an election to be submitted by hand delivery and electronically

2 The Secretary of State, county clerks, municipal clerks, board of education secretaries, and fire district board secretaries shall accept petitions with handwritten signatures and signatures collected via an online form created by the Secretary of State

3 The respective filing officer for the petition shall develop the procedures for the electronic submission and signing of petitions, and of any required oaths, certifications and affidavits, which documents shall be submitted to such filing officers as are designated under law, notwithstanding any provision of P L 2020, c 55 to the contrary

4 The requirements of N J S A 19 23-7, N J S A 19 23-15, and N J S A 19 13-8 that a candidate provide a notarized oath of allegiance shall be in effect regardless of whether a petition is submitted by hand delivery or electronically

5 Any required notarial acts may be conducted consistent with P L 2020, c 26

6 Any provision of P L 2020, c 55 that is inconsistent with this Order is suspended for the duration of the Public Health Emergency first declared in Executive Order No 103 (2020)

7 Paragraph 3 of Executive Order No 132 (2020), to the extent inconsistent with this Order, is superseded

8 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution that will or might in any way conflict with any of the provisions of this Order, or that will or might in any way interfere with or impede its achievement

9 This order shall take effect immediately and shall apply to any petition that is due or may be submitted during the Public Health Emergency, first declared in Executive Order No 103 (2020)

Dated January 25, 2021

EXECUTIVE ORDER NO 217

WHEREAS, access to quality health care is critical to the physical, mental, and economic well-being of the residents, families, communities, and businesses in the State, and

WHEREAS, New Jersey has taken important steps to improve access to quality and affordable health insurance for our residents under the Affordable Care Act, including by establishing a State-based marketplace, a reinsurance program, and a shared responsibility requirement, implementing out-of-network reforms, and providing eligible residents with additional financial subsidies in addition to federal subsidies when purchasing coverage on the State-based marketplace, and

WHEREAS, health care and prescription drug cost growth continue to be a challenge for New Jersey residents, families, and employers, including the State, and threaten to outpace the growth of the State's economy and wages, and

WHEREAS, the steadily increasing costs of health care and prescription drugs have limited access to quality health care for lower- and middle-income citizens and elderly citizens alike, and

WHEREAS, the novel Coronavirus disease 2019 (COVID-19) pandemic and the economic fallout it has caused have underscored the importance of equitable and affordable access to quality health care services, treatments, and prescription drugs, while also highlighting inequalities in health outcomes and critical disparities in health care and coverage access, particularly with respect to minority communities and the underserved, and

WHEREAS, at a time when many of our residents have been impacted by job loss and housing and food insecurity, access to more affordable health care has never been more critical, and

WHEREAS, planning for improved consumer affordability, health care quality, integration of health care delivery, reform of payment systems to reward value, cost transparency, and taxpayer savings, achieved through coordination among

State agencies, is essential to effectively manage costs and improve health care delivery, and

WHEREAS, in 2020, the Office of Health Care Affordability and Transparency was formed to help guide my Administration's work on health care affordability and price transparency, and

WHEREAS, the Office of Health Care Affordability and Transparency works with the Departments of Banking and Insurance, Health, Human Services, and the Treasury to advance affordability, accessibility, and transparency in the health care system, and

WHEREAS, there is a growing recognition that efforts to advance affordability, accessibility, and transparency in the health care system are aided and informed by incorporation of whole-person systems change, and that alignment of alternative payment models can improve quality and reduce the cost of care, and

WHEREAS, in recognition of the fact that this is a transformative moment for health care in our State, a comprehensive review of health care access, affordability, and transparency is necessary to identify and align health care affordability goals and policies that will be shared by the public and private sectors to improve the health care system for all residents, and

WHEREAS, such a review should be conducted by State officials and stakeholders who represent a variety of perspectives and who have the expertise to develop innovative solutions, and

WHEREAS, the establishment, monitoring, and implementation of an annual health care cost growth benchmark and health insurance affordability standards are appropriate means to achieve the goal of improved health care quality at reduced cost, and

WHEREAS, through the development of a plan to collect and use health care cost, quality, and outcome data, the State can implement strategies to contain growth in health care costs and promote better health quality and health outcomes,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 There is hereby created an Interagency Health Care Affordability Working Group ("Working Group") that will report directly to the Office of the Governor

2 The Working Group, which shall be advisory in nature, shall be chaired by the Director of the Office of Health Care Affordability and Transparency in the Office of the Governor

3 In addition to the Director of the Office of Health Care Affordability and Transparency, the Working Group shall consist of the Commissioner or other agency head of the following Executive Branch departments and agencies, or a named designee

a The Department of Banking and Insurance,

b The Department of Human Services,

c The Department of Health,

d The Division of Consumer Affairs, and

e The Department of the Treasury

4 The Working Group shall organize as soon as practicable and shall convene as often as practicable and as requested by the Governor or chairperson

5 Within one month of the date on which the Working Group organizes, the Working Group shall make recommendations to the Governor regarding State officials and other public members to serve on a Health Care Advisory Group ("Advisory Group") The objective of the Advisory Group is to advise the Working Group on the development and implementation of an annual health care cost growth benchmark The Advisory Group shall be advisory in nature and shall provide recommendations to the Working Group as deemed appropriate by the Working Group The Advisory Group shall be primarily responsible for providing advisory and consultative guidance on the development and implementation of the health care cost growth benchmarks and related Workgroup recommendations and actions All members of the Working Group and Advisory Group will serve without compensation and at the pleasure of the Governor

6 The Working Group is authorized to call upon any department, office, division, or agency of this State to supply it with data and any other information or assistance available to such agency as the Working Group deems necessary to discharge its duties under this Order Each department, office, division, or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Working Group within the limits of its statutory authority and to furnish it with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order The Working Group may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission

7 The Department of Banking and Insurance shall provide staffing for the Working Group to the extent permitted by law and within existing appropriations

8 The objectives of the Working Group shall include, but not be limited to, the following

a Developing and recommending policies to improve health care affordability, accessibility, and transparency for all New Jersey residents,

b Recommending the development and coordination of programs and policies of the participating departments as needed to support health equity for all New Jersey residents, including leveraging the learnings from the Department of Human Services' initiatives in innovating payment and delivery in the Medicaid program,

c Leveraging the State's existing data resources and identifying strategies for enhancing and integrating State data resources, as permitted by applicable law, to develop cost-growth benchmarks to foster accountability and contain health care costs and to utilize the data to identify cost drivers to inform strategic and collaborative action by members of the Working Group and Advisory Board and other relevant stakeholders throughout the State that will support cost growth benchmark attainment, and

d Supporting the policy initiatives of departments encouraging and implementing delivery reform, integrated whole-person care, and cost-effective payment initiatives

9 The Department of Banking and Insurance shall prepare and deliver to the Working Group a final report containing proposals for the development and implementation of cost growth benchmarks and health insurance affordability standards that will be applicable to both insurers and providers operating in the State's health care market within nine months following the organization of the Working Group, as provided in this Order The report shall be made available to the public at the same time The report shall include a plan under which the State can implement cost growth benchmarks and health insurance affordability standards by January 1, 2022, and shall identify all policy and legislative changes needed to effectuate cost growth benchmarks and health insurance affordability standards

10 The Division of Consumer Affairs and the Departments of Banking and Insurance, Health, Human Services, and the Treasury may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission outlined in this Order

11 This Order shall take effect immediately

Dated January 28, 2021

EXECUTIVE ORDER NO 218

WHEREAS, beginning Sunday, January 31, 2021, and continuing through Tuesday, February 2, 2021, the State of New Jersey is expected to experience a major, prolonged nor'easter winter storm causing hazardous weather conditions including heavy mixed precipitation, high winds, blizzard-like conditions, coastal flooding, and total snow and ice accumulations of 12 to 18 inches in a substantial portion of the State, and

WHEREAS, the National Weather Service has issued a Winter Storm Warning for central and northern New Jersey, and a coastal flood watch for coastal areas of New Jersey over the three tide cycles from Monday morning to Tuesday midday, and

WHEREAS, snow accumulation has begun on Sunday afternoon, with the heaviest snow expected to fall during the day on Monday, exceeding one inch per hour at points, and dangerous road conditions making travel difficult to impossible beginning late Sunday night through much of Monday, and

WHEREAS, strong winds, especially near the coast and over water, with gusts reaching 40 to 50 mph are expected on Monday, with inland winds reaching 35 to 45 mph, reducing visibility and hindering travel because of blowing and drifting snow, and

WHEREAS, widespread roadway flooding is possible in coastal and bayside communities and along inland tidal waterways, making roadways impassable, and

WHEREAS, this major, prolonged nor'easter winter storm is expected to produce hazardous travel conditions due to accumulated snow and ice, especially during the morning and evening commuting periods on Monday, February 1, 2021, and the morning commuting period on Tuesday, February 2, 2021, and

WHEREAS, this major, prolonged nor'easter winter storm is expected to produce hazardous travel conditions even for areas that receive lesser snowfall totals, and to make clearing snow and ice very difficult, and

WHEREAS, as part of the State's response to this major, prolonged nor'easter winter storm, the Commissioner of the New Jersey Department of Transportation ("DOT") has issued an Administrative Order(s) regarding vehicle travel restrictions pursuant to N J S A 27 1A-5, N J S A 27 3A-3, and N J S A 39 4-8 3, and

WHEREAS, strong winds are expected which may cause downed power lines and trees, resulting in power outages, and will impede the normal operation of public and private entities, and

WHEREAS, these serious weather conditions will make it difficult or impossible for citizens to obtain the necessities of life, as well as essential services such as police, fire, and first aid, and

WHEREAS, this impending significant winter storm constitutes an imminent hazard that threatens and presently endangers the health, safety, and resources of the residents of the State, and

WHEREAS, this situation may become too large in scope to be handled in its entirety by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A App A 9-33, et seq , N J S A 38A 3-6 1, N J S A 38A 2-4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, in order to protect the health, safety, and welfare of the people of the State of New Jersey DO DECLARE and PROCLAIM that a State of Emergency exists throughout the State of New Jersey, effective at 7 00 p m on January 31, 2021, and I hereby ORDER and DIRECT the following

1 I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, to implement the State Emergency Operations Plan and to direct the activation of county and municipal emergency operations plans, as necessary, and to coordinate the recovery effort from this emergency with all governmental agencies, volunteer organizations, and the private sector

2 I authorize and empower, in accordance with N J S A App A 9-33, et seq , as supplemented and amended, the State Director of Emergency Management, who is the Superintendent of State Police, through the police agencies under his control, and with consideration of any Administrative Order(s) issued by the Commissioner

of the DOT, to determine and control the direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant

3 I authorize and empower the Attorney General, pursuant to the provisions of N J S A 39 4-213, acting through the Superintendent of State Police, and with consideration of any Administrative Order(s) issued by the Commissioner of the DOT, to determine and control the direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic, to prevent ingress or egress, and to determine the type of vehicle or vehicles to be operated on such roadways I further authorize all law enforcement officers to enforce any such order of the Attorney General or Superintendent of State Police within their respective municipalities

4 I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety, or welfare because of the conditions created by this emergency

5 I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency Individuals housed or sheltered pursuant to this Order are exempted from transient guest and seasonal tenant restrictions permitted by Administrative Order Nos 2020 8-9 issued on April 4, 2020 and April 24, 2020, respectively, in response to the COVID-19 pandemic

6 I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule, where the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Order, subject to my prior approval and in consultation with the State Director of Emergency Management Any such waiver, modification, or suspension shall be promulgated in accordance with N J S A App A 9-45

7 I authorize and empower the Adjutant General, in accordance with N J S A 38A 2-4 and N J S A 38A 3-6 1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered

8 In accordance with the N J S A App A 9-34 and N J S A App A 9-51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately-owned property necessary to protect against this emergency

9 In accordance with N J S A App A 9-40, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order

10 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this State of Emergency

11 In accordance with N J S A App A 9-34, N J S A App A 9-40 6, and N J S A 40A 14-156 4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous disaster-stricken municipality within this State, nor to any disaster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or their deputies in consultation with the State Director of Emergency Management

12 This Order shall take effect at 7 00 p m on January 31, 2021, and shall remain in effect until such time as it is determined by me that an emergency no longer exists

Dated January 31, 2021

EXECUTIVE ORDER NO 219

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, and 215, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, and January 19, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or

in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 has continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187 and Nos 189-198, No 200, Nos 203-204, No 207, Nos 214-216 (2020), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No 107 (2020) closed all recreational and entertainment businesses, and limited all restaurants, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, to offering food delivery and/or take-out services only, and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification, and

WHEREAS, because of the progress we had made in our fight against the COVID-19 pandemic in New Jersey, on Monday, June 22, 2020, I announced that indoor dining would be able to resume under strict limits as of Thursday, July 2, 2020, and that decision was formalized in Executive Order No 157, and

WHEREAS, while Executive Order No 157 (2020) announced the limited resumption of indoor dining, this step was put on hold in Executive Order No 158 (2020), in light of COVID-19 spikes in states around the nation which state officials and other experts had attributed, at least in part, to activities in indoor food and beverage establishments, and

WHEREAS, indoor dining was permitted to resume on September 4, 2020, pursuant to Executive Order No 183, with strict health and safety protocols in place, including limiting the number of patrons to 25 percent of the establishment's stated maximum capacity, and

WHEREAS, Executive Order No 157 (2020) permitted certain recreation and entertainment businesses, to open their indoor premises subject to their compliance with specified health and safety protocols, including the same 25 percent capacity limitation, and

WHEREAS, Executive Order No 157 (2020) permitted casinos and racetracks to resume operations conditioned on their compliance with requirements imposed

by the Division of Gaming Enforcement and New Jersey Racing Commission, and

WHEREAS, Executive Order No 181, issued August 27, 2020, permitted gyms, fitness centers, and health clubs to open their indoor spaces to the public at 25 percent of the facility's stated maximum capacity, and

WHEREAS, personal care service facilities were permitted to reopen their premises to the public pursuant to Paragraph 2 of Executive Order No 157 (2020), and

WHEREAS, Executive Order No 194 (2020) clarified that premises of indoor facilities providing personal care services are limited to 25 percent of the stated maximum capacity, and

WHEREAS, Executive Order No 196 (2020), issued November 16, 2020, declared that athletic practices and competitions, including professional and collegiate events, conducted indoors were subject to the indoor gathering limit of 10 persons, but permitted those events to exceed the gathering limits so long as no individuals were present who were not necessary for the event, though still at levels no greater than 25 percent of the room's capacity of 150 persons, whichever is lower, and

WHEREAS, Executive Order No 204 (2020) clarified that indoor meetings of addiction support groups are limited to 25 percent of the capacity of the room in which they take place, up to a maximum of 150 individuals, and

WHEREAS, in the past eleven months, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks, and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan ("Plan") discussed below, allows for certain activities to continue subject to more limited restrictions, and

WHEREAS, the statewide rate of transmission and the number of new hospital admissions, current hospitalized patients, ventilators in use, and patients in intensive care have all either decreased or remained stable over the past few weeks, and

WHEREAS, given the decrease in these key statistics, the State can take cautious, incremental steps to lift certain restrictions that were designed to limit person-to-person contact, and

WHEREAS, the current 25 percent capacity limit on the indoor premises of the above referenced establishments and on the indoor gathering limit for certain activities can safely be raised to 35 percent, a limit that will continue to minimize congregation of large numbers of individuals in indoor settings, and

WHEREAS, in light of these improvements, it is also reasonable to permit food and beverage establishments to offer in-person service at indoor areas between the hours of 10 00 p m and 5 00 a m each day while other mitigation proto-

cols, including the prohibition on indoor bar seating and standing, remain in place, and

WHEREAS, even with the loosening of this restriction, certain municipalities and counties may continue to have legitimate concerns about congregation in and around businesses at particular hours, which may cause public health concerns as we aim to avoid unnecessary increases in density of individuals, and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19, and

WHEREAS, the State has thus far administered over 700,000 doses of COVID-19 vaccines to individuals that live, work, and are educated in New Jersey and fit into specified high-risk categories, including healthcare workers and residents and staff of congregate care facilities that are at greater risk of exposure to COVID-19, frontline first responders including sworn law enforcement officers, individuals over the age of 65, and individuals aged 16 to 64 years who are more inclined to severe illness as the result of exposure to COVID-19, and

WHEREAS, though additional vaccines are currently under development, the first vaccines that arrived in the State require two doses to be effective, and

WHEREAS, the process of vaccinating the population to levels sufficient to establish community immunity is expected to take many months, and

WHEREAS, while New Jersey is rapidly expanding its capacity to vaccinate large numbers of individuals each day, it is still appropriate to maintain strict mitigation protocols, including overall limits on capacity in establishments open to the public, to ensure spread is limited while dissemination of the vaccine continues, and

WHEREAS, it is critical that individuals continue to follow social distancing, masking, and other infection control protocols while vaccine administration is ongoing in the State, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Restaurants, cafeterias, dining establishments, including private, non-profit clubs, and food courts, with or without a liquor license, bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as "food or beverage establishments," that are open to the public

a Shall limit the number of patrons in indoor areas to 35 percent of the food and beverage establishment's indoor capacity, excluding the food or beverage establishment's employees Paragraph 1 of Executive Order No 183 (2020) is hereby rescinded to the extent that it conflicts with the provisions of this Order, and

b Are permitted to offer in-person service at indoor areas between the hours of 10 00 p m and 5 00 a m each day, unless otherwise restricted by municipal or county ordinance Casinos and any other retail, recreational, or entertainment businesses that are authorized to open their indoor premises to the public are permitted to resume indoor food and beverage service at those hours each day Paragraph 1 of Executive Order No 194 (2020) requiring such establishments to close their indoor operations to the public during those times is hereby rescinded Executive Order No 195 (2020), which gives municipalities and counties the ability to impose certain restrictions on the hours of operation of certain businesses, shall remain in effect

2 Entertainment centers where performances are viewed or given, including movie theaters, performing arts centers, and other concert venues, that have opened their indoor spaces to the public must limit the number of patrons in any indoor room where a performance is viewed or given to 35 percent of the stated maximum capacity, if applicable, at one time, excluding the entertainment business's employees, but regardless of the capacity of the room, such limit shall never be larger than 150 persons Such indoor entertainment centers may host a performance in an adjacent outdoor area with a maximum capacity equivalent to the facility's indoor capacity permitted under this Paragraph Paragraph 2 of Executive Order No 183 (2020) and Administrative Order No 2020-24 are hereby rescinded to the extent that they conflict with the provisions of this Order

3 The number of individuals at indoor gatherings that are religious services or celebrations, political activities, wedding ceremonies, funerals, or memorial services shall be limited to 35 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be larger than 150 persons or smaller than 10 persons For purposes of this Paragraph, any private residence or residential unit shall be treated as a single "room " Paragraph 1 of Executive Order No 196 (2020) is hereby rescinded to the extent that it conflicts with the provisions of this Order

4 Personal care services authorized to reopen their indoor facilities to the public pursuant to Paragraph 2 of Executive Order No 157 (2020) shall limit occupancy of any indoor premises to 35 percent of the stated maximum capacity, if applicable, at one time, excluding the facility's employees Paragraph 8 of Executive Order No 194 (2020) is hereby rescinded to the extent that it conflicts with the provisions of this Order

5 "Health clubs," as defined by N J S A 56 8-39, which include gyms and fitness centers, as well as amusement and water parks, authorized to reopen their indoor facilities to the public pursuant to Paragraph 1 of Executive Order No 181 (2020) shall limit occupancy of any indoor premises to 35 percent of the stated maximum capacity, if applicable, at one time, excluding the facility's employees

Paragraph 1 of Executive Order No 181 (2020) is hereby rescinded to the extent that it conflicts with the provisions of this Order

6 Recreational and entertainment businesses that were permitted to reopen their indoor facilities to the public pursuant to Paragraph 7 of Executive Order No 157 (2020) shall limit occupancy of any indoor premises to 35 percent of the stated maximum capacity, if applicable, at one time, excluding the recreational or entertainment business's employees Paragraph 7 of Executive Order No 157 (2020) is hereby rescinded to the extent that it conflicts with the provisions of this Order

7 Casinos, including casino gaming floors and retail sports wagering lounges, that have opened their indoor premises to the public shall limit occupancy of any indoor premises to 35 percent of the stated maximum capacity, if applicable, at one time, excluding the facility's employees

8 Athletic practices and competitions that were permitted to resume on January 2, 2021 under Executive Order No 204 (2020) are subject to the current indoor gathering limit, which was most recently set at 10 persons However, if the number of individuals who are necessary for a no-contact practice, contact practice, or competition, such as players, coaches, and referees, is greater than 10 persons, such a practice or competition may proceed, as long as no individuals are present who are not necessary for the practice or competition, such as spectators If this exception applies, the number of individuals at such an indoor gathering still may not exceed 35 percent of the capacity of the room in which it takes place, and such limit may not exceed 150 persons Administrative Order No 2020-25 is hereby rescinded to the extent that it conflicts with the provisions of this Order

9 Professional and collegiate athletic competitions that are conducted indoors are subject to the current indoor gathering limit of 10 persons Athletes, coaches, referees, and trainers, and other individuals who are necessary for the competitive professional or collegiate sporting event are not included in the number of individuals present at a gathering for purposes of the limits on gatherings The number of individuals present inside facilities where indoor professional or collegiate athletic competitions are taking place may not exceed 35 percent of the capacity of the room in which it takes place, and such limit may not exceed 150 persons The provisions of Paragraph 1 of Administrative Order No 2020-22 regarding indoor gatherings shall continue to apply Paragraph 2 of Executive Order No 196 (2020) is hereby rescinded to the extent that it conflicts with the provisions of this Order

10 Indoor gatherings that involve an Alcoholics Anonymous meeting, Narcotics Anonymous meeting, or similar meeting of an addiction support group shall be limited to 35 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be larger than 150 persons or smaller than 10 persons Paragraph 7 of Executive Order No 204 (2020) is hereby rescinded to the extent that it conflicts with the provisions of this Order

11 The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order

12 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order

13 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement, except as otherwise provided in Executive Order No 195 (2020)

14 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

15 This Order shall take effect at 8 00 a m on Friday, February 5, 2021, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate

Dated February 3, 2021

EXECUTIVE ORDER NO 220

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, and 215, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, and January 19, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 has continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187,

Nos 189-198, No 200, Nos 203-204, No 207, Nos 214-216, and No 219 (2020), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No 107 (2020) closed all recreational and entertainment businesses, and limited all restaurants, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, to offering food delivery and/or take-out services only, and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification, and

WHEREAS, Executive Order No 196, issued November 16, 2020, declared that athletic practices and competitions conducted indoors were subject to the indoor gathering limit of 10 persons, but permitted those events to exceed the gathering limits so long as no individuals were present who were not necessary for the event, though still at levels no greater than 25 percent of the room's capacity or 150 persons, whichever is lower, and

WHEREAS, Executive Order No 219, issued February 3, 2021, increased that indoor limit to no greater than 35 percent of the room's capacity, but maintained the overall cap of 150 persons, and

WHEREAS, Executive Order No 204 (2020) stated that outdoor athletic practices and competitions were subject to the outdoor gathering limit of 25 persons, but permitted those events to exceed the gathering limits so long as no individuals were present who were not necessary for the event, and

WHEREAS, in the past eleven months, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks, and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing implementation of DOH's COVID-19 Vaccination Plan, allows for certain activities to continue subject to more limited restrictions, and

WHEREAS, the statewide rate of transmission and the number of new hospital admissions, current hospitalized patients, ventilators in use, and patients in intensive care have all either decreased or remained stable over the past few weeks, and

WHEREAS, given the decrease in these key statistics, the State can take cautious, incremental steps to lift certain restrictions that were designed to reduce person-to-person contact, and

WHEREAS, parents and guardians may serve multiple important roles at sports practices and competitions, including supervising younger athletes and ensuring athletes follow COVID-19 mitigation requirements, and

WHEREAS, it is reasonable to permit a limited number of parents and guardians to attend indoor and outdoor sports practices and competitions where such individuals abide by stringent health and safety protocols set forth by the DOH in its "Guidance for Sports Activities", and

WHEREAS, spectators are not currently prohibited from attending collegiate and professional sporting events, and

WHEREAS, while New Jersey is rapidly expanding its capacity to vaccinate large numbers of individuals each day, it is still appropriate to maintain strict mitigation protocols, including overall limits on gatherings, to ensure spread is limited while dissemination of the vaccine continues, and

WHEREAS, it is critical that individuals continue to follow social distancing, masking, and other infection control protocols while vaccine administration is ongoing in the State, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 All non-collegiate and non-professional athletic practices and competitions that are conducted indoors are subject to the current indoor gathering limit, which was most recently set at 10 persons However, if the number of individuals who are necessary for the practice or competition, such as athletes, coaches, and referees, is greater than 10 persons, such a practice or competition may proceed, as long as no individuals are present who are not necessary for the practice or competition Operators of such sports activities may permit up to two parents or guardians per athlete under the age of twenty-one participating in the practice or competition to attend the event provided all attendees abide by the applicable requirements in the DOH's "Guidance for Sports Activities " Such parents and guardians shall be considered necessary for the practice or competition The number of individuals present inside facilities where indoor practices or competitions are taking place, inclusive of all necessary individuals, may not exceed 35 percent of the capacity of the room in which it takes place, and such limit may not exceed 150 persons Paragraph 8 of Executive Order No 219 (2020) is hereby rescinded to the extent that it conflicts with the provisions of this Order

2 All non-collegiate and non-professional athletic practices and competitions that are conducted outdoors are subject to the current outdoor gathering limit of 25

persons However, if the number of individuals who are necessary for the practice or competition, such as athletes, coaches, and referees, is greater than 25 persons, such a practice or competition may proceed, as long as no individuals are present who are not necessary for the practice or competition Operators of such sports activities may permit up to two parents or guardians per athlete under the age of twenty-one participating in the practice or competition to attend provided all attendees abide by the applicable requirements in the DOH's "Guidance for Sports Activities " Such parents and guardians shall be considered necessary for the practice or competition Paragraph 6 of Executive Order No 204 (2020) is hereby rescinded to the extent that it conflicts with the provisions of this Order

3 The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order

4 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order

5 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement, except as otherwise provided in Executive Order No 195 (2020)

6 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

7 This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate

Dated February 12, 2021

EXECUTIVE ORDER NO 221

WHEREAS, climate change, driven largely by human activities that emit greenhouse gases and other climate pollutants causing global atmospheric warming, presents an existential threat to the residents of New Jersey, their health, communities, businesses, environment, economy, and way of life, and

WHEREAS, the State of New Jersey, while uniquely vulnerable to climate risks, is uniquely positioned to develop and deploy innovative solutions that transform the climate crisis into a tremendous opportunity for our residents, communities, businesses, and economy, and

WHEREAS, through Executive Order Nos 7, 8, 23, and 28 (2018), Nos 89 and 92 (2019), and No 100 (2020), the facts and circumstances of which are adopted by reference herein, I established that it is the policy of this State to take aggressive climate action by reducing the emissions of climate pollutants on an economy-wide basis, charting a just and equitable transition away from our reliance on fossil fuels while building a stronger and fairer economy fueled by clean and renewable energy, protecting and promoting the resilience of New Jersey's communities from the current and anticipated impacts of climate change through planning and regulation, investing in climate solutions that create new economic opportunity and broadly shared prosperity, and furthering the promise of environmental justice and ensuring equity in the course of fulfilling each of these objectives, and

WHEREAS, New Jersey's commitment to climate action has also positioned the State as a national leader in green job growth by expanding solar energy installations, facilitating the development of offshore wind farms, expanding and developing new port capacity and clean energy infrastructure, and hastening modern green manufacturing while bolstering apprenticeship programs, and

WHEREAS, green jobs, which include jobs focused on the production of goods or provision of services that directly benefit the environment or conserve natural resources, as well as those focused on facilitating environmentally-friendly production processes, such as process improvements that reduce consumption of energy and natural resources, are critical to further expanding the reach of New Jersey's innovation economy, and

WHEREAS, the number of people employed in New Jersey's green economy has been rapidly growing in recent years, with over 52,000 workers in 2019 employed in a variety of roles including construction, manufacturing, trade, and professional services, and

WHEREAS, notwithstanding overall green job growth, an October 2020 study by the BW Research Partnership found that the Coronavirus disease 2019 (COVID-19) Pandemic has caused a recent decline in green job growth nationwide, and specifically in New Jersey, necessitating the need for greater economic support for green jobs as part of the State's economic recovery, and

WHEREAS, New Jersey expects an increased demand for a well-trained green workforce as the State continues its just and equitable transition to a green economy, as well as an increased demand for services to assist workers potentially displaced as the green economy transition evolves, and

WHEREAS, the green workforce has historically lacked diversity, with disproportionate race and gender gaps across sectors of the green economy, including gaps in, but not limited to, clean energy production, energy efficiency, and water infrastructure and system operations, and

WHEREAS, the adoption of diversity and inclusion policies and programs can increase representation of historically underrepresented groups, helping to overcome racial and gender gaps and ensuring that the rich diversity of New Jersey is represented in the green economy as it continues to grow, and

WHEREAS, the transition to a green economy provides New Jersey with a unique opportunity to establish a holistic and coordinated job creation strategy that drives sustainable economic growth and development, avoids and adjusts for potential worker displacement while providing for appropriate workforce support and resources should it occur, and prioritizes equity, diversity, inclusion, and environmental and economic justice, and

WHEREAS, the development and implementation of a long-term green economy strategy that accelerates the growth of green jobs, facilitates green workforce development, and equitably expands economic opportunity demands a concerted approach across government, industry, and labor that is coordinated with and complimentary to the State's climate action policies as established by Executive Order Nos 7, 8, 23, and 28 (2018), Nos 89 and 92 (2019), and No 100 (2020), and the products thereof,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 There is hereby established the Governor's Office of Climate Action and the Green Economy ("Climate Office"), which shall coordinate the policymaking processes of Executive Branch departments and agencies with respect to all climate change and green economy issues, coordinate climate policy and green economy advice to the Governor, ensure that climate and green economy policy decisions and programs are consistent with the Governor's stated goals and that those goals are being effectively pursued, and monitor implementation of the Governor's climate policy and green economic agenda

2 The Climate Office shall be headed by an Executive Director appointed by the Governor The Executive Director shall be an employee of the State, and shall have a staff and other assistance as may be necessary to carry out the provisions of this Order, subject to the availability of appropriations, and may conduct the work of the Climate Office via established interagency councils or groups or such other ad hoc committees as the Executive Director may establish

3 The Executive Director is hereby authorized to call upon any Executive Branch department or agency to supply the Climate Office with information or other assistance as the Executive Director determines necessary to discharge the Director's duties under this Order Each Executive Branch department and agency is hereby required, to the extent not inconsistent with law, to cooperate fully with the Executive Director within the limits of each department's or agency's statutory authority, and to furnish such assistance on as timely a basis as is necessary to accomplish the purpose of this Order

4 The Executive Director shall, among other responsibilities, ensure the coordination and execution of climate action policies as established by Executive Order Nos 7, 8, 23, and 28 (2018), Nos 89 and 92 (2019), and No 100 (2020), and the products thereof, including, but not limited to, the implementation of recommenda-

tions contained in reports issued pursuant to the Global Warming Response Act, N J S A 26 2C-41, and the State's most current Energy Master Plan and Statewide Climate Change Resilience Strategy

5 There is hereby established within the Climate Office, and under the auspices of the Governor's Jobs and Economic Opportunity Council established pursuant to Executive Order No 12 (2018), the New Jersey Council on the Green Economy ("Council")

6 The Council shall consist of the Executive Director of the Climate Office, the Chief Policy Advisor and the Deputy Chief of Staff for Economic Growth to the Governor, the Commissioners of the Departments of Education, Environmental Protection, Labor, and Treasury, the President of the Board of Public Utilities, the Chief Executive Officer of the Economic Development Authority, the Secretary of Higher Education, the Director of the Division of Consumer Affairs, and the Director of the Division of Rate Counsel, or their respective designees

7 The Governor shall also appoint to serve on the Council two members from organized labor, one representative from the manufacturing industry, one environmental justice advocate, one environmental advocate, one green economy business representative, one representative from a Chamber of Commerce of a historically underrepresented group, one member from academia, two representatives from the utilities, and one small business and workforce training representative

8 The Governor may, as determined to be appropriate, appoint additional members to the Council, who shall serve at the pleasure of the Governor

9 The Executive Director of the Climate Office shall serve as the Executive Director of the Council and shall establish such rules of operation as the Council may require The Executive Director of the Council shall also serve as a member of the Governor's Jobs and Economic Opportunity Council

10 The Commissioner of the Department of Environmental Protection, the Commissioner of the Department of Labor and Workforce Development, and the President of the Board of Public Utilities shall jointly serve as Chairpersons of the Council The Governor will also appoint an Honorary Chairperson, who shall serve at the pleasure of the Governor

11 No member of the Council, including the Executive Director and the Chairpersons, shall be compensated in addition to the compensation received, if any, as an employee or officer of the State

12 The Council shall meet as often as practicable and as requested by the Governor or Executive Director

13 The objectives of the Council shall include, but shall not be limited to, the following

a Develop a more expansive and inclusive definition of a "green job" that includes the full variety of green infrastructure jobs, including, but not limited to, those related to development of renewable energy generation, production, manufacturing, infrastructure, storage, and access for technologies such as wind and solar, transportation electrification infrastructure, services, and sales, research and development of green technologies, grid modernization and grid-edge technolo-

gies, and geothermal generation technologies, water infrastructure and systems operations, lead remediation and abatement, climate change resilience and adaptation, contaminated site remediation, food waste reduction and recycling, environmental education, and building electrification and energy efficiency related jobs, including but not limited to, weatherization, building energy management systems, mold removal and abatement, and heating, ventilation and air conditioning

b Conduct an analysis of existing green job opportunities, as well as how green job opportunities and needs will adjust as various sectors of the green economy evolve over time, that

1 Specifies the skills, industry-recognized credential, and training requirements needed for each job,

ii Lists available current training programs, including work-based learning opportunities, as well as new programs needed, across providers, labor, and academia,

iii Identifies funding needs and existing public and private funding sources for training and certification programs,

iv Provides public and private sector salary and benefit data by geographic areas within New Jersey and the surrounding region,

v Explores reskilling and training opportunities available to displaced workers, the incarcerated or formerly incarcerated, and youth involved in the juvenile justice system,

vi Identifies gaps in the needs and resources of New Jersey's secondary and postsecondary career and technical education programs to develop the State's future green workforce, and measures needed to address those gaps, and

vii Considers how to expand educational and workforce opportunities to underrepresented groups

c Evaluate economic and workforce impacts of a just transition to a green economy, including any increased demand for resources to address the needs of workers potentially displaced from historic lines of work as the green economy evolves, and identify which at risk jobs and sectors lend themselves to a transition to sectors with similar skill sets in the green economy

d Assess how to balance providing opportunities to the existing workforce with the need to diversify the workforce and increase access and participation by historically underrepresented groups

e Consult with any department, office, division, agency or other instrumentality of this State to ensure they consider green options where appropriate and necessary as they develop regulatory programs and initiatives

f Through a coordinated effort across relevant governmental programs and private industry, consider various green job initiatives that include but are not limited to

1 Incorporation of equitable workforce development strategies into all environmental, infrastructure, and clean energy initiatives, including a framework to support high quality employment and collective bargaining,

ii Strategic investments in workforce development, education, apprenticeship/internship, training and certification, and retraining programs,
iii Formation of career services, green job pathways, experiential learning opportunities, and outreach to underrepresented and underserved groups, including women, the incarcerated or formerly incarcerated, and workers displaced by emerging clean energy technology,
iv Dedicated supports for displaced workers including employment counseling, reskilling, transitional income, and relocation support, and
v Public information campaigns to inform and educate the public on the importance of green jobs and the opportunities available in a green economy
g Examine measures implemented by other jurisdictions to transition to a clean energy economy and develop robust green jobs initiatives within the United States and Europe

14 The Council shall engage and seek input from stakeholders, by (a) seeking information to advise the Council on a variety of relevant issues, (b) holding open-ended listening sessions that identify labor, industry, and community needs, and (c) participating in roundtables with experts in various fields to solicit information, engage in robust discussion, and ask necessary questions on specific topics and initiatives identified by the Council

15 The Council, which shall be purely advisory in nature, shall issue a final report to the Governor with its recommendations no later than one year after the effective date of this Order The Council shall also present the final report to the Jobs and Economic Opportunity Council

16 The Council shall be authorized to call upon any department, office, division, agency or other instrumentality of this State to supply it with information or other assistance as the Council determines to be necessary to discharge its duties under this Order Each Executive Branch department, office, division, agency or other instrumentality of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Council within the limits of its statutory authority and to furnish it with such assistance on as timely a basis as is necessary to accomplish the purpose of this Order

17 For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General

18 Nothing in this Order shall be construed to confer any legal rights upon entities whose activities are regulated by State entities, nothing shall be construed to create a private right of action on behalf of any such regulated entities, and nothing shall be used as a basis for legal challenges to rules, approvals, permits, licenses, or other actions or inaction by a State entity Nothing in this Order shall be construed to supersede any federal, state, or local law

19 This Order shall take effect immediately

Dated February 16, 2021

EXECUTIVE ORDER NO 222

WHEREAS, on March 9, 2020, through Executive Order No 103, the facts and circumstances of which are adopted by reference herein, I declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard created by Coronavirus disease 2019 ("COVID-19"), and

WHEREAS, Executive Order No 103 (2020) described both the symptoms and dangers presented by COVID-19 and the likelihood of community spread across the State, and it recognized the need to use all available statewide authorities to prepare for and respond to COVID-19 cases in New Jersey, to implement appropriate measures to mitigate the spread of COVID-19, and to prepare in the event of an increasing number of individuals requiring medical care or hospitalization, and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act ("EHPA"), to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104- 133, 135-138, 140-166, 168-173, 175, 177-181, 183, 187, 189-198, 200, 203-204, 207, and 210-211 (2020) and Nos 214-216, and 219-220 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, N J S A 26 13-3(b) establishes that a Public Health Emergency declared by the Governor shall automatically terminate after 30 days, unless renewed for an additional 30 days through a declaration of the Governor, and

WHEREAS, on May 6, 2020, I issued Executive Order No 138, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on June 4, 2020, I issued Executive Order No 151, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on July 2, 2020, I issued Executive Order No 162, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on August 1, 2020, I issued Executive Order No 171, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on August 27, 2020, I issued Executive Order No 181, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on September 25, 2020, I issued Executive Order No 186, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on October 24, 2020, I issued Executive Order No 191, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on November 22, 2020, I issued Executive Order No 200, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on December 21, 2020, I issued Executive Order No 210, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on January 19, 2021, I issued Executive Order No 215, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on April 7, 2020, I issued Executive Order No 119, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 181, 186, 191, 200, and 210 (2020), and No 215 (2021) I declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, due to the significant emergency measures the State has taken in response to COVID-19, in the summer and fall of 2020 there was a decrease in the rate of reported new cases of COVID-19 in New Jersey, in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey, and

WHEREAS, given the progress the State had made based on these emergency measures and after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan (the "Plan") for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification, and

WHEREAS, in line with the Plan, the State had been able to relax a number of restrictions, each time tailored to the relative risk the activity presents, and additional restrictions on outdoor and indoor recreational and entertainment businesses were lifted over the past several months, and

WHEREAS, the fact that the spread of COVID-19 had been limited by the State's emergency measures did not in any way suggest that the ongoing Public Health Emergency had dissipated, because absent social distancing measures, public

health experts anticipated that the spread of COVID-19 would again significantly increase, and

WHEREAS, since the Public Health Emergency was renewed on January 19, 2021, at which time there were over 432,592 positive cases of COVID-19 in New Jersey, the COVID-19 outbreak has continued to present a public health hazard in New Jersey, in the region, and across the United States, and

WHEREAS, as of January 19, 2021, according to the World Health Organization, there were over 109,068,745 confirmed cases of COVID-19 worldwide, with over 2,409,011 of those cases having resulted in death, and

WHEREAS, as of February 16, 2021, according to the Centers for Disease Control and Prevention (CDC), there were over 27,542,421 confirmed cases of COVID-19 in the United States, with over 485,070 of those cases having resulted in death, and

WHEREAS, as of February 16, 2021, there were over 669,481 positive cases of COVID-19 in New Jersey, with at least 20,251 of those cases having resulted in death, and

WHEREAS, there have been positive cases of COVID-19 in every county in New Jersey, and there have been deaths relating to COVID-19 in every county in New Jersey, and

WHEREAS, the rate of reported new cases across all counties has remained high, demonstrating the need for many of the State's current measures to remain in place, both to reduce additional new infections and to save lives, and

WHEREAS, in the past eleven months, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks, and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan, allows for certain activities to continue subject to more limited restrictions, and

WHEREAS, the statewide rate of transmission and the number of new hospital admissions, current hospitalized patients, ventilators in use, and patients in intensive care have all decreased over the past few weeks, and

WHEREAS, given the decrease in these key statistics, the State can take cautious, incremental steps to lift certain restrictions that were designed to limit person-to-person contact, and

WHEREAS, even with these improvements and the rapid expansion of the State's capacity to vaccinate large numbers of individuals each day, it is still necessary to maintain strict mitigation protocols to ensure spread is limited while dissemination of the vaccine continues, and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is necessary to allow the State to continue with the Plan to allow for the methodical and strategic reopening of the State, consistent with the State's authority under the EHPA, and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is also necessary to ensure that the State can swiftly respond to take all appropriate actions should the rate of reported new cases of COVID-19 in New Jersey, number of individuals being admitted to hospitals for COVID-19, or rate of reproduction for COVID-19 infections in New Jersey again increase, as we have seen in numerous states across the country, and

WHEREAS, the spread of COVID-19 has greatly strained the resources and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, and the situation is too large in scope to be handled entirely by the normal county and municipal operating services, and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of DOH confirm that the spread of COVID-19 in New Jersey constitutes an ongoing public health hazard that

threatens and presently endangers the health, safety, and welfare of the residents of one or more municipalities or counties of the State, and it is necessary and appropriate to take action against this public health hazard to protect and maintain the health, safety, and welfare of New Jersey residents and visitors, and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of DOH confirm that there exists a Public Health Emergency in the State, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby DECLARE and PROCLAIM that the Public Health Emergency declared in Executive Order No 103 (2020) pursuant to the EHPA, N J S A 26 13-1, et seq , continues to exist throughout the State of New Jersey, and I hereby ORDER and DIRECT

1 All Executive Orders adopted in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak remain in full force and effect

2 All actions taken by any Executive Branch departments and agencies in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak, or in whole or in part based on authority delegated by any Executive Orders described in Paragraph 1 of this Order, including but not limited to any Administrative Orders, remain in full force and effect

3 For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State gov-

ernment and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General

4 This Order shall take effect immediately

Dated February 17, 2021

EXECUTIVE ORDER NO 223

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, and 222 issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, and February 17, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act, N J S A App A 9-33 et seq , and the Emergency Health Powers Act, N J S A 26 13-1 et seq , to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, Nos 210-211, Nos 214-216, Nos 219-220, and No 222 (2020), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, On August 14, 2020, I issued Executive Order No 177 which postponed the special school elections scheduled for December 8, 2020 until January 26, 2021, the authorized January 2021 special school election date, and

WHEREAS, on November 2, 2020, I issued Executive Order No 193, postponing any run-off elections resulting from municipal elections held on the November General Election and required under N J S A 40 45-19 until December 15, 2020, in order to give county and municipal election officials enough time to send vote-by-mail ballots to all registered voters, and

WHEREAS, on November 25, 2020, I issued Executive Order No 203 making modifications to Executive Order No 193 (2020) to ensure enough time to complete preparations for the runoff elections required under N J S A 40 45-19 and postponing any special school elections scheduled for January 26, 2021 until the authorized March 2021 special school election date, and

WHEREAS, to avoid hardships and health risks to voters, election officials, poll workers, and candidates alike that would have resulted from allowing certain elections to proceed as originally planned prior to the pandemic, on December 21, 2020, I issued Executive Order No 211, which postponed until April 20, 2021 special school elections and fire district elections scheduled to take place between January 12, 2021 and April 19, 2021, as well as any other election scheduled to occur during that time, including the special election scheduled for January 12, 2021 in Wrightstown and the special election scheduled for January 19, 2021 in the Borough of Highland Park, and

WHEREAS, in order to ensure the proper effectuation of those Orders, it is necessary to clarify certain aspects of and address circumstances arising from those Orders, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Elections held on April 20, 2021 shall be conducted as required by law and all applicable Executive Orders, except as otherwise provided in this Order

2 In any municipality in which a school election and special municipal election will occur simultaneously on April 20, 2021, the rules and provisions applicable to the municipal election governing hours and polling places shall control and apply to the school election

3 In any county in which a school election and fire district election will occur simultaneously on April 20, 2021 for a school district and fire district with overlapping boundaries

a where the school district encompasses only one fire district, the county clerk shall prepare one ballot including all candidates and questions for both the school election and the fire district election,

b where the school district encompasses more than one fire district, the board of elections shall designate the polling places pursuant to the fire district boundary lines, and the county clerk shall prepare the ballots based upon the fire district boundary lines, which ballots shall reflect the candidates and questions for the school election and the fire district election with respect to each fire district,

c the conduct of the fire district election on April 20, 2021 shall be in accordance with all applicable provisions of chapter 14 of Title 40A of the New Jersey Statutes, except that where such provisions conflict with the provisions of law governing the conduct of school elections, the provisions governing the conduct of school elections shall control, and

d the polling places for such elections shall be open between the hours of 1 00 p m and 8 00 p m , except that the polling places may be opened as early as 6 00 a m on the day of those elections, as determined by the board of education

4 Any provision of law or Executive Order that is inconsistent with this Order is hereby suspended

5 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 or might in any way interfere with or impede its achievement

6 This Order shall take effect immediately

Dated February 19, 2021

EXECUTIVE ORDER NO 224

WHEREAS, Senator Gerald Cardinale was a dedicated public servant who tirelessly served the people of New Jersey for many years, and

WHEREAS, Senator Cardinale was a long-time resident of Demarest, New Jersey, and

WHEREAS, Senator Cardinale received a Bachelor of Science degree from St John's University and a Doctor of Dental Surgery degree from the New York University College of Dentistry, and

WHEREAS, Senator Cardinale's career in public service began in 1967, when he served as a Member of the Demarest Board of Education until 1973 and as the President of the Board from 1969 to 1971, and then as the Mayor of Demarest from 1975 to 1979, and

WHEREAS, Senator Cardinale served the 39th Legislative District in the New Jersey General Assembly from 1980 to 1982, and

WHEREAS, Senator Cardinale was elected to represent the 39th Legislative District in the New Jersey State Senate in 1981, where he would serve for over 39 years, and

WHEREAS, during his time in the Senate, Senator Cardinale served as Minority Whip from 1985 to 1987, Assistant Minority Leader from 1987 to 1989, Majority Whip from 1992 to 1994, and Deputy Majority Leader from 1994 to 2002, and

WHEREAS, during his time in the Legislature, Senator Cardinale served on the Commerce Committee, Judiciary Committee, and State House Commission, and

WHEREAS, Senator Cardinale was a prime sponsor of many important laws during his career in the Senate, including Megan's Law, Joan's Law, and a number of casino reform bills in the aftermath of the ABSCAM scandal, and

WHEREAS, Senator Cardinale is the second longest-serving State legislator, and the longest-serving Republican legislator, in New Jersey history, and

WHEREAS, Senator Cardinale contributed to a number of important causes throughout his career, including as co-founder of the Bergen County Task Force on Sexual Abuse of Children and as a former trustee of the Regional Mental Health Center in Dumont, where he established a program to support elderly individuals, and

WHEREAS, Senator Cardinale worked tirelessly throughout his 54-year career in public service to advocate for reforms impacting women and children, and

WHEREAS, Senator Cardinale also served the community of Fort Lee as a dentist for over 60 years, and

WHEREAS, Senator Cardinale's presence will be sorely missed by his family, his friends, his colleagues, and by the people of New Jersey whom he served so well, and

WHEREAS, it is with immense sadness that we mourn the passing of Senator Cardinale and extend our deepest sympathy to his wife, former Demarest Councilwoman Carole Cardinale, his five children, his grandchildren, and his friends and colleagues, and

WHEREAS, it is appropriate to honor the exemplary character, outstanding achievements, and cherished memory of Senator Cardinale, and to mark his passing,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, February 22, 2021, in recognition and mourning of a dedicated and tireless public servant, Senator Gerald Cardinale

2 This Order shall take effect immediately

Dated February 21, 2021

EXECUTIVE ORDER NO 225

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, and 222, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, and February 17, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 has continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, and 210-211 (2020) and Nos 214-216, Nos 219-220, and Nos 222-223 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No 107 (2020) prohibited gatherings of individuals and ordered residents to remain at home, except in limited situations such as leaving the home for a religious reason, closed all recreational and entertainment businesses, and limited all restaurants, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, to offering food delivery and/or take-out services only, and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan ("Plan") for the methodical and strategic reopening of businesses and activities, including increased capacity for religious services, based on scientific data and metrics concerning the level of disease transmission risk and essential classification, and

WHEREAS, Executive Order No 219, issued February 3, 2021, most recently increased the indoor limit for religious services to no greater than 35 percent of

the room's capacity, but maintained the overall cap of 150 persons in place since September of 2020, and

WHEREAS, Executive Order No 219 (2021) also increased the indoor limit for sporting events to no greater than 35 percent of the room's capacity, up to a maximum of 150 persons, where the event is limited to necessary persons, and

WHEREAS, Executive Order No 204 (2020) stated that outdoor athletic practices and competitions were subject to the outdoor gathering limit of 25 persons, but permitted those events to exceed the gathering limits so long as no individuals were present who were not necessary for the event, and

WHEREAS, Executive Order No 222 (2021) explicitly permitted a limited number of parents and guardians to attend indoor and outdoor non-collegiate, non-professional sporting events, and

WHEREAS, in the past twelve months, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks, and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing implementation of DOH's COVID-19 Vaccination Plan, allows for certain activities to continue subject to more limited restrictions, and

WHEREAS, the statewide rate of transmission and the number of new hospital admissions, current hospitalized patients, ventilators in use, and patients in intensive care have decreased over the past few weeks, and

WHEREAS, given the decrease in these key statistics, the State can take cautious, incremental steps to lift certain restrictions that were designed to reduce person-to-person contact, and

WHEREAS, New Jersey has consistently acknowledged that religious services play a critical role in our society and that attending such services is a constitutionally protected activity, so that, at certain times, restrictions on these gatherings should be less aggressive than restrictions on other gatherings, and

WHEREAS, courts both in New Jersey and across the nation have also recognized the propriety of accommodating religious services during the pandemic, and

WHEREAS, at least one of New Jersey's neighbor states has recently increased indoor capacity for religious services to fifty percent, and

WHEREAS, in light of aforementioned improvements in the State's numbers and our continued emphasis on the importance of this activity, it is reasonable to increase indoor capacity for religious services to fifty percent of the room in which they are held, without a cap on the number of individuals who may attend, and

WHEREAS, the State has relied on partnership with houses of worship to ensure best practices to protect the community and will continue to expect their support in complying with all applicable protocols, and

WHEREAS, sports and entertainment venues with a large maximum capacity can accommodate a greater number of individuals while still ensuring that a minimum of six feet of distance is maintained between patrons or groups of patrons at all times, including at entrances and egresses to the facility, and

WHEREAS, without a total cap on the number of individuals permitted at such an event, it is appropriate that the capacity limit be lower than that permitted for smaller venues in order to restrict the overall number of individuals allowed in the facility and to prevent congregation, and

WHEREAS, it is also reasonable to permit a limited number of fans at collegiate sporting events to align with the allowances recently extended to non-collegiate sporting activities, and

WHEREAS, all gatherings, whatever their nature, must continue to utilize protective measures, including use of masks and social distancing, and

WHEREAS, while New Jersey is rapidly expanding its capacity to vaccinate large numbers of individuals each day, it is still appropriate to maintain strict mitigation protocols, including overall limits on gatherings, to ensure spread is limited while dissemination of the vaccine continues, and

WHEREAS, it is critical that individuals continue to follow social distancing, masking, and other infection control protocols while vaccine administration is ongoing in the State, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Effective immediately, the number of individuals at indoor gatherings that are religious services or celebrations, including wedding ceremonies, funerals, and memorial services that involve religious services, shall be limited to 50 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be smaller than 10 persons For purposes of this Paragraph, any private residence or residential unit shall be treated as a single "room " Paragraph 3 of Executive Order No 219 (2020) is hereby rescinded to the extent that it conflicts with the provisions of this Order

2 Effective Monday, March 1 at 6 00 a m , sports and entertainment venues, including concert venues and stadiums, with fixed seating capacity of 5,000 or greater, that have opened their indoor spaces to the public may permit a number of patrons and/or members of the public totaling up to 10 percent of the stated maximum capacity of any room where such event is held Such venues shall continue to follow all applicable requirements in any other Executive Order, Administrative

Order, and/or Executive Directive, including, but not limited to, the requirements regarding mask wearing in Executive Order No 192 (2020) All attendees at the event are required to be six feet apart from other attendees at all times, except that individuals who purchase or reserve tickets together may be seated together, but must be six feet away from all other groups or individuals in all directions

3 Effective Monday, March 1 at 6 00 a m , sports and entertainment venues, including concert venues and stadiums, with fixed seating capacity of 5,000 or greater, that have opened their outdoor spaces to the public may permit a number of patrons and/or members of the public totaling up to 15 percent of the stated maximum capacity of any outdoor area where such event is held Such venues shall continue to follow all applicable requirements in any other Executive Order, Administrative Order, and/or Executive Directive, including, but not limited to, the requirements regarding mask wearing in Executive Order No 192 (2020) All attendees at the event are required to be six feet apart from other attendees at all times, except that individuals who purchase or reserve tickets together may be seated together, but must be six feet away from all other groups or individuals in all directions

4 Collegiate athletic competitions that are conducted indoors are subject to the current indoor gathering limit of 10 persons Athletes, coaches, referees, and trainers, and other individuals who are necessary for the collegiate sporting event are not included in the number of individuals present at a gathering for purposes of the limits on gatherings Operators of such sports activities may permit up to two parents or guardians per athlete participating in the practice or competition to attend the event Such parents and guardians shall also be considered necessary for the practice or competition The number of individuals present inside a room where an indoor collegiate athletic practice or competition is taking place may not exceed 35 percent of the capacity of the room, and such limit may not exceed 150 persons, except that individuals necessary for the collegiate sporting event may exceed the 150-person limit In no case shall the number of persons, inclusive of parents and guardians, exceed 35 percent of the capacity of the room The provisions of Paragraph 1 of Administrative Order No 2020-22 regarding indoor gatherings shall continue to apply Paragraph 9 of Executive Order No 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order Paragraph 2 of this Order shall apply to all indoor sporting events, including collegiate, youth and professional competitions, that take place in venues with a fixed seating capacity of 5,000 persons or greater

5 Collegiate athletic practices and competitions that are conducted outdoors are subject to the outdoor gathering limit of 25 persons Athletes, coaches, referees, trainers, and other individuals who are necessary for the competitive collegiate sporting event are not included in the number of individuals present at a gathering for purposes of the limits on gatherings Operators of such sports activities may permit up to two parents or guardians per athlete participating in the practice or competition to attend Such parents and guardians shall be considered necessary for the practice or competition Paragraph 9 of Executive Order No 196 (2020) is

hereby rescinded to the extent that it conflicts with the provisions of this Order Paragraph 3 of this Order shall apply to all outdoor sporting events, including collegiate, youth and professional competitions, that take place in venues with a fixed seating capacity of 5,000 persons or greater

6 The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order

7 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order

8 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement, except as otherwise provided in Executive Order No 195 (2020)

9 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

10 This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate

Dated February 22, 2021

EXECUTIVE ORDER NO 226

WHEREAS, Executive Order No 218, declaring a State of Emergency, was issued on January 31, 2021, because of a major, prolonged nor'easter winter storm that arrived on that date and continued through February 2, 2021, and

WHEREAS, the severity of the conditions necessitating the declaration of a State of Emergency have eased,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the Statutes of this State, hereby ORDER and DIRECT

1 The State of Emergency declared in Executive Order No 218 (2021) is terminated effective 5 00 p m , Eastern Standard Time, on February 23, 2021

Dated February 23, 2021

EXECUTIVE ORDER NO 227

WHEREAS, New Jersey's population of individuals age 65 and over is expected to grow from 1 5 million in 2019 to 1 9 million by the year 2030, and

WHEREAS, by the end of this decade one in five New Jerseyans will be age 65 or older, and

WHEREAS, across the United States, individuals age 65 and over are projected to outnumber children under age 18 by the year 2030, and

WHEREAS, research shows that this population overwhelmingly want to remain in their homes and communities as they age, and

WHEREAS, about one-third of New Jersey residents age 55 or older live in large-lot, car-dependent communities, and

WHEREAS, access to quality health care and long-term services and supports are essential for older residents to remain in their homes and communities, and

WHEREAS, despite representing only 36 percent of New Jersey's population, people age 50 and over accounted for 48 percent of the State's Gross Domestic Product in 2015, which in turn supported 54 percent of New Jersey's jobs and 47 percent of State and local taxes, and

WHEREAS, active aging is a life-long process and an "age-friendly" community is one that is friendly for people of all ages who live, work, study and participate in activities there, and

WHEREAS, the World Health Organization has developed a Global Network of Age-Friendly Cities and Communities to promote public policies that improve the health, well-being, satisfaction, and quality of life for all residents by focusing on eight key domains of community life that impact active aging

1 Outdoor spaces and buildings – accessibility to and availability of clean, safe community centers, parks, and other recreational facilities,

2 Transportation – safe and affordable modes of private and public transportation, "Complete Streets" types of initiatives, hospitable built environments,

3 Housing – wide range of housing options, aging in place and other home modification programs, housing that is accessible to transportation and community and health services,

4 Social participation – access to recreational and cultural activities, opportunities for all residents to participate in social and civic engagement with their peers and both older and younger people,

5 Respect and social inclusion – programs to support and promote ethnic and cultural diversity, programs to encourage multigenerational interaction and dialogue, programs to combat loneliness and isolation among older residents,

6 Civic participation and employment – promotion of paid work and volunteer opportunities for older residents, opportunities for older residents to engage in formulation of policies relevant to their lives,

7 Communication and information – promotion of and access to the use of technology to keep older residents connected to their community and friends and family, both near and far,

8 Community support and health services – access to homecare services, clinics, programs to promote active aging (physical exercise and healthy habits), and

WHEREAS, enabling people to continue living full lives in their homes and communities requires intentional and inclusive planning to develop and revive key age-friendly features, including compact neighborhoods with diverse housing types, downtowns with homes, shops, restaurants and entertainment close to each other, walkable and well-connected streets, and good transportation options,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 There is hereby created an Age-Friendly State Advisory Council ("Advisory Council") in the Department of Human Services (the "Department") The Advisory Council, which shall be purely advisory in nature, shall be chaired by the Commissioner of the Department or her designee

2 In addition to the Commissioner of the Department, the Advisory Council shall consist of at least 10 members, including the Lieutenant Governor in her capacity as Commissioner of Community Affairs, the Commissioner of Health, and the Commissioner of Transportation, or their designees, as well as representatives from county and municipal governments or local authorities, community aging and inclusion stakeholders, the business community, and experts from the higher education community The Governor may, as determined to be appropriate, appoint additional members to the Advisory Council All public members of the Advisory Council shall be appointed by the Governor, serve at the pleasure of the Governor, and serve without compensation

3 The Advisory Council shall organize as soon as practicable after the appointment of its members and shall convene as often as practicable and as requested by the Governor or chairperson

4 The objectives of the Advisory Council shall include, but not be limited to, consideration of the following

a Identifying opportunities for, and barriers to, the creation of livable communities for people of all ages across the State of New Jersey,

b Recommending best practices for age-friendly employment and civic participation among partners such as health and community services, business leaders, local and elected officials, advocacy organizations and volunteer groups, and innovative public-private partnerships, and

c Promoting age-friendly community inclusion and equitable outcomes by examining programs and practices to ensure that they address disparities experienced

by older adults of every race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity

5 Within eighteen months of the effective date of this Order, informed by the advice of the Advisory Council, the Department shall develop a blueprint of best practices for advancing age-friendly practices across the State and submit such blueprint to the Governor The report shall be made available to the public at the same time

6 The Department shall supply staff support to the Advisory Council as necessary The Advisory Council is authorized to call upon any Executive Branch department or agency to supply it with information or other assistance available to such agency as the Advisory Council determines to be necessary to discharge its duties under this Order Each Executive Branch department and agency is hereby required, to the extent not inconsistent with law, to cooperate fully with the Advisory Council within the limits of its statutory authority and to furnish such assistance on as timely a basis as is necessary to accomplish the purpose of this Order The Advisory Council may consult with experts and other knowledgeable individuals in the public or private sector on any aspect of its mission

7 For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General

8 This Order shall take effect immediately

Dated March 2, 2021

EXECUTIVE ORDER NO 228

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, and 222, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, and February 17, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders

adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 has continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, and 210-211 (2020) and Nos 214-216, Nos 219-220, Nos 222-223, and No 225 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No 107 (2020) prohibited gatherings of individuals and ordered residents to remain at home, except in limited situations such as leaving the home for a religious reason, closed all recreational and entertainment businesses, and limited all restaurants, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, to offering food delivery and/or take-out services only, and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan for the methodical and strategic reopening of businesses and activities, including increased capacity for religious services, based on scientific data and metrics concerning the level of disease transmission risk and essential classification, and

WHEREAS, Executive Order No 219, issued February 3, 2021, most recently increased the indoor limit for all wedding ceremonies to no greater than 35 percent of the room's capacity, but maintained the overall cap of 150 persons in place since September of 2020, and

WHEREAS, Executive Order No 225, issued February 22, 2021, increased the indoor limit for religious services or celebrations, including wedding ceremonies, to 50 percent of the capacity of the room in which it takes please, but regardless of the capacity of the room, such limit shall never be smaller than 10 persons, and

WHEREAS, wedding receptions are limited to 10 individuals indoors and 25 individuals outdoors consistent with current gathering limits, and

WHEREAS, in the past twelve months, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks, and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing implementation of the State's vaccination program, allows for certain activities to continue subject to more limited restrictions, and

WHEREAS, the number of new hospital admissions, current hospitalized patients, ventilators in use, and patients in intensive care have decreased over the past month, and

WHEREAS, in light of aforementioned improvements in the State's numbers and our continued emphasis on the importance of wedding ceremonies, it is appropriate to allow venues to host wedding receptions at the same capacity that is currently permitted for certain ceremonies, and

WHEREAS, all gatherings, whatever their nature, must continue to utilize protective measures, including use of masks and social distancing, and

WHEREAS, while New Jersey is rapidly expanding its capacity to vaccinate large numbers of individuals each day, it is still appropriate to maintain strict mitigation protocols, including overall limits on gatherings, to ensure spread is limited while dissemination of the vaccine continues, and

WHEREAS, it is critical that individuals continue to follow social distancing, masking, and other infection control protocols while vaccine administration is ongoing in the State, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The number of individuals at an indoor gathering that is a wedding reception shall be limited to 35 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be smaller than 10 persons or larger than 150 persons, excluding the reception venue's staff For purposes of this Paragraph, any private residence or residential unit shall be treated as a single "room " Paragraph 1 of Executive Order No 196 (2020) is hereby rescinded to the extent that it conflicts with the provisions of this Order

2 The number of individuals at an outdoor gathering that is a wedding reception shall be limited to a number that ensures that individuals can remain six feet apart, but such limit shall never be larger than 150 persons, excluding the reception venue's staff Paragraph 4 of Executive Order No 204 (2020) is hereby rescinded to the extent that it conflicts with the provisions of this Order

3 It is hereby clarified that the capacity limits for indoor wedding ceremonies, as stated in Paragraph 1 of Executive Order No 225 (2021), exclude the venue's staff

4 The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order

5 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order

6 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement, except as otherwise provided in Executive Order No 195 (2020)

7 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

8 This Order shall take effect on Friday, March 5, 2021 at 6 00 a m , and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate

Dated March 3, 2021

EXECUTIVE ORDER NO 229

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, and 222, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, and February 17, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 has continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, and 210-211 (2020) and Nos 214-216, Nos 219-220, Nos 222-223, No 225, and No 228 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, in response to the COVID-19 pandemic, on March 13, 2020, the Federal Communications Commission issued a request for the nation's telephone companies and internet providers to pledge to "Keep America Connected" and, among other things, not terminate service due to inability to pay because of disruptions caused by COVID-19 through June 30, 2020, and

WHEREAS, to protect the health, safety, and welfare of New Jersey residents by, among other things, reducing the rate of community spread of COVID-19, I issued Executive Order No 104 on March 16, 2020, the facts and circumstances of which are also adopted by reference herein, which established statewide social mitigation strategies for combatting COVID-19, including the closure of all public, private, and parochial preschool program premises, and elementary and secondary schools, including charter and renaissance schools, to students and the cessation of in-person instruction at all private and public institutions of higher education, and

WHEREAS, to further limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No 107 (2020) required all public, private, and parochial preschool program premises, and elementary and secondary schools, including charter and renaissance schools, to continue to remain closed to students, required all public and private institutions of higher education to continue to cease in-person instruction, and mandated that all businesses or non-profits in the State accommodate their workforce, wherever practicable, for telework or work-from-home arrangements, and

WHEREAS, on March 19, 2020, the New Jersey Board of Public Utilities ("BPU") issued an order, Docket No EO20030254, emphasizing the critical need to maintain essential services for New Jersey residents throughout the pandemic, and permitting broadband internet providers to continue to establish new connections and repair existing service for homes with school-aged children, those in need of internet access to meet job requirements, or other priority customers, and

WHEREAS, Executive Order No 126 (2020) prohibited cable and telecommunications providers that provide residential internet and voice services to New Jersey residents from terminating such internet and voice service due to nonpayment to ensure that residents maintained sufficient residential internet and voice services to work and further their education in a home environment, and

WHEREAS, recognizing that access to heat, power, and clean water are essential to New Jersey residents as they stay, work, and learn at home in response to COVID-19, all gas and electric utilities in the State, as well as all privately and publicly owned water systems, voluntarily suspended service shutoffs due to nonpayment through October 15, 2020, and

WHEREAS, on August 13, 2020, I issued Executive Order No 175, allowing public school districts to offer partial remote instruction, as well as full-time remote instruction under certain circumstances, and

WHEREAS, on October 15, 2020, I issued Executive Order No 190, prohibiting a gas or electric public or municipal utility or privately or publicly owned water system from discontinuing any gas, electric, or water service to a New Jersey resident and from charging a fee - for late or untimely payment, and

WHEREAS, Executive Order No 190 (2020) further prohibited a cable or telecommunications provider that provides residential internet and voice services to New Jersey residents from terminating such internet or voice service prior to November 15, 2020 and thereafter if the service was used by one or more school-aged children for educational purposes, or from imposing late fees, penalties, or reconnection costs as a condition of maintaining service, and

WHEREAS, on October 28, 2020, the BPU issued an order in Docket No AO20060471, In the Matter of the New Jersey Board of Public Utilities' Response to the COVID-19 Pandemic, inviting utilities and other interested parties to provide comments on issues related to the ramifications of COVID-19 on Board-adopted tariffs, regulations, policies and programs, as well as on Board regulated entities, utility ratepayers, and Board adopted programs, and

WHEREAS, in February 2021, the BPU convened a series of public meetings on the impact of the COVID-19 pandemic on utility bill arrearages, public assistance programs, and related issues under Docket No AO2006047, and will be holding further working group and stakeholder meetings on these issues, and

WHEREAS, during the 2020-2021 school year, school districts have delivered education by way of all-remote instruction, in-person instruction, or a combination of the two forms ("hybrid instruction"), and

WHEREAS, as of March 2, 2021, 132 districts are providing all-remote instruction, 539 districts are providing hybrid instruction, 110 districts are providing full in-person instruction, and 31 districts are providing a combination of instructional modalities across school buildings, and

WHEREAS, Executive Order No 190 (2020) expires on March 15, 2021, and

WHEREAS, it remains essential to continue to provide access to residential internet services to households with children attending elementary and secondary schools who may be engaged in all-remote or hybrid instruction so that they may continue to receive their education, and

WHEREAS, many New Jersey residents continue to experience financial hardship as a result of the Public Health Emergency, which may hinder their ability to make payments for gas, electric, or water services, subjecting them to potential

discontinuation of such essential services due to nonpayment after March 15, 2021, and

WHEREAS, access to heat, power, and clean water remains essential to all New Jersey residents, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 No gas or electric public or municipal utility or privately or publicly owned water system shall discontinue any gas, electric, or water service to New Jersey residents, which includes all residential accounts and any accounts primarily serving residential customers, due to nonpayment unless the disconnection is to prevent or ameliorate a risk to public health or safety

2 No gas or electric public or municipal utility or privately or publicly owned water system shall collect any fee or charge imposed for late or otherwise untimely payments or service reconnections that have accrued, and will continue to accrue, during the Public Health Emergency

3 Before disconnecting residential internet and voice services to a New Jersey resident who has an existing account with the cable or telecommunications provider as of the effective date of this Order, after the required notice of discontinuance is sent to the customer, the cable or telecommunications provider shall offer to enroll the customer in an interest-free payment plan of at least twelve equal monthly installments that includes any outstanding balance due and owing, as well as the ongoing balance for any services provided during the payment plan period, provided that nothing in this provision prevents a customer from requesting a shorter payback period

4 A cable or telecommunications provider may provide additional flexibility to customers by offering a combined payment and payment forgiveness plan, involving forgiveness of at least 50% of the outstanding principal, in lieu of a twelve-month payment plan required by Paragraph 5 of this Order, solely upon consent of the customer by written or recorded verbal communication, pursuant to a policy approved in writing by the BPU

5 No cable or telecommunications provider shall discontinue residential internet and voice services to a New Jersey resident who has entered into a payment plan pursuant to Paragraphs 3 or 4 of this Order so long as the customer makes timely payments under the payment plan selected by the customer

6 No cable or telecommunications provider shall require a down payment or deposit to enroll a customer in a payment plan pursuant to Paragraphs 3 through 5 of this Order

7 No cable or telecommunications provider may disconnect the internet service provided to a residential account that is in effect as of the effective date of this Order that one or more school-aged children utilize for educational purposes Prior to terminating internet service, a provider must ask the customer, either in writing or through a recorded verbal communication, whether the internet service is being used by a school-aged child for education purposes If the customer answers in the affirmative, then the provider shall not disconnect the internet service provided to that residential account

8 Nothing in this Order prohibits a cable or telecommunications provider from implementing a policy of continuing to provide residential internet and voice services to all customers in New Jersey subject to approval from the BPU

9 Where internet service has been disconnected for a residential account and there has been a change of circumstances such that one or more school-aged children will be using the account for educational purposes, the provider shall, upon notification by a customer of such a change of circumstances, take immediate steps to reestablish service to that residential account The provider shall develop and implement a process for customers to obtain reestablishment of services in those circumstances pursuant to a policy approved in writing by the BPU and shall provide notice of that policy in writing to all customers prior to the disconnection of internet services and on its website

10 A cable or telecommunications provider that provides residential internet and voice services to New Jersey residents pursuant to Paragraphs 8 and 9 may not downgrade or otherwise reduce the quality of residential internet services while this Order remains in effect unless acting pursuant to a policy approved in writing by the BPU

11 No cable or telecommunications provider shall seek to impose or collect any late fees, penalties or other reconnection costs on customers affected by the Public Health Emergency as a condition of maintaining service

12 To the degree that they are inconsistent with this Order, the provisions of N J A C 14 3-3A 1a(3)-(4) and -3A 5 are suspended for the duration of the Public Health Emergency Any provisions of these regulations that are not inconsistent with this Order remain in full force and effect

13 To the degree that they are inconsistent with this Order, the provisions of N J S A 40 14A-21, N J S A 40 14B-41 and -42, N J S A 40A 26A-12, and N J S A 40A 31-12 are suspended for the duration of the Public Health Emergency Any provisions of these statutes that are not inconsistent with this Order remain in full force and effect

14 Any actions taken by the BPU pursuant to this Order shall not be subject to the requirements of the Administrative Procedure Act, N J S A 52 14B-1 et seq

15 Executive Order No 190 (2020) is hereby superseded to the extent inconsistent with this Order

16 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order, and to cooperate fully with Administrative Orders issued pursuant to this Order

17 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement

18 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

19 This Order shall take effect immediately and shall remain in effect until June 30, 2021

Dated March 3, 2021

EXECUTIVE ORDER NO 230

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, and 215, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, and February 17, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 has continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, and Nos 210-211 (2020) and

Nos 214-216, Nos 219-220, Nos 222-223, No 225, and Nos 228-229 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No 107 (2020) closed all recreational and entertainment businesses, and limited all restaurants, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, to offering food delivery and/or take-out services only, and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification, and

WHEREAS, because of the progress we had made in our fight against the COVID-19 pandemic in New Jersey, on Monday, June 22, 2020, I announced that indoor dining would be able to resume under strict limits as of Thursday, July 2, 2020, and that decision was formalized in Executive Order No 157 (2020), and

WHEREAS, while Executive Order No 157 (2020) announced the limited resumption of indoor dining, this step was put on hold in Executive Order No 158 (2020), in light of COVID-19 spikes in states around the nation which state officials and other experts had attributed, at least in part, to activities in indoor food and beverage establishments, and

WHEREAS, indoor dining was permitted to resume on September 4, 2020, pursuant to Executive Order No 183, with strict health and safety protocols in place, including limiting the number of patrons to 25 percent of the establishment's stated maximum capacity, and

WHEREAS, Executive Order No 157 (2020) permitted certain recreation and entertainment businesses to open their indoor premises subject to their compliance with specified health and safety protocols, including the same 25 percent capacity limitation, and

WHEREAS, Executive Order No 157 (2020) permitted casinos and racetracks to resume operations conditioned on their compliance with requirements imposed by the Division of Gaming Enforcement and New Jersey Racing Commission, and

WHEREAS, Executive Order No 181, issued August 27, 2020, permitted gyms, fitness centers, and health clubs to open their indoor spaces to the public at 25 percent of the facility's stated maximum capacity, and

WHEREAS, personal care service facilities were permitted to reopen their premises to the public pursuant to Paragraph 2 of Executive Order No 157 (2020), and

WHEREAS, Executive Order No 194 (2020) clarified that premises of indoor facilities providing personal care services are limited to 25 percent of the stated maximum capacity, and

WHEREAS, the current gatherings limits are set at 10 individuals indoors and 25 individuals outdoors, and

WHEREAS, Executive Order No 196, issued November 16, 2020, declared that athletic practices and competitions, including professional and collegiate events, conducted indoors were subject to the indoor gathering limit of 10 persons, but permitted those events to exceed the gathering limits so long as no individuals were present who were not necessary for the event, though still at levels no greater than 25 percent of the room's capacity or 150 persons, whichever is lower, and

WHEREAS, Executive Order No 219, issued February 3, 2021, most recently increased the indoor limit for religious services to no greater than 35 percent of the room's capacity, but maintained the overall cap of 150 persons in place since September of 2020, and

WHEREAS, Executive Order No 219 (2021) also increased the indoor limit for sporting events to no greater than 35 percent of the room's capacity, up to a maximum of 150 persons, where the event is limited to necessary persons, and

WHEREAS, that Order further increased indoor capacity limits for numerous businesses, including the indoor premises of food and beverage establishments, to 35 percent, and

WHEREAS, Executive Order No 225 (2021) then increased the indoor capacity limit for gatherings that are religious services or celebrations to 50 percent of the capacity of the room in which they take place, and

WHEREAS, Executive Order No 204 (2020) stated that outdoor athletic practices and competitions were subject to the outdoor gathering limit of 25 persons, but permitted those events to exceed the gathering limits so long as no individuals were present who were not necessary for the event, and

WHEREAS, Executive Order No 222 (2021) explicitly permitted a limited number of parents and guardians to attend indoor and outdoor non-collegiate, non-professional sporting events, and

WHEREAS, Executive Order No 225 (2021) subsequently clarified that a limited number of parents and guardians could also attend collegiate sporting events, and

WHEREAS, that Order also permitted certain larger venues, including sporting venues, to host events at 10 percent capacity indoors and 15 percent capacity outdoors, and

WHEREAS, in the past twelve months, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks, and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan ("Plan") discussed below, allows for certain activities to continue subject to more limited restrictions, and

WHEREAS, the number of hospitalized patients, patients in intensive care, and ventilators in use has decreased drastically over the past two months, and has remained stable during the last several weeks, and

WHEREAS, given the decrease in these key statistics, the State can take cautious, incremental steps to lift certain restrictions that were designed to limit person-to-person contact, including the indoor and outdoor gatherings limits and capacity restrictions on businesses, and

WHEREAS, certain gatherings, including religious services and political activity, are constitutionally protected activities, and restrictions on these gatherings should be less aggressive than restrictions on other gatherings, and

WHEREAS, courts both in New Jersey and across the nation have also recognized the propriety of accommodating religious services during the pandemic, and

WHEREAS, legislative and judicial proceedings are particularly important to the functioning of the State, the latter of which implicates constitutional rights and foundational privileges, and so should also proceed with less restrictive limits, and

WHEREAS, addiction group counseling services are a critical social and mental health service that necessitate robust group participation, particularly during the pandemic, which has heightened feelings of stress and social isolation, and thus can exceed the general gathering limit while following health and safety protocols, and

WHEREAS, certain events such as wedding ceremonies, funerals, and memorial services, which typically happen once in a lifetime, provide benefits to the well-being of the participants such that they can be treated differently from casual social gatherings such as house parties and birthday parties, which occur on a more frequent basis and typically do not present the same compelling need, and

WHEREAS, the current 35 percent capacity limit on the indoor premises of the above referenced establishments and on the indoor gathering limit for certain activities can safely be raised to 50 percent, as long as face covering and social distancing requirements are strictly observed, and

WHEREAS, 50 percent capacity is a limit that will continue to restrict congregation of large numbers of individuals in indoor settings, and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19, and

WHEREAS, the State has thus far administered over 2 7 million doses of COVID-19 vaccines to individuals that live, work, and are educated in New Jersey and fit into specified high-risk categories, including healthcare workers and residents and staff of congregate care facilities that are at greater risk of exposure to COVID-19, frontline first responders including sworn law enforcement officers, individuals over the age of 65, individuals aged 16 to 64 years who are

more inclined to severe illness as the result of exposure to COVID-19, and certain educators and child care workers, and

WHEREAS, the process of vaccinating the population to levels sufficient to establish community immunity is expected to take several months, and

WHEREAS, while New Jersey is rapidly expanding its capacity to vaccinate large numbers of individuals each day, it is still appropriate to maintain mitigation protocols, including overall limits on capacity in establishments open to the public, to ensure spread is limited while dissemination of the vaccine continues, and

WHEREAS, it is critical that individuals continue to follow social distancing, masking, and other infection control protocols while vaccine administration is ongoing in the State, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 24 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Paragraph 1 of Executive Order No 196 (2020) is hereby rescinded and the number of individuals at indoor gatherings that are not religious services or celebrations, political activities, wedding ceremonies, funerals, or memorial services shall be limited to 25 persons While the numerical limits on indoor gatherings in Paragraph 1 of Executive Order No 196 (2020) are rescinded, all other requirements for indoor gatherings outlined in Paragraphs 5 and 6 of Executive Order No 183 (2020), including those provisions that incorporate by reference the requirements of Paragraph 1 of Executive Order No 152 (2020), shall remain in effect

2 The number of individuals at indoor gatherings that are political activities, wedding ceremonies, funerals, or memorial services shall be limited to 35 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be larger than 150 persons or smaller than 25 persons, excluding staff of the gathering venue For purposes of this Order, any private residence or residential unit shall be treated as a single "room " Paragraph 3 of Executive Order No 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order Legislative proceedings of State, county, or local government, including local Boards of Education, and State and local judicial proceedings are not subject to the capacity limits on gatherings in this or any other applicable Executive Order

3 The number of individuals at indoor gatherings that are religious services or celebrations, including wedding ceremonies, funerals, and memorial services that involve religious services, shall be limited to 50 percent of the capacity of the room

in which it takes place, excluding staff of the gathering venue, but regardless of the capacity of the room, such limit shall never be smaller than 25 persons Paragraph 1 of Executive Order No 225 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order

4 The number of individuals at an indoor gathering that involves an Alcoholics Anonymous meeting, Narcotics Anonymous meeting, or similar meeting of an addiction support group shall be limited to 35 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be larger than 150 persons or smaller than 25 persons

5 The number of individuals at an indoor gathering that is a wedding reception shall be limited to 35 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be smaller than 25 persons or larger than 150 persons, excluding the reception venue's staff Paragraph 1 of Executive Order No 228 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order

6 It is hereby restated that entertainment centers where performances are viewed or given, including movie theaters, performing arts centers, and other concert venues, that have opened their indoor spaces to the public, must limit the number of patrons in any indoor room where a performance is viewed or given to 35 percent of the stated maximum capacity, if applicable, at one time, but regardless of the capacity of the room, such limit shall never be larger than 150 persons, excluding the entertainment center's employees The other requirements outlined in Paragraph 2 of Executive Order No 183 (2020) continue to apply Such indoor entertainment centers may host a performance in an adjacent outdoor area with a maximum capacity equivalent to the facility's indoor capacity permitted under this Paragraph

7 Any requirements in any Executive Order, Administrative Order, or agency directive that incorporated by reference the gatherings limits in Executive Order Nos 107, 142, 148, 152, 156, 161, 173, 183, 196, or 204 (2020), or No 219 (2021) are amended to reflect the rules on gatherings stated in this Order

8 Paragraph 4 of Executive Order No 204 (2020) is hereby rescinded and the number of individuals at outdoor gatherings shall be limited to 50 persons or fewer An outdoor gathering that is a religious service or celebration, political activity, wedding ceremony, funeral, memorial service, meeting of an addiction support group, legislative proceeding of State, county, or local government, including local Boards of Education, or State or local judicial proceeding is not required to comply with the numerical limit on persons All other requirements for outdoor gatherings contained in Paragraph 1 of Executive Order No 161 (2020), including the requirements of Paragraph 2 of Executive Order No 152 (2020) incorporated by reference therein, shall remain in effect Paragraph 2 of Executive Order No 228 (2021) remains in effect

9 Outdoor entertainment centers where performances are viewed or given, including movie theaters, performing arts centers, and other concert venues, must continue to limit the number of patrons in any outdoor area where a performance is

viewed or given to a number that ensures that all individuals can remain six feet apart, but such limit shall never be larger than 150 persons, as previously stated in Paragraph 8 of Executive Order No 196 (2020)

10 Restaurants, cafeterias, dining establishments, including private, non-profit clubs, and food courts, with or without a liquor license, bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as "food or beverage establishments," that are open to the public shall limit the number of patrons in indoor areas to 50 percent of the food and beverage establishment's indoor capacity, excluding the food or beverage establishment's employees Paragraph 1 of Executive Order No 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order

11 Personal care services authorized to reopen their indoor facilities to the public pursuant to Paragraph 2 of Executive Order No 157 (2020) shall limit occupancy of any indoor premises to 50 percent of the stated maximum capacity at one time, excluding the facility's employees Paragraph 4 of Executive Order No 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order

12 "Health clubs," as defined by N J S A 56 8-39, which include gyms and fitness centers, as well as amusement and water parks, authorized to reopen their indoor facilities to the public pursuant to Paragraph 1 of Executive Order No 181 (2020) shall limit occupancy of any indoor premises to 50 percent of the stated maximum capacity at one time, excluding the facility's employees Paragraph 5 of Executive Order No 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order

13 Recreational and entertainment businesses that were permitted to reopen their indoor facilities to the public pursuant to Paragraph 7 of Executive Order No 157 (2020) shall limit occupancy of any indoor premises to 50 percent of the stated maximum capacity at one time, excluding the recreational or entertainment business's employees Paragraph 6 of Executive Order No 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order

14 Casinos, including casino gaming floors and retail sports wagering lounges, that have opened their indoor premises to the public shall limit occupancy of any indoor premises to 50 percent of the stated maximum capacity at one time, excluding the facility's employees Paragraph 7 of Executive Order No 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order

15 Collegiate athletic competitions that are conducted indoors are subject to the current indoor gathering limit of 25 persons Athletes, coaches, referees, and trainers, and other individuals who are necessary for the collegiate sporting event are not included in the number of individuals present at a gathering for purposes of the limits on gatherings Operators of such sports activities may permit up to two parents or guardians per athlete participating in the practice or competition to attend the event Such parents and guardians shall also be considered necessary for the practice or competition The number of individuals present inside a room where an indoor collegiate athletic practice or competition is taking place may not exceed 35

percent of the capacity of the room, and such limit may not exceed 150 persons, except that individuals necessary for the collegiate sporting event may exceed the 150-person limit In no case shall the number of persons, inclusive of parents and guardians, exceed 35 percent of the capacity of the room The provisions of Paragraph 1 of Administrative Order No 2020-22 regarding indoor gatherings shall continue to apply Paragraph 4 of Executive Order No 225 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order

16 Collegiate athletic practices and competitions that are conducted outdoors are subject to the outdoor gathering limit of 50 persons Athletes, coaches, referees, trainers, and other individuals who are necessary for the competitive collegiate sporting event are not included in the number of individuals present at a gathering for purposes of the limits on gatherings Operators of such sports activities may permit up to two parents or guardians per athlete participating in the practice or competition to attend Such parents and guardians shall be considered necessary for the practice or competition Paragraph 5 of Executive Order No 225 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order

17 Professional athletic competitions that are conducted indoors are subject to the current indoor gathering limit of 25 persons Athletes, coaches, referees, and trainers, and other individuals who are necessary for the competitive professional or collegiate sporting event are not included in the number of individuals present at a gathering for purposes of the limits on gatherings The number of individuals present inside facilities where indoor professional or collegiate athletic competitions are taking place may not exceed 35 percent of the capacity of the room in which it takes place, and such limit may not exceed 150 persons The provisions of Paragraph 1 of Administrative Order No 2020-22 regarding indoor gatherings shall continue to apply Paragraph 9 of Executive Order No 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order

18 Professional athletic competitions that are conducted outdoors are subject to an outdoor gathering limit of 50 persons Athletes, coaches, referees, and trainers, and other individuals who are necessary for the competitive professional or collegiate sporting event are not included in the number of individuals present at a gathering for purposes of the limits on gatherings The provisions of Paragraph 1 of Administrative Order No 2020-22 regarding outdoor gatherings shall continue to apply Paragraph 5 and Executive Order No 204 (2020) is hereby rescinded to the extent that it conflicts with the provisions of this Order

19 All non-collegiate and non-professional athletic practices and competitions that are conducted indoors are subject to the current indoor gathering limit, which was most recently set at 25 persons However, if the number of individuals who are necessary for the practice or competition, such as athletes, coaches, and referees, is greater than 25 persons, such a practice or competition may proceed, as long as no individuals are present who are not necessary for the practice or competition Operators of such sports activities may permit up to two parents or guardians per athlete under the age of twenty-one participating in the practice or competition to attend the event provided all attendees abide by the applicable requirements in the

DOH's "Guidance for Sports Activities" Such parents and guardians shall be considered necessary for the practice or competition The number of individuals present inside facilities where indoor practices or competitions are taking place, inclusive of all necessary individuals, may not exceed 35 percent of the capacity of the room in which it takes place, and such limit may not exceed 150 persons Paragraph 1 of Executive Order No 220 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order

20 All non-collegiate and non-professional athletic practices and competitions that are conducted outdoors are subject to the current outdoor gathering limit of 50 persons However, if the number of individuals who are necessary for the practice or competition, such as athletes, coaches, and referees, is greater than 50 persons, such a practice or competition may proceed, as long as no individuals are present who are not necessary for the practice or competition Operators of such sports activities may permit up to two parents or guardians per athlete under the age of twenty-one participating in the practice or competition to attend provided all attendees abide by the applicable requirements in the DOH's "Guidance for Sports Activities" Such parents and guardians shall be considered necessary for the practice or competition Paragraph 2 of Executive Order No 220 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order

21 Paragraph 2 of Executive Order No 225 (2021) shall continue to apply to events, including collegiate, youth and professional sports competitions, that take place in sports and entertainment venues with a fixed seating capacity of 5,000 persons or greater

22 Paragraph 3 of Executive Order No 225 (2021) shall continue to apply to events, including collegiate, youth and professional sports competitions, that take place in sports and entertainment venues with a fixed seating capacity of 5,000 persons or greater

23 The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order

24 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order

25 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement, except as otherwise provided in Executive Order No 195 (2020)

26 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

27 This Order shall take effect at 6 00 a m on Friday, March 19, 2021, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate

Dated March 11, 2021

EXECUTIVE ORDER NO 231

WHEREAS, on March 9, 2020, through Executive Order No 103, the facts and circumstances of which are adopted by reference herein, I declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard created by Coronavirus disease 2019 ("COVID-19"), and

WHEREAS, Executive Order No 103 (2020) described both the symptoms and dangers presented by COVID-19 and the likelihood of community spread across the State, and it recognized the need to use all available statewide authorities to prepare for and respond to COVID-19 cases in New Jersey, to implement appropriate measures to mitigate the spread of COVID-19, and to prepare in the event of an increasing number of individuals requiring medical care or hospitalization, and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act ("EHPA"), to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, and Nos 210-211 (2020) and Nos 214-216, Nos 219-220, Nos 222-223, No 225, and Nos 228-230 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, N J S A 26 13-3(b) establishes that a Public Health Emergency declared by the Governor shall automatically terminate after 30 days, unless renewed for an additional 30 days through a declaration of the Governor, and

WHEREAS, on May 6, 2020, I issued Executive Order No 138, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on June 4, 2020, I issued Executive Order No 151, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on July 2, 2020, I issued Executive Order No 162, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on August 1, 2020, I issued Executive Order No 171, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on August 27, 2020, I issued Executive Order No 181, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on September 25, 2020, I issued Executive Order No 186, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on October 24, 2020, I issued Executive Order No 191, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on November 22, 2020, I issued Executive Order No 200, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on December 21, 2020, I issued Executive Order No 210, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on January 19, 2021, I issued Executive Order No 219, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on February 17, 2021, I issued Executive Order No 222, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 181, 186, 191, 200, and 210 (2020), and Nos 215 and 222 (2021), I declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, due to the significant emergency measures the State has taken in response to COVID-19, in the summer and fall of 2020 there was a decrease in the rate of reported new cases of COVID-19 in New Jersey, in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey, and

WHEREAS, given the progress the State had made based on these emergency measures and after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan (the "Plan") for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification, and

WHEREAS, in line with the Plan, the State had been able to relax a number of restrictions, each time tailored to the relative risk the activity presents, and additional restrictions on outdoor and indoor recreational and entertainment businesses were lifted over the past several months, and

WHEREAS, the fact that the spread of COVID-19 had been limited by the State's emergency measures did not in any way suggest that the ongoing Public Health Emergency had dissipated, because absent social distancing measures, public health experts anticipated that the spread of COVID-19 would again significantly increase, and

WHEREAS, since the Public Health Emergency was renewed on February 17, 2021, at which time there were over 669,481 positive cases of COVID-19 in New Jersey, the COVID-19 outbreak has continued to present a public health hazard in New Jersey, in the region, and across the United States, and

WHEREAS, as of March 16, 2021, according to the World Health Organization, there were over 119,960,700 confirmed cases of COVID-19 worldwide, with over 2,656,822 of those cases having resulted in death, and

WHEREAS, as of March 16, 2021, according to the Centers for Disease Control and Prevention (CDC), there were over 29,319,457 confirmed cases of COVID-19 in the United States, with over 533,057 of those cases having resulted in death, and

WHEREAS, as of March 16, 2021, there were over 747,561 positive cases of COVID-19 in New Jersey, with at least 21,492 of those cases having resulted in death, and

WHEREAS, there have been positive cases of COVID-19 in every county in New Jersey, and there have been deaths relating to COVID-19 in every county in New Jersey, and

WHEREAS, the rate of reported new cases across all counties has remained high, demonstrating the need for many of the State's current measures to remain in place, both to reduce additional new infections and to save lives, and

WHEREAS, in the past twelve months, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks, and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan, allows for certain activities to continue subject to more limited restrictions, and

WHEREAS, the number of hospitalized patients, patients in intensive care, and ventilators in use has decreased drastically over the past two months, and has remained stable during the last several weeks, and

WHEREAS, given the decrease in these key statistics, the State can take cautious, incremental steps to lift certain restrictions that were designed to limit person-to-person contact, and

WHEREAS, even with these improvements and the rapid expansion of the State's capacity to vaccinate large numbers of individuals each day, it is still necessary to maintain strict mitigation protocols to ensure spread is limited while dissemination of the vaccine continues, and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is necessary to allow the State to continue with the Plan to allow for the methodical and strategic reopening of the State, consistent with the State's authority under the EHPA, and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is also necessary to ensure that the State can swiftly respond to take all appropriate actions should the rate of reported new cases of COVID-19 in New Jersey, number of individuals being admitted to hospitals for COVID-19, or rate of reproduction for COVID-19 infections in New Jersey again increase, as we have seen in numerous states across the country, and

WHEREAS, the spread of COVID-19 has greatly strained the resources and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, and the situation is too large in scope to be handled entirely by the normal county and municipal operating services, and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of DOH confirm that the spread of COVID-19 in New Jersey constitutes an ongoing public health hazard thatthreatens and presently endangers the health, safety, and welfare of the residents of one or more municipalities or counties of the State, and it is necessary and appropriate to take action against this public health hazard to protect and maintain the health, safety, and welfare of New Jersey residents and visitors, and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of DOH confirm that there exists a Public Health Emergency in the State, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby DECLARE and PROCLAIM that the Public Health Emergency declared in Executive Order No 103 (2020) pursuant to the EHPA, N J S A 26 13-1, et seq , continues to exist throughout the State of New Jersey, and I hereby ORDER and DIRECT

1 All Executive Orders adopted in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak remain in full force and effect

2 All actions taken by any Executive Branch departments and agencies in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak, or in whole or in part based on authority delegated by any Executive Orders described in Paragraph 1 of this Or-

der, including but not limited to any Administrative Orders, remain in full force and effect

3 For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General

4 This Order shall take effect immediately

Dated March 17, 2021

EXECUTIVE ORDER NO 232

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, and 231, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, and March 17, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID19, and

WHEREAS, as COVID-19 has continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187 and Nos 189-198, No 200, Nos 203-204, No 207, and 210-211 (2020) and Nos 214-216, Nos 219-220, Nos 222-223, No 225, and Nos 228-231 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No 107 (2020) closed all recreational and entertainment businesses, and limited certain activities, including gatherings, and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification, and

WHEREAS, because of the progress we had made in our fight against the COVID-19 pandemic in New Jersey, I was able to permit sporting events to resume in New Jersey, subject to strict health and safety protocols, and

WHEREAS, following significant increases in certain key metrics, I issued Executive Order No 194 on November 10, 2020, which prohibited interstate indoor youth sports competitions from taking place in New Jersey and prohibited New Jersey teams from hosting interstate competitions outside of the State, and

WHEREAS, Administrative Order No 2020-25, issued December 31, 2020, clarified that interstate outdoor youth sports competitions are also prohibited within New Jersey, and

WHEREAS, Executive Order No 204 (2020) stated that outdoor athletic practices and competitions were subject to the outdoor gathering limit of 25 persons, but permitted those events to exceed the gathering limits so long as no individuals were present who were not necessary for the event, and

WHEREAS, Executive Order No 220 (2021) explicitly permitted a limited number of parents and guardians to attend indoor and outdoor non-collegiate, non-professional sporting events, and

WHEREAS, in the past twelve months, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks, and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan ("Plan") discussed below, allows for certain activities to continue subject to more limited restrictions, and

WHEREAS, the number of hospitalized patients, patients in intensive care, and ventilators in use has decreased drastically over the past two months, and has remained stable during the last several weeks, and

WHEREAS, given the decrease in these key statistics, the State can take cautious, incremental steps to lift certain restrictions that were designed to limit person-to-person contact, particularly activities that are conducted outdoors, and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has released strategies for mitigating risk at sporting competitions, which are reflected in current guidance from the DOH, and

WHEREAS, it is thus reasonable to permit interstate outdoor youth sports competitions to resume, where such events remain subject to DOH guidance and to the State's limitations on gatherings, and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19, and

WHEREAS, the State has thus far administered over 3 million doses of COVID-19 vaccines to individuals that live, work, and are educated in New Jersey and fit into specified high-risk categories, including healthcare workers and residents and staff of congregate care facilities that are at greater risk of exposure to COVID-19, public safety workers, individuals over the age of 65, individuals aged 16 to 64 years who are more inclined to severe illness as the result of exposure to COVID-19, certain educators and child care workers, and public and local transportation workers, and

WHEREAS, the process of vaccinating the population to levels sufficient to establish community immunity is expected to take several months, and

WHEREAS, while New Jersey is rapidly expanding its capacity to vaccinate large numbers of individuals each day, it is still appropriate to maintain mitigation protocols, including overall limits on capacity in establishments open to the public, to ensure spread is limited while dissemination of the vaccine continues, and

WHEREAS, it is critical that individuals continue to follow social distancing, masking, and other infection control protocols while vaccine administration is ongoing in the State, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 24 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Outdoor interstate youth sports competitions - including those operated by school-based, club, and recreational programs - are permitted to resume within the State School-based, club, and recreational programs are also permitted to host outdoor interstate youth sports competitions outside of New Jersey, or outdoor youth sports competitions outside of New Jersey that would require New Jersey teams to travel to another state Administrative Order No 2020-25 is hereby rescinded

2 For purposes of this Order, "outdoor interstate youth sports competition" includes any sports game, scrimmage, tournament, or similar competition that is

conducted outdoors with opposing teams or individuals from different states competing against each other and which would require an opposing team or individual to travel from a state outside of New Jersey

3 All non-collegiate and non-professional athletic practices and competitions that are conducted outdoors continue to be subject to the current outdoor gathering limit of 50 persons, as most recently stated in Executive Order No 230 (2021) However, if the number of individuals who are necessary for the practice or competition, such as athletes, coaches, and referees, is greater than 50 persons, such a practice or competition may proceed, as long as no individuals are present who are not necessary for the practice or competition Operators of such sports activities may permit up to two parents or guardians per athlete under the age of twenty-one participating in the practice or competition to attend provided all attendees abide by the applicable requirements in the DOH's "Guidance for Sports Activities" Such parents and guardians shall be considered necessary for the practice or competition

4 The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order

5 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order

6 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement, except as otherwise provided in Executive Order No 195 (2020)

7 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

8 This Order shall take effect at 6 00 a m on Friday, March 19, 2021, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate

Dated March 17, 2021

EXECUTIVE ORDER NO 233

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, and 231, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, and March 17, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act, N J S A App A 9-33 et seq and the Emergency Health Powers Act, N J S A 26 13-1 et seq , to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187 and Nos 189-198, No 200, Nos 203-204, No 207, and Nos 210-211 (2020) and Nos 214-216, Nos 219-220, Nos 222-223, No 225, and Nos 228-232 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, since the COVID-19 pandemic began, the federal government has provided three rounds of direct financial assistance to individuals, families, and businesses affected by the COVID-19 pandemic, and

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law 116-136, enacted March 27, 2020, provided the first round of direct financial assistance to individuals and families, subject to means-tested eligibility criteria, in the form of a refundable tax credit identified as a "recovery rebate," of up to $1,200 for each eligible individual, or $2,400 in the case of eligible individuals filing a joint return, plus an additional $500 per qualifying child, and

WHEREAS, Public Law 116-260, enacted December 27, 2020, provided a second recovery rebate of up to $600 for each eligible individual, or $1,200 in the case of eligible individuals filing a joint return, plus an additional $600 per qualifying child, and

WHEREAS, Public Law 116-260 further provided that the recovery rebates provided under the act would not be subject to execution, levy, attachment, garnishment, or other legal process, or the operation of any bankruptcy or insolvency law, and

WHEREAS, on March 11, 2021, President Biden signed into law the "American Rescue Plan Act of 2021" ("ARPA"), Public Law 117-2, to provide a third

round of emergency financial assistance to individuals, families, and businesses affected by the COVID-19 pandemic, and

WHEREAS, section 9601 of the ARPA provides a recovery rebate of up to $1,400 for each eligible individual, or $2,800 in the case of eligible individuals filing a joint return, plus an additional $1,400 per dependent, and

WHEREAS, unlike the second recovery rebate provided by Public Law 116-260, the recovery rebate provided by the ARPA may be subject to garnishment or execution by creditors, as a matter of federal law, leaving the states with discretion to limit such garnishment or execution, and

WHEREAS, the laws of New Jersey governing garnishments and executions specify the income and property subject to, and exempt from, garnishment or execution by creditors and also limit the amount that a creditor can garnish for repayment of debts, and

WHEREAS, in order to enforce a judgment, a creditor must obtain a writ of execution issued by a court, which writ allows the creditor to seek a levy on debtor's assets, including money (N J S A 2A 17-15), shares of stock (N J S A 2A 17-16), real estate (N J S A 2A 17-17), and proprietary rights and shares (N J S A 2A 17-18), and

WHEREAS, certain assets of a debtor are exempt from execution and garnishment and cannot be confiscated to pay a judgment, including goods and chattels, shares of stock or interests in any corporation, and personal property not exceeding $1,000 in value, exclusive of wearing apparel, and all wearing apparel (N J S A 2A 17-19), household goods and furniture not exceeding $1,000 in value, except when the debt is incurred in the purchase thereof (N J S A 2A 26-4), disability benefits (N J S A 17 18-12), workers' compensation benefits (N J S A 34 15-29), income from certain pensions (N J S A 43 13-9, -37 5) and trusts (N J S A 25 2-1), unemployment compensation payments (N J S A 43 21-15), and holocaust reparation payments (N J S A 2A 17-28 1), and

WHEREAS, N J S A 2A 17-56 limits the amount that creditors can garnish from the gross amount of a debtor's wages, debts, earnings, salary, income from trust funds, or profits, to no more than 10 percent of such gross amount if the debtor earns no more than 250 percent of the federal poverty level, and

WHEREAS, Section 303 the Consumer Credit Protection Act, 15 U S C 1673, generally limits the amount that creditors can garnish from a debtor to no more than the lesser of 25 percent of disposable earnings or the amount that a debtor's disposable earnings for that week exceed thirty times the Federal minimum hourly wage, and

WHEREAS, limits on the extent to which certain income and property is subject to execution or garnishment by creditors ensures that individuals and families have sufficient income and property to provide the basic necessities of life, such as food, housing, and health care, and

WHEREAS, the public policy advanced by the statutory scheme described herein is not only to protect the livelihoods of debtors and their families but also to afford a means of financial rehabilitation during difficult periods, and

WHEREAS, the payments under the ARPA are emergency support, designed to support the basic needs of the many Americans who have suffered unprecedented financial harms, a significant number of whom have filed unemployment claims, as a result of the COVID-19 pandemic, and

WHEREAS, the payments under the ARPA and the laws providing exceptions to executions and garnishments both serve to protect individuals and families against financial reverses and difficulties by providing and protecting the financial means to survive, and

WHEREAS, the COVID-19 pandemic has had a profound and devastating economic effect on the lives and livelihoods of all State residents and a prohibition on execution and garnishment of the emergency financial assistance provided under the ARPA is necessary to ensure that residents who receive financial assistance under the ARPA are able to use that emergency financial assistance to meet their immediate financial needs and those of their families, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Financial assistance made available under section 9601 of the ARPA shall be exempt from any attachment, levy, execution, or garnishment, except as otherwise provided in this Order, without requiring any further action by the person or persons receiving such financial assistance if identifiable by the bank or financial institution in which the funds are electronically deposited This exemption also shall extend to funds in any account held by an individual who received such financial assistance to the extent those funds are traceable to the financial assistance received by that individual

2 The exemption set forth in Paragraph 1 of this Order shall not apply to any attachment, levy, execution, or garnishment in connection with any action for, or any judgment awarding, any child support, spousal support, or family support, or any criminal restitution payable to victims

3 To the degree that they are inconsistent with this Order, the provisions of N J S A 2A 17-15, N J S A 2A 17-16, N J S A 2A 17-17, N J S A 2A 17-18, and N J S A 2A 17-56 are suspended for the duration of this Public Health Emergency Any provisions of these statutes that are not inconsistent with this Order remain in full force and effect

4 This Order shall take effect immediately

Dated March 24, 2021

EXECUTIVE ORDER NO 234

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, and 231, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, and March 17, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 has continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, and Nos 210-211 (2020) and Nos 214-216, Nos 219-220, Nos 222-223, No 225, and Nos 228-233 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No 107 (2020) closed all recreational and entertainment businesses, and limited certain activities, including gatherings, and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification, and

WHEREAS, because of the progress we had made in our fight against the COVID-19 pandemic in New Jersey, I was able to announce a series of reopening steps

over the course of several months, including increasing the limits for indoor and outdoor gatherings, and

WHEREAS, though the State experienced significant upticks in case numbers and hospitalizations throughout the fall and early winter, necessitating tightening of certain business and gathering restrictions, key metrics have again improved over the past few months, and

WHEREAS, the current outdoor gatherings limit is set at 50 individuals, with certain limited exceptions, and

WHEREAS, Executive Order No 196, issued November 16, 2020, declared that athletic practices and competitions, including professional and collegiate events, conducted indoors were subject to the indoor gathering limit of 10 persons, but permitted those events to exceed the gathering limits so long as no individuals were present who were not necessary for the event, though still at levels no greater than 25 percent of the room's capacity or 150 persons, whichever is lower, and

WHEREAS, Executive Order No 204 (2020) stated that outdoor athletic practices and competitions were subject to the outdoor gathering limit of 25 persons, but permitted those events to exceed the gathering limits so long as no individuals were present who were not necessary for the event, and

WHEREAS, Executive Order No 222 (2021) explicitly permitted a limited number of parents and guardians to attend indoor and outdoor non-collegiate, non-professional sporting events, and

WHEREAS, Executive Order No 225 (2021) subsequently clarified that a limited number of parents and guardians could also attend collegiate sporting events, and

WHEREAS, that Order also permitted certain larger venues, including sporting venues, to host events at 10 percent capacity indoors and 15 percent capacity outdoors, and

WHEREAS, Executive Order No 219, issued February 3, 2021, most recently increased the indoor limit for all wedding ceremonies to no greater than 35 percent of the room's capacity, but maintained the overall cap of 150 persons in place since September of 2020, and

WHEREAS, Executive Order No 230 (2021) increased the indoor limit for religious services or celebrations, including wedding ceremonies, to 50 percent of the capacity of the room in which they take place, excluding venue staff, and

WHEREAS, Executive Order No 230 (2021) also clarified that wedding receptions are limited to 35 percent of the capacity of the room in which they take place, up to 150 persons, excluding venue staff, and

WHEREAS, in the past twelve months, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks, and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from

spread of the virus, as well as the ongoing COVID-19 Vaccination Plan ("Plan") discussed below, allows for certain activities to continue subject to more limited restrictions, and

WHEREAS, the number of hospitalized patients, patients in intensive care, and ventilators in use has decreased drastically over the past two months, and has remained relatively stable during the last several weeks, and

WHEREAS, given the decrease in and recent stability of these key statistics and the continuation of the State's plan, described more fully below, the State can take cautious, incremental steps to ease certain restrictions that were designed to limit person-to-person contact, including the outdoor gatherings limits and capacity restrictions on businesses, and

WHEREAS, the Centers for Disease Control and Prevention continues to emphasize that outdoor environments pose less risk than indoor environments, so that we can significantly increase the outdoor gathering limit to encourage outdoor activities as the weather warms, and

WHEREAS, certain gatherings, including religious services and political activity, are constitutionally protected activities, and restrictions on these gatherings should be less aggressive than restrictions on other gatherings, and

WHEREAS, legislative and judicial proceedings are particularly important to the functioning of the State, the latter of which implicates constitutional rights and foundational privileges, and so should also proceed with less restrictive limits, and

WHEREAS, addiction group counseling services are a critical social and mental health service that necessitate robust group participation, particularly during the pandemic, which has heightened feelings of stress and social isolation, and thus can exceed the general outdoor gathering limit while following health and safety protocols, and

WHEREAS, certain events such as weddings, funerals, and memorial services, which typically happen once in a lifetime, provide benefits to the well-being of the participants such that they can be treated differently from casual social gatherings such as house parties, which occur on a more frequent basis and typically do not present the same compelling need, and

WHEREAS, catered celebrations are structured events with an established list of attendees that would facilitate contact tracing efforts, entail a seated dinner that requires guests at different tables to remain six feet apart, and involves a venue capable of overseeing attendee and staff compliance with applicable health and safety protocols, so that all such events can operate at the same capacity that was previously extended to wedding receptions, and

WHEREAS, sports and entertainment venues with a large maximum capacity can accommodate a greater number of individuals at a gathering while still ensuring that a minimum of six feet of distance is maintained between patrons or groups of patrons at all times, including at entrances and egresses to the facility, and

WHEREAS, without a total cap on the number of individuals permitted at such an event, it is appropriate that the capacity limit for events at smaller venues be

lower than for events at larger ones in order to restrict the overall number of individuals allowed in the facility and to prevent congregation, and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19, and

WHEREAS, the State has thus far administered over 4 million doses of COVID-19 vaccines to individuals that live, work, and are educated in New Jersey and fit into specified high-risk categories, including healthcare workers and residents and staff of congregate care facilities that are at greater risk of exposure to COVID-19, frontline first responders including sworn law enforcement officers, individuals over the age of 65, individuals aged 16 to 64 years who are more inclined to severe illness as the result of exposure to COVID-19, and certain educators and child care workers, and

WHEREAS, the process of vaccinating the population to levels sufficient to establish community immunity is expected to take several months, and

WHEREAS, while New Jersey is rapidly expanding its capacity to vaccinate large numbers of individuals each day, it is still appropriate to maintain mitigation protocols, including overall limits on capacity in establishments open to the public, to ensure spread is limited while dissemination of the vaccine continues, and

WHEREAS, it is critical that individuals continue to follow social distancing, masking, and other infection control protocols while vaccine administration is ongoing in the State, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 24 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Paragraph 8 of Executive Order No 230 (2021) is hereby rescinded and the number of individuals at outdoor gatherings shall be limited to 200 persons or fewer An outdoor gathering that is a religious service or celebration, political activity, wedding ceremony or reception, funeral, memorial service, meeting of an addiction support group, legislative proceeding of State, county, or local government, including local Boards of Education, or State or local judicial proceeding is not required to comply with the numerical limit on persons All other requirements for outdoor gatherings contained in Paragraph 1 of Executive Order No 161 (2020), including the requirements of Paragraph 2 of Executive Order No 152 (2020) incorporated by reference therein, shall remain in effect Paragraph 2 of Executive Order No

228 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order

2 Outdoor entertainment centers where performances are viewed or given, including movie theaters, performing arts centers, and other concert venues, must continue to limit the number of patrons in any outdoor area where a performance is viewed or given to a number that ensures that all individuals can remain six feet apart, but such limit shall never be larger than 200 persons, unless the outdoor entertainment venue has a fixed seating capacity of 2,500 persons or greater as described in Paragraph 10 of this Order Paragraph 9 of Executive Order No 230 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order

3 All athletic practices and competitions, including professional, collegiate, and non-collegiate and non-professional, that are conducted outdoors are subject to the outdoor gathering limit of 200 persons Athletes, coaches, referees, trainers, and other individuals who are necessary for the practice or competition are not included in the number of individuals present at a gathering for purposes of the limits on gatherings All other individuals, including spectators, must be limited to 200 persons The provisions of Paragraph 1 of Administrative Order No 2020-22 regarding outdoor gatherings shall continue to apply Paragraphs 16, 18, and 20 of Executive Order No 230 (2021) are hereby superseded to the extent that it conflicts with the provisions of this Order

4 It is hereby restated that the number of individuals at an indoor gathering that is a wedding reception shall be limited to 35 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be smaller than 25 persons or larger than 150 persons, excluding the reception venue's staff For purposes of this Order, any private residence or residential unit shall be treated as a single "room "

5 Recreational or entertainment businesses, and restaurants, cafeterias, dining establishments, food courts, bars, and public and private social clubs where events take place that utilize a licensed caterer or where such venue holds a license to prepare and serve food to the public, must limit the number of patrons participating in any indoor celebrations or similar private catered events to 35 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be smaller than 25 persons or larger than 150 persons, excluding the venue's staff

6 Recreational or entertainment businesses, and restaurants, cafeterias, dining establishments, food courts, bars, and public and private social clubs where events take place that utilize a licensed caterer or where such venue holds a license to prepare and serve food to the public, must limit the number of patrons participating in any outdoor celebration or similar private catered event to a number that ensures that individuals can remain six feet apart, but such limit shall never be larger than 200 persons, excluding the venue's staff

7 All indoor gatherings, including wedding receptions and private catered events, must continue to follow all applicable requirements for indoor gatherings

outlined in Paragraphs 5 and 6 of Executive Order No 183 (2020), including those provisions that incorporate by reference the requirements of Paragraph 1 of Executive Order No 152 (2020)

8 Sports and entertainment venues, including concert venues and stadiums, with fixed seating capacity of 2,500 or greater, that have opened their indoor spaces to the public may permit a number of patrons and/or members of the public totaling up to 20 percent of the stated maximum capacity of any room where such event is held Such venues shall continue to follow all applicable requirements in any other Executive Order, Administrative Order, and/or Executive Directive, including, but not limited to, the requirements regarding mask wearing in Executive Order No 192 (2020) All attendees at the event are required to be six feet apart from other attendees at all times, except that individuals who purchase or reserve tickets together may be seated together, but must be six feet away from all other groups or individuals in all directions This paragraph shall apply to events, including collegiate, youth and professional sports competitions, that take place in sports and entertainment venues with a fixed seating capacity of 2,500 persons or greater Paragraph 2 of Executive Order No 225 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order

9 Sports and entertainment venues, including concert venues and stadiums, with fixed seating capacity of 2,500 or greater, that have opened their outdoor spaces to the public may permit a number of patrons and/or members of the public totaling up to 30 percent of the stated maximum capacity of any outdoor area where such event is held Such venues shall continue to follow all applicable requirements in any other Executive Order, Administrative Order, and/or Executive Directive, including, but not limited to, the requirements regarding mask wearing in Executive Order No 192 (2020) All attendees at the event are required to be six feet apart from other attendees at all times, except that individuals who purchase or reserve tickets together may be seated together, but must be six feet away from all other groups or individuals in all directions This paragraph shall apply to events, including collegiate, youth and professional sports competitions, that take place in sports and entertainment venues with a fixed seating capacity of 2,500 persons or greater Paragraph 3 of Executive Order No 225 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order

10 The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order

11 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order

12 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or

which will or might in any way interfere with or impede its achievement, except as otherwise provided in Executive Order No 195 (2020)

13 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

14 This Order shall take effect at 6 00 a m on Friday, April 2, 2021, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate

Dated March 29, 2021

EXECUTIVE ORDER NO 235

WHEREAS, on March 9, 2020, through Executive Order No 103, the facts and circumstances of which are adopted by reference herein, I declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard created by Coronavirus disease 2019 ("COVID-19"), and

WHEREAS, Executive Order No 103 (2020) described both the symptoms and dangers presented by COVID-19 and the likelihood of community spread across the State, and it recognized the need to use all available statewide authorities to prepare for and respond to COVID-19 cases in New Jersey, to implement appropriate measures to mitigate the spread of COVID-19, and to prepare in the event of an increasing number of individuals requiring medical care or hospitalization, and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act ("EHPA"), to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, and Nos 210-211 (2020) and Nos 214-216, Nos 219-220, Nos 222-223, No 225, and Nos 228-234 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, N J S A 26 13-3(b) establishes that a Public Health Emergency declared by the Governor shall automatically terminate after 30 days, unless renewed for an additional 30 days through a declaration of the Governor, and

WHEREAS, on April 7, 2020, I issued Executive Order No 119, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on May 6, 2020, I issued Executive Order No 138, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on June 4, 2020, I issued Executive Order No 151, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on July 2, 2020, I issued Executive Order No 162, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on August 1, 2020, I issued Executive Order No 171, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on August 27, 2020, I issued Executive Order No 181, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on September 25, 2020, I issued Executive Order No 186, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on October 24, 2020, I issued Executive Order No 191, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on November 22, 2020, I issued Executive Order No 200, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on December 21, 2020, I issued Executive Order No 210, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on January 19, 2021, I issued Executive Order No 219, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on February 17, 2021, I issued Executive Order No 222, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on March 17, 2021, I issued Executive Order No 231, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 181, 186, 191, 200, and 210 (2020), and Nos 215, 222, and 231 (2021), I declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, due to the significant emergency measures the State has taken in response to COVID-19, in the summer and fall of 2020 there was a decrease in the rate of reported new cases of COVID-19 in New Jersey, in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey, and

WHEREAS, given the progress the State had made based on these emergency measures and after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan (the "Plan") for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification, and

WHEREAS, in line with the Plan, the State had been able to relax a number of restrictions, each time tailored to the relative risk the activity presents, and additional restrictions on outdoor and indoor recreational and entertainment businesses were lifted over the past several months, and

WHEREAS, the fact that the spread of COVID-19 had been limited by the State's emergency measures did not in any way suggest that the ongoing Public Health Emergency had dissipated, because absent social distancing measures, public health experts anticipated that the spread of COVID-19 would again significantly increase, and

WHEREAS, since the Public Health Emergency was renewed on March 17, 2021, at which time there were over 747,561 positive cases of COVID-19 in New Jersey, the COVID-19 outbreak has continued to present a public health hazard in New Jersey, in the region, and across the United States, and

WHEREAS, as of April 14, 2021, according to the World Health Organization, there were over 136,996,364 confirmed cases of COVID-19 worldwide, with over 2,951,832 of those cases having resulted in death, and

WHEREAS, as of April 14, 2021, according to the Centers for Disease Control and Prevention (CDC), there were over 31,158,087 confirmed cases of COVID-19 in the United States, with over 560,576 of those cases having resulted in death, and

WHEREAS, as of April 15, 2021, there were over 845,201 positive cases of COVID-19 in New Jersey, with at least 22,414 of those cases having resulted in death, and

WHEREAS, there have been positive cases of COVID-19 in every county in New Jersey, and there have been deaths relating to COVID-19 in every county in New Jersey, and

WHEREAS, the rate of reported new cases across all counties has remained high, demonstrating the need for many of the State's current measures to remain in place, both to reduce additional new infections and to save lives, and

WHEREAS, in the past twelve months, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks, and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan, allows for certain activities to continue subject to more limited restrictions, and

WHEREAS, the number of hospitalized patients, patients in intensive care, and ventilators in use has decreased drastically over the past two months, and has remained stable during the last several weeks, and

WHEREAS, given the decrease in these key statistics, the State can take cautious, incremental steps to lift certain restrictions that were designed to limit person-to-person contact, and

WHEREAS, even with these improvements and the rapid expansion of the State's capacity to vaccinate large numbers of individuals each day, it is still necessary to maintain strict mitigation protocols to ensure spread is limited while dissemination of the vaccine continues, and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is necessary to allow the State to continue with the Plan to allow for the methodical and strategic reopening of the State, consistent with the State's authority under the EHPA, and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is also necessary to ensure that the State can swiftly respond to take all appropriate actions should the rate of reported new cases of COVID-19 in New Jersey, number of individuals being admitted to hospitals for COVID-19, or rate of reproduction for COVID-19 infections in New Jersey again increase, as we have seen in numerous states across the country, and

WHEREAS, the spread of COVID-19 has greatly strained the resources and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, and the situation is too large in scope to be handled entirely by the normal county and municipal operating services, and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of DOH confirm that the spread of COVID-19 in New Jersey constitutes an ongoing public health hazard that threatens and presently endangers the health, safety, and welfare of the residents of one or more municipalities or counties of the State, and it is necessary and appropriate to take action against this public health hazard to protect and maintain the health, safety, and welfare of New Jersey residents and visitors, and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of DOH confirm that there exists a Public Health Emergency in the State, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby DECLARE and PROCLAIM that the Public Health Emergency declared in Executive Order No 103 (2020) pursuant to the EHPA,

N J S A 26 13-1, et seq , continues to exist throughout the State of New Jersey, and I hereby ORDER and DIRECT

1 All Executive Orders adopted in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak remain in full force and effect

2 All actions taken by any Executive Branch departments and agencies in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak, or in whole or in part based on authority delegated by any Executive Orders described in Paragraph 1 of this Order, including but not limited to any Administrative Orders, remain in full force and effect

3 For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General

4 This Order shall take effect immediately

Dated April 15, 2021

EXECUTIVE ORDER NO 236

WHEREAS, Walter Frederick "Fritz" Mondale was a dedicated lifelong public servant and a staunch advocate for civil rights who passionately fought for all Americans, and who served as the 42nd Vice President of the United States, and

WHEREAS, Vice President Mondale was born on January 5, 1928, in Ceylon, Minnesota, and

WHEREAS, Vice President Mondale began serving as Attorney General of Minnesota in 1960, and in that role joined a brief in support of indigent defendants' right to counsel in the landmark U S Supreme Court case Gideon v Wainwright, and

WHEREAS, Vice President Mondale played a critical role at the Democratic National Convention in Atlantic City, New Jersey, in 1964, where he helped negotiate an agreement banning segregated delegations, and

WHEREAS, Vice President Mondale served as a United States Senator from Minnesota from 1964 to 1976, during which time he supported voting rights, fair housing, women's rights, and environmental protection laws, and championed causes such as desegregation, education and childcare, healthcare, and consumer protection, and

WHEREAS, Democratic nominee for President Jimmy Carter asked then-Senator Mondale to be his running mate in the 1976 presidential election, and

WHEREAS, the Carter-Mondale ticket won the 1976 election, making Walter Mondale the 42nd Vice President of the United States, a position he held until 1981, and

WHEREAS, Vice President Mondale was a true partner to President Carter and played an active role in domestic and international policy, and for that reason is widely recognized as having transformed the role of Vice President of the United States into what it is today, and

WHEREAS, during his time as vice president, Vice President Mondale advocated for labor policies that helped the unemployed, supported affirmative action, played a role in negotiating the Camp David Accords and the Panama Canal treaty ratification, opposed apartheid in South Africa, and worked to resettle Vietnam War refugees, and

WHEREAS, Vice President Mondale secured the Democratic nomination for President in 1984, in part due to his victory in the New Jersey presidential primary, and made history by selecting Representative Geraldine A Ferraro of New York as his running mate, which made Representative Ferraro the first woman to be on a major party national ticket, and

WHEREAS, Vice President Mondale served as President Bill Clinton's Ambassador to Japan from 1993 to 1996 and Special Envoy to Indonesia in 1998, and

WHEREAS, I had the privilege of meeting Vice President Mondale more than 15 years ago, when I served as National Finance Chair of the Democratic National Committee, and am honored to have counted him as a friend, and

WHEREAS, Vice President Mondale remained actively engaged in politics and public service into his nineties, and

WHEREAS, Joan Mondale, Vice President Mondale's wife, died in 2014, and Eleanor Mondale Poling, his daughter, died in 2011, and

WHEREAS, Vice President Mondale passed away at the age of 93 on April 19, 2021, in Minneapolis, and

WHEREAS, Vice President Mondale is survived by, among others, his two sons, four grandchildren, and two step-granddaughters, and

WHEREAS, Vice President Mondale will be sorely missed not only by his family, friends, and colleagues, to whom he bade farewell in a letter before his death, but also by all of the people of the United States, in service of whom he dedicated his career, and

WHEREAS, it is with immense sadness and gratitude we mourn the passing of Vice President Mondale, who brought humor, dignity, kindness, and honesty to his many decades of public service, and

WHEREAS, President Biden, with whom Vice President Mondale served in the U S Senate, has issued a proclamation ordering that the flag of the United States be flown at half-staff at the White House and on all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United

States and its Territories and possessions, and at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations, until sunset, on the day of interment,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall remain at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours until sunset on the day of interment, consistent with federal law and directives, in recognition and mourning of a passionate, committed, lifelong public servant, Vice President Walter Mondale

2 This Order shall take effect immediately

Dated April 21, 2021

EXECUTIVE ORDER NO 237

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, and 231, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, and April 15, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 has continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, and 210-211 (2020) and Nos

214-216, Nos 219-220, Nos 222-223, No 225, and Nos 228-235 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No 107 (2020) closed all recreational and entertainment businesses, and limited certain activities, including gatherings, and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification, and

WHEREAS, because of the progress we had made in our fight against the COVID-19 pandemic in New Jersey, I was able to announce a series of reopening steps over the course of several months, and

WHEREAS, Executive Order No 149, issued May 30, 2020, permitted youth summer camps to operate starting June 15, but prohibited residential and overnight camps from operating, and

WHEREAS, in the past year, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks, and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan ("Plan") discussed below, allows for certain activities to continue subject to more limited restrictions, and

WHEREAS, given the recent decreases in key statistics, such as the number of hospitalized patients in the State, and the continuation of the State's vaccination plan, described more fully below, the State can take cautious, incremental steps to lift certain restrictions that were designed to limit person-to-person contact, and

WHEREAS, the Centers for Disease Control and Prevention continues to emphasize that outdoor environments pose less risk than indoor environments, and

WHEREAS, youth summer camps provide our workforce with necessary alternatives to child care, and

WHEREAS, heightened health and safety protocols can be instituted for summer camps to ensure an environment that would limit spread of COVID-19, and

WHEREAS, the State has significantly more robust testing capacity than it did during the spring and summer months of 2020, so that testing can now be a useful tool in permitting overnight camps to reopen for the 2021 season, and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19, and

WHEREAS, the State has thus far administered over 8 million doses of COVID-19 vaccines to individuals that live, work, and are educated in New Jersey and as of April 19, 2021, has deemed all individuals ages 16 and older as eligible to receive the vaccine, and

WHEREAS, while New Jersey is rapidly expanding its capacity to vaccinate large numbers of individuals each day, it is still appropriate to maintain mitigation protocols, including strict health and safety standards for summer camp operations, and will continue to be appropriate through the summer months, as the younger populations engaging in camp activities will likely not have access to the vaccine at the time, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 24 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 "Youth summer camps," for purposes of this Order, shall include youth day camps required to be licensed pursuant to N J S A 26 12-1 et seq , facilities operating programs as described in N J S A 30 5B-3(b)(4), and other entities that provide daily multi-hour programming for youths, without regard to whether the program is subject to the certification requirements pursuant to N J S A 26 12-1, et seq , including youth programs operated by municipal agencies This shall not include summer educational programming that is offered to students by a Local Education Agency

2 Youth summer camps, including residential and overnight camps, are permitted to operate provided that they comply with the 2021 COVID-19 Youth Summer Camp Standards and other applicable statutes, regulations, and Executive Orders Nothing in this Order shall be construed to impact youth staying overnight at recreational campgrounds operating in accordance with Executive Order No 148 (2020), to the extent such overnight stays are otherwise permitted Paragraphs 5 – 12 of Executive Order No 149 (2020) are hereby superseded to the extent that they conflict with the provisions of this Order

3 Youth camp operators, as defined by N J S A 26 12-3, wishing to operate a youth camp, may do so only if they have submitted an application for a certificate of approval, or renewal thereof, to operate the camp, as required by N J S A 26 12-6 and -7

4 Any youth summer camp that fails to adhere to the COVID-19 Youth Summer Camp Standards is subject to closure by the Commissioner of DOH pursuant to N J S A 26 13-8

5 Any actions taken by the Commissioner of DOH pursuant to this Order shall not be subject to the requirements of the Administrative Procedure Act, N J S A 52 14B-1 et seq

6 The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order

7 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order

8 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement, except as otherwise provided in Executive Order No 195 (2020)

9 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

10 This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate

Dated April 28, 2021

EXECUTIVE ORDER NO 238

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, and 231, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, and April 15, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 has continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, and 210-211 (2020) and Nos 214-216, Nos 219-220, Nos 222-223, No 225, Nos 228-235 and No 237 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No 107 (2020) closed all recreational and entertainment businesses, and limited certain activities, including gatherings, and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification, and

WHEREAS, because of the progress we had made in our fight against the COVID-19 pandemic in New Jersey, I was able to announce a series of reopening steps over the course of several months, including increasing the indoor and outdoor gathering limit, and

WHEREAS, though the State experienced significant upticks in case numbers throughout the fall and early winter, necessitating tightening of certain business and gathering restrictions, key metrics have again improved over the past months, and

WHEREAS, the current outdoor gatherings limit is set at 200 individuals, with certain limited exceptions, and

WHEREAS, Executive Order No 234 (2021) stated that all athletic practices and competitions conducted outdoors are subject to the 200-person limit, but that athletes, coaches, trainers, and other individuals necessary for the practice or competition are not included in the number of individuals present, and

WHEREAS, that Order also permitted certain catered private events to proceed at 35 percent of the capacity of the room in which they take place, up to 150 persons, and

WHEREAS, Executive Order No 234 (2021) increased the capacity for larger venues to 30 percent outdoors, and lowered the threshold for a venue to be considered large to 2,500 fixed seats from 5,000, and

WHEREAS, Executive Order No 157 (2020) required any establishment open to the public to cordon off indoor and outdoor dance floors to the public, and

WHEREAS, Executive Order No 194 (2020) prohibited bar seating in the indoor premises of food and beverage establishments, and

WHEREAS, in the past year, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks, and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan ("Plan") discussed below, allows for certain activities to continue subject to more limited restrictions, and

WHEREAS, the number of hospitalized patients, patients in intensive care, and ventilators in use, and the rate of transmission have decreased significantly over the past few weeks, and

WHEREAS, given the recent decreases in key statistics, such as the number of hospitalized patients in the State, and the continuation of the State's vaccination plan, described more fully below, the State can take deliberate, incremental steps to lift certain restrictions that were designed to limit person-to-person contact, and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") continues to emphasize that outdoor environments pose less risk than indoor environments, so that we can significantly increase the outdoor gathering limit to encourage outdoor activities as the weather warms, and

WHEREAS, certain gatherings, including religious services and political activity, are constitutionally protected activities, and restrictions on these gatherings should be less aggressive than restrictions on other gatherings, and

WHEREAS, legislative and judicial proceedings are particularly important to the functioning of the State, the latter of which implicates constitutional rights and foundational privileges, and so should also proceed with less restrictive limits, and

WHEREAS, addiction group counseling services are a critical social and mental health service that necessitate robust group participation, particularly during the pandemic, which has heightened feelings of stress and social isolation, and thus can exceed the general gathering limit while following health and safety protocols, and

WHEREAS, certain events such as wedding ceremonies, funerals, and memorial services, which typically happen once in a lifetime, provide benefits to the well-being of the participants such that they can be treated differently from casual social gatherings such as house parties, which occur on a more frequent basis and typically do not present the same compelling need, and

WHEREAS, catered celebrations are structured events with an established list of attendees that would facilitate contact tracing efforts, and involve an overseeing entity capable of overseeing attendee and staff compliance with applicable health and safety protocols, so that all such events can operate at the same capacity as weddings, funerals, and similar events with a higher indoor capacity limitation, and

WHEREAS, because of the structured nature of these events, we can similarly permit dance floors, while leaving restrictions in place for food and beverage establishments generally, and

WHEREAS, sports and entertainment venues with a large maximum capacity can accommodate a greater number of individuals at a gathering while still ensuring that a minimum of six feet of distance is maintained between patrons or groups of patrons at all times, including at entrances and egresses to the facility, and

WHEREAS, indoor bar service can resume with certain health and safety protocols in place to lessen the risk of spread between patrons and bartenders at restaurants and bars, and

WHEREAS, the CDC has stated that contact with contaminated surfaces and handling and consuming food are not the primary methods by which COVID-19 is spread, so that self-service food and drink can be permitted at food and beverage establishments, as we previously allowed in retail businesses, with certain restrictions in place, and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19, and

WHEREAS, the State has thus far administered over 7 million doses of COVID-19 vaccines to individuals that live, work, and are educated in New Jersey and as of April 19, 2021, has deemed all individuals ages 16 and older as eligible to receive the vaccine, and

WHEREAS, the process of vaccinating the population to levels sufficient to establish community immunity is expected to take several months, and

WHEREAS, while New Jersey is rapidly expanding its capacity to vaccinate large numbers of individuals each day, it is still appropriate to maintain mitigation protocols, including overall limits on capacity in establishments open to the public, to ensure spread is limited while dissemination of the vaccine continues, and

WHEREAS, it is critical that individuals continue to follow social distancing, masking, and other infection control protocols while vaccine administration is ongoing in the State, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 24 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Paragraph 1 of Executive Order No 234 (2021) is hereby rescinded and the number of individuals at outdoor gatherings shall be limited to 500 persons or fewer An outdoor gathering that is a religious service or celebration, political activity, wedding ceremony, funeral, memorial service, meeting of an addiction support group, legislative proceeding of State, county, or local government, including local Boards of Education, or State or local judicial proceeding is not required to comply with the numerical limit on persons All other requirements for outdoor gatherings contained in Paragraph 1 of Executive Order No 161 (2020), including the requirements of Paragraph 2 of Executive Order No 152 (2020) incorporated by reference therein, shall remain in effect

2 Outdoor entertainment centers where performances are viewed or given, including movie theaters, performing arts centers, and other concert venues, must continue to limit the number of patrons in any outdoor area where a performance is viewed or given to a number that ensures that all individuals can remain six feet apart, but such limit shall never be larger than 500 persons, unless the outdoor entertainment venue has a fixed seating capacity of 1,000 persons or greater as described in Paragraph 5 of this Order Paragraph 2 of Executive Order No 234 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order

3 Recreational or entertainment businesses, and restaurants, cafeterias, dining establishments, food courts, bars, and public and private social clubs where events take place that utilize a licensed caterer or where such venue holds a license to prepare and serve food to the public, must limit the number of patrons participating in any outdoor celebration or similar private catered event to a number that ensures that individuals can remain six feet apart, but such limit shall never be larger than 500 persons, excluding the venue's staff Paragraph 6 of Executive Order No 234 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order

4 All athletic practices and competitions, including professional, collegiate, and non-collegiate and non-professional, that are conducted outdoors are subject to the outdoor gathering limit of 500 persons Athletes, coaches, referees, trainers, and other individuals who are necessary for the practice or competition are not included in the number of individuals present at a gathering for purposes of the limits on gatherings All other individuals, including spectators, must be limited to 500 persons The provisions of Paragraph 1 of Administrative Order No 2020-22 regarding outdoor gatherings shall continue to apply Paragraph 3 of Executive Order No 234 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order

5 Sports and entertainment venues, including concert venues and stadiums, with fixed seating capacity of 1,000 or greater, that have opened their outdoor spaces to the public may permit a number of patrons and/or members of the public totaling up to 50 percent of the stated maximum capacity of any outdoor area where such event is held Such venues shall continue to follow all applicable requirements in any other Executive Order, Administrative Order, and/or Executive Directive, in-

cluding, but not limited to, the requirements regarding mask wearing in Executive Order No 192 (2020) All attendees at the event are required to be six feet apart from other attendees at all times, except that individuals who purchase or reserve tickets together may be seated together, but must be six feet away from all other groups or individuals in all directions This paragraph shall apply to events, including sports competitions and performances, that take place in sports and entertainment venues with a fixed seating capacity of 1,000 persons or greater Paragraph 9 of Executive Order No 234 (2021) is superseded to the extent that it conflicts with the provisions of this Order

6 The number of individuals at indoor gatherings that are political activities, wedding ceremonies, wedding receptions, funerals, or memorial services shall be limited to 50 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be larger than 250 persons or smaller than 25 persons, excluding staff of the gathering venue For purposes of this Order, any private residence or residential unit shall be treated as a single "room " Legislative proceedings of State, county, or local government, including local Boards of Education, and State and local judicial proceedings in indoor settings are not subject to the capacity limits on indoor gatherings in this or any other applicable Executive Order Paragraph 2 of Executive Order No 230 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order

7 Recreational or entertainment businesses, and restaurants, cafeterias, dining establishments, food courts, bars, and public and private social clubs where events take place that utilize a licensed caterer or where such venue holds a license to prepare and serve food to the public, must limit the number of patrons participating in any indoor celebrations or similar private catered events to 50 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be smaller than 25 persons or larger than 250 persons, excluding the venue's staff Paragraph 5 of Executive Order No 234 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order

8 All indoor gatherings, including wedding receptions and catered events in indoor and outdoor settings, must continue to follow all applicable requirements for indoor gatherings outlined in Paragraphs 5 and 6 of Executive Order No 183 (2020), including those provisions that incorporate by reference the requirements of Paragraph 1 of Executive Order No 152 (2020)

9 Dance floors shall be permitted to open for indoor and outdoor celebrations or similar private catered events, as described in Paragraphs 3 and 6 of this Order All individuals using the dance floor must wear a face mask at all times except where the individual is under two years of age All attendees on the dance floor are required to be six feet apart from the other attendees at all times, excluding immediate family members, caretakers, household members, or romantic partners, as well as excluding individuals organizing or maintaining the gathering Paragraph 9 of Executive Order No 157 (2020) is hereby superseded to the extent that it conflicts with the provisions of this Order

10 Food and beverage establishments are permitted to seat patrons at indoor bar areas, consistent with the requirements of Paragraph 1 of Executive Order No 183 (2020), and guidance provided by DOH Paragraph 2 of Executive Order No 194 (2020) is hereby rescinded In-person service to patrons standing in bar areas continues to be prohibited

11 Food and beverage establishments, as defined by Executive Order No 183 (2020) are permitted to offer self-service food, such as buffets and salad bars, subject to the protocols outlined in the New Jersey DOH's "Health and Safety Standards for Indoor Dining " Paragraph 1 of Executive Order No 183 (2020) is hereby superseded to the extent that it conflicts with the provisions of this Order

12 The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order

13 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order

14 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement, except as otherwise provided in Executive Order No 195 (2020)

15 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

16 This Order shall take effect at 6 00 a m on Friday, May 7, 2021, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate

Dated May 3, 2021

EXECUTIVE ORDER NO 239

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, and 231, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, and April 15, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19

Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, and Nos 210-211 (2020) and Nos 214-216, Nos 219-220, Nos 222-223, No 225, Nos 228-235 and Nos 237-238 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No 107 (2020) closed certain businesses, including recreational and entertainment businesses, and limited certain activities, including gatherings, and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification, and

WHEREAS, because of the progress we had made in our fight against the COVID-19 pandemic in New Jersey, I was able to announce a series of reopening steps over the course of several months, including increasing the indoor and outdoor gathering limit, and

WHEREAS, indoor dining was permitted to resume on September 4, 2020, pursuant to Executive Order No 183, with strict health and safety protocols in place, including limiting the number of patrons to 25 percent of the establishment's stated maximum capacity, and

WHEREAS, Executive Order No 157 (2020) permitted certain recreation and entertainment businesses, to open their indoor premises subject to their compliance with specified health and safety protocols, including the same 25 percent capacity limitation, and

WHEREAS, Executive Order No 157 (2020) permitted casinos and racetracks to resume operations conditioned on their compliance with requirements imposed by the Division of Gaming Enforcement and New Jersey Racing Commission, and

WHEREAS, Executive Order No 181 (2020), permitted gyms, fitness centers, and health clubs to open their indoor spaces to the public at 25 percent of the facility's stated maximum capacity, and

WHEREAS, personal care service facilities were permitted to reopen their premises to the public pursuant to Paragraph 2 of Executive Order No 157 (2020), and

WHEREAS, Executive Order No 194 (2020) clarified that premises of indoor facilities providing personal care services are limited to 25 percent of the stated maximum capacity, and

WHEREAS, Executive Order No 219 (2021) increased the indoor capacity for the aforementioned businesses from 25 percent to 35 percent, and

WHEREAS, Executive Order No 230 (2021) again increased indoor capacity for certain businesses to 50 percent, and

WHEREAS, the current indoor gatherings limit is set at 25 persons and the current outdoor gatherings limit is set at 500 persons, with certain limited exceptions, and

WHEREAS, Executive Order No 234 (2021) stated that all athletic practices and competitions conducted outdoors are subject to the 200-person limit, but that athletes, coaches, trainers, and other individuals necessary for the practice or competition are not included in the number of individuals present, and

WHEREAS, that Order also permitted certain catered private events to proceed at 35 percent of the capacity of the room in which they take place, up to 150 persons, and

WHEREAS, Executive Order No 234 (2021) increased the capacity for larger venues to 30 percent outdoors, and lowered the threshold for a venue to be considered large to 2,500 fixed seats from 5,000, and

WHEREAS, Executive Order No 238 (2021) most recently increased the capacity for larger entertainment and sports venues with 1,000 fixed seats or more to 50 percent outdoors, and increased the indoor capacity for catered events to 50 percent of the room in which they take place, up to 250 persons, and

WHEREAS, in the past year, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks, and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan ("Plan") discussed below, allows for certain activities to continue subject to more limited restrictions, and

WHEREAS, the number of hospitalized patients, patients in intensive care, and ventilators in use, and the spot positivity of COVID-19 tests have decreased significantly over the past few weeks, and

WHEREAS, given the decisive decreases in key statistics, such as the number of hospitalized patients in the State, and the continuation of the State's Plan, described more fully below, the State can take more significant steps to lift certain restrictions that were designed to limit person-to-person contact, and

WHEREAS, the Center for Disease Control and Prevention ("CDC") has maintained that physical distance of six feet or more is a critical tool in reducing risk in both indoor and outdoor environments, with limited exceptions for K-12 educational settings, and

WHEREAS, it is appropriate to eliminate capacity restrictions on indoor and outdoor businesses and instead utilize physical distancing requirements to limit occupancy in these settings, and

WHEREAS, indoor gatherings are more likely to involve a group of individuals present in a shared space for an extended period of time than businesses in the course of normal operations, and are more likely to involve individuals interacting with each other, so that it is necessary to maintain numerical restrictions on these gatherings in indoor settings at this time, and

WHEREAS, gatherings at private residences are typically more informal than events organized by a commercial entity, so that it is more difficult to enforce health and safety protocols, and

WHEREAS, certain gatherings, including religious services and political activities, are constitutionally protected activities, and restrictions on these gatherings should be less aggressive than restrictions on other gatherings, and

WHEREAS, legislative and judicial proceedings are particularly important to the functioning of the State, the latter of which implicates constitutional rights and foundational privileges, and so should also proceed with less restrictive limits, and

WHEREAS, addiction group counseling services are a critical social and mental health service that necessitate robust group participation, particularly during the COVID-19 pandemic, which has heightened feelings of stress and social isolation, and thus can exceed the general gathering limit while following health and safety protocols, and

WHEREAS, certain events such as wedding ceremonies, funerals, and memorial services, which typically happen once in a lifetime, provide benefits to the well-being of the participants such that they can be treated differently from casual social gatherings such as house parties, which occur on a more frequent basis and typically do not present the same compelling need, and

WHEREAS, catered celebrations are structured events with an established list of attendees that would facilitate contact tracing efforts, and involve an overseeing entity capable of overseeing attendee and staff compliance with applicable health and safety protocols, so that all such events can operate at the same capacity as weddings, funerals, and similar events with a higher indoor capacity limitation, and

WHEREAS, the CDC has continued to emphasize that outdoor environments pose a lesser risk of transmission of the virus than indoor environments, so that New Jersey can entirely remove the outdoor gathering limit so long as social distancing and other protective measures remain in place, and

WHEREAS, sports and entertainment venues with a large maximum capacity can accommodate a greater number of individuals at a gathering while still ensuring

that a minimum of six feet of distance is maintained between patrons or groups of patrons at all times, including at entrances and egresses to the facility, and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19, and

WHEREAS, the State has thus far administered nearly 8 million doses of COVID-19 vaccines to individuals that live, work, and are educated in New Jersey and as of April 19, 2021, has deemed all individuals ages 16 and older as eligible to receive the vaccine, and

WHEREAS, the process of vaccinating the population to levels sufficient to establish community immunity is expected to take several months, and

WHEREAS, while New Jersey continues to vaccinate large numbers of individuals each day, it is still appropriate to maintain mitigation protocols, including overall limits on capacity in establishments open to the public, to ensure spread is limited while dissemination of the vaccine continues, and

WHEREAS, it is critical that individuals continue to follow social distancing, masking, and other infection control protocols while vaccine administration is ongoing in the State, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 24 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Restaurants, cafeterias, dining establishments, including private, non-profit clubs, and food courts, with or without a liquor license, bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as "food or beverage establishments," that are permitted to offer in-person service in indoor areas are not subject to any percentage-based capacity limit but shall limit capacity to a number that ensures all patrons can remain six feet apart from all other patrons at all times, except for those patrons with whom they are sharing a table Food and beverage establishments must continue to ensure that tables in indoor areas where individuals or groups are seated are six feet apart in all directions from any other table or seat Patrons at indoor bar areas may be seated closer than six feet to each other if they arrived as part of the same group, but that group must be six feet apart from other patrons or groups Where six feet of distance is not possible, establishments must erect barriers between tables or at the bar pursuant to DOH's "Health and Safety Standards for Indoor Dining " Paragraph 10 of Execu-

tive Order No 230 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Paragraph

2 The following businesses that are open to the public are not subject to any percentage-based capacity limit but shall limit occupancy to a number that ensures that all patrons or groups of patrons entering the facility together can remain six feet apart

a Indoor premises of retail establishments,

b Indoor premises of personal care services authorized to reopen their indoor facilities to the public pursuant to Paragraph 2 of Executive Order No 157 (2020),

c Indoor premises of "health clubs," as defined by N J S A 56 8-39, which include gyms and fitness centers, as well as amusement and water parks, authorized to reopen their indoor facilities to the public pursuant to Paragraph 1 of Executive Order No 181 (2020),

d Indoor and outdoor premises of recreational and entertainment businesses that were permitted to reopen their indoor facilities to the public pursuant to Paragraph 7 of Executive Order No 157 (2020), including amusement and water parks, and

e Indoor premises of casinos, including casino gaming floors and retail sports wagering lounges

Paragraph 7 of Executive Order No 157 (2020) and Paragraphs 11 – 14 of Executive Order No 230 (2021) are hereby superseded to the extent that they conflict with the provisions of this Paragraph

3 The number of individuals at indoor social gatherings at private residences or social gatherings in a public space that are not overseen by an operating entity, and that are not religious services or celebrations, political activities, wedding ceremonies, funerals, or memorial services, shall be limited to 50 persons per room For purposes of this Order, any private residence or residential unit shall be treated as a single "room " The numerical limits on indoor gatherings in Executive Order No 230 (2021) are hereby superseded

4 The number of individuals at indoor gatherings that are political activities, wedding ceremonies, wedding receptions, funerals, memorial services, or Alcoholics Anonymous meeting, Narcotics Anonymous meeting, or similar meetings of an addiction support group shall not exceed 250 persons per room, excluding staff of the gathering venue For purposes of this Order, any private residence or residential unit shall be treated as a single "room " Paragraphs 2 and 4 of Executive Order No 230 (2021) are hereby superseded to the extent that they conflict with the provisions of this Order Legislative proceedings of State, county, or local government, including local Boards of Education, and State and local judicial proceedings are not subject to the capacity limits on gatherings in this or any other applicable Executive Order

5 The number of individuals at any commercial gathering and other gatherings hosted in a public space by an operating entity, including, but not limited to, trade expositions, conferences, and events hosted by senior centers, shall not exceed 250 persons per room, excluding staff of the gathering venue

6 The number of individuals at indoor gatherings that are religious services or celebrations, including wedding ceremonies, funerals, and memorial services that involve religious services, are not subject to any percentage-based capacity limit but shall limit occupancy in indoor areas to a number that ensures that all individuals or groups can remain six feet apart Paragraph 3 of Executive Order No 230 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order

7 Entertainment centers where performances are viewed or given, including movie theaters, performing arts centers, and other concert venues, that have opened their indoor spaces to the public, must limit the number of patrons in any indoor room where a performance is viewed or given to 250 persons, excluding the entertainment center's employees The other requirements outlined in Paragraph 2 of Executive Order No 183 (2020) continue to apply Paragraph 6 of Executive Order No 230 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Paragraph

8 Recreational or entertainment businesses, and restaurants, cafeterias, dining establishments, food courts, bars, and public and private social clubs where events take place that utilize a licensed caterer or where such venue holds a license to prepare and serve food to the public, must limit the number of patrons participating in any indoor celebrations or similar private catered events to 250 persons per room, excluding the venue's staff Paragraph 7 of Executive Order No 238 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order

9 No indoor gathering may take place in the State, whether on public or private property, unless it adheres to all of the following rules

a All attendees at the gathering must wear face coverings at all times except where doing so would inhibit the individual's health, where the individual is under two years of age, or when wearing a face covering is impracticable, such as when an individual is eating, drinking, or smoking, and

b All attendees at the gathering are required to be six feet apart from other attendees at all times, excluding those with whom an attendee has a close personal relationship, such as immediate family members, caretakers, household members, or romantic partners, as well as excluding a limited number of individuals organizing or maintaining the gathering

10 All athletic practices and competitions, including professional, collegiate, and non-collegiate and non-professional, that are conducted indoors are subject to the indoor gathering limit of 250 persons Athletes, coaches, referees, and trainers, and other individuals who are necessary for the collegiate sporting event are not included in the number of individuals present at a gathering for purposes of the limits on gatherings The number of individuals present inside a room where an indoor collegiate athletic practice or competition is taking place may not exceed 250 persons, except that individuals necessary for the sporting event may exceed the 250-person limit Paragraphs 17 and 19 of Executive Order No 230 (2021) and Administrative Order No 2021-01 are hereby superseded to the extent that they conflict with the provisions of this Paragraph

11 Sports and entertainment venues, including concert venues and stadiums, with fixed seating capacity of 1,000 or greater, that have opened their indoor spaces to the public may permit a number of patrons and/or members of the public totaling up to 30 percent of the stated maximum capacity of any room where such event is held Such venues shall continue to follow all applicable requirements in any other Executive Order, Administrative Order, and/or Executive Directive, including, but not limited to, the requirements regarding mask wearing in Executive Order No 192 (2020) All attendees at the event are required to be six feet apart from other attendees at all times, except that individuals who purchase or reserve tickets together may be seated together but must be six feet away from all other groups or individuals in all directions This paragraph shall apply to events, including collegiate, youth, and professional sports competitions, that take place in sports and entertainment venues with a fixed seating capacity of 1,000 persons or greater Paragraph 8 of Executive Order No 234 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order

12 Paragraph 1 of Executive Order No 238 (2021) regarding the numerical limit on outdoor gatherings is hereby rescinded No outdoor gathering may take place in the State, whether on public or private property, unless it adheres to all of the following rules

a All attendees at the gathering are required to be six feet apart from other attendees, excluding those with whom an attendee has a close personal relationship, such as immediate family members, caretakers, household members, or romantic partners, as well as excluding a limited number of individuals organizing or maintaining the gathering,

b Where the outdoor gathering is a religious service or political activity, such as a protest, the gathering is not required to comply with Paragraph 12(a) of this Order, and

c All individuals at the gathering should wear face coverings at all times where other social distancing measures are difficult to maintain, in accordance with CDC recommendations, except where doing so would inhibit the individual's health or where the individual is under two years of age, and all attendees must wear such face coverings where required by another Executive Order

13 Outdoor entertainment centers where performances are viewed or given, including movie theaters, performing arts centers, and other concert venues, must limit the number of patrons in any outdoor area where a performance is viewed or given to a number that ensures that all individuals or groups can remain six feet apart Paragraph 2 of Executive Order No 238 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order

14 Recreational or entertainment businesses, and restaurants, cafeterias, dining establishments, food courts, bars, and public and private social clubs where events take place that utilize a licensed caterer or where such venue holds a license to prepare and serve food to the public, must limit the number of patrons participating in any outdoor celebration or similar private catered event to a number that ensures that individuals or groups can remain six feet apart Paragraph 3 of Executive Or-

der No 238 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order

15 All athletic practices and competitions, including professional, collegiate, and non-collegiate and non-professional, that are conducted outdoors must limit the number of attendees who are not athletes, coaches, referees, trainers, and other individuals who are necessary for the practice or competition to a number that ensures the individuals or groups can remain six feet apart Paragraph 4 of Executive Order No 238 (2021) and Administrative Order No 2020-22 are hereby superseded to the extent that they conflict with the provisions of this Order

16 Sports and entertainment venues, including concert venues and stadiums, with fixed seating capacity of 1,000 or greater, that have opened their outdoor spaces to the public must limit attendance to a number that ensures the attendees or groups of attendees can remain six feet apart Such venues shall continue to follow all applicable requirements in any other Executive Order, Administrative Order, and/or Executive Directive, including, but not limited to, the requirements regarding mask wearing in Executive Order No 192 (2020) All attendees at the event are required to be six feet apart from other attendees at all times, except that individuals who purchase or reserve tickets together may be seated together, but must be six feet away from all other groups or individuals in all directions This paragraph shall apply to events, including sports competitions and performances, that take place in sports and entertainment venues with a fixed seating capacity of 1,000 persons or greater Paragraph 5 of Executive Order No 238 (2021) is superseded to the extent that it conflicts with the provisions of this Order

17 Paragraphs 5 and 6 of Executive Order No 194 (2020) are hereby rescinded, and indoor interstate youth sports competitions, as defined in that Order, are permitted to resume subject to the limitations on capacity for such indoor competitions and the DOH's "Guidance for Sports Activities "

18 The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order

19 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order

20 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement, except as otherwise provided in Executive Order No 195 (2020)

21 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

22 This Order shall take effect at 6 00 a m on Wednesday, May 19, 2021, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate

Dated May 12, 2021

EXECUTIVE ORDER NO 240

WHEREAS, on March 9, 2020, through Executive Order No 103 , the facts and circumstances of which are adopted by reference herein, I declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard created by Coronavirus disease 2019 ("COVID-19"), and

WHEREAS, Executive Order No 103 (2020) described both the symptoms and dangers presented by COVID-19 and the likelihood of community spread across the State, and it recognized the need to use all available statewide authorities to prepare for and respond to COVID-19 cases in New Jersey, to implement appropriate measures to mitigate the spread of COVID-19, and to prepare in the event of an increasing number of individuals requiring medical care or hospitalization, and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act ("EHPA"), to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, and Nos 210-211 (2020) and Nos 214-216, Nos 219-220, Nos 222-223, No 225, Nos 228-235, and Nos 237-239 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, N J S A 26 13-3(b) establishes that a Public Health Emergency declared by the Governor shall automatically terminate after 30 days, unless renewed for an additional 30 days through a declaration of the Governor, and

WHEREAS, on April 7, 2020, I issued Executive Order No 119, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on May 6, 2020, I issued Executive Order No 138, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on June 4, 2020, I issued Executive Order No 151, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on July 2, 2020, I issued Executive Order No 162, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on August 1, 2020, I issued Executive Order No 171, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on August 27, 2020, I issued Executive Order No 181, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on September 25, 2020, I issued Executive Order No 186, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on October 24, 2020, I issued Executive Order No 191, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on November 22, 2020, I issued Executive Order No 200, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on December 21, 2020, I issued Executive Order No 210, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on January 19, 2021, I issued Executive Order No 219, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on February 17, 2021, I issued Executive Order No 222, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on March 17, 2021, I issued Executive Order No 231, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on April 15, 2021, I issued Executive Order No 235, which declared that the Public Health Emergency declared in Executive Order No 102 (2020) continues to exist, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 181, 186, 191, 200, and 210 (2020), and Nos 215, 222, 231, and 235 (2021), I declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, due to the significant emergency measures the State has taken in response to COVID-19, in the summer and fall of 2020 there was a decrease in the rate of reported new cases of COVID-19 in New Jersey, in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey, and

WHEREAS, given the progress the State had made based on these emergency measures and after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan (the "Plan") for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification, and

WHEREAS, in line with the Plan, the State had been able to relax a number of restrictions, each time tailored to the relative risk the activity presents, and additional restrictions on outdoor and indoor recreational and entertainment businesses were lifted over the past several months, and

WHEREAS, the fact that the spread of COVID-19 had been limited by the State's emergency measures did not in any way suggest that the ongoing Public Health Emergency had dissipated, because absent social distancing measures, public health experts anticipated that the spread of COVID-19 would again significantly increase, and

WHEREAS, since the Public Health Emergency was renewed on April 15, 2021, at which time there were over 845,201 positive cases of COVID-19 in New Jersey, the COVID-19 outbreak has continued to present a public health hazard in New Jersey, in the region, and across the United States, and

WHEREAS, as of May 14, 2021, according to the World Health Organization, there were over 160,686,749 confirmed cases of COVID-19 worldwide, with over 3,335,948 of those cases having resulted in death, and

WHEREAS, as of May 13, 2021, according to the Centers for Disease Control and Prevention ("CDC"), there were over 32,643,851 confirmed cases of COVID-19 in the United States, with over 580,837 of those cases having resulted in death, and

WHEREAS, as of May 13, 2021, there were over 881,991 positive cases of COVID-19 in New Jersey, with at least 23,257 of those cases having resulted in death, and

WHEREAS, there have been positive cases of COVID-19 in every county in New Jersey, and there have been deaths relating to COVID-19 in every county in New Jersey, and

WHEREAS, while the rate of reported new cases across all counties has decreased over the past weeks, New Jersey continues to see cases in every county and a significant number of deaths, demonstrating the need for many of the State's current measures to remain in place, both to reduce additional new infections and to save lives, and

WHEREAS, in the past year, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks, and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from

spread of the virus, as well as the ongoing COVID-19 Vaccination Plan, allows for certain activities to continue subject to more limited restrictions, and

WHEREAS, the number of hospitalized patients, patients in intensive care, and ventilators in use, and the spot positivity of COVID-19 tests have decreased considerably over the past few weeks, and

WHEREAS, given the decisive decreases in these key statistics, the State has taken more steps to lift certain restrictions that were designed to limit person-to-person contact, and

WHEREAS, the CDC has indicated that vaccinated individuals can engage in activities more safely than unvaccinated individuals, and

WHEREAS, New Jersey has administered nearly 8 million doses of the COVID-19 vaccine in the State to date, and

WHEREAS, even with these improvements and the State's continued rollout of its vaccination program, it is still necessary to maintain mitigation protocols to ensure spread is limited while dissemination of the vaccine continues, and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is necessary to allow the State to continue with the Plan to allow for the methodical and strategic reopening of the State, consistent with the State's authority under the EHPA, and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is also necessary to ensure that the State can swiftly respond to take all appropriate actions should the rate of reported new cases of COVID-19 in New Jersey, number of individuals being admitted to hospitals for COVID-19, or rate of reproduction for COVID-19 infections in New Jersey again increase, as we have seen in numerous states across the country, and

WHEREAS, the spread of COVID-19 has greatly strained the resources and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, and the situation is too large in scope to be handled entirely by the normal county and municipal operating services, and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of DOH confirm that the spread of COVID-19 in New Jersey constitutes an ongoing public health hazard that threatens and presently endangers the health, safety, and welfare of the residents of one or more municipalities or counties of the State, and it is necessary and appropriate to take action against this public health hazard to protect and maintain the health, safety, and welfare of New Jersey residents and visitors, and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of DOH confirm that there exists a Public Health Emergency in the State, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby DECLARE and PROCLAIM that the Public Health Emergency declared in Executive Order No 103 (2020) pursuant to the EHPA, N J S A 26 13-1, et seq , continues to exist throughout the State of New Jersey, and I hereby ORDER and DIRECT

1 All Executive Orders adopted in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak remain in full force and effect

2 All actions taken by any Executive Branch departments and agencies in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak, or in whole or in part based on authority delegated by any Executive Orders described in Paragraph 1 of this Order, including but not limited to any Administrative Orders, remain in full force and effect

3 For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General

4 This Order shall take effect immediately

Dated May 14, 2021

EXECUTIVE ORDER NO 241

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 231, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, and Nos 210-211 (2020) and Nos 214-216, Nos 219-220, Nos 222-223, No 225, Nos 228-235, and Nos 237-240 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No 107 (2020) closed certain businesses, including recreational and entertainment businesses, and limited certain activities, including gatherings, and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification, and

WHEREAS, because of the progress we had made in our fight against the COVID-19 pandemic in New Jersey, I was able to announce a series of reopening steps over the course of several months, including increasing the indoor and outdoor gathering limit, and

WHEREAS, Executive Order No 163, issued July 8, 2020, requires individuals to wear masks in outdoor public spaces where social distancing is not practicable, with limited exceptions, and

WHEREAS, Executive Order No 192, issued October 28, 2020, required workers and visitors on worksites, whether indoors or outdoors, to wear masks with limited exceptions, and

WHEREAS, in connection with these Orders, agency orders, directives, and guidance have imposed additional masking requirements in outdoor and indoor settings, and

WHEREAS, in the past year, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks, and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan ("Plan") discussed below, allows for certain activities to continue subject to more limited restrictions, and

WHEREAS, the number of hospitalized patients, patients in intensive care, and ventilators in use, and the spot positivity of COVID-19 tests have decreased significantly over the past few weeks, and

WHEREAS, given the decisive decreases in key statistics, such as the number of hospitalized patients in the State, and the continuation of the State's Plan, described more fully below, the State can take more significant steps to lift certain restrictions that were designed to limit person-to-person contact, and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") recently stated that vaccinated individuals may be able to forgo masking and social distancing in certain indoor and outdoor environments, and

WHEREAS, the CDC has continued to emphasize that outdoor environments pose a lesser risk of transmission of the virus than indoor environments, and

WHEREAS, federal public health officials have emphasized the ability and potential importance of state governments to maintain local mask mandates to prevent increases of infection, and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19, and

WHEREAS, the State has thus far administered approximately 8 million doses of COVID-19 vaccines to individuals that live, work, and are educated in New Jersey, and as of April 19, 2021, has deemed all individuals ages 16 and older as eligible to receive the vaccine, and

WHEREAS, vaccine supply was previously constrained, but is now sufficient to permit every eligible individual within the State reasonable access, and

WHEREAS, the State can lift the outdoor mask mandate in light of this new CDC guidance and our progress on both COVID-19 metrics and vaccine administration, and

WHEREAS, though New Jersey continues to vaccinate large numbers of individuals each day, it is still appropriate to maintain certain mitigation protocols, including social distancing, to ensure spread is limited while dissemination of the vaccine continues, and

WHEREAS, infants and children up to age 11 are not currently eligible for vaccination, and are not anticipated to become eligible until the fall, so that it is appropriate to exercise additional caution in settings that involve that population in outdoor spaces, and

WHEREAS, the CDC's new guidance on masking maintains that all individuals should continue to wear masks in certain high-traffic settings and in healthcare settings, and

WHEREAS, different masking rules for vaccinated and unvaccinated individuals would mean that business owners and frontline workers would bear the burden of distinguishing between vaccinated and unvaccinated patrons, and

WHEREAS, in the absence of a vaccine "passport" or other type of verification system, it would be difficult to ensure that unmasked individuals who enter businesses are actually vaccinated, and

WHEREAS, even beyond the question of entry, it is virtually impossible to ensure any type of compliance with a mandate that applies to some individuals but not others in a crowded indoor environment, and

WHEREAS, lifting the indoor mask mandate at this time would unnecessarily endanger frontline workers and could lead to a rise in transmission among individuals not yet fully vaccinated, including those such as children who are either not eligible or who have just become eligible for vaccination, and

WHEREAS, the more responsible and appropriate course of action is to keep the indoor mask mandate in place as we continue to further reduce the spread of the virus and make significant progress towards our vaccination goals, and

WHEREAS, in the coming weeks, we expect to make enough progress on both fronts to be able to safely lift the indoor mask mandate, and

WHEREAS, it is reasonable to permit individuals at small gatherings in their private residences to attend without requiring masks, where participants are often familiar with each other and can make informed decisions about attending an event based on vaccination status or other factors, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 24 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Individuals in outdoor public spaces are not required to wear masks, regardless of their ability to maintain six feet of distance from other individuals or groups, and regardless of their vaccination status Paragraph 1 of Executive Order No 163 (2020) is hereby rescinded Paragraph 12 of Executive Order No 239 (2021) and Paragraph 1 of Executive Order No 192 (2020) are hereby superseded to the extent that they conflict with the provisions of this Order regarding masking in outdoor public spaces Employers and entities are permitted to impose stricter requirements regarding mask-wearing in outdoor settings for employees, customers, guests, or other individuals The provision in Executive Order No 239 (2021) requiring six feet of distance between attendees at an outdoor gathering, with certain limited exceptions, remains in effect

2 In addition, for purposes of Paragraph 1 of this Order, "outdoor public spaces" do not include child care centers, other child care facilities, youth summer camps, and public, private, and parochial preschool program premises, and elementary and secondary schools, including charter and renaissance schools, which continue to be

governed by Executive Orders No 149 (2020), No 175 (2020), and No 237 (2021), and any applicable standards issued by the Commissioner of the DOH

3 This Order shall not supersede masking requirements currently in place in outdoor spaces in healthcare settings and at congregate facilities such as long-term care facilities and State correctional facilities

4 As provided for in Executive Order No 192 (2020), all individuals shall continue to wear face coverings in indoor workplaces, subject only to exceptions that have previously existed, such as when employees are at distanced workstations or in their own offices

5 As provided for in Executive Order No 192 (2020), Executive Order No 240 (2021), and any other Executive Order or agency order or directive that outlines protocols for indoor public spaces, all individuals shall continue to wear face coverings in indoor public spaces, including but not limited to retail, recreational, and entertainment businesses, food or beverage establishments, and casinos, subject only to exceptions that have previously existed, such as when individuals are eating or drinking

6 Individuals at gatherings in indoor private spaces that number fewer than 50 individuals are not required to wear masks, regardless of their ability to maintain six feet of distance from other individuals or groups, and regardless of their vaccination status Paragraph 9 of Executive Order No 239 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order regarding masking

7 The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order

8 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order

9 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement, except as otherwise provided in Executive Order No 195 (2020)

10 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

11 This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate

Dated May 17, 2021

EXECUTIVE ORDER NO 242

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act ("EHPA"), to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, and Nos 210-211 (2020) and Nos 214-216, Nos 219-220, Nos 222-223, No 225, Nos 228-235, and Nos 237-241 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No 107 (2020) closed certain businesses, including recreational and entertainment businesses, and limited certain activities, including gatherings, and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification, and

WHEREAS, because of the progress we had made in our fight against the COVID-19 pandemic in New Jersey, I was able to announce a series of reopening steps over the course of several months, including increasing the indoor and outdoor gathering limit, and

WHEREAS, Executive Order No 157 (2020) first outlined requirements for indoor and outdoor food and beverage establishments, including the requirement that groups be spaced six feet apart, and

WHEREAS, Executive Order No 192 (2020) required workers and visitors on worksites to wear masks with limited exceptions and to practice social distancing, subject to certain conditions, and

WHEREAS, in connection with these Orders, agency orders, directives, and guidance have imposed additional masking and social distancing requirements in indoor settings, and

WHEREAS, all subsequent Executive Orders regarding restrictions on businesses and other facilities and on gatherings required individuals or groups of individuals to remain six feet apart in indoor and outdoor settings, with limited exceptions, and

WHEREAS, in the past year, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks, and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan ("Plan") discussed below, allows for certain activities to continue subject to more limited restrictions, and

WHEREAS, over the last six weeks, the number of hospitalized patients has gone from over 2,300 to under 700, the number of patients in intensive care has gone from over 450 to under 150, and the number of ventilators in use has gone from over 230 to under 110, and

WHEREAS, over the last six weeks, the number of individuals testing positive for COVID-19 has gone from approximately 3,000 per day to approximately 600-700 per day, and the weekday spot positivity of COVID-19 tests has gone from 7-8 percent to under or slightly above 2 percent for the last four recorded days, and

WHEREAS, the rate of transmission in the State has remained below 1 for the past two weeks, has consistently trended downward over the past two months, and has recently dipped below 0 5, and

WHEREAS, the COVID-19 Activity Level Report ("CALI Report") issued by the Communicable Disease Service in the New Jersey DOH calculates COVID-19 activity levels throughout the State using the case rate, percent of COVID-like illness, and percent positivity, and

WHEREAS, the CALI Report for the week ending May 15, 2021, presented an activity level of moderate throughout most of the State, with the southeast region showing low activity level, down from high as recently as mid-April, and

WHEREAS, the State has not experienced a low activity level in any region since September of 2020, and

WHEREAS, given the decisive decreases in key statistics, such as the number of hospitalized patients in the State, the number of daily positive COVID-19 cases, spot positivity, and the rate of transmission, and the continuation of the State's Plan, described more fully below, the State can take more significant steps to lift certain restrictions that were designed to limit person-to-person contact, and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") recently stated that fully vaccinated individuals may be able to safely forgo masking and social distancing in certain indoor and outdoor environments, and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19, and

WHEERAS, as part of that Plan, New Jersey set an initial goal of fully vaccinating 70 percent of the eligible adult population in New Jersey by June 30, equating to approximately 4 7 million individuals, and

WHEREAS, the State has thus far administered approximately 8 7 million doses of COVID-19 vaccines, with over 4 7 million New Jerseyans having received at least one dose of a vaccine and over 4 million having been fully vaccinated, and

WHEREAS, vaccine supply was previously constrained, but is now sufficient to permit every eligible individual within the State reasonable access, and every individual age 16 and over has been eligible for five full weeks, meaning they have had time to get both doses of a two-shot vaccine, and

WHEREAS, since the issuance of Executive Order No 241 (2021), which lifted the mask mandate in outdoor public spaces but retained masking requirements in indoor spaces, we have made and are projected to continue to make sufficient progress in reducing transmission in the State and in increasing our vaccination numbers to be able to safely lift the indoor mask mandate in most settings, and

WHEREAS, the State can also lift social distancing requirements in indoor and outdoor settings in light of new CDC guidance and our progress on both COVID-19 metrics and vaccine administration, and

WHEREAS, though unvaccinated individuals, in accordance with CDC recommendations, should continue wearing masks and social distancing, without knowing an individual's vaccination status it is not practicable to continue mandating such practices for a portion of the population, and

WHEREAS, though New Jersey continues to vaccinate large numbers of individuals each day, it is still appropriate to maintain mitigation protocols in certain settings to ensure spread is limited while dissemination of the vaccine continues, and

WHEREAS, infants and children up to age 11 are not currently eligible for vaccination, and are not anticipated to become eligible until at least the fall, so that

it is appropriate to exercise additional caution in settings that involve that population, and

WHEREAS, the CDC's guidance for K-12 operations notes that schools should continue to follow current mitigation protocols through the remainder of the 2020-2021 school year, and

WHEREAS, the CDC's new guidance on masking maintains that all individuals should continue to wear masks and social distance in certain high-traffic settings, such as transportation hubs, in congregate settings such as homeless shelters and correctional facilities, and in health care settings, and

WHEREAS, with the relaxation of social distancing requirements, it is reasonable to permit dance floors to reopen at food and beverage establishments, and

WHEREAS, similarly, we can now lift the restriction on valet parking and communal spaces in indoor malls, and

WHEREAS, the Director of the CDC has noted that decisions about indoor mask mandates should be made at the local level, and

WHEREAS, while New Jersey's statewide COVID-19 numbers have progressed far enough in the right direction so that we can safely relax the statewide indoor mask mandate, we know that there is considerable variation in vaccination rates among different localities, and for that reason it is appropriate to allow counties and municipalities to retain an indoor mask mandate if they so choose, and

WHEREAS, we expect that our vaccination progress and the steady decline in COVID-19 case numbers, hospitalizations, and other relevant metrics will continue over the next two weeks, so that we can reasonably lift the numerical limitations on indoor gatherings and the limitation on large venue indoor capacity at that time, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Effective Friday, May 28, 2021, individuals in indoor public spaces are not required to wear masks, regardless of their ability to maintain six feet of distance from other individuals or groups In accordance with CDC recommendations, individuals who are not fully vaccinated should continue to wear masks in indoor public spaces Paragraph 4 of Executive Order No 155 (2020), Paragraph 1 of Executive Order No 192 (2020), Paragraph 11 of Executive Order No 239 (2021), and Paragraph 5 of Executive Order No 241 (2021) are hereby superseded to the extent that they conflict with the provisions of this Order Employers and entities overseeing public spaces in settings where masking is no longer required pursuant

to the provisions of the Paragraph are permitted to impose stricter requirements regarding mask-wearing in indoor settings for employees, customers, guests, and other individuals, where otherwise consistent with federal and State law Employers and entities overseeing public spaces shall not restrict individuals from wearing masks in those settings and shall not in any way penalize or retaliate against individuals who elect to wear a mask

2 In addition, for purposes of Paragraph 1 of this Order, "indoor public spaces" do not include child care centers, other child care facilities, youth summer camps, and public, private, and parochial preschool program premises and elementary and secondary schools, including charter and renaissance schools, which continue to be governed by Executive Orders No 149 (2020), No 175 (2020), and No 237 (2021), and any applicable standards issued by the Commissioner of the DOH Further, "indoor public spaces" do not include indoor worksites of employers, as defined in Executive Order No 192 (2020), that do not open their indoor spaces to the public for purposes of sale of goods, attendance at an event or activity, or provision of services

3 As provided for in Executive Order No 192 (2020), all individuals shall continue to wear face coverings in indoor workplaces that are not "indoor public spaces," subject only to exceptions that have previously existed, such as when employees are at distanced workstations or in their own offices, and shall continue to maintain six feet of distance from others to the maximum extent possible, except in the circumstances described therein

4 Effective Friday, May 28, 2021, the requirement in Paragraph 1 of Executive Order No 239 (2021) and Paragraph 4 of Executive Order No 157 (2020) that food or beverage establishments providing in-person service in indoor and/or outdoor areas limit capacity to a number that ensures all patrons can remain six feet apart is hereby rescinded Food and beverage establishments are not required to seat individuals or groups of individuals six feet apart at tables or at indoor bar areas Establishments with table service are permitted to allow patrons to place orders when not seated and to serve patrons who are not seated, and patrons may consume food or beverages while standing Paragraphs 4 and 5 of Executive Order No 157 (2020) and Paragraph 1 of Executive Order No 183 (2020) are hereby superseded to the extent that they conflict with the provisions of this Order, except that establishments must continue to ensure all areas designated for food and/or beverage consumption are in conformance with applicable local, State, and Federal regulations, and must continue to abide by all other current health and safety standards issued by the Commissioner of the Department of Health on indoor and outdoor dining, as may be updated in accordance with this Order and consistent with her authority under the EHPA

5 Effective Friday, May 28, 2021, the following businesses that have opened their indoor and/or outdoor premises to the public are permitted to operate at full capacity without limiting occupancy to a number that ensures that all patrons or groups of patrons entering the facility together can remain six feet apart

a Retail establishments,

b Personal care services authorized to reopen their indoor facilities to the public pursuant to Paragraph 2 of Executive Order No 157 (2020),

c "Health clubs," as defined by N J S A 56 8-39, which include gyms and fitness centers, as well as amusement and water parks, authorized to reopen their indoor facilities to the public pursuant to Paragraph 1 of Executive Order No 181 (2020),

d Recreational and entertainment businesses that were permitted to reopen their indoor facilities to the public pursuant to Paragraph 7 of Executive Order No 157 (2020), including pools, amusement parks, and water parks,

e Casinos, including casino gaming floors and retail sports wagering lounges, and

f Racetracks

The aforementioned businesses remain subject to any applicable directive, order, and/or guidance document issued by the Commissioner of the DOH or any other State agency, as may be updated in accordance with this Order Paragraph 2 of Executive Order No 239 (2021) and Administrative Order No 2020-14 are hereby rescinded

6 Effective Friday, May 28, 2021, the requirement in Paragraph 9 of Executive Order No 239 (2021) that all attendees at indoor gatherings, including but not limited to gatherings that are religious services, political activities, memorial services, commercial gatherings, gatherings at private residences, performances at entertainment centers where performances are viewed or given, catered events, and sports practices and competitions, are required to be six feet apart from other attendees, with certain exceptions, is hereby rescinded Where an indoor gathering occurs in a workplace that is not a public space, as defined in Paragraph 2 of this Order, the facility must continue to follow the requirements of Executive Order No 192 (2020) regarding social distancing In accordance with CDC recommendations, individuals who are not fully vaccinated should continue to practice social distancing

7 Effective Friday, May 28, 2021, sports and entertainment venues, including concert venues and stadiums, with fixed seating capacity of 1,000 or greater, that have opened their indoor spaces to the public may continue to permit a number of patrons and/or members of the public totaling up to 30 percent of the stated maximum capacity of any room without limiting occupancy to a number that ensures that all patrons or groups of patrons entering the facility together can remain six feet apart Paragraph 11 of Executive Order No 239 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order

8 Degree-granting public and private institutions of higher education are not required to implement policies to provide for social distancing in classrooms, residence halls, restrooms, and other areas across campus Executive Order No 155 (2020) is hereby superseded to the extent it conflicts with the provisions of this Order

9 This Order shall not supersede any social distancing requirements for child care centers, other child care facilities, youth summer camps, and public, private,

and parochial preschool program premises, and elementary and secondary schools, including charter and renaissance schools, which continue to be governed by Executive Orders No 149 (2020), No 175 (2020), and No 237 (2021), and any applicable standards issued by the Commissioner of the DOH

10 Effective Friday, May 28, 2021, the requirement in Paragraph 12 of Executive Order No 239 (2021), as restated in Paragraph 1 of Executive Order No 241 (2021), that all attendees at outdoor gatherings, including but not limited to religious services or celebrations, political activities, weddings, funerals, memorial services, commercial gatherings, gatherings in private residences, performances at outdoor entertainment centers, catered events, and athletic practices and competitions remain six feet apart from other attendees, with certain exceptions, is hereby rescinded

11 Effective Friday, May 28, 2021, sports and entertainment venues, including concert venues and stadiums, with fixed seating capacity of 1,000 or greater, that have opened their outdoor spaces to the public are permitted to operate at full capacity without limiting occupancy to a number that ensures that all patrons or groups of patrons entering the facility together can remain six feet apart Such venues shall continue to follow all applicable requirements in any other Executive Order, Administrative Order, and/or Executive Directive, including, but not limited to, the requirements for outdoor dining, as applicable Paragraph 16 of Executive Order No 239 (2021) is superseded to the extent that it conflicts with the provisions of this Order

12 Paragraph 3 of Executive Order No 143 (2020) outlining restrictions for public and private beaches, boardwalks, lakes, and lakeshores is hereby rescinded

13 This Order shall not supersede any masking or social distancing requirements currently in place in indoor or outdoor spaces in health care settings, including but not limited to long-term care facilities, home health care settings, and office-based health care settings, correctional facilities, homeless shelters, and on planes, buses, trains, and other forms of public transportation traveling into, within, or out of the United States and in transportation hubs such as airports and stations

14 Effective Friday, May 28, 2021, all establishments open to the public, including a food or beverage establishment, shall be permitted to open indoor and outdoor dance floors Paragraph 9 of Executive Order No 157 (2020) is hereby rescinded The restrictions on dance floors at catered events outlined in Paragraph 9 of Executive Order No 238 (2021) are hereby rescinded

15 Effective Friday, May 28, 2021, valet parking and communal play areas are permitted to open at indoor malls Administrative Order 2020-22 is hereby superseded to the extent that it conflicts with the provisions of this Order

16 Effective Friday, June 4, 2021, paragraphs 3–5 and 7-8 of Executive Order No 239 (2021) regarding the numerical limit on indoor gatherings, including but not limited to political activities, weddings, funerals, memorial services, commercial gatherings, gatherings in private residences, performances at indoor entertainment centers, catered events, and athletic practices and competitions, are hereby rescinded As a result, there will be no limits applying to indoor gatherings

17 Effective Friday, June 4, 2021, sports and entertainment venues, including concert venues and stadiums, with a fixed seating capacity of 1,000 or greater, that have opened their indoor spaces to the public are not subject to any percentage-based capacity restriction, and are permitted to operate at full capacity without limiting occupancy to a number that ensures that all patrons or groups of patrons entering the facility together can remain six feet apart Such venues shall continue to follow all applicable requirements in any other Executive Order, Administrative Order, and/or Executive Directive, including, but not limited to, the requirements for indoor dining, as applicable Paragraph 11 of Executive Order No 239 (2021) is superseded to the extent that it conflicts with the provisions of this Order

18 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement, except that municipalities and counties are permitted under this Order to impose additional restrictions, in response to COVID-19, regarding mask requirements for individuals in indoor public spaces This Order shall not supersede the provisions of Executive Order No 108 (2020) that currently remain in effect, which includes the ability of municipalities and counties to impose additional restrictions on online marketplaces for arranging or offering lodging and on municipal parks, or the provisions of any Administrative Order that permits municipalities and counties to impose additional restrictions Paragraph 3 of Executive Order No 195 (2020) is hereby rescinded

19 The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order

20 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order

21 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

22 Paragraphs 1 – 15, and 18 of this Order shall take effect at 6 00 a m on Friday, May 28, 2021, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate

23 Paragraphs 16–17 of this Order shall take effect at 6 00 a m on Friday, June 4, 2021, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate

Dated May 24, 2021

EXECUTIVE ORDER NO 243

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act ("EHPA"), to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, and Nos 210-211 (2020) and Nos 214-216, Nos 219-220, Nos 222-223, No 225, Nos 228-235, and Nos 237-242 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No 107 (2020) closed certain businesses and required that businesses and non-profits accommodate their workforce for telework wherever practicable, and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification, and

WHEREAS, because of the progress we had made in our fight against the COVID-19 pandemic in New Jersey, I was able to announce a series of reopening steps over the course of several months, and

WHEREAS, Executive Order No 192 (2020) instituted baseline health and safety protocols for employers with employees working on-site, including requiring

masking of employees in indoor and outdoor spaces, with limited exceptions, and

WHEREAS, in the past year, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks, and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan ("Plan") discussed below, allows for certain activities to continue subject to more limited restrictions, and

WHEREAS, over the last six weeks, the number of hospitalized patients has gone from over 2,300 to under 700, the number of patients in intensive care has gone from over 450 to under 140, and the number of ventilators in use has gone from over 230 to under 100, and

WHEREAS, over the last six weeks, the number of individuals testing positive for COVID-19 has gone from approximately 3,000 per day to approximately 500-700 per day, and the weekday spot positivity of COVID-19 tests has gone from 7-8 percent to under or slightly above 2 percent, and

WHEREAS, the rate of transmission in the State has remained below 1 for the past two weeks, and has consistently trended downward over the past two months, and

WHEREAS, the COVID-19 Activity Level Report ("CALI Report") issued by the Communicable Disease Service in the New Jersey DOH calculates COVID-19 activity levels throughout the State using the case rate, percent of COVID-like illness, and percent positivity, and

WHEREAS, the CALI Report for the week ending May 15, 2021, presented an activity level of moderate throughout most of the State, with the southeast region showing low activity level, down from high as recently as mid-April, and

WHEREAS, the State has not experienced a low activity level in any region since September of 2020, and

WHEREAS, given the decisive decreases in key statistics, such as the number of hospitalized patients in the State, the number of daily positive COVID-19 cases, spot positivity, and the rate of transmission, and the continuation of the State's Plan, described more fully below, the State can take more significant steps to lift certain restrictions that were designed to limit person-to-person contact, and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19, and

WHEERAS, as part of that Plan, New Jersey set an initial goal of fully vaccinating 70 percent of the eligible adult population in New Jersey by June 30, equating to approximately 4 7 million individuals, and

WHEREAS, the State has thus far administered over 8 7 million doses of COVID-19 vaccines, with over 4 7 million New Jerseyans having received at least one dose of a vaccine and over 4 million having been fully vaccinated, and

WHEREAS, vaccine supply was previously constrained, but is now sufficient to permit every eligible individual within the State reasonable access, and every individual age 16 and over has been eligible for five full weeks, meaning they have had time to get both doses of a two-shot vaccine, and

WHEREAS, because of the State's significant progress in vaccine administration and substantial improvement in its COVID-19 metrics, as highlighted in Executive Order No 242 (2021), it is reasonable to lift the requirement that businesses and non-profits minimize their in-person workforce where they continue to abide by the applicable health and safety protocols outlined in Executive Order No 192 (2020), and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") recently stated that fully vaccinated individuals may be able to safely forgo masking and social distancing in certain indoor and outdoor environments, and

WHEREAS, on May 12, 2021, the Governor issued Executive Order No 239, which rescinded the requirement that employees wear masks at outdoor worksites, and

WHEREAS, given the decisive decreases in key statistics, such as the number of hospitalized patients in the State, the number of daily positive COVID-19 cases, spot positivity, and the rate of transmission, and the continued success of the State's vaccination program, I issued Executive Order No 242 (2021), which rescinded the mask mandate in indoor public spaces, but retained the mandate in worksites subject to Executive Order No 192 (2020) that are closed to the public, and

WHEREAS, though unvaccinated individuals, in accordance with CDC recommendations, should continue wearing masks and social distancing, without knowing an individual's vaccination status it is not practicable to continue mandating such practices for a portion of the population, and

WHEREAS, certain employers are better positioned to determine the vaccination status of their employees than they are to determine the status of customers, visitors, and other authorized individuals to their premises, while others may be prepared to ascertain status of all individuals entering their premises, and

WHEREAS, the Equal Employment Opportunity Commission has issued extensive guidance for employers to manage inquiries related to an employee's receipt of a COVID-19 vaccine, and

WHEREAS, similarly, businesses that are generally closed to the public and have limited visitors may reasonably be prepared to ascertain an individual's vaccination status, or to craft a policy that handles such visitors on a more individualized basis, as compared with a business that is generally open to the public and has the potential for high foot traffic in the normal course of its operations, and

WHEREAS, the CDC considers an individual fully vaccinated two weeks after their second dose in a two-dose series, or two weeks after a single-dose vaccine, and

WHEREAS, it is reasonable to permit employers who determine that an employee is fully vaccinated to allow that employee to enter the worksite without a mask, and to allow employers that oversee businesses that are not open to the public to establish their own policy regarding customers, visitors, and other authorized individuals to their premises, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Paragraphs 10 and 11 of Executive Order No 107 (2020) are hereby rescinded Businesses and non-profits that require staff to report to a physical worksite must continue to follow the provisions of Executive Order No 192 (2020), as applicable

2 It is hereby clarified that employers, as defined in Executive Order No 192 (2020), in workplaces that are not open to the public per Executive Order No 242 (2021) are not mandated to require employees to wear face masks or social distance at the worksite where the employee provides proof that they are fully vaccinated, as defined by the CDC, and in accordance with federal and State law Where an employer is unable to determine the individual's vaccination status or the individual is not fully vaccinated, employers must continue to require those employees to wear masks and practice social distancing in indoor spaces in accordance with Paragraph 3 of Executive Order No 242 (2021) and Paragraph 1 of Executive Order No 192 (2020) Employers in settings where masking and social distancing is no longer required pursuant to the provisions of this Paragraph are permitted to impose stricter requirements regarding mask-wearing and social distancing in indoor settings for employees, where otherwise consistent with federal and State law Employers shall not restrict individuals from wearing masks in those settings and shall not in any way penalize or retaliate against individuals who elect to wear a mask

3 It is hereby clarified that employers, as defined in Executive Order No 192 (2020), in workplaces that are not open to the public per Executive Order No 242 (2021) are permitted to allow customers, visitors, and other authorized individuals to enter the worksite without requiring use of a mask or adherence to social distancing, regardless of their vaccination status Employers may establish a policy that requires customers, visitors, and similar individuals entering a worksite to wear a mask and/or social distance, but such policy on masking must comply with

the requirements of Paragraph 1(b)(ii) of Executive Order No 192 (2020) Employers shall not restrict individuals from wearing masks in those settings and shall not in any way penalize or retaliate against individuals who elect to wear a mask

4 It is hereby clarified that Executive Orders No 239 and 242 (2021) and this Order do not supersede all other requirements on employers outlined in Executive Order No 192 (2020), including the daily health checks described in Paragraph 1(f)

5 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement

6 The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order

7 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order

8 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

9 This Order shall take effect at 6 00 a m on Friday, June 4, 2021, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate

Dated May 26, 2021

EXECUTIVE ORDER NO 244

WHEREAS, on March 9, 2020, through Executive Order No 103, the facts and circumstances of which are adopted by reference herein, I declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard created by Coronavirus disease 2019 ("COVID-19"), and

WHEREAS, Executive Order No 103 (2020) described both the symptoms and dangers presented by COVID-19 and the likelihood of community spread across the State, and it recognized the need to use all available statewide authorities to prepare for and respond to COVID-19 cases in New Jersey, to implement appropriate measures to mitigate the spread of COVID-19, and to prepare in the event of an increasing number of individuals requiring medical care or hospitalization, and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Ci-

vilian Defense and Disaster Control Act and the Emergency Health Powers Act ("EHPA"), to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, and Nos 210-211 (2020) and Nos 214-216, Nos 219-220, Nos 222-223, No 225, Nos 228-235, and Nos 237-243 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, N J S A 26 13-3(b) establishes that a public health emergency declared by the Governor shall automatically terminate after 30 days, unless renewed for an additional 30 days through a declaration of the Governor, and

WHEREAS, on April 7, 2020, I issued Executive Order No 119, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on May 6, 2020, I issued Executive Order No 138, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on June 4, 2020, I issued Executive Order No 151, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on July 2, 2020, I issued Executive Order No 162, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on August 1, 2020, I issued Executive Order No 171, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on August 27, 2020, I issued Executive Order No 180, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on September 25, 2020, I issued Executive Order No 186, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on October 24, 2020, I issued Executive Order No 191, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on November 22, 2020, I issued Executive Order No 200, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on December 21, 2020, I issued Executive Order No 210, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on January 19, 2021, I issued Executive Order No 215, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on February 17, 2021, I issued Executive Order No 222, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on March 17, 2021, I issued Executive Order No 231, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on April 15, 2021, I issued Executive Order No 235, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, on May 14, 2021, I issued Executive Order No 240, which declared that the Public Health Emergency declared in Executive Order No 103 (2020) continues to exist, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, and 210 (2020), and Nos 215, 222, 231, 235, and 240 (2021), I declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, due to the significant emergency measures the State has taken in response to COVID-19, in the summer and fall of 2020 there was a decrease in the rate of reported new cases of COVID-19 in New Jersey, in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey, and

WHEREAS, given the progress the State had made based on these emergency measures and after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan ("Road Back Plan") for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification, and

WHEREAS, in line with the Road Back Plan, the State had been able to relax a number of restrictions, each time tailored to the relative risk the activity presents, and additional restrictions on outdoor and indoor businesses were lifted over the past several months, and

WHEREAS, the fact that the spread of COVID-19 had been limited by the State's emergency measures did not previously suggest that the Public Health Emergency had dissipated, because absent certain mitigation measures, public health experts anticipated that the spread of COVID-19 would again significantly increase, and

WHEREAS, in the past year, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks, and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan

("Plan") discussed below, allowed the State to lift most restrictions, with exceptions for certain settings of higher concern, and

WHEREAS, over the last two months, the number of hospitalized patients has gone from over 2,300 to under 500, the number of patients in intensive care has gone from over 450 to under 100, and the number of ventilators in use has gone from over 230 to under 65, and

WHEREAS, over the two months, the number of individuals testing positive for COVID-19 has gone from approximately 3,500 per day to several hundred per day, and the weekday spot positivity of COVID-19 tests has gone from 7-8 percent to under 2 percent, and

WHEREAS, the rate of transmission in the State has remained significantly below 1 for most of the last two months, and

WHEREAS, the COVID-19 Activity Level Report ("CALI Report") issued by the Communicable Disease Service in the New Jersey DOH calculates COVID-19 activity levels throughout the State using the case rate, percent of COVID-like illness, and percent positivity, and

WHEREAS, the CALI Report for the week ending May 29, 2021, presented an activity level of moderate throughout most of the State, with the southeast region showing low activity level, down from high as recently as mid-April, and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19, and

WHEERAS, as part of that Plan, New Jersey set an initial goal of fully vaccinating 70 percent of the eligible adult population in New Jersey by June 30, equating to approximately 4 7 million individuals, and

WHEREAS, the State has thus far administered approximately 9 million doses of COVID-19 vaccines, with over 4 9 million New Jerseyans having received at least one dose of a vaccine and over 4 2 million having been fully vaccinated, and

WHEREAS, vaccine supply was previously constrained, but is now sufficient to permit every eligible individual within the State reasonable access, and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") recently issued guidance regarding social distancing and masking measures that reflects the low probability that fully vaccinated individuals will transmit the virus and emphasizes the significant protection against severe illness that the vaccine provides individuals, and

WHEREAS, given the decisive decreases in key statistics, such as the number of hospitalized patients in the State, the number of daily positive COVID-19 cases, spot positivity, and the rate of transmission, and the continuation of the State's Plan, the State has now lifted the vast majority of restrictions that were designed to reduce transmission and spread of the virus, and

WHEREAS, despite the extensive progress made in combatting COVID-19, there remains an ongoing threat necessitating that certain actions taken pursuant to

the powers granted under the EHPA, including vaccine management, administration and tracking, remain in place, and

WHEREAS, ongoing oversight of the State's vaccination program is particularly important as the rollout continues, as the State prepares for additional groups of New Jerseyans to become eligible for vaccination, and as the State prepares for the potential necessity of booster doses in the future, and

WHEREAS, the CDC continues to highlight certain settings, including schools and health care facilities, as places where mitigation protocols are necessary, and

WHEREAS, the CDC also continues to release updated recommendations regarding mitigation protocols that may require the State to modify current policies and protocols, and

WHEREAS, in light of that ongoing need, I have just signed Assembly Bill No 5820, which ensures that essential authorities, including the power of State agencies to modify existing emergency Orders and issue new Orders for certain purposes, can continue after the termination of the Public Health Emergency declared in Executive Order No 103 (2020) to avoid disruption in New Jersey's emergency response, and

WHEREAS, neither the legislation nor this Order diminish the existing authorities of State agencies, separate and apart from any emergency powers, and

WHEREAS, the legislation also extends the effective period for specified Executive Orders issued pursuant to Executive Order No 103 (2020) authorities, including but not limited to Orders regarding statutory and regulatory deadline extensions that are critical to wind down in a measured and thoughtful manner, and

WHEREAS, in light of this legislation becoming law, the Public Health Emergency declared in Executive Order No 103 (2020) can be safely and responsibly lifted, and

WHEREAS, while the State has effectively curtailed the immediate public health threat of the virus, the economic and social impacts of the virus will require ongoing management and oversight, and

WHEREAS, the State of Emergency declared in Executive Order No 103 (2020) pursuant to N J S A App A 9-33 et seq must remain in effect to allow for the continued management of New Jersey's recovery from and response to the COVID-19 pandemic,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby DECLARE and PROCLAIM

1 The Public Health Emergency declared in Executive Order No 103 (2020) pursuant to the EHPA, N J S A 26 13-1, et seq , is hereby terminated

2 The State of Emergency declared in Executive Order No 103 (2020) pursuant to N J S A App A 9-33 et seq continues to exist in the State of New Jersey

3 This Order shall take effect immediately

Dated June 4, 2021

EXECUTIVE ORDER NO 245

WHEREAS, Private First Class Dalton Beals, 19, was a resident of Pennsville, New Jersey, and

WHEREAS, Pfc Beals graduated in 2020 from Pennsville Memorial High School, where he was a member of the football, wrestling, and track teams, and

WHEREAS, Pfc Beals was participating in training at Marine Corps Recruit Depot in Parris Island, South Carolina, where he was a part of Echo Company, Platoon 2040, and

WHEREAS, Pfc Beals was expected to graduate on June 18, 2021, just two weeks after his tragic passing, and

WHEREAS, Pfc Beals was a beloved son and brother, whose presence will be missed by his family, his friends, his fellow servicemembers, and by the people of New Jersey whom are grateful for his service, and

WHEREAS, it is with immense sadness that we mourn Pfc Beals's sudden passing, and extend our deepest sympathy to his family, friends, fellow classmates, and instructors, and

WHEREAS, it is appropriate to honor the exemplary character, outstanding achievements, and cherished memory of Pfc Beals, and to mark his passing,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, June 9, 2021, in recognition and mourning of a courageous and loyal American Marine, Private First Class Dalton Beals

2 This Order shall take effect immediately

Dated June 8, 2021

EXECUTIVE ORDER NO 246

WHEREAS, on March 9, 2020, I issued Executive Order No 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N J S A 26 13-1 et seq , and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act (the

"Disaster and Control Act") N J S A App A 9-33 et seq , in the State of New Jersey for the Coronavirus disease 2019 ("COVID-19"), and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the Disaster Control Act and the EHPA, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, and Nos 210-211 (2020) and Nos 214-216, Nos 219-220, Nos 222-223, No 225, Nos 228-235, and Nos 237-243 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, in response to the COVID-19 pandemic, on March 13, 2020, the Federal Communications Commission issued a request for the nation's telephone companies and internet providers to pledge to "Keep America Connected" and, among other things, not terminate service due to inability to pay because of disruptions caused by COVID-19 through June 30, 2020, and

WHEREAS, on March 19, 2020, the New Jersey Board of Public Utilities ("BPU") issued an order, Dkt No EO20030254, emphasizing the critical need to maintain essential services for New Jersey residents throughout the pandemic, and permitting broadband internet providers to continue to establish new connections and repair existing service for homes with school-aged children, those in need of internet access to meet job requirements, or other priority customers, and

WHEREAS, Executive Order No 126 (2020) prohibited cable and telecommunications providers that provide residential internet and voice services to New Jersey residents from terminating such internet and voice service due to nonpayment to ensure that residents maintained sufficient residential internet and voice services to work and further their education in a home environment, and

WHEREAS, recognizing that access to heat, power, and clean water are essential to New Jersey residents as they stay, work, and learn at home in response to COVID-19, all gas and electric utilities in the State, as well as all privately and

publicly owned water systems, voluntarily suspended service shutoffs due to nonpayment through October 15, 2020, and

WHEREAS, on August 13, 2020, I issued Executive Order No 175, allowing public school districts to offer partial remote instruction, as well as full-time remote instruction under certain circumstances, and

WHEREAS, on October 15, 2020, I issued Executive Order No 190, prohibiting a gas or electric public or municipal utility or privately or publicly owned water system from discontinuing any gas, electric, or water service to a New Jersey resident and from charging a fee for late or untimely payment, and

WHEREAS, Executive Order No 190 (2020) further prohibited a cable or telecommunication provider that provides residential internet and voice services to New Jersey residents from terminating such internet or voice service due to nonpayment prior to November 15, 2020, and prohibited disconnection of internet or voice service due to nonpayment after November 15, 2020 if the service was used by one or more school-aged children for educational purposes, and

WHEREAS, Executive Order No 190 (2020) also prohibited cable or telecommunications providers from imposing late fees, penalties, or reconnection costs as a condition of maintaining service, and

WHEREAS, on March 3, 2021, I issued Executive Order No 229 extending the disconnection moratorium established in Executive Order No 190 (2020), and all related protections provided therein, through June 30, 2021, and

WHEREAS, on June 4, 2021, I signed Assembly Bill No 5820 into law as P L 2021, c 103 and issued Executive Order No 244, which terminated the Public Health Emergency declared in Executive Order No 103 (2020) but maintained the State of Emergency declared in that same Order, and

WHEREAS, P L 2021, c 103 provided that, following the termination of the Public Health Emergency, certain listed Executive Orders, including Executive Order No 229 (2021), shall remain in effect until January 1, 2022, and

WHEREAS, P L 2021, c 103 provides that the Governor may revoke or modify the listed Executive Orders, including Executive Order No 229 (2021), prior to January 1, 2022, and

WHEREAS, the inclusion of this Order in P L 2021, c 103 indicates a recognition that simply terminating the moratorium as of June 30, 2021, without any protections for residents would result in significant hardship for those who are facing utility arrearages, and

WHEREAS, in light of the termination of the Public Health Emergency, it is appropriate that the moratorium on gas, electric, water, and internet disconnections established in Executive Order No 190 (2020) and continued in Executive Order No 229 (2021) should come to an end, while still allowing a reasonable period of time during which individuals are protected while they try to address arrearages, including by applying to utility assistance programs, and

WHEREAS, since February 2021, the BPU has been holding public meetings and working groups on the impact of the COVID-19 pandemic on utility bill arrear-

ages, public assistance programs, and related issues under Docket No AO2006047, and

WHEREAS, as of April 30, 2021 (the most recent month for which data is available), approximately 830,000 New Jersey residents had gas and electric bills more than 30 days overdue with total gas and electric arrearages of approximately $726 million, and

WHEREAS, as of the same date, there were also substantial arrearages in the water sector, and broadband internet arrearages were approximately $75 million, and

WHEREAS, despite the end of the Public Health Emergency, many New Jersey residents may continue to experience obstacles to their ability to make payments for gas, electric, water, or internet services, including, but not limited to, financial hardship stemming from the Public Health Emergency, lack of access to in-person consumer assistance services during the Public Health Emergency, and lack of awareness of available assistance programs, and

WHEREAS, access to heat, power, and clean water remains essential to all New Jersey residents, and

WHEREAS, it is critical that, when the utility disconnection moratorium ends, customers are given adequate time to access assistance, enroll in repayment plans, and marshal resources for repayment before being subject to disconnection, and

WHEREAS, it is also critical that, when the moratorium ends, the State and its departments, agencies, authorities and entities, as well as the private and public utilities that serve New Jersey residents, identify and make available resources to assist customers facing financial hardship and make a concerted effort to connect customers with assistance programs, and

WHEREAS, the State has recently received $6 2 billion in federal funding under the American Rescue Plan Act of 2021 ("ARPA"), and under the interim final rule promulgated by the U S Department of the Treasury, assistance to households, including utility assistance, is an eligible use of this funding, and

WHEREAS, the establishment of a grace period beyond June 30, 2021, will give the State the opportunity to distribute ARPA funding to help residents facing utility arrearages, should it choose to do so, and

WHEREAS, this Order is a modification of Executive Order No 229 (2021), and thus consistent with P L 2021, c 103,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The utility shutoff moratorium established in Executive Order No 229 (2021) is terminated effective July 1, 2021

2 For all New Jersey residents who were protected from the discontinuance of gas, electric, water, or internet service pursuant to Executive Order No 229 (2021), a grace period shall be in effect from July 1, 2021 through December 31, 2021

3 During the grace period, no gas or electric public or municipal utility or privately or publicly owned water system shall discontinue any gas, electric, or water service to New Jersey residents, which includes all residential accounts and any accounts primarily serving residential customers, due to nonpayment unless the disconnection is to prevent or ameliorate a risk to public health or safety

4 During and after the termination of the grace period, no gas or electric public or municipal utility or privately or publicly owned water system shall collect any fee or charge imposed for late or otherwise untimely payments or service reconnections that have accrued during the Public Health Emergency and moratorium or that continue to accrue during the grace period

5 During the grace period, no cable or telecommunications provider may disconnect the internet service provided to a residential account that is in effect as of the effective date of this Order that one or more school-aged children utilize for educational purposes Prior to terminating internet service, a provider must ask the customer, either in writing or through a recorded verbal communication, whether the internet service is being used by a school-aged child for educational purposes If the customer answers in the affirmative, then the provider shall not disconnect the internet service provided to that residential account

6 During the grace period, where internet service has been disconnected for a residential account and there has been a change of circumstances such that one or more school-aged children will be using the account for educational purposes, the provider shall, upon notification by a customer of such a change of circumstances, take immediate steps to reestablish service to that residential account The provider shall develop and implement a process for customers to obtain reestablishment of services in those circumstances pursuant to a policy approved in writing by the BPU and shall provide notice of that policy in writing to all customers prior to the disconnection of internet services and on its website

7 A cable or telecommunications provider that provides residential internet and voice services to New Jersey residents pursuant to paragraphs 5 and 6 may not downgrade or otherwise reduce the quality of residential internet services while this Order remains in effect unless acting pursuant to a policy approved in writing by the BPU

8 Nothing in this Order prohibits a cable or telecommunications provider from implementing a policy of continuing to provide residential internet and voice services to all customers in New Jersey subject to approval from the BPU

9 Before disconnecting gas, electric, water, internet, or voice services upon the termination of the grace period to a New Jersey resident who has an existing account with the gas or electric public or municipal utility or privately or publicly owned water system or cable or telecommunications provider ("service provider") as of the effective date of this Order, after the required notice of discontinuance is sent to the customer, the service provider shall offer to enroll the customer in an

interest-free payment plan of at least twelve equal monthly installments that includes any outstanding balance due and owing, as well as the ongoing balance for any services provided during the payment plan period, provided that nothing in this provision prevents a customer from requesting a shorter payback period

10 A service provider may provide additional flexibility to customers by offering a combined payment and payment forgiveness plan, involving forgiveness of at least 50% of the outstanding principal, in lieu of a twelve-month payment plan required by paragraph 9 of this Order, solely upon consent of the customer by written or recorded verbal communication, pursuant to a policy approved in writing by the BPU

11 No service provider shall discontinue residential gas, electric, water, internet, or voice services to a New Jersey resident who has entered into a payment plan pursuant to paragraphs 9 or 10 of this Order so long as the customer makes timely payments under the payment plan selected by the customer, unless the disconnection is to prevent or ameliorate a risk to public health or safety

12 No service provider shall require a down payment or deposit, or payment of any late fees, penalties, or other reconnection costs, to enroll a customer in a payment plan pursuant to Paragraphs 9 or 10 of this Order

13 During the grace period, no service provider shall seek to impose or collect any late fees, penalties, or other reconnection costs on customers as a condition of maintaining service

14 The notices to residential customers required pursuant to P L 2021, c 97 shall include information concerning the grace period established by this Order In no event shall a service provider inform a customer who is protected by this Order that the customer is subject to termination of service for nonpayment prior to the end of the grace period

15 The expiration of the grace period shall not affect the disconnection protections provided through the Winter Termination Program as set forth in N J A C 14 3-3A 5, or any other applicable statutory or regulatory protections

16 To the degree that they are inconsistent with this Order, the provisions of N J A C 14 3-3A 1a(3)-(4) and -3A 5 are suspended while this Order remains in effect Any provisions of these regulations that are not inconsistent with this Order remain in full force and effect

17 To the degree that they are inconsistent with this Order, the provisions of N J S A 40 14A-21, N J S A 40 14B-41 and -42, N J S A 40A 26A-12, and N J S A 40A 31-12 are suspended while this Order remains in effect Any provisions of these statutes that are not inconsistent with this Order remain in full force and effect

18 Any actions taken by the BPU pursuant to this Order shall not be subject to the requirements of the Administrative Procedure Act, N J S A 52 14B-1 et seq

19 Executive Order No 229 (2021) is hereby superseded to the extent inconsistent with this Order

20 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee,

or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order, and to cooperate fully with any Administrative Orders issued pursuant to this Order

21 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement

22 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

23 This Order shall take effect immediately and shall remain in effect until December 31, 2021

Dated June 14, 2021

EXECUTIVE ORDER NO 247

WHEREAS, Gwendolyn Faison was a dedicated public servant who served as the first woman mayor of the City of Camden, and

WHEREAS, Mayor Faison was born in Clinton, North Carolina in 1925, and

WHEREAS, Mayor Faison attended Shaw University, Temple University, and Rutgers University, and

WHEREAS, Mayor Faison was appointed to the Camden City Council in 1983, and served on the council during the 1980s and 1990s, and

WHEREAS, Mayor Faison became the first Black resident of Camden to serve on the Camden County Board of Chosen Freeholders, now known as the Camden County Board of Commissioners, and

WHEREAS, in 1997, Mayor Faison became the first Black woman to serve as president of the Camden City Council, and

WHEREAS, in 2000, Mayor Faison became the first woman mayor in Camden's history, and was subsequently reelected to the office for two full terms, remaining in office until 2010, and

WHEREAS, during her time as mayor, Mayor Faison worked tirelessly to improve the lives of the residents of Camden, and

WHEREAS, following her decade as mayor, Mayor Faison remained an active member of the Tenth Street Baptist Church in Camden, and continued to mentor elected officials in Camden, and

WHEREAS, Mayor Faison has been recognized as a trailblazer for women, and in particular women of color, in Camden and in New Jersey, and

WHEREAS, it is with deep sadness that we mourn the passing of Mayor Faison, who will be remembered for her honor, integrity, and fearlessness, as well as the stability she provided during her time as mayor of Camden, and

WHEREAS, it is appropriate to honor the exemplary character and cherished memory of Mayor Faison, and to mark her passing,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, July 13, 2021, in recognition and mourning of a dedicated and tireless public servant, Mayor Gwendolyn Faison

2 This Order shall take effect immediately

Dated July 12, 2021

EXECUTIVE ORDER NO 248

WHEREAS, on February 28, 2003, the President of the United States, in Homeland Security Directive No 5 (HSPD-5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System ("NIMS") to provide a consistent, nationwide approach for federal, State, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic security incidents, regardless of cause, size, or complexity, and

WHEREAS, the Federal Emergency Management Agency ("FEMA") Administrator, as head of the National Integration Center, is charged with managing and maintaining NIMS and, in accordance with the Post-Katrina Emergency Management Reform Act of 2006, issues NIMS guidance and supports its implementation, and

WHEREAS, the Federal Homeland Security Act of 2002, as amended, provides that the term "emergency response providers" includes Federal, State, and local governmental and nongovernmental emergency public safety, fire, law enforcement, emergency response, emergency medical (including hospital emergency facilities), and related personnel, agencies, and authorities, and

WHEREAS, in Executive Order No 50 (2005), New Jersey adopted NIMS as the standard for all incidents and emergency response events, and prescribed particular training requirements for emergency response providers, and

WHEREAS, the training requirements set forth in Executive Order No 50 (2005) are outdated and no longer match current FEMA guidelines for the NIMS Incident Command System ("ICS") curriculum, and

WHEREAS, the New Jersey Office of Emergency Management ("NJOEM") is responsible for NIMS compliance, providing oversight and coordination of NIMS ICS training and preparedness grants, and facilitating training programs for emergency response providers, and

WHEREAS, the current NIMS ICS components are an integral part of various incident management training programs and other activities provided throughout the State every year, and

WHEREAS, the State Director of Emergency Management is authorized to issue directives requiring NIMS-compliant training requirements for emergency response providers, and

WHEREAS, NJOEM is the State entity best positioned to review ongoing requirements for NIMS compliance, establish minimum training requirements based on the NIMS curriculum, and determine appropriate NIMS training qualifications for emergency response providers,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by the virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Executive Order No 50 (2005) is hereby rescinded

2 Within 30 days of this Order, NJOEM shall issue a comprehensive emergency management directive that includes the establishment of minimum requirements and qualifications for NIMS-compliant trainings for emergency response providers, other personnel, and government officials as required by FEMA's NIMS training program

3 NIMS shall continue as the standard for incident management for all planned events and incidents in this State

4 NJOEM shall work with federal, State, county, and municipal stakeholders with responsibility for incident management to develop and deliver NIMS-compliant training programs

5 All State departments and agencies shall incorporate NIMS into existing training programs and exercises, wherever appropriate

6 All State, county, and municipal agencies shall maintain compliance with federal emergency management training requirements and NJOEM directives Eligibility for federal preparedness grants shall be contingent upon compliance with any NJOEM directives issued pursuant to this Order

7 All State, county, and municipal agencies are authorized to issue such directives, administrative orders, regulations and other guidance as may be necessary to mandate the use of NIMS at all planned events and incidents by personnel within their subject areas of responsibility, in coordination and compliance with the directives of the State Director of Emergency Management

8 This Order shall take effect immediately

Dated July 20, 2021

EXECUTIVE ORDER NO 249

WHEREAS, on March 9, 2020, I issued Executive Order No 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N J S A 26 13-1 et seq , and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act (the "Disaster and Control Act"), N J S A App A 9-33 et seq , in the State of New Jersey for the Coronavirus disease 2019 ("COVID-19"), and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the Disaster and Control Act and the EHPA, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, and Nos 210-211 (2020) and Nos 214-216, Nos 219-220, Nos 222-223, No 225, Nos 228-235, Nos 237-244, and No 246 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, in response to the COVID-19 pandemic and upon enactment of P L 2020, c 1, on March 19, 2020, I issued Executive Order No 106 (2020), which prohibited any lessee, tenant, homeowner, or individual from being removed from a residential property as the result of an eviction or foreclosure proceeding, and

WHEREAS, on June 4, 2021, I signed Assembly Bill No 5820 into law as P L 2021, c 103 and issued Executive Order No 244, which terminated the Public Health Emergency declared in Executive Order No 103 (2020) but maintained the State of Emergency declared in that same Order, and

WHEREAS, P L 2021, c 103 provided that, following the termination of the Public Health Emergency, certain listed Executive Orders, including Executive Order No 106 (2021), shall remain in effect until January 1, 2022, and

WHEREAS, P L 2021, c 103 provides that the Governor may revoke or modify the listed Executive Orders, including Executive Order No 106 (2021), prior to January 1, 2022, and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") announced yesterday that the nationwide eviction moratorium, which had been in place

since September 4, 2020 and had initially expired on July 31, 2021 at midnight, will be extended for 60 days in counties with heightened levels of community transmission, and

WHEREAS, earlier today, I signed Senate Bill No 3691 (First Reprint) into law as P L 2021, c 188, which responsibly winds down the moratoriums on removals pursuant to eviction or foreclosure proceedings established by Executive Order No 106 (2020) and appropriates $750 million in federal funds to provide critical rental and utility assistance for the many residents of New Jersey who have struggled over the last 17 months, and

WHEREAS, Senate Bill No 3691 (First Reprint) prohibits evictions of very low-, low-, moderate-, and middle-income households for nonpayment or habitual late payment of rent, or failure to pay a rent increase, that accrued during the period beginning March 1, 2020 and ending August 31, 2021, and

WHEREAS, Senate Bill No 3691 (First Reprint) further prohibits evictions of very low-, low-, and moderate-income households for residential arrearages incurred from the period beginning September 1, 2021 and ending December 31, 2021 if the household certifies (1) the household's income, (2) that the household was unable to pay rent due to circumstances arising from the COVID-19 pandemic, and (3) that the household has applied for State, county, or local rental assistance programs for which they are eligible, and

WHEREAS, earlier today I also signed Assembly Bill No 4463 (First Reprint) into law as P L 2021, c 189, which makes certain eviction filings occurring during the period beginning March 9, 2020 and ending August 3, 2021 confidential and prohibits a landlord from considering such filings when evaluating a prospective tenant, and

WHEREAS, it is appropriate to modify Executive Order No 106 (2020) to be consistent with Senate Bill No 3691 (First Reprint), and

WHEREAS, this Order is a modification of Executive Order No 106 (2020), and thus consistent with P L 2021, c 103,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 For eviction actions based upon any reason other than nonpayment of rent, habitual late payment of rent, or failure to pay a rent increase, Executive Order No 106 (2020) is hereby rescinded

2 For eviction actions based upon nonpayment or habitual late payment of rent, or failure to pay a rent increase, Executive Order No 106 (2020) shall expire on August 31, 2021, for any lessee or tenant who is not a very low-, low-, or moderate-income household

3 For eviction actions based upon nonpayment or habitual late payment of rent, or failure to pay a rent increase, Executive Order No 106 (2020) shall expire on December 31, 2021, for any lessee or tenant who is a very low-, low-, or moderate-

income household Provided, however, that the protection conferred on such tenants shall expire on August 31, 2021, to the extent that such tenants do not certify (1) the household's income, (2) that the household was unable to pay rent due to circumstances arising from the COVID-19 pandemic, and (3) that the household has applied for State, county, or local rental assistance programs for which they are eligible

4 For removals resulting from foreclosure proceedings, Executive Order No 106 (2020) shall expire on November 15, 2021

5 No residential tenant of a very low-, low-, moderate- or middle-income household as those terms are defined in Senate Bill No 3691 (First Reprint) shall be evicted based upon nonpayment or habitual late payment of rent, or failure to pay a rent increase, that accrued during the period beginning March 1, 2020 and ending August 31, 2021

6 No residential tenant of a very low-, low-, or moderate-income household as those terms are defined in Senate Bill No 3691 (First Reprint) shall be evicted based upon nonpayment or habitual late payment of rent, or failure to pay a rent increase, that accrued during the period beginning September 1, 2021 and ending December 31, 2021 if the household certifies (1) the household's income, (2) that the household was unable to pay rent due to circumstances arising from the COVID-19 pandemic, and (3) that the household has applied for State, county, or local rental assistance programs for which they are eligible

7 Sheriffs, court officers, and their agents shall refrain from acting to remove individuals from residential properties through the eviction or foreclosure processes during the time the protections extended under Executive Order No 106 (2020) are in effect, unless the court determines on its own motion or motion of the parties that enforcement is necessary in the interest of justice

8 This Order shall not affect any schedule of rent that is due

9 For the purpose of this Order, "residential property" means any property rented or owned for residential purposes, including, but not limited to, any house, building, mobile home or land in a mobile home park, or tenement leased for residential purposes, but shall not include any hotel, motel, or other guest house, or part thereof, rented to a transient guest or seasonal tenant, or a residential health care facility The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to these lists

10 Executive Order No 106 (2020) is hereby superseded to the extent inconsistent with Senate Bill No 3691 (First Reprint)

11 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order, and to cooperate fully with any Administrative Orders issued pursuant to this Order

12 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution

which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement

13 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

14 This Order shall take effect immediately

Dated August 4, 2021

EXECUTIVE ORDER NO 250

WHEREAS, Richard Trumka, President of the American Federation of Labor and Congress of Industrial Organizations ("AFL-CIO"), was a dedicated champion of the American working class and an unparalleled leader for organized labor for nearly four decades, and

WHEREAS, President Trumka was born Richard Louis Trumka on July 24, 1949, in Nemacolin, Pennsylvania, and

WHEREAS, as a third-generation coal miner, President Trumka mined coal to pay his way through Pennsylvania State University and later, the Villanova University School of Law, and

WHEREAS, from 1974 to 1979, President Trumka served as a staff attorney for the United Mine Workers of America ("UMWA") and at age 33, was elected as its youngest President,

WHEREAS, during his time as President of UMWA, President Trumka led several large-scale labor movements, including a nationwide strike against Peabody Coal, which garnered him national attention as an advocate for working Americans, and

WHEREAS, in 1995, President Trumka was elected secretary-treasurer of the AFL-CIO, a position he dutifully held for fourteen years, and focused his efforts on building and enhancing the stability of the pension and benefits funds upon which over 12 5 million members rely, and

WHEREAS, President Trumka's leadership roles within the AFL-CIO also included his position as chair of the Industrial Union Council and co-chair of the China Currency Coalition, and

WHEREAS, in 2009, President Trumka was elected President of the AFL-CIO, a position he held until his passing, and

WHEREAS, during his time as President, President Trumka was devoted to strengthening the middle class by restoring workers' freedom to form and join unions and advocating for good, well-paying jobs, and

WHEREAS, President Trumka was committed to ensuring that elected officials at both the local and national levels were held accountable to working Americans and their families, and

WHEREAS, throughout his career, President Trumka worked tirelessly to end unfair trade practices, support American-based manufacturing, and challenge corporate abuses of workers' rights, and

WHEREAS, in 2018, President Trumka was awarded the inaugural World Peace Prize for Labor Leadership for dedicating his life to defending the rights of working men and women, and

WHEREAS, President Trumka's passion for fair treatment of organized labor extended beyond the borders of the United States, as he established an office that promoted solidarity with miners in South Africa fighting apartheid and helped organize the Shell boycott, which challenged the multinational Royal Dutch/Shell Group for its continued business dealings in South Africa, and

WHEREAS, for his efforts in South Africa, President Trumka received the 1990 Letelier-Moffitt Human Rights Award from the Institute for Policy Studies in Washington, D C , and

WHEREAS, I had the privilege of building both a personal and professional relationship with President Trumka and often turned to him for advice and counsel, and

WHEREAS, President Trumka was among my first selections for the Restart and Recovery Advisory Council, which I created in May of 2020 to advise on New Jersey's rebuilding from the Coronavirus disease 2019 (COVID-19) pandemic, as I knew his expertise in labor and his intimate knowledge of the challenges facing New Jersey's workers would prove invaluable in developing a plan for the State's recovery, and

WHEREAS, President Trumka is survived by, among others, his son, Richard, who was recently selected by President Biden to serve on the Consumer Product Safety Commission, and his wife, Barbara, and

WHEREAS, President Trumka will be sorely missed not only by his family, friends, and colleagues, but also by all of the working people of the United States, in service of whom he dedicated his career, and

WHEREAS, it is with immense sadness and gratitude we mourn the untimely passing of President Trumka, who brought passion, kindness, and honesty to his many decades of advocacy,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, August 9, 2021, in recognition and mourning of a passionate, committed, voice of the people, President Richard Trumka

2 This Order shall take effect immediately

Dated August 6, 2021

EXECUTIVE ORDER NO 251

WHEREAS, on March 9, 2020, I issued Executive Order No 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act("EHPA"), N J S A 26 13-1 et seq , and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act") N J S A App A 9-33 et seq , in the State of New Jersey for Coronavirus disease 2019 ("COVID-19"), and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the Disaster Control Act and the EHPA, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, and Nos 210-211 (2020) and Nos 214-216, Nos 219-220, Nos 222-223, No 225, Nos 228-235, Nos 237-244, No 246, and No 249 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, on June 4, 2021, I signed Assembly Bill No 5820 into law as P L 2021, c 103 and issued Executive Order No 244, which terminated the Public Health Emergency declared in Executive Order No 103 (2020) but maintained the State of Emergency declared in that same Order, and

WHEREAS, P L 2021, c 103 provided that following the termination of the Public Health Emergency declared in Executive Order No 103 (2020), the Governor may continue to issue orders related to implementation of recommendations of the Centers for Disease Control and Prevention ("CDC") to prevent or limit the transmission of COVID-19, including in specific settings, and

WHEREAS, the American Academy of Pediatrics ("AAP") has emphasized that in-person learning is critical for educational and social development of children, as evidence demonstrates that remote learning has been detrimental to the educational attainment of students of all ages and has exacerbated the mental health crisis among children and adolescents, and

WHEREAS, the CDC has also cited evidence that suggests virtual learning can lead to learning loss for children and worsening mental health problems for the younger population, and

WHEREAS, the CDC has reported that new variants of COVID-19 have been identified in the United States, and that certain variants, particularly the B 1 617 2 ("Delta") variant, are more transmissible, and

WHEREAS, given new evidence regarding transmission of the Delta variant, the CDC now recommends universal indoor masking for all teachers, staff, students, and visitors in K-12 schools, regardless of vaccination status, and

WHEREAS, the CDC continues to emphasize that children should return to full-time in-person learning in the fall with layered prevention strategies in place, such as masking in indoor settings, and

WHEREAS, AAP similarly recommends universal masking in schools because a significant portion of the student population, specifically individuals under the age of 12, is not yet eligible to receive a vaccine, and

WHEREAS, there is no concrete timeline for authorization for use of currently available COVID-19 vaccinations for children under the age of 12, so it would be impossible for that group to be fully vaccinated before the start of the 2021 – 2022 school year, and

WHEREAS, only the Pfizer vaccination is currently available to youth in the 12 – 17 age group, and

WHEREAS, according to data estimates, only 40 percent of 12 - 15 year-olds and 57 percent of 16 – 17 year-olds in New Jersey have received at least one dose of a COVID-19 vaccine, and

WHEREAS, both the CDC and AAP recognize that masking is a critical tool to reduce transmission of the virus and protect unvaccinated individuals, and

WHEREAS, the State has experienced significant upticks in critical COVID-19 metrics over the past few weeks, including COVID-19 positive cases, the rate of transmission, spot positivity, and new hospitalizations, that warrant additional precautions in certain settings with a substantial number of unvaccinated individuals, and

WHEREAS, after consultation with the New Jersey Department of Health, I have determined that it is necessary to enforce a uniform masking policy in schools for students, staff, and visitors while vaccination is not available to a significant portion of the student population, and

WHEREAS, this Order is consistent with the terms of P L 2021, c 103,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 All public, private, and parochial preschool programs and elementary and secondary schools, including charter and renaissance schools (collectively "school districts"), must maintain a policy regarding mandatory use of face masks by staff,

students, and visitors in the indoor portion of the school district premises, except in the following circumstances

a When doing so would inhibit the individual's health, such as when the individual is exposed to extreme heat indoors,

b When the individual has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove a face masks without assistance,

c When a student's documented medical condition or disability, as reflected in an Individualized Education Program (IEP) or Educational Plan pursuant to Section 504 of the Rehabilitation Act of 1973, precludes use of a face mask,

d When the individual is under two (2) years of age,

e When the individual is engaged in activity that cannot physically be performed while wearing a mask, such as eating or drinking, or playing a musical instrument that would be obstructed by a face mask,

f When the individual is engaged in high-intensity aerobic or anaerobic activity,

g When a student is participating in high-intensity physical activities during a physical education class in a well-ventilated location and able to maintain a physical distance of six feet from all other individuals, or

h When wearing a face mask creates an unsafe condition in which to operate equipment or execute a task

2 This Order shall not impact the obligation of any school district to comply with requirements issued by the CDC on masking on public transportation conveyances, including school district transportation

3 The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order

4 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order, and to cooperate fully with any Administrative Orders issued pursuant to this Order

5 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement

6 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

7 This Order shall take effect on Monday, August 9, 2021 and shall remain in effect until revoked or modified by the Governor

Dated August 6, 2021

EXECUTIVE ORDER NO 252

WHEREAS, on March 9, 2020, I ıssued Executıve Order No 103, declarıng the exıstence of a Publıc Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N J S A 26 13-1 et seq , and a State of Emergency, pursuant to the New Jersey Cıvılıan Defense and Dısaster Control Act ("Dısaster Control Act"), N J S A App A 9-33 et seq , ın the State of New Jersey for Coronavırus dısease 2019 ("COVID-19"), and

WHEREAS, through Executıve Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, ıssued on Aprıl 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, Aprıl 15, 2021, and May 14, 2021, respectıvely, the facts and cırcumstances of whıch are adopted by reference herem, I declared that the COVID-19 Publıc Health Emergency contınued to exıst and declared that all Executıve Orders and Admınıstratıve Orders adopted ın whole or ın part ın response to the COVID-19 Publıc Health Emergency remaıned ın full force and effect, and

WHEREAS, ın accordance wıth N J S A App A 9-34 and -51, I reserve the rıght to utılıze and employ all avaılable resources of State government to protect agaınst the emergency created by COVID-19, and

WHEREAS, as COVID-19 contınued to spread across New Jersey, I have ıssued a serıes of Executıve Orders pursuant to my authorıty under the Dısaster Control Act and the EHPA, to protect the publıc health, safety, and welfare agaınst the emergency created by COVID-19, ıncludıng Executıve Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, and Nos 210-211 (2020) and Nos 214-216, Nos 219-220, Nos 222-223, No 225, Nos 228-235, and Nos 237-244, No 246, No 249, and No 251 (2021), the facts and cırcumstances of whıch are all adopted by reference herem, and

WHEREAS, on June 4, 2021, I sıgned Assembly Bıll No 5820 ınto law as P L 2021, c 103 and ıssued Executıve Order No 244, whıch termınated the Publıc Health Emergency declared ın Executıve Order No 103 (2020) but maıntaıned the State of Emergency declared ın that same Order, and

WHEREAS, P L 2021, c 103 provıded that followıng the termınatıon of the Publıc Health Emergency declared ın Executıve Order No 103 (2020), the Governor may contınue to ıssue Orders related to vaccıne dıstrıbutıon, admınıstratıon, and management, COVID-19 testıng, and data collectıon, and

WHEREAS, the Centers for Dısease Control and Preventıon ("CDC") has reported that new varıants of COVID-19 have been ıdentıfied ın the Unıted States, and that certaın varıants, partıcularly the B 1 617 2 (Delta) varıant, are more transmıssıble, and

WHEREAS, the CDC has emphasızed that vaccınatıon ıs a crıtıcal means to prevent spread of COVID-19 and to avoıd ınfectıon of those ındıvıduals that can-

not be vaccinated because their age or medical conditions precludes them from receiving one, and

WHEREAS, while over 5 million people in the State have been fully vaccinated against COVID-19, additional steps are necessary to ensure continued receipt by individuals in certain settings of concern to protect against spread of COVID-19 and to protect at-risk populations in their care, and

WHEREAS, the CDC has repeatedly emphasized the importance of heightened mitigation protocols in certain congregate and health care settings because of the significant risk of spread and vulnerability of the populations served, and

WHEREAS, on July 6, 2021, the U S Department of Justice's Office of Legal Counsel issued an opinion concluding that Section 564 of the Food, Drug, and Cosmetic Act, 21 U S C § 360bbb-3 does not prohibit public or private entities from imposing vaccination requirements while vaccinations are only available pursuant to emergency use authorization, and

WHEREAS, requiring workers in certain settings to receive a COVID-19 vaccine or undergo regular testing can help prevent outbreaks and reduce transmission to vulnerable individuals who may be at a higher risk of severe disease, and

WHEREAS, this Order is related to vaccination management, COVID-19 testing, and data collection, and is thus consistent with P L 2021, c 103,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Covered health care and high-risk congregate settings ("covered settings") must maintain a policy that requires covered workers to either provide adequate proof that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly This requirement shall take effect on September 7, 2021, at which time any covered workers that have not provided adequate proof that they are fully vaccinated must submit to weekly or twice weekly testing on an ongoing basis until fully vaccinated

2 Covered workers may demonstrate proof of full vaccination status by presenting the following documents if they list COVID-19 vaccines authorized for Emergency Use Authorization ("EUA") in the United States and/or the World Health Organization ("WHO"), along with an administration date for each dose

a The CDC COVID-19 Vaccination Card issued to the vaccine recipient by the vaccination site, or an electronic or physical copy of the same,

b Official record from the New Jersey Immunization Information System (NJIIS) or other State immunization registry,

c A record from a health care provider's portal/medical record system on official letterhead signed by a licensed physician, nurse practitioner, physician's assistant, registered nurse or pharmacist,

d A military immunization or health record from the United States Armed Forces, or

e Docket mobile phone application record or any state specific application that produces a digital health record

Covered settings collecting vaccination information from covered workers must comport with all federal and state laws, including but not limited to the Americans with Disabilities Act, that regulate the collection and storage of that information

3 To satisfy the testing requirement, a covered worker must undergo screening testing at minimum one to two times each week Where a covered setting requires an unvaccinated covered worker to submit proof of a COVID-19 test, the worker may choose either antigen or molecular tests that have EUA by the U S Food and Drug Administration ("FDA") or is operating per the Laboratory Developed Test requirements by the U S Centers for Medicare and Medicaid Services Where a covered setting provides the unvaccinated covered worker with on-site access to COVID-19 tests, the covered setting may similarly elect to administer or provide access to either an antigen or molecular test If the covered worker is not working on-site in the covered setting during a week where testing would otherwise be required, the worker is not required to submit to testing for that week This requirement shall not supplant any requirement imposed by the covered setting regarding diagnostic testing of symptomatic workers or screening test of vaccinated workers

4 Covered settings must have a policy for tracking test results from testing required by this Order and must report results to local public health departments

5 For purposes of this Order, covered settings shall be defined as follows Health care facilities shall include acute, pediatric, inpatient rehabilitation, and psychiatric hospitals, including specialty hospitals, and ambulatory surgical centers, long-term care facilities, intermediate care facilities, residential detox, short-term, and long-term residential substance abuse disorder treatment facilities, clinic-based settings like ambulatory care, urgent care clinics, dialysis centers, Federally Qualified Health Centers, family planning sites, and Opioid Treatment Programs, community-based healthcare settings including Program of All-inclusive Care for the Elderly, pediatric and adult medical day care programs, and licensed home health agencies and registered health care service firms operating within the State High-risk congregate settings include State and county correctional facilities, secure care facilities operated by the Juvenile Justice Commission, licensed community residences for individuals with intellectual and developmental disabilities ("IDD") and traumatic brain injury ("TBI"), licensed community residences for adults with mental illness, and certified day programs for individuals with IDD and TBI Long-term care facilities that are subject to New Jersey Department of Health ("DOH") Executive Directive No 20-026 and all subsequent supplemental directives, issued in reliance on the existence of the Public Health Emergency, which remain in effect until January 11, 2022, pursuant to P L 2021, c 103, must continue to follow any additional requirements in those directives regarding testing

6 For purposes of this Order, "covered workers" shall include employees, both full- and part-time, contractors, and other individuals working in covered settings, including individuals providing operational or custodial services or administrative support

7 For purposes of this Order, a covered worker shall be considered "fully vaccinated" for COVID-19 two weeks or more after they have received the second dose in a two-dose series or two weeks or more after they have received a single-dose vaccine Individuals will only be considered fully vaccinated where they have received a COVID-19 vaccine that is currently authorized for emergency use by the FDA or the WHO, or that are approved for use by the same Workers who are not fully vaccinated, or for whom vaccination status is unknown or who have not provided sufficient proof of documentation, must be considered unvaccinated for purposes of this Order

8 Nothing in this Order shall prevent a covered setting from instituting a vaccination or testing policy that includes additional or stricter requirements, so long as such policy comports with the minimum requirements of this Order A covered setting may also maintain a policy that requires more frequent testing of covered workers

9 The Commissioner of DOH is hereby authorized to issue a directive supplementing the requirements outlined in this Order, which may include, but not be limited to, any requirements for reporting vaccination and testing data to the DOH Action taken by the Commissioner of Health pursuant to this Order shall not be subject to the requirements of the Administrative Procedure Act, N J S A 52 14B-1 et seq

10 The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order

11 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order, and to cooperate fully with any Administrative Orders issued pursuant to this Order

12 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement

13 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

14 This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor

Dated August 6, 2021

EXECUTIVE ORDER NO 253

WHEREAS, on March 9, 2020, I issued Executive Order No 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health

Powers Act ("EHPA"), N J S A 26 13-1 et seq , and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N J S A App A 9-33 et seq , in the State of New Jersey for Coronavirus disease 2019 ("COVID-19"), and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the Disaster Control Act and the EHPA, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189- 198, No 200, Nos 203-204, No 207, and Nos 210-211 (2020) and Nos 214-216, Nos 219-220, Nos 222-223, No 225, Nos 228-235, Nos 237-244, No 246, No 249, and Nos 251-252 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, on June 4, 2021, I signed Assembly Bill No 5820 into law as P L 2021, c 103 and issued Executive Order No 244, which terminated the Public Health Emergency declared in Executive Order No 103 (2020) but maintained the State of Emergency declared in that same Order, and

WHEREAS, P L 2021, c 103 provided that following the termination of the Public Health Emergency declared in Executive Order No 103 (2020), the Governor, Commissioner of the Department of Health ("DOH"), and the head of any other State agency may continue to issue Orders related to implementation of recommendations of the Centers for Disease Control and Prevention ("CDC") to prevent or limit the transmission of COVID-19 and related to vaccine distribution, administration, and management, COVID-19 testing, and data collection, and

WHEREAS, the American Academy of Pediatrics ("AAP") has emphasized that in-person learning is critical for educational and social development of children, as evidence demonstrates that remote learning has been detrimental to the educational attainment of students of all ages and has exacerbated the mental health crisis among children and adolescents, and

WHEREAS, the CDC has reported that new variants of COVID-19 have been identified in the United States, and that certain variants, particularly the B 1 617 2 (Delta) variant, are more transmissible than previous strains, and

WHEREAS, the State has experienced significant upticks in critical COVID-19 metrics over the past few months, including COVID-19 positive cases, the rate of transmission, spot positivity, and new hospitalizations, that warrant additional precautions in certain settings, especially those with a substantial number of unvaccinated individuals, and

WHEREAS, the CDC has emphasized that vaccination is a critical means to prevent spread of COVID-19 and to avoid infection of those individuals that cannot be vaccinated because their age precludes them from receiving one, and has strongly recommended vaccination of all eligible teachers and educational staff, and

WHEREAS, while over 5 4 million people in the State have been fully vaccinated against COVID-19, additional steps are necessary to ensure continued vaccinations of individuals in certain settings of concern to protect against spread of COVID-19 and to sustain the provision of full in-person instruction for New Jersey students, and

WHEREAS, on July 6, 2021, the U S Department of Justice's Office of Legal Counsel issued an opinion concluding that Section 564 of the Food, Drug, and Cosmetic Act, 21 U S C § 360bbb-3 does not prohibit public or private entities from imposing vaccination requirements while vaccinations are only available pursuant to Emergency Use Authorization ("EUA"), and

WHEREAS, requiring workers in public, private, and parochial preschool programs, and elementary and secondary schools, including charter and renaissance schools (collectively "school districts") to receive a COVID-19 vaccine or undergo regular testing can help prevent outbreaks and reduce transmission to children, including those who are not yet eligible for vaccination, and

WHEREAS, the CDC has emphasized that COVID-19 vaccines are effective, in that they can prevent individuals from getting and spreading the virus, and can prevent severe illness in individuals who do contract COVID-19, and

WHEREAS, preventing transmission of COVID-19 is critical to keeping schools open for in-person instruction, and

WHEREAS, school districts have access to multiple sources of funding to address costs associated with worker vaccination efforts and testing, including three rounds of federal Elementary and Secondary School Emergency Relief funds and Emergency Assistance for Nonpublic Schools within the Governor's Emergency Education Relief funds, and

WHEREAS, the State will continue to work closely with school districts to successfully implement the requirements of this Order, and

WHEREAS, Executive Order No 251 (2021) requires all school districts to maintain a policy regarding mandatory use of face masks by staff, students, and visitors in the indoor portion of school district premises, and

WHEREAS, that Order allows for exemptions from mask-wearing when "doing so would inhibit the individual's health," "when the individual has trouble breathing," and when a student's documented medical condition or disability precludes use of a face mask, and

WHEREAS, the AAP and CDC continue to emphasize the importance of universal indoor masking for teachers, staff, and students, particularly as the majority of the student population remains ineligible for vaccination at this time, and

WHEREAS, exemptions to mask wearing should be as limited as possible to maximize protections, and

WHEREAS, it is necessary and appropriate that school districts' policies regarding a medical exemption from mask wearing require individuals to submit medical documentation, and

WHEREAS, this Order is related to vaccination management, COVID-19 testing, data collection, and the implementation of CDC recommendations, and is thus authorized under P L 2021, c 103,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 All public, private, and parochial preschool programs, and elementary and secondary schools, including charter and renaissance schools ("covered settings"), must maintain a policy that requires all covered workers to either provide adequate proof to the covered setting that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly This requirement shall take effect on October 18, 2021, at which time any covered workers that have not provided adequate proof that they are fully vaccinated must submit to a minimum of weekly or twice weekly testing on an ongoing basis until fully vaccinated

2 Covered workers may demonstrate proof of full vaccination status by presenting the following documents if they list COVID-19 vaccines currently authorized for EUA in the United States and/or the World Health Organization ("WHO"), along with an administration date for each dose

a The CDC COVID-19 Vaccination Card issued to the vaccine recipient by the vaccination site, or an electronic or physical copy of the same,

b Official record from the New Jersey Immunization Information System (NJIIS) or other State immunization registry,

c A record from a health care provider's portal/medical record system on official letterhead signed by a licensed physician, nurse practitioner, physician's assistant, registered nurse or pharmacist,

d A military immunization or health record from the United States Armed Forces, or

e Docket mobile phone application record or any state specific application that produces a digital health record

Covered settings collecting vaccination information from covered workers must comport with all federal and State laws, including but not limited to the Americans with Disabilities Act, that regulate the collection and storage of that information

3 To satisfy the testing requirement, a covered worker must undergo screening testing at minimum one to two times each week Where a covered setting requires an unvaccinated covered worker to submit proof of a COVID-19 test, the worker may choose either antigen or molecular tests that have EUA by the U S Food and Drug Administration ("FDA") or are operating per the Laboratory Developed Test requirements by the U S Centers for Medicare and Medicaid Services Where a covered setting provides the unvaccinated covered worker with on-site access to COVID-19 tests, the covered setting may similarly elect to administer or provide access to either an antigen or molecular test If the covered worker is not working on-site in the covered setting during a week where testing would otherwise be required, the covered setting's policy need not require the worker to submit to testing for that week This requirement shall not supplant any requirement imposed by the covered setting regarding diagnostic testing of symptomatic workers or screening testing of vaccinated workers

4 Covered settings must have a policy for tracking test results from testing required by this Order and must report results to local public health departments

5 For purposes of this Order, "covered workers" shall include all individuals employed by the covered setting, both full- and part-time, including, but not limited to, administrators, teachers, educational support professionals, individuals providing food, custodial, and administrative support services, substitute teachers, whether employed directly by a covered setting or otherwise contracted, contractors, providers, and any other individuals performing work in covered settings whose job duties require them to make regular visits to such covered settings, including volunteers Covered workers do not include individuals who visit the covered setting only to provide one-time or limited-duration repairs, services, or construction

6 For purposes of this Order, a covered worker shall be considered "fully vaccinated" for COVID-19 two weeks or more after they have received the second dose in a two-dose series or two weeks or more after they have received a single-dose vaccine Individuals will only be considered fully vaccinated where they have received a COVID-19 vaccine that is currently authorized for emergency use by the FDA or the WHO, or that are approved for use by the same Workers who are not fully vaccinated, or for whom vaccination status is unknown or who have not provided sufficient proof of documentation, shall be considered unvaccinated for purposes of this Order

7 Nothing in this Order shall prevent a covered setting from instituting a vaccination or testing policy that includes additional or stricter requirements, so long as such policy comports with the minimum requirements of this Order A covered setting may also maintain a policy that requires more frequent testing of covered workers

8 The Commissioner of the DOH is hereby authorized to issue a directive supplementing the requirements outlined in this Order, which may include, but not be limited to, any requirements for reporting vaccination and testing data to the DOH Actions taken by the Commissioner of the DOH pursuant to this Order shall not be subject to the requirements of the Administrative Procedure Act, N J S A 52 14B-1 et seq

9 It is hereby clarified that the policy of public, private, and parochial preschool programs, and elementary and secondary schools, including charter and renaissance schools, regarding mandatory mask wearing in the indoor portion of school district premises, as outlined in Executive Order No 251 (2021), must require individuals seeking a medical exemption from mask wearing under Paragraphs 1(a) – (c) of that Order to produce written documentation from a medical professional to support the exemption Self-attestations and parental attestations are not sufficient for this purpose

10 The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order

11 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order, and to cooperate fully with any Administrative Orders issued pursuant to this Order

12 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement

13 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

14 This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor

Dated August 23, 2021

EXECUTIVE ORDER NO 254

WHEREAS, Norman V Inferrera, III, was a dedicated first-year lifeguard of the Cape May Beach Patrol, and

WHEREAS, Norman spent his summer patrolling the shores of Cape May helping visitors safely enjoy the beaches, and

WHEREAS, Norman devoted time off-duty to additional lifeguard training to better serve the community he sought to protect, and

WHEREAS, on August 19, 2021, Norman was 16 years old and weeks shy of starting his junior year at Phoenixville Area High School in Pennsylvania where he excelled as a student, and

WHEREAS, Norman was on duty guarding the waters of Reading Avenue Beach when his boat was hit by a wave, and he tragically passed away as a result of his injuries, and

WHEREAS, Norman's heroic legacy will live on as a namesake for scholarships on an annual basis through both the Cape May Beach Patrol and Phoenixville Area High School, and

WHEREAS, a beach in Cape May will also be named in Norman's honor, and

WHEREAS, Norman was a beloved son, brother, nephew, and cousin, whose presence will be missed by his family, his friends, his fellow members of the Cape May Beach Patrol, by his hometown community of Phoenixville, PA, and by the people of New Jersey, and

WHEREAS, it is with immense sadness that we mourn Norman's sudden passing, and extend our deepest sympathy to his family, friends, and fellow lifeguards, and

WHEREAS, it is appropriate to honor the cherished memory of Norman, and to mark his passing,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, August 27, 2021, in recognition and mourning of Norman V Inferrera, III

2 This Order shall take effect immediately

Dated August 24, 2021

EXECUTIVE ORDER NO 255

WHEREAS, for almost twenty years, members of the United States Armed Forces have been deployed to Afghanistan, and

WHEREAS, over the past several days, as the Taliban returned to power and the United States prepared to withdraw its remaining troops from Afghanistan, members of our United States Armed Forces have bravely and tirelessly worked to protect both United States citizens and our Afghan allies, and

WHEREAS, on August 26, 2021, at least thirteen members of our United States Armed Forces, as well as many dozens of innocent Afghan civilians, were

killed in a suicide bomb attack near the Kabul airport in Afghanistan, while hundreds of other individuals suffered injuries, and

WHEREAS, this attack has caused a tremendous loss of life, and further inflicted incalculable pain and anguish on the families who lost loved ones, and

WHEREAS, we are forever grateful to our Armed Forces for their extraordinary sacrifices in the protection of our country and our State, and

WHEREAS, it is with great sorrow that we mourn the passing of all those who lost their lives in the attack on August 26, 2021, and extend our deepest sympathy to their families, friends, colleagues, and communities, and

WHEREAS, it is appropriate for us all to keep in our thoughts and prayers all of those who have been affected by this attack and are suffering, and

WHEREAS, as a mark of respect for those killed in this terrorist attack, President Biden has ordered that all U S flags be flown at half-staff at all public buildings and grounds until sunset on August 30, 2021,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, until sunset on Monday, August 30, 2021, in recognition and mourning of the United States Armed Forces members and innocent civilians who lost their lives in the attack at the Kabul airport on August 26, 2021

2 This Order shall take effect immediately

Dated August 27, 2021

EXECUTIVE ORDER NO 256

WHEREAS, on April 14, 2021, President Biden announced that the full U S troop withdrawal from Afghanistan would begin on May 1, 2021, nearly 20 years after the terrorist attacks on September 11, 2001 and the initiation of major combat in Afghanistan against Taliban forces on October 7, 2001, and

WHEREAS, on July 8, 2021, President Biden announced that the U S military operation in Afghanistan would conclude on August 31, 2021, and

WHEREAS, Afghan allies have provided immeasurable support to members of the U S military and to the country's operations in Afghanistan for the previous two decades, and stood next to our soldiers in fighting for democracy, stability, and peace, and

WHEREAS, the incoming Taliban regime in Afghanistan poses a severe threat to Afghans who have supported the United States, those who oppose Taliban rule,

women's rights advocates, Afghan security forces and government officials, and others whose values do not align with those of the incoming regime, and

WHEREAS, according to the Biden Administration, the United States has relocated over 110,000 people from Afghanistan since the end of July of this year, including tens of thousands of at-risk Afghan nationals and Afghans who have qualified for Special Immigrant Visas ("SIV"), with thousands more expected to be evacuated by the current August 31 withdrawal deadline, and

WHEREAS, Afghans who have been evacuated as part of the military drawdown will be resettled around the world, including across the United States, and

WHEREAS, on August 22, 2021, I informed President Biden by letter that the State of New Jersey stands ready to welcome our Afghan allies, and noted that these brave individuals and families, many of whom have worked to assist our military and put their own lives on the line in support of human rights and American initiatives, must not be left behind, and

WHEREAS, on August 23, 2021, the United States Department of Defense identified Joint Base McGuire-Dix-Lakehurst as a temporary shelter for up to 9,500 Afghan refugees for up to 365 days in accordance with President Biden's "Planning Order for Department of Defense Support to the Department of State for Afghan Relocation", and

WHEREAS, on August 25, 2021, the first group of Afghan refugees arrived in New Jersey at Joint Base McGuire-Dix-Lakehurst, with the potential for additional arrivals in the coming days or weeks, and

WHEREAS, providing safe harbor for these individuals and families not only expresses our shared American values, but also honors the sacrifice made by U S veterans of the War in Afghanistan, and

WHEREAS, we welcome Afghans to New Jersey not only because they will make enormous contributions to our State's culture, community, and economy, but because it is the right thing to do considering the sacrifices these individuals have made in support of the U S mission in Afghanistan over the last two decades, and

WHEREAS, coordinated inter-agency efforts are critical and necessary to ensuring efficient and robust supports for this group,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 There is hereby established the Task Force on Afghan Refugee Assistance ("Task Force") that will report directly to the Office of the Governor

2 The Chairperson of the Task Force shall be the Adjutant General and Commissioner of the New Jersey Department of Military and Veterans Affairs ("DMAVA"), or her designee

3 In addition to the Commissioner of DMAVA, the Task Force shall consist of the Chief of Staff to the Governor, the Chief Counsel to the Governor, the Chief

Policy Advisor to the Governor, the Executive Director of the Governor's Disaster Recovery Office, and the Commissioners or other heads of the following Executive Branch departments and agencies, or their designees

a The Department of Law & Public Safety,

b The New Jersey State Police,

c The Department of Health,

d The Department of Human Services,

e The Department of Children & Families,

f The Office of Homeland Security & Preparedness,

g The Department of State,

h The Department of Transportation,

i The Department of Community Affairs, and

j The Department of Labor & Workforce Development

4 The Governor may, as determined to be appropriate, appoint additional members to the Task Force, who shall serve at the pleasure of the Governor

5 Neither the Chairperson nor any member of the Task Force shall be compensated in addition to the compensation received, if any, as an employee or officer of the State

6 The Task Force shall meet as often as practicable and as requested by the Governor or Chairperson

7 The Task Force is charged with coordinating State efforts to appropriately prepare for and respond to the arrival of Afghan refugees and SIV holders in New Jersey The Task Force will coordinate with and, where necessary, call upon any other department, office, division, or agency deemed necessary for consultation and advice Specific objectives of the Task Force shall include, but not be limited, to the following

a Developing a mechanism for identifying Afghan refugees and SIV holders who arrive in New Jersey and plan to remain for some period of time,

b Managing internal efforts among Executive Branch departments and agencies to welcome and provide support to Afghan refugees and SIV holders as they arrive and/or resettle in New Jersey,

c Coordinating communications with representatives of the federal government, including the U S Department of State and the U S Department of Defense, regarding the relocation of Afghan refugees and SIV holders,

d Overseeing the provision of vital support and emergency healthcare services for those who need it upon arrival in New Jersey, including Coronavirus disease 2019 ("COVID-19") testing and vaccination as needed,

e Creating an intake mechanism for organizations and individuals seeking to provide aid and support to Afghan refugees and SIV holders to contact the Task Force, evaluating and keeping track of such organizations and individuals, and connecting such organizations and individuals with those in need of assistance, and

f Providing any other necessary supports to ensure the safe entry and relocation to New Jersey of Afghan refugees and SIV holders

8 The Task Force is authorized to call upon any department, office, division, or agency of this State to supply it with public data and information, as well as any personnel or other assistance available to such agency as the Task Force determines to be necessary to discharge its duties under this Order Each Executive Branch department, office, division, or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Task Force and to furnish the Task Force with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order

9 For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General

10 The Task Force shall be purely advisory in nature and shall provide advice to the Governor and other Executive Branch departments and agencies as requested

11 This Order shall take effect immediately

Dated August 27, 2021

EXECUTIVE ORDER NO 257

WHEREAS, Nicholas R Felice, age 94, was a beloved Assemblyman and Mayor from Fair Lawn who served as Assembly Speaker Pro Tempore, and

WHEREAS, Assemblyman Felice was born in Passaic in 1927, attended Passaic High School, the RCA Institute of Technology, and Farleigh Dickinson University, and

WHEREAS, Assemblyman Felice served in the Pacific Theater for the United States Army during World War II as a Technical Sergeant, Communications Chief, 24th Division, and

WHEREAS, Assemblyman Felice served as Mayor of Fair Lawn from 1972 to 1974, and

WHEREAS, prior to becoming a full-time legislator, Assemblyman Felice had a successful career as a Chief Engineer and Vice President at Smith-Meeker Engineering Co , traveled the world as a consulting Radio Engineer for other companies, supervised the Teterboro Airport Aviation Division, and served on the Project Mercury Space Recover Team for NASA, and

WHEREAS, Assemblyman Felice won his first election to the New Jersey General Assembly in 1982 and represented the 40th District in the Assembly until 2002, and

WHEREAS, in 1983, Assemblyman Felice happily responded to calls by children looking to speak to Santa Claus due to a misprinting of the "Santa Hot Line" telephone number, and

WHEREAS, Assemblyman Felice's many leadership roles in the Assembly included Speaker Pro Tempore, Deputy Speaker, Assistant Minority Leader, Assistant Majority Leader, and Vice Chair of the Health Committee, and

WHEREAS, Assemblyman Felice made countless critical contributions as a legislator, including with respect to health insurance reform, drug free school zones, spinal cord research, funding for infantile autism, health information network technology legislation, and other protective legislation for seniors, nursing homes, and individuals with disabilities, and

WHEREAS, Assemblyman Felice's many decades of public service and volunteerism included time on the Fair Lawn Borough Council, the Fair Lawn Planning Board, the Board of Trustees for Children's Aid and Family Services, and countless other boards, clubs, and committees, and

WHEREAS, Assemblyman Felice was also a Life Member of Veterans of Foreign Wars ("V F W ") Post 281, American Legion Post 171, and received the Achievement Award from the Department of New Jersey V F W , and

WHEREAS, Assemblyman Felice was married to his wife, Vivian C Felice (nee Micciche) for 64 years, before she passed away in 2017, and

WHEREAS, Assemblyman Felice passed away on August 24, 2021 after spending his final years in Mahwah, and

WHEREAS, Assemblyman Felice is survived by his three sons and their wives, seven grandchildren, his nephew, and his nephew's wife and son, and

WHEREAS, Assemblyman Felice will be remembered for his enduring commitment to his community, State, and country, and

WHEREAS, it is with deep sadness that we mourn the passing of Assemblyman Felice, whose passion and dedication as a public servant will be sorely missed,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, September 1, 2021, in recognition and mourning of Assemblyman Nicholas R Felice

2 This Order shall take effect immediately

Dated August 31, 2021

EXECUTIVE ORDER NO 258

WHEREAS, Keith Pinto was a resident of Toms River and a 2020 graduate of Toms River High School North, and

WHEREAS, Keith was a valued member of the Berkeley Township Beach Patrol, and

WHEREAS, Keith devoted his summer to service as a lifeguard, helping ensure the safety of those enjoying White Sands Beach in South Seaside Park, and

WHEREAS, Keith was well known for his kindness, cheerful disposition, and loyalty to his family and friends, and

WHEREAS, on August 30, 2021, Keith was 19 years old and about to resume classes at Ocean County College, and

WHEREAS, Keith was on duty guarding the waters of Twenty-First Avenue Beach when an unexpected cluster of thunderstorms quickly descended on the coastline, and

WHEREAS, Keith was struck by lightning and tragically died from his injuries, while seven other individuals sustained serious injuries, and

WHEREAS, Keith was a beloved son, twin brother, nephew, and cousin, whose joyful and uplifting presence will be forever missed by his family, his friends, his fellow members of the Berkeley Heights Beach Patrol, his Toms River community, and by the people of New Jersey, and

WHEREAS, it is with immense sadness that we mourn Keith's sudden passing and extend our deepest sympathy to his family, friends, and fellow lifeguards, and

WHEREAS, it is appropriate to honor the cherished memory of Keith and to mark his passing,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, September 3, 2021, in recognition and mourning of Keith Pinto

2 This Order shall take effect immediately

Dated September 1, 2021

EXECUTIVE ORDER NO 259

WHEREAS, Tropical Storm Ida began impacting New Jersey on Wednesday, September 1, 2021, bringing severe weather conditions including strong winds, reports of tornadoes, and heavy and sustained rainfall which is forecasted to reach up to ten (10) inches in some areas, and

WHEREAS, reported tornadic activity has caused severe damage to private property, public facilities, and other structures in several counties throughout the State of New Jersey, and

WHEREAS, these severe weather conditions have caused and are expected to continue to cause downed trees and power lines, damages to structures, and stream and river flooding, and

WHEREAS, widespread roadway flooding has been observed along inland waterways, making roadways impassable, and

WHEREAS, strong rains and winds have caused and are expected to continue to cause downed power lines and trees, resulting in power outages that will impede the normal operation of public and private entities, and

WHEREAS, these serious weather conditions will make it difficult or impossible for residents to obtain the necessities of life, as well as essential services such as police, fire, and first aid, and

WHEREAS, this tropical storm constitutes an imminent hazard that threatens and presently endangers the health, safety, and resources of the residents of the State, and

WHEREAS, this situation may become too large in scope to be handled in its entirety by the normal county and municipal operating services in some parts of the State, and this situation 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, N J S A 38A 2-4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, in order to protect the health, safety, and welfare of the people of the State of New Jersey DO DECLARE and PROCLAIM that a State of Emergency exists throughout the State of New Jersey, effective at 9 00 p m on September 1, 2021, and I hereby ORDER and DIRECT the following

1 I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, to implement the State Emergency Operations Plan and to direct the activation of county and municipal emergency operations plans, as necessary, and to coordinate the recovery effort from this Emergency with all governmental agencies, volunteer organizations, and the private sector

2 I authorize and empower, in accordance with N J S A App A 9-33, et seq , as supplemented and amended, the State Director of Emergency Management, who is the Superintendent of State Police, through the police agencies under his control, and with consideration of any Administrative Order issued by the Commissioner of the Department of Transportation ("DOT"), to determine and control the direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant

3 I authorize and empower the Attorney General, pursuant to the provisions of N J S A 39 4-213, acting through the Superintendent of State Police, and with consideration of any Administrative Order issued by the Commissioner of the DOT, to determine and control the direction of the flow of vehicular traffic on any State or interstate highway, municipal, or county road, and any access road, including the right to detour, reroute, or divert any or all traffic, to prevent ingress or egress, and to determine the type of vehicle or vehicles to be operated on such roadways I further authorize all law enforcement officers to enforce any such order of the Attorney General or Superintendent of State Police within their respective municipalities

4 I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety, or welfare because of the conditions created by this Emergency

5 I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this Emergency

6 I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule, where the enforcement of which would be detrimental to the public welfare during this Emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this 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 the N J S A App A 9-34 and N J S A App A 9-51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately-owned property necessary to protect against this Emergency

9 In accordance with N J S A App A 9-40, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order

10 It shall be the duty of every person or entity in this State or doing business in this State, and of the members of the governing body and every official, employee, or agent of every political subdivision in this State, and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this State of Emergency

11 In accordance with N J S A App A 9-34, N J S A App A 9-40 6, and N J S A 40A 14-156 4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous disaster-stricken municipality within this State, nor to any disaster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or their deputies in consultation with the State Director of Emergency Management

12 This Order shall take effect at 9 00 p m on September 1, 2021 and shall remain in effect until such time as it is determined by me that an emergency no longer exists

Dated September 1, 2021

EXECUTIVE ORDER NO 260

WHEREAS, Tropical Storm Ida reached New Jersey on Wednesday, September 1, 2021, and impacted the State with high winds, tornadoes, and heavy and sustained rainfall which resulted in severe flooding in several counties, and

WHEREAS, I declared a State of Emergency that evening, in recognition of the fact that the severe weather conditions brought on by Tropical Storm Ida posed an imminent hazard to health and safety in many parts of the State and that the resulting damage would make it difficult or impossible for residents to obtain the necessities of life, as well as essential services, and

WHEREAS, over 90,000 customers in New Jersey lost power during Tropical Storm Ida, and tens of thousands remained without power even after the storm subsided, and

WHEREAS, one especially powerful tornado destroyed several homes in Mullica Hill in Gloucester County, and

WHEREAS, the rains accompanying Tropical Storm Ida overwhelmed counties along the Delaware River and inland waterways, and

WHEREAS, estimates suggested that in some parts of New Jersey, 8 to 10 inches of rain fell in just a few hours, leading to flash flooding that overwhelmed roadways, homes, vehicles, businesses, public facilities, and other infrastructures, and

WHEREAS, in the days following the storm, New Jersey's first responders heroically rescued numerous people trapped in dangerous situations, and

WHEREAS, on September 2, 2021, I asked President Joe Biden to declare Emergency and Major Disaster Declarations for the State of New Jersey as a result of Tropical Storm Ida, and

WHEREAS, on September 2, 2021, President Biden declared an Emergency in all 21 counties of New Jersey, and

WHEREAS, on September 5, 2021, President Biden approved a Major Disaster Declaration in the State of New Jersey for the counties of Bergen, Gloucester, Hunterdon, Middlesex, Passaic, and Somerset, enabling the provision of critical federal aid and support to the many residents and businesses of New Jersey impacted by the storm, and

WHEREAS, I am hopeful that the President will approve Major Disaster Declarations in additional counties following the completion of damage assessments, which are occurring on a rolling basis, and

WHEREAS, in the week following the storm, I have visited towns impacted by the storm throughout the State, including Mullica Hill, Hillsborough, Passaic, Millburn, Cranford, Haledon, Elizabeth, Piscataway, Lodi, Paterson, Lambertville, and Manville to meet with residents and local leaders as well as to survey the damage, and

WHEREAS, my Administration has reported that 27 individuals across eight counties have died as a result of Tropical Storm Ida, while three individuals are missing in Passaic County and a fourth is missing in Essex County, and

WHEREAS, it is with immense sadness that we mourn the passing of these 27 New Jerseyans and pray that we are able to locate the four New Jerseyans who remain missing,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, September 8, 2021 through Friday, September 10, 2021, in recognition and mourning of the 27 individuals who have passed away and the 4 individuals who remain missing as a result of Tropical Storm Ida

2 This Order shall take effect immediately

Dated September 7, 2021

EXECUTIVE ORDER NO 261

WHEREAS, on September 11, 2001, unprecedented terrorist attacks were committed in New York, Washington, D C , and Pennsylvania, and

WHEREAS, these horrific attacks caused the largest loss of life from a foreign attack on American soil, and the largest single loss of rescue personnel in U S history, and

WHEREAS, approximately one quarter of the victims of the September 11, 2001 attacks were New Jerseyans, with nearly 750 residents of our State killed in the attacks, and

WHEREAS, the terrorist attacks on our nation not only caused an immense loss of life, but also inflicted immeasurable agony and anguish on those who lived through the events, which include hundreds of New Jersey families whose lives have been forever altered by the loss of a parent, spouse, child, or other loved one, and

WHEREAS, following these appalling attacks, people of all backgrounds stood together, united not only in our grief, but in our resolve to persevere, and

WHEREAS, many New Jerseyans, including thousands of police, fire, military, emergency, and construction personnel responded to this tragedy, and many first responders continue to deal with chronic health effects decades later, and

WHEREAS, as we reach the twentieth anniversary of this tragic event, it will be remembered by all New Jerseyans both in private and public remembrances and memorial ceremonies, and

WHEREAS, it is also appropriate to remember all those who have served in the U S military and intelligence agencies defending our nation during the 20 years since the September 11th attacks, including the thousands of servicemembers who have lost their lives in overseas engagements, up to last month's terrorist attack at the Kabul airport in which 13 U S servicemembers were killed, and

WHEREAS, it is fitting that this day be observed with full solemnity, in tribute to the thousands of innocent victims who perished in the attacks,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Saturday, September 11, 2021 in recognition and mourning of all of those lost in the September 11th attacks, including the nearly 750 New Jerseyans lost from our home State

2 This Order shall take effect immediately

Dated September 10, 2021

EXECUTIVE ORDER NO 262

WHEREAS, New Jersey is among the most racially diverse states in the nation, as the 2020 Census demonstrated that over 48% of New Jersey's nearly 9 3 million residents are people of color, and

WHEREAS, New Jersey is estimated to have approximately 1 2 million residents who identify as Black or African American, and approximately 2 million residents who identify as Hispanic or Latino, and

WHEREAS, our diversity is one of New Jersey's greatest strengths, but there remain substantial disparities in the State that put Black and Hispanic or Latino families at a significant disadvantage in building and maintaining wealth across generations, and

WHEREAS, in order to rectify these disparities, we must grapple with our own history, including that New Jersey was the last northern state to eliminate slavery, and that the State Legislature initially voted against ratification of the 13th Amendment in 1865, and

WHEREAS, as we now seek to reaffirm our commitment to equality and justice, we recognize that there is a legacy of lingering and continuing impact from policies and practices that created and perpetuated systemic inequities, and

WHEREAS, significant wealth gaps exist in New Jersey, as the median net worth for white families in New Jersey is $352,000, while for Black families in the State that number is $6,100, and for Latino families the number is $7,300, and

WHEREAS, these severe wealth disparities predominantly harm Black and Hispanic or Latino families, limit their access to fundamental and essential resources, severely limit socioeconomic upward mobility, and separate our communities, and

WHEREAS, there are significant disparities in race and ethnicity with respect to households that are unbanked or underbanked, and a lack of access to or use of banking services stands in the way of building wealth, and

WHEREAS, good credit is critical to building wealth, but statistics around credit scores and debt starkly reflect and perpetuate wealth disparities in the State, as a study of Newark by the Urban Institute found that while the median credit score in white areas was 615, the median credit score in areas that were predominantly nonwhite was 567, and, as of 2018, the share of people in communities of color in New Jersey with debt in collections was 37%, while the share of people in majority-white communities with debt in collections was 18%, and

WHEREAS, homeownership both reflects and contributes to a household's wealth, but homeownership rates further reflect deep-rooted disparities based on race and ethnicity in New Jersey and are the product of policies like redlining and restrictive covenants, as nearly 77% of white families in the State own their homes, while the same can be said for only 41% of Black families and 37% of Latino families, and

WHEREAS, entrenched disparities in the criminal justice system substantially limit the abilities of Black and Hispanic or Latino families and individuals to

achieve financial success and build wealth, and as of 2016, Black people were incarcerated in New Jersey State prisons at a rate 12 times higher than white people, and Hispanic people were incarcerated at twice the rate of white people, and

WHEREAS, the possibility of racial and ethnic disparities, among other challenges, in New Jersey K-12 educational achievement and in obtaining college degrees potentially limit the ability to achieve future financial success, and

WHEREAS, wealth is inextricably intertwined with health and access to health care, but the percentage of white New Jerseyans with health insurance outpaces the percentage of Black and Hispanic New Jerseyans with health insurance, and the lack of health insurance contributes directly to an increased likelihood of incurring medical debt and insurmountable expenses related to health care, creating another barrier to building wealth, and

WHEREAS, the Coronavirus disease 2019 ("COVID-19") pandemic exposed and exacerbated both the wealth and health gaps based on race and ethnicity, and for that reason earlier this year I signed Assembly Bill No 4004 (Fifth Reprint), creating the COVID-19 Pandemic Task Force on Racial and Health Disparities, which will, among other things, study how and why the COVID-19 pandemic "has disproportionately affected the State's minority and vulnerable communities, and the short-term and long-term consequences of the pandemic on these communities," as well as make recommendations for reducing and eliminating disparities "among the various racial and ethnic populations within the State's minority and vulnerable communities with respect to health status, access to high-quality health care, and utilization of health care services", and

WHEREAS, despite the State's complex history and the many causes of wealth gaps in New Jersey, there have always been activists, advocates, community leaders, faith leaders, scholars, students, and professionals, as well as elected officials at the State and local level, who have worked tirelessly to lay bare and counteract all of the contributors to the wealth gaps that have been in place for far too long, and

WHEREAS, our State will only be stronger when we work toward ensuring equity and justice in our economy, and

WHEREAS, it will require sustained, collective action on the part of all of these leaders as well as the rest of the State to close these wealth gaps once and for all, and

WHEREAS, on June 18, 2021, I announced that I intended to create a task force focused on wealth disparities,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 There is hereby established the Wealth Disparity Task Force (the "Task Force") to examine the causes of and remedies for the long-standing wealth dispar-

ities that affect Black and Hispanic or Latino New Jerseyans The Task Force will be divided into five Working Groups, which collectively are charged with reviewing research, data, and analysis in order to provide a report and evidence-based recommendations to the Governor for remedying these long-standing wealth disparities, which may include recommendations for one or more future disparity studies

2 The five Working Groups shall consist of the following

a Working Group on Economy, which shall be responsible for examining the many interwoven factors in the economy that contribute to the persistence of the racial and ethnic wealth gaps, including disparities affecting Black and Hispanic or Latino New Jerseyans in income levels, unemployment, business ownership, and access to quality banking, credit, and financial services, and for developing recommendations to address these issues,

b Working Group on Housing, which shall be responsible for analyzing the root causes and short-term and long-term consequences of the substantial differences in homeownership rates and access to stable housing for Black and Hispanic or Latino families as compared to white families, the ways in which renting as opposed to owning a home limits a household's ability to build wealth, and proposing solutions to ensure equal opportunity to own or rent a home and build wealth whether or not the household has access to home equity,

c Working Group on Criminal Justice, which shall be responsible for identifying disparities in the criminal justice system with respect to the Black and Hispanic or Latino populations, researching the ways in which release from incarceration and a criminal record inhibits a person's ability to find a home and maintain a steady living, identifying unnecessary barriers to successful reentry, and suggesting ways that New Jersey should be supporting returning residents as they attempt to build wealth and stability,

d Working Group on Education, which shall be responsible for examining potential disparities both inside and outside the classroom and how such disparities may lay the groundwork for perpetuating the racial and ethnic wealth gaps from a young age, and for identifying innovative solutions and interventions at all grade levels and in higher education to make sure Black and Hispanic or Latino students are set up for success, and

e Working Group on Health, which shall be responsible for exploring the links between health and access to health care, on the one hand, and wealth, on the other, for developing strategies to ensure that racial or ethnic disparities do not lead to the failure to receive medical treatment because of a lack of health insurance or because of the cost of health care and that medical bills do not interfere with a family's ability to build and maintain wealth, and coordinating with the COVID-19 Pandemic Task Force on Racial and Health Disparities where appropriate

3 The Task Force shall be led by four chairpersons, who shall be the Lieutenant Governor in her capacity as Commissioner of the Department of Community Affairs, the Commissioner of the Department of Banking and Insurance, the President of Rutgers University, and the President and Chief Executive Officer of the Coun-

cil of New Jersey Grantmakers The four chairpersons shall participate on a steering committee which shall also include the Commissioner of the Department of Health, the Commissioner of the Department of Labor and Workforce Development, the Commissioner of the Department of Education, the Attorney General, the Secretary of Higher Education, the Chief Executive Officer of the Economic Development Authority, the Director of the Division on Civil Rights, the Chief Policy Advisor to the Governor, or their designees, and any additional members who shall be appointed by and serve at the pleasure of the Governor, and who may include additional government officials, academic researchers, and faith and community leaders

4 The Governor shall designate at least two co-leads of each Working Group, who shall be selected from among the members of the steering committee

5 The Governor may, as determined to be appropriate, appoint additional members, and may designate these additional members to serve on any of the Working Groups or as generalists to serve as members of the Task Force as a whole These additional members shall also serve at the pleasure of the Governor All members of the Task Force shall serve without compensation

6 The Task Force shall organize as soon as practicable after the appointment of its members, and the Working Groups shall convene at least as often as requested by the Governor or chairpersons

7 Each Working Group shall issue a report with its recommendations to the Task Force on a date to be determined by the co-chairs The co-chairs shall then submit a final comprehensive report to the Governor no later than 18 months after the effective date of this Order The report shall be made available to the Legislature and the public at the same time

8 The Task Force shall expire upon submission of its final report

9 The co-chairs of the Task Force are authorized to call upon any Executive Branch department or agency to supply it with information or other assistance available to such agency as the Task Force determines to be necessary to discharge its duties under this Order Each Task Force department and agency is hereby required, to the extent not inconsistent with law, to cooperate fully with the Task Force and to furnish such assistance on as timely a basis as is necessary to accomplish the purpose of this Order The Task Force may consult with experts and other knowledgeable individuals in the public or private sector on any aspect of its mission

10 For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General

11 The Task Force may elicit public input from individuals, including those associated with institutions of higher education, organizations, community groups, and other interested parties

12 The Task Force shall be purely advisory in nature and shall provide advice to the Governor and other Executive Branch departments and agencies as requested

13 This Order shall take effect immediately

Dated September 14, 2021

EXECUTIVE ORDER NO 263

WHEREAS, on March 9, 2020, I issued Executive Order No 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N J S A 26 13-1 et seq , and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N J S A App A 9-33 et seq , in the State of New Jersey for the Coronavirus disease 2019 ("COVID-19"), and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the EHPA and the Disaster Control Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189- 198, No 200, Nos 203-204, No 207, and Nos 210-211 (2020), and Nos 214-216, Nos 219-220, Nos 222-223, No 225, Nos 228-235, Nos 237-244, No 246, No 249, and Nos 251-253 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, in Executive Order No 127 (2020), I determined that strict enforcement of the timelines required by the Administrative Procedure Act would be detrimental to the public health and welfare because it would require responses from the public and could deprive Executive Branch departments and agencies,

which faced unprecedented challenges in responding to the Public Health Emergency, of adequate time to ensure that their findings of fact, conclusions of law, and decisions comply with statutory requirements and are based upon sufficient, competent, and credible evidence, and

WHEREAS, Executive Order No 136 (2020) tolled certain environmental deadlines to provide members of the public additional time to comply with certain deadlines due to the interruptions related to the Public Health Emergency, and

WHEREAS, N J S A 13 1E-127 1 requires that any business wishing to engage in Soil and Fill Recycling Services submit a registration form to the Department of Environmental Protection ("DEP") no later than April 20, 2020, and the DEP must issue such registration 90 days from submission of the registration form, and

WHEREAS, N J S A 13 1E-127 1 further provides that no business without a valid registration may engage in Soil and Fill Recycling Services after July 20, 2020, and a registrant must submit a valid and administratively complete application for a Soil and Fill Recycling License to the Attorney General no later than October 20, 2020, which may only be extended for an additional 90 days upon a showing of good cause, and

WHEREAS, Paragraph 2 of Executive Order No 136 (2020) extended the timeframe for businesses to submit a registration form to DEP to engage in soil and fill recycling services pursuant to N J S A 13 1E-127 1, DEP's time to review and issue such registration, the deadline after which a business may not engage in Soil and Fill Recycling Services without a valid registration, and the timeframe for a registrant to submit an administratively complete license application to the Attorney General by the number of days of the Public Health Emergency plus an additional 60 days, and

WHEREAS, on June 4, 2021, I signed Assembly Bill No 5820 into law as P L 2021, c 103 and issued Executive Order No 244, which terminated the Public Health Emergency declared in Executive Order No 103 (2020) but maintained the State of Emergency declared in that same Order, and

WHEREAS, P L 2021, c 103 provides that the executive orders that relied on the existence of the Public Health Emergency shall expire 30 days following the termination of the Public Health Emergency, and

WHEREAS, the expiration date of Executive Order No 136 (2020) was July 4, 2021, and thus the timeframe for calculating the deadlines extended pursuant to Paragraph 2 of Executive Order No 136 (2020) began to run on that date, and

WHEREAS, P L 2021, c 103 further provided that, following the termination of the Public Health Emergency, certain listed executive orders, including Executive Order No 127 (2020), shall remain in effect until January 1, 2022, and

WHEREAS, P L 2021, c 103 provides that the Governor may revoke or modify the listed executive orders, including Executive Order No 127 (2020), prior to January 1, 2022, and

WHEREAS, the inclusion of Executive Order No 127 (2020) in P L 2020, c 103, indicates a recognition that some of the barriers to meeting statutory deadlines

and timeframes for resolution of contested cases and rulemaking still exist, and individualized decisions with respect to Executive branch departments' and agencies' compliance with these deadlines are appropriate in the period immediately following the end of the Public Health Emergency, and

WHEREAS, New Jersey has long been recognized as a leader in the protection of public health, safety, and the environment through its statutory and regulatory initiatives to protect residents from the effects of inappropriate development and discharges of pollutants into the environment, and

WHEREAS, New Jersey's leadership in protection of public health, safety, and the environment has been based upon a history of reviewing the adequacy of existing protections in light of developments in scientific knowledge and, where appropriate, acting in an expeditious manner to institute amendments to regulations, policies, and guidance to ensure consistency with scientific developments, and

WHEREAS, the DEP and those offices and agencies allocated to the DEP in accordance with N J Const art V, § 4, ¶ 1 are responsible for the promulgation of regulations to implement these necessary protections of public health, safety, and the environment, and

WHEREAS, it is critical that regulatory programs in the areas regulated by the DEP and the offices and agencies allocated to it are reviewed and, where appropriate, updated in a timely manner to ensure necessary protection, and

WHEREAS, accordingly, continued applicability of Paragraph 5 of Executive Order No 127 (2020) to the regulations promulgated by the DEP and its allocated offices and agencies is no longer necessary or appropriate, and

WHEREAS, this Order is a modification of Executive Order No 127 (2020), and thus consistent with P L 2021, c 103, and

WHEREAS, this Order also notes the deadlines under N J S A 13 1E-127 1, in light of the impact of both Executive Order No 136 (2020) and P L 2021, c 103, which allowed for the end of the Public Health Emergency,

NOW, THEREFORE I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The deadlines for complying with N J S A 13 1E-127 1, set forth in Executive Order No 136 (2020), shall be as follows

a Any business concern wishing to engage in Soil and Fill Recycling Services that did not already possess an A-901 License on January 21, 2020 must submit a Registration form to the DEP no later than October 14, 2021,

b Any business concern that does not possess a valid A-901 License or Soil and Fill Recycling Registration must cease to engage in Soil and Fill Recycling Services after January 13, 2022, and

c To obtain an A-901 License, a Registrant must submit a valid and administratively complete A-901 License application to the New Jersey Office of the Attorney General no later than April 15, 2022

2 All rules of the DEP and its allocated offices and agencies that, pursuant to N J S A 52 14B-5 1 and N J A C 1 30-6 4, that were scheduled to expire prior to the effective date of this Order but were extended pursuant to Executive Order No 127 (2020), shall expire on the effective date of this Order

3 All rules of the DEP and its allocated offices and agencies that, pursuant to N J S A 52 14B-5 1 and N J A C 1 30-6 4, are scheduled to expire after the effective date of this Order, shall expire upon the expiration date established pursuant to N J S A 52 14B-5 1 and N J A C 1 30-6 4

4 Paragraph 5 of Executive Order No 127 (2020) is superseded by this Order with respect to those rules of the DEP and those offices and agencies allocated to the DEP in accordance with N J Const art V, § 4, ¶ 1 with expiration dates falling after the effective date of this Order

5 Nothing in this Order is intended to deny or alter the authority of any agency or instrumentality of the State government, or any other person or entity, to request, grant, or consent to any extension that would otherwise be permissible under existing law

6 In continuing to administer the extensions set forth in this Order, the DEP and those offices and agencies allocated to the DEP in accordance with N J Const art V, § 4, ¶ 1 shall adopt the least disruptive means of addressing the health and safety concerns of this Order while faithfully enforcing the requirements of the affected statutes to the fullest extent

7 This Order is not intended to, and does not confer any legal rights upon businesses or others whose activities are regulated by New Jersey's agencies, boards, commissions, or departments and shall not be used as a basis for legal challenges to regulations, rules, approvals, permits, licenses, or other actions, or to any inaction of the governmental entity subject to it

8 This Order shall take effect immediately

Dated September 17, 2021

EXECUTIVE ORDER NO 264

WHEREAS, on March 9, 2020, I issued Executive Order No 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N J S A 26 13-1 et seq , and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N J S A App A 9-33 et seq , in the State of New Jersey for Coronavirus disease 2019 ("COVID-19"), and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020,

June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the EHPA and the Disaster Control Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, and Nos 210-211 (2020) and Nos 214-216, Nos 219-220, Nos 222-223, No 225, Nos 228-235, Nos 237-244, No 246, No 249, Nos 251-253, and No 263 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, on June 4, 2021, I signed Assembly Bill No 5820 into law as P L 2021, c 103 and issued Executive Order No 244, which terminated the Public Health Emergency declared in Executive Order No 103 (2020) but maintained the State of Emergency declared in that same Order, and

WHEREAS, P L 2021, c 103 provided that following the termination of the Public Health Emergency declared in Executive Order No 103 (2020), the Governor, Commissioner of the Department of Health ("DOH"), and the head of any other State agency may continue to issue orders related to implementation of recommendations of the Centers for Disease Control and Prevention ("CDC") to prevent or limit the transmission of COVID-19 and related to vaccine distribution, administration, and management, COVID-19 testing, and data collection, and

WHEREAS, the American Academy of Pediatrics ("AAP") has emphasized that an in-person environment is critical for educational and social development of children, and

WHEREAS, child care centers provide critical support to tens of thousands of families across the State who rely on safe, in-person environments for their children during the work day, and

WHEREAS, the CDC has reported that new variants of COVID-19 have been identified in the United States, and that certain variants, particularly the B 1 617 2 ("Delta") variant, are more transmissible than previous strains, and

WHEREAS, the State has experienced significant upticks in critical COVID-19 metrics over the past few months, including COVID-19 positive cases, the rate of transmission, spot positivity, and new hospitalizations, that warrant addition-

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al precautions in certain settings, especially those with a substantial number of unvaccinated individuals, and

WHEREAS, the CDC has emphasized that vaccination is a critical means to prevent the spread of COVID-19 and to avoid infection of those individuals that cannot be vaccinated because their age precludes them from receiving one, and has strongly recommended vaccination of all eligible teachers and educational staff, and

WHEREAS, there is no concrete timeline for authorization for use of currently available COVID-19 vaccinations for children under the age of 12, and

WHEREAS, only the Pfizer vaccination is currently available to youth in the 12 – 17 age group, and

WHEREAS, given new evidence regarding transmission of the Delta variant, the CDC now recommends universal indoor masking for all teachers, staff, child enrollees, and visitors in child care settings over the age of 2 years old, and

WHEREAS, AAP similarly recommends universal masking in child care settings because a significant portion of the population, specifically individuals under the age of 12, are not yet eligible to receive a vaccine, and

WHEREAS, both the CDC and AAP recognize that masking is a critical tool to reduce transmission of the virus and protect unvaccinated individuals, and

WHEREAS, while over 5 6 million people in the State have been fully vaccinated against COVID-19, additional steps are necessary to ensure continued vaccinations of individuals in certain settings of concern to protect against spread of COVID-19, and

WHEREAS, on July 6, 2021, the U S Department of Justice's Office of Legal Counsel issued an opinion concluding that Section 564 of the Food, Drug, and Cosmetic Act, 21 U S C § 360bbb-3 does not prohibit public or private entities from imposing vaccination requirements while vaccinations are only available pursuant to Emergency Use Authorization ("EUA"), and

WHEREAS, requiring workers in child care settings to receive a COVID-19 vaccine or undergo regular testing can help prevent outbreaks and reduce transmission to children, including those who are not yet eligible for vaccination, and

WHEREAS, the CDC has emphasized that COVID-19 vaccines are effective, in that they can prevent individuals from getting and spreading the virus, and can prevent severe illness in individuals who do contract COVID-19, and

WHEREAS, preventing transmission of COVID-19 is critical to keeping child care settings open for in-person instruction, and

WHEREAS, the State will continue to work closely with child care settings to successfully implement the requirements of this Order, and

WHEREAS, this Order is related to vaccination management, COVID-19 testing, data collection, and the implementation of CDC recommendations, and is thus authorized under P L 2021, c 103,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 All child care centers and other child care facilities (collectively referred to as "covered settings") must maintain a policy that requires all covered workers to either provide adequate proof to the covered setting that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly This requirement shall take effect on November 1, 2021, at which time any covered workers that have not provided adequate proof that they are fully vaccinated must submit to a minimum of weekly or twice weekly testing on an ongoing basis until fully vaccinated

2 "Child care centers," for purposes of this Order, shall mean any facility defined as a child care center pursuant to N J S A 30 5B-3 Nothing in this Order shall affect such child care centers' obligations under N J S A 30 B-1, et seq

3 "Other child care facilities," for purposes of this Order, are defined as those facilities described in N J S A 30 5B-3(b)(2), (3), (7), (8), and (11)

4 Covered workers may demonstrate proof of full vaccination status by presenting the following documents if they list COVID-19 vaccines currently authorized for EUA or approved by the U S Food and Drug Administration ("FDA") for use in the United States and/or the World Health Organization ("WHO"), along with an administration date for each dose

a The CDC COVID-19 Vaccination Card issued to the vaccine recipient by the vaccination site, or an electronic or physical copy of the same,

b Official record from the New Jersey Immunization Information System (NJIIS) or other State immunization registry,

c A record from a health care provider's portal/medical record system on official letterhead signed by a licensed physician, nurse practitioner, physician's assistant, registered nurse or pharmacist,

d A military immunization or health record from the United States Armed Forces, or

e Docket mobile phone application record or any state specific application that produces a digital health record

Covered settings collecting vaccination information from covered workers must comport with all federal and State laws, including but not limited to the Americans with Disabilities Act, that regulate the collection and storage of that information

5 To satisfy the testing requirement, a covered worker must undergo screening testing at minimum one to two times each week Where a covered setting requires an unvaccinated covered worker to submit proof of a COVID-19 test, the worker may choose either antigen or molecular tests that have EUA by the FDA or are operating per the Laboratory Developed Test requirements by the U S Centers for Medicare and Medicaid Services Where a covered setting provides the unvaccinated covered worker with on-site access to COVID-19 tests, the covered setting may similarly elect to administer or provide access to either an antigen or molecu-

lar test If the covered worker is not working on-site in the covered setting during a week where testing would otherwise be required, the covered setting's policy need not require the worker to submit to testing for that week This requirement shall not supplant any requirement imposed by the covered setting regarding diagnostic testing of symptomatic workers or screening testing of vaccinated workers

6 Covered settings must have a policy for tracking test results from testing required by this Order and must report results to local public health departments

7 For purposes of this Order, "covered workers" shall include all individuals employed by the covered setting, both full- and part-time, including, but not limited to, administrators, teachers, individuals providing food, custodial, and administrative support services, contractors, providers, and any other individuals performing work in covered settings whose job duties require them to make regular visits to such covered settings, including volunteers Covered workers do not include individuals who visit the covered setting only to provide one-time or limited-duration repairs, services, or construction

8 For purposes of this Order, a covered worker shall be considered "fully vaccinated" for COVID-19 two weeks or more after they have received the second dose in a two-dose series or two weeks or more after they have received a single-dose vaccine Individuals will only be considered fully vaccinated where they have received a COVID-19 vaccine that is currently authorized for emergency use by the FDA or the WHO, or that are approved for use by the same Workers who are not fully vaccinated, or for whom vaccination status is unknown or who have not provided sufficient proof of documentation, shall be considered unvaccinated for purposes of this Order

9 Nothing in this Order shall prevent a covered setting from instituting a vaccination or testing policy that includes additional or stricter requirements, so long as such policy comports with the minimum requirements of this Order A covered setting may also maintain a policy that requires more frequent testing of covered workers

10 The Commissioner of the DOH is hereby authorized to issue a directive supplementing the requirements outlined in this Order, which may include, but not be limited to, any requirements for reporting vaccination and testing data to the DOH and any additions to the list of covered settings or workers Actions taken by the Commissioner of the DOH pursuant to this Order shall not be subject to the requirements of the Administrative Procedure Act, N J S A 52 14B-1 et seq

11 Effective Friday, September 24, 2021, all covered settings must maintain a policy regarding mandatory use of face masks by staff, child enrollees, and visitors in the indoor portion of the covered setting premises, except in the following circumstances

a When doing so would inhibit the individual's health, such as when the individual is exposed to extreme heat indoors,

b When the individual has trouble breathing, is unconscious (including during periods of rest), incapacitated, or otherwise unable to remove a face mask without assistance,

c When a student's documented medical condition or disability, as reflected in an Individualized Education Program (IEP) or Educational Plan pursuant to Section 504 of the Rehabilitation Act of 1973, precludes use of a face mask,

d When the individual is under two (2) years of age,

e When the individual is engaged in activity that cannot physically be performed while wearing a mask, such as eating or drinking, or playing a musical instrument that would be obstructed by a face mask,

f When the individual is engaged in high-intensity aerobic or anaerobic activity,

g When a child or staff person is participating in high-intensity physical activities during a physical education activity in a well-ventilated location and able to maintain a physical distance of six feet from all other individuals, or

h When wearing a face mask creates an unsafe condition in which to operate equipment or execute a task

12 This Order shall not impact the obligation of any covered setting to comply with requirements issued by the CDC on masking on public transportation conveyances

13 The policy required by Paragraph 11 of this Order regarding mandatory mask wearing must require individuals seeking a medical exemption from mask wearing under Paragraphs 1(a) – (c) of that Order to produce written documentation from a medical professional to support the exemption Self-attestations and parental attestations are not sufficient for this purpose

14 The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order

15 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order, and to cooperate fully with any Administrative Orders issued pursuant to this Order

16 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement

17 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

18 This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor

Dated September 20, 2021

EXECUTIVE ORDER NO 265

WHEREAS, creating a more diverse, equitable, and inclusive environment within State government has been and continues to be a core tenet of my Administration, and

WHEREAS, the impact of creating such an environment is felt beyond the four walls of any government building, and by fostering a stronger culture of inclusivity within government, we can influence workplaces across New Jersey, and

WHEREAS, we are in a moment in history in which there is a heightened awareness of the importance of diversity, the necessity of equity, and the need to foster greater inclusion and belonging, particularly for historically marginalized and underserved groups, and

WHEREAS, as we prioritize adopting more inclusive language, addressing unconscious bias and structural racism, welcoming individuals from varied and diverse backgrounds, creating spaces in which those from marginalized and underserved groups feel valued and accepted, and building agencies' capacities to ensure equity, it is imperative that there be a centralized point of contact to provide guidance and ensure the active implementation of these goals, and

WHEREAS, to that end, I am establishing an Office of Diversity, Equity, Inclusion, and Belonging in the Office of the Governor to coordinate these efforts across each State agency, and

WHEREAS, this new office will work toward increasing the presence of historically underrepresented groups in government and across the State in order to achieve a more equitable, stronger, and fairer New Jersey,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 There is hereby established, in the Office of the Governor, the Office of Diversity, Equity, Inclusion, and Belonging ("the Office"), which shall coordinate the policymaking processes of State agencies with respect to strengthening diversity, equity, inclusion, and belonging amongst those employed by the State, coordinate advice to the Governor on these matters, ensure that policy decisions and programs impacting diversity, equity, inclusion, and belonging are consistent with the Governor's goals and that those goals are being effectively pursued, and monitor implementation of the Governor's policies concerning diversity, equity, inclusion, and belonging

2 The Office shall be led by a Director who shall be appointed by and serve at the pleasure of the Governor and who shall be under the immediate supervision and direction of the Governor's Chief Policy Advisor The Director may hire staff as may be necessary to carry out the provisions of this Order, subject to the availability of funds and approval by the Governor's Chief of Staff, and may conduct the

work of the Office in any manner, including through committees or other collaborative groups, as appropriate

3 The Office shall

a Develop and oversee a Statewide equity capacity-building infrastructure for all State agencies, personnel, and recipients of State funds, and this infrastructure may include recommended protocols, tools, and training resources to improve equity within their organizations,

b Provide direction and guidance to diversity officers and offices within the Executive Branch of State government, and, to the extent practicable, to diversity officers and offices of non-governmental entities receiving State funds,

c Develop a high-level accountability structure to support the work toward improving diversity, equity, inclusion, and belonging in the State by conducting assessments of such policies, monitoring the progress of those policies, and supporting the development of new policies,

d Oversee the placement of anti-discrimination statements and goals in public policy or guidance documents issued by State agencies,

e Establish a strategic plan for measurable outcomes in implementation and growth in these areas, and, to the extent necessary, convene stakeholders such as State partners, personnel, contractors, and subject matter experts toward that end,

f Develop recommendations for the formation of policies that support diversity, equity, inclusion, and belonging in non-governmental entities, and

g Issue guidelines to effectuate any of the aforementioned duties

4 The Director may call upon any State agency to provide information or other assistance as the Director deems necessary to discharge the duties under this Order Each State agency shall, to the extent not inconsistent with law, cooperate fully with any such request and with the Director generally, within the limits of each agency's statutory authority, and shall furnish such assistance on as timely a basis as is necessary to accomplish the purpose of this Order

5 For purposes of this Order, "State 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, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General

6 Nothing in this Order shall be construed to confer any legal rights upon entities whose activities are regulated by State agencies, be construed to create a private right of action on behalf of any such regulated entities, or be used as a basis for legal challenge to rules, approvals, permits, licenses, or other action or inaction by a State agency Nothing in this Order shall be construed to supersede any federal, State, or local law

7 This Order shall take effect immediately

Dated September 28, 2021

EXECUTIVE ORDER NO 266

WHEREAS, on March 9, 2020, I issued Executive Order No 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N J S A 26 13-1 et seq , and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N J S A App A 9-33 et seq , in the State of New Jersey for Coronavirus disease 2019 ("COVID-19"), and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 continued to spread across New Jersey, I issued a series of Executive Orders pursuant to my authority under the EHPA and the Disaster Control Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, and Nos 210-211 (2020) and Nos 214-216, Nos 219-220, Nos 222-223, No 225, Nos 228-235, Nos 237-244, No 246, No 249, Nos 251-253, and Nos 263 and 264 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, on June 4, 2021, I signed into law Assembly Bill No 5820 as P L 2021, c 103 and issued Executive Order No 244, which terminated the Public Health Emergency declared in Executive Order No 103 (2020) but maintained the State of Emergency declared in that same Order, and

WHEREAS, in furtherance of my Administration's commitment to expanding access to the ballot, I also signed into law Senate Committee Substitute for Senate Bill No 3203 (Second Reprint) as P L 2021, c 40 (C 19 15A-1 et seq), which established nine days of in-person early voting for the first time in New Jersey's history, and

WHEREAS, the State experienced significant upticks in certain critical COVID-19 metrics between June and September of this year, including COVID-19 positive cases, spot positivity, and new hospitalizations, which has created additional

hesitancy toward increased interactions with other members of the public in close proximity for extended periods, and

WHEREAS, this hesitancy manifested itself through unprecedented poll worker shortages this election cycle, including during the primary election, with many who would otherwise serve as poll workers declining to do so and communicating to their local boards of election and others that concerns related to COVID-19 precluded their participation, and

WHEREAS, as a result, local elections officials have reported a significant decrease in the number of individuals willing to serve as poll workers, resulting in an inability to meet the statutory requirements concerning the number of poll workers necessary in each election district on Election Day and properly staff the early voting sites during the nine days of in-person early voting under P L 2021, c 40 (C 19 15A-1 et seq), and

WHEREAS, ensuring the continuity of our elections is of critical importance and is necessary to guaranteeing the protection of the right of the franchise and of full participation by all in the democratic process, and

WHEREAS, it is therefore necessary to waive certain eligibility requirements for poll workers and to take other measures to incentivize poll worker participation in the November 2021 General Election, as carried out on Election Day and during the early voting period, and

WHEREAS, states generally have discretion to dictate the time, manner, and place of elections in the absence of controlling federal law, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A App A 9-33 et seq , N J S A 38A 3 6 1, and N J S A 38A 2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 For the General Election to be held on November 2, 2021 and during the early voting period, from October 23 through October 31, 2021, the following shall apply

a The provisions of N J S A 19 6-2 requiring that a member of a district board be a resident of the county in which that member will serve shall be suspended As such, the same requirement applicable to election officers conducting early voting under subsection d of N J S A 19 15A-1, otherwise deemed a poll worker, is also suspended,

b Each member of a district board serving on the day of the General Election shall receive, in addition to the amount payable under N J S A 19 45-6, a supplemental payment of $100 for a full day worked, or of $50 for each full shift worked if such shift is established pursuant to N J S A 19 6-9 1 Consistent with N J S A

43 21-19, such supplemental payments shall not be considered or included as remuneration thereunder, and

c Each election officer conducting early voting under subsection d of N J S A 19 15A-1, otherwise deemed a poll worker, shall receive for each hour worked, in addition to the amounts payable thereunder, a supplemental payment equal to a pro-rated hourly rate consistent with the $100 supplemental payment established under subsection c of this paragraph

2 Any provision of law or Executive Order that is inconsistent with this Order is hereby suspended

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 any of the provisions of this Order, or that will or might in any way interfere with or impede its achievement

4 This order shall take effect immediately

Dated October 5, 2021

EXECUTIVE ORDER NO 267

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No 103 on March 9, 2020, the facts and circumstances of which all are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency, and

WHEREAS, to further protect the health, safety, and welfare of New Jersey residents by, among other things, reducing the rate of community spread of COVID-19, I issued Executive Order No 104 on March 16, 2020, the facts and circumstances of which are also adopted by reference herein, which established statewide social mitigation strategies for combatting COVID-19, which have been strengthened and expanded upon in subsequent Executive Orders, including Executive Order Nos 105-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, and Nos 210-211 (2020), and Nos 214-216, Nos 219-220, Nos 222-223, No 225, Nos 228-235, Nos 237-244, No 246, Nos 251-253, Nos 263-264, and No 266 (2021), the facts and circumstances of which are adopted by reference herein, and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency pursuant to his constitutional and statutory powers, including those granted by Sections 201 and 301 of the National Emergencies Act, 50 U S C § 1601, et seq , and consistent with Section 1135 of the Social Security Act, as amended, 42 U S C § 1320b-5, and

WHEREAS, also on March 13, 2020, the President determined that the COVID-19 pandemic was of sufficient severity and magnitude to warrant a nationwide emergency declaration under Section 501 of the Robert T Stafford Disaster Re-

lief and Emergency Assistance Act ("Stafford Act"), 42 U S C § 5121-5207, which remains in effect today, and

WHEREAS, on March 25, 2020, the President determined that the COVID-19 pandemic in New Jersey was of sufficient severity and magnitude to warrant a major disaster declaration under Section 401 of the Stafford Act, 42 U S C § 5121-5207, which remains in effect today, and

WHEREAS, on July 17, 2020, I issued Executive Order No 166, the facts and circumstances of which are adopted by reference herein, which set forth a compliance framework to ensure that the State expended and distributed COVID-19 emergency and relief funds in accordance with federal and State rules and regulations and in a way that guarded against fraud, waste, and abuse, and

WHEREAS, the distribution of emergency and relief funds to local government units, businesses, non-profit organizations, and the general public is a priority of my Administration, and the waste, fraud, or abuse of those funds would frustrate that purpose, and

WHEREAS, the federal government has created and continues to create numerous sources of federal funding for state and local governments, businesses, non-profit organizations, and members of the public to support pandemic response and economic recovery, including but not limited to the American Rescue Plan Act of 2021 ("American Rescue Plan"), with state and local governments serving as intermediaries for the distribution of significant portions of those funds, and

WHEREAS, the American Rescue Plan includes approximately $10 billion in "COVID-19 State and Local Fiscal Recovery Funds" ("SLFRF") that are available from the United States Department of the Treasury ("United States Treasury") to the State and to each of its twenty-one (21) counties and five hundred and sixty-five (565) municipalities, and

WHEREAS, the SLFRF have the same eligibility criteria and potential uses for State and local governments, thereby requiring unprecedented cooperation and coordination among State and local governments to avoid creating duplicative programs and projects across State-funded and local government-funded programs, and

WHEREAS, the United States Treasury requires state, county and municipal recipients of the SLFRF to report program, sub-recipient, obligation, and expenditure details into a system designated and managed by the United States Treasury as stated in United States Treasury SLFRF Compliance and Reporting Guidance dated June 17, 2021, and

WHEREAS, the reports submitted to the United States Treasury on the uses of SLFRF should contain details on which State, county, and municipal programs may potentially provide duplicate benefits across each level of government, and

WHEREAS, to ensure the proper expenditure of funds, the recipients of federal funding are required to institute procedures to guard against the duplication of benefits across programs and across entities within the same jurisdiction that would violate provisions of the Stafford Act, and

WHEREAS, the State, in order to maximize the impact of federal COVID-19 federal funding, and in compliance with Executive Order No 166 (2020) and its federal obligations, seeks to minimize the risk of creating improper duplicate benefits by fostering cooperation and coordination across State, county, and municipal COVID-19 relief programs, and

WHEREAS, the Department of Community Affairs ("DCA"), Division of Disaster Recovery & Mitigation ("DDRM") has been designated as the grant manager responsible for the oversight and proper expenditure of the SLFRF, and

WHEREAS, the DCA, Division of Local Government Services ("DLGS") is the State's primary point of coordination with all county and local governments within the State, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 County and municipal recipients of SLFRF must provide copies of all reports filed with the United States Treasury to the DCA, DLGS The DLGS will serve as the State's central point of contact and receipt for copies of the filings from county and municipal governments with the United States Treasury Pursuant to this Order, the DLGS is required to issue a Local Finance Notice related to the SLFRF to outline the details pertaining to the collection of the aforementioned filings At minimum, the Local Finance Notice must include

a The method of transmitting the United States Treasury reports to the DLGS,

b The format of the aforementioned reports,

c Dates when the aforementioned reports must be submitted to the DLGS, and

d Information as to how SLFRF recipients can request program and benefit data, including an email address to which the request shall be sent, so the program recipients can prevent potential Duplication of Benefit awards and disbursements

2 The DCA, DDRM is directed to review county and municipal reports collected pursuant to Paragraph 1 of this Order to identify potential duplicative State programs As New Jersey's State Fiscal Recovery Funds grant manager, the DCA, DDRM will accumulate information pertinent to and oversee all programs and activities funded by SLFRF

3 The DDRM is directed to perform an analysis based on the United States Treasury reporting received by the DGLS from county and municipal Local Fiscal Recovery Funds recipients, and to flag any potentially duplicative funding that may create a violation of the Stafford Act Pursuant to this review, the Division of Disaster Recovery & Mitigation is directed to

a a Identify any State, county, and/or municipal SLFRF program that may provide duplicative benefits to the same individual and/or entity,

b b Notify the county and/or municipal State and Local Fiscal Recovery Funds recipient of the potential duplicative programs, and

c c Provide State and Local Fiscal Recovery Funds recipients with access to a copy of the State program or beneficiary State Fiscal Recovery Fund data as necessary

4 The DLGS shall be authorized to call upon any county or local government agency of this State to supply them with any information, personnel, or other assistance necessary to discharge their duties under this Order

5 The DDRM shall be authorized to call upon any department, office, division, or agency of this State to supply them with any information, personnel, or other assistance necessary to discharge their duties under this Order

6 Each department, office, division, and agency of this State, along with each county and local government entity within this State, is hereby required, to the extent not inconsistent with law, to cooperate fully with the DCA, DLGS and DDRM to provide them with such information and assistance on as timely a basis as is necessary to accomplish the purposes of this Order

7 This Order shall take effect immediately

Dated October 8, 2021

EXECUTIVE ORDER NO 268

WHEREAS, George Richardson was born in Newark on February 19, 1931, and was a fierce advocate for civil rights, a community leader, and a dedicated assemblyman in the New Jersey Legislature, and

WHEREAS, Assemblyman Richardson began his career in public service in the 1960s, playing an instrumental role in the civil rights movement in Newark and advocating for increased representation of Black residents in State and county offices, and

WHEREAS, Assemblyman Richardson won election to the New Jersey General Assembly in 1961 at just 30 years old, becoming the only Black member of the New Jersey Legislature, and would ultimately serve four terms as an Assemblyman, and

WHEREAS, in 1963, Assemblyman Richardson coordinated large-scale demonstrations against hiring discrimination and formed a coalition of civil rights, religious, and labor organizations known as the Newark Coordinating Council to fight for racial equality in hiring, and

WHEREAS, during his service in the Legislature, Assemblyman Richardson supported and sponsored several bills aimed at dismantling segregation, including bills curbing segregated housing and creating a commission to study segregation in public schools, and

WHEREAS, Assembly Richardson continued his civic engagement long after his retirement from the New Jersey General Assembly, supporting an Urban Peace Corps aimed at reducing substance abuse and promoting job-training programs, heading the Newark-based National Committee for Sane Drug Policy, and co-founding with his wife a public relations agency dedicated to promoting the political and musical works of Black Americans, and

WHEREAS, Assemblyman Richardson was appointed by Allard K Lowenstein, the United States representative to the United Nations for special political affairs, as director of a special committee to develop an international narcotics policy for the U S mission to the United Nations, and

WHEREAS, our State mourns the loss of Assemblyman Richardson, who passed away on September 24, 2021, and extends heartfelt sympathy to his family and friends, and

WHEREAS, it is appropriate to honor the exemplary character, outstanding achievements, and cherished memory of Assemblyman Richardson and to mark his passing,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, October 15, 2021, in recognition and mourning of Assemblyman George Richardson

2 This order shall take effect immediately

Dated October 14, 2021

EXECUTIVE ORDER NO 269

WHEREAS, General Raymond Thomas Odierno was a decorated servicemember and officer who tirelessly served his country in the United States Army for nearly four decades, and

WHEREAS, General Odierno was born on September 8, 1954 in Dover, New Jersey and grew up in Rockaway Township, and

WHEREAS, General Odierno began his career with the Army as an artillery officer following his graduation from West Point in 1976, and

WHEREAS, General Odierno received a Master's degree in nuclear effects engineering from North Carolina State University in 1986 and a Master's degree in national security and strategic studies from the Naval War College in 1990, and

WHEREAS, General Odierno served honorably in the first Persian Gulf War and was also stationed in both Germany and Albania, and

WHEREAS, General Odierno rose to the rank of Brigadier General by 1999, and
WHEREAS, during the George W Bush administration, General Odierno was the primary military adviser to Secretaries of State Colin Powell and Condoleezza Rice, and
WHEREAS, General Odierno served three tours in Iraq during the Iraq War, beginning in 2003 as Commander of the 4th Infantry Division, and
WHEREAS, General Odierno's leadership was instrumental to the war effort, including when soldiers serving in his infantry division found and captured Saddam Hussein in 2003, and
WHEREAS, General Odierno served as Commander of Multi-National Corps-Iraq from 2006 through 2008, when he became Commanding General of United States Forces-Iraq until 2010, and
WHEREAS, General Odierno ascended the ranks to become a four-star general and was named Chief of Staff of the Army in 2011, and
WHEREAS, General Odierno retired from the military in 2015 after 39 years of dedicated service, and
WHEREAS, General Odierno became chairman of USA Football in 2017, and worked tirelessly to promote youth football nationally, and
WHEREAS, General Odierno became chairman of the National Hockey League's Florida Panthers in 2017, and was selected as a member of North Carolina State University's board of trustees in July 2021, and
WHEREAS, General Odierno passed away on October 8, 2021 at the age of 67 following a brave battle with cancer, and
WHEREAS, General Odierno will be sorely missed by his family, including his wife, Linda, children, and grandchildren, his friends, his colleagues, his fellow servicemembers and officers, and the people of the United States whom he served faithfully for nearly four decades, and
WHEREAS, it is with great sorrow that we mourn General Odierno's passing and extend our deepest sympathy to his family, friends, and colleagues, and
WHEREAS, it is appropriate to honor the exemplary character, outstanding achievements, and cherished memory of General Odierno, and to mark his passing,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, October 19, 2021, in recognition and mourning of General Raymond Thomas Odierno

2 This Order shall take effect immediately

Dated October 18, 2021

EXECUTIVE ORDER NO 270

WHEREAS, General Colin Luther Powell was a four-star general who dedicated five decades to public service, and

WHEREAS, General Powell served as the National Security Adviser under President Ronald Reagan, Chairman of the Joint Chiefs of Staff under President George H W Bush and President Bill Clinton, and Secretary of State under President George W Bush, and

WHEREAS, General Powell was the first Black man to hold each of those three positions, and

WHEREAS, General Powell was born on April 5, 1937 and raised in South Bronx, New York, and

WHEREAS, General Powell received a Bachelor of Science degree in Geology from the City College of New York in 1958, and would later earn a Master of Business Administration from Georgetown University, and

WHEREAS, General Powell started his public service with the United States upon enrollment with the Reserve Officer Training Corps, after which he was commissioned as a second lieutenant in the Army in 1958, and

WHEREAS, after attending basic training at Fort Benning, General Powell was assigned to the 48th Infantry as a platoon leader in West Germany, and

WHEREAS, General Powell served two combat tours in South Vietnam in the 1960s and in South Korea in the 1970s, and

WHEREAS, General Powell served several tours in Vietnam, and was decorated with the Soldier's Medal for bravery after he survived a helicopter crash and single-handedly rescued three others from the burning wreckage, and

WHEREAS, General Powell was promoted to one-star general in 1979, becoming the youngest general officer in the Army at the time, and

WHEREAS, in 1986, General Powell became President Reagan's Deputy National Security Advisor, and then became the President's National Security Advisor in November 1987, and

WHEREAS, in April 1989, General Powell was promoted to four-star general under President George H W Bush, and later that year, was selected as the youngest officer to become Chairman of the Joint Chiefs of Staff at age 52, and

WHEREAS, in 1997 General Powell founded America's Promise, the nation's largest cross-sector alliance of nonprofit, community organizations, businesses, and government organization dedicated to improving the lives of young people, and

WHEREAS, that same year, General Powell established the Colin L Powell Center for Leadership and Service to prepare new generations of publicly engaged

leaders from populations previously underrepresented in public service, focusing on community and economic development, education, health care, environmental concerns, international development, and global security issues, and

WHEREAS, General Powell was appointed Secretary of State in 2001 by President George W Bush, and was unanimously confirmed by the United States Senate, and

WHEREAS, General Powell served as Secretary of State for four years, leading America's diplomatic efforts in the aftermath of the September 11 attacks and military efforts in both Afghanistan and Iraq, and

WHEREAS, General Powell was a highly respected and decorated soldier and citizen, having received the Congressional Gold Medal, President's Citizens Medal, Bronze Star, two Purple Hearts, and two Presidential Medals of Freedom, and

WHEREAS, on October 18, 2021, General Powell succumbed to complications of Coronavirus disease 2019 (COVID-19), and

WHEREAS, General Powell was a beloved husband, father, and grandfather, as well as a remarkable public servant, and

WHEREAS, it is with immense sadness that we mourn General Powell's passing, and extend our deepest sympathy to his wife, Alma, their children, and grandchildren, friends, colleagues, fellow servicemembers and officers, and the people of the United States whom he served faithfully for nearly five decades, and

WHEREAS, it is appropriate to honor the cherished memory and exemplary career and achievements of General Powell, and to mark his passing,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall remain at half-staff at all State departments, offices, agencies, and instrumentalities through sunset on Friday, October 22, 2021, in recognition and mourning of General Colin Powell

2 This Order shall take effect immediately

Dated October 18, 2021

EXECUTIVE ORDER NO 271

WHEREAS, on March 9, 2020, I issued Executive Order No 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N J S A 26 13-1 et seq , and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N J S A App A 9-33 et seq , in the State of New Jersey for Coronavirus disease 2019 ("COVID-19"), and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the EHPA and the Disaster Control Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189- 198, No 200, Nos 203-204, No 207, and Nos 210-211 (2020) and Nos 214-216, Nos 219-220, Nos 222-223, No 225, Nos 228-235, Nos 237-244, No 246, No 249, Nos 251-253, Nos 263-264, and Nos 266-267 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, on June 4, 2021, I signed Assembly Bill No 5820 into law as P L 2021, c 103 and issued Executive Order No 244, which terminated the Public Health Emergency declared in Executive Order No 103 (2020) but maintained the State of Emergency declared in that same Order, and

WHEREAS, P L 2021, c 103 provided that following the termination of the Public Health Emergency declared in Executive Order No 103 (2020), the Governor, Department of Health ("DOH") Commissioner (the "Commissioner"), and the head of any other State agency may continue to issue orders related to implementation of recommendations of the Centers for Disease Control and Prevention ("CDC") to prevent or limit the transmission of COVID-19 and related to vaccine distribution, administration, and management, COVID-19 testing, and data collection, and

WHEREAS, parties that contract with the State government provide essential services to the public and interact with the public on a regular basis, and because of the nature of their work, a significant portion of their workers are not able to work remotely, and

WHEREAS, ensuring the safety of the government workforce during this overall escalation in COVID-19 cases, hospitalizations, and deaths resulting from the B 1 617 2 ("Delta") variant is essential for continued operation and service to the public, and it is fitting and proper to require additional protections to the State workforce and public by requiring contractors to provide their vaccination

or testing status as a condition of entry onto State property and into State facilities, including property and facilities leased by a contractor, and

WHEREAS, the CDC has reported that new variants of COVID-19 have been identified in the United States, and that certain variants, particularly the Delta variant, are more transmissible than previous strains, and

WHEREAS, the State has experienced significant overall upticks in critical COVID-19 metrics since July of this year, including COVID-19 positive cases, the rate of transmission, spot positivity, and new hospitalizations, that warrant additional precautions in certain settings, especially those with a substantial number of unvaccinated individuals, and

WHEREAS, while over 5 7 million people in the State have been fully vaccinated against COVID-19, additional steps are necessary to ensure continued vaccinations of individuals in certain settings of concern to protect against the spread of COVID-19, and

WHEREAS, on July 6, 2021, the U S Department of Justice's Office of Legal Counsel issued an opinion concluding that Section 564 of the Food, Drug, and Cosmetic Act, 21 U S C § 360bbb-3 does not prohibit public or private entities from imposing vaccination requirements while vaccinations are only available pursuant to Emergency Use Authorization ("EUA"), and

WHEREAS, ensuring that parties that contract with the State government provide adequate COVID-19 safeguards to their workers performing on or in connection with a State government contract will decrease worker absence, reduce labor costs, and improve the efficiency of contractors and subcontractors at sites where they are performing work for the State, and

WHEREAS, the CDC has emphasized that COVID-19 vaccines are effective, in that they can prevent individuals from getting and spreading the virus, and can prevent severe illness in individuals who do contract COVID-19, and

WHEREAS, this Order is related to vaccination management, COVID-19 testing, data collection, and the implementation of CDC recommendations, and is thus authorized under P L 2021, c 103,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Each executive department and agency, including an independent authority, shall, to the extent permitted by law, ensure that contracts or agreements entered into by the executive department or agency include a clause that the contractor or any subcontractors, at any tier, that is party to the contract ("covered contractor(s)") must maintain a policy that requires all covered workers to either provide adequate proof to the covered contractor that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly This clause shall also be required to be incorporated into lower-tier subcontracts Any covered worker subject to a policy maintained pursuant to this paragraph that has not pro-

vided adequate proof that the covered worker is fully vaccinated must submit to a minimum of weekly or twice weekly testing on an ongoing basis until fully vaccinated

2 This Order shall apply to any new contract, new solicitation for a contract, extension or renewal of an existing contract, and exercise of an option on an existing contract, if it is a contract for services, construction, including demolition, remediation, removal of hazardous substances, alteration, custom fabrication, repair work, or maintenance work, or a leasehold interest in real property through which covered workers have access to State property, and the cost or contract price thereof is to be paid, in whole or in part, with or out of executive department or agency funds This Order shall not apply to financial assistance, including but not limited to grants, bonds, loans, or tax credits, contracts or subcontracts whose value is less than the State bid advertising threshold under N J S A 52 34-7, employees who perform work outside of the State, or contracts solely for the provision of goods

3 Covered workers may demonstrate proof of full vaccination status by presenting the following documents to the covered contractor if they list COVID-19 vaccines currently authorized for EUA in the United States and/or the World Health Organization ("WHO"), along with an administration date for each dose

a The CDC COVID-19 Vaccination Card issued to the vaccine recipient by the vaccination site, or an electronic or physical copy of the same,

b Official record from the New Jersey Immunization Information System (NJIIS) or other State immunization registry,

c A record from a health care provider's portal/medical record system on official letterhead signed by a licensed physician, nurse practitioner, physician's assistant, registered nurse or pharmacist,

d A military immunization or health record from the United States Armed Forces, or

e Docket mobile phone application record or any state specific application that produces a digital health record

Covered contractors collecting vaccination information from covered workers must comport with all federal and State laws, including but not limited to the Americans with Disabilities Act, that regulate the collection and storage of that information

4 To satisfy the testing requirement, a covered worker must undergo screening testing at minimum one to two times weekly Where a covered contractor requires an unvaccinated covered worker to submit proof of a COVID-19 test, the worker may choose either antigen or molecular tests that have EUA by the U S Food and Drug Administration ("FDA") or are operating per the Laboratory Developed Test requirements by the U S Centers for Medicare and Medicaid Services Where a covered contractor provides the unvaccinated covered worker with on-site access to COVID-19 tests, the covered contractor may similarly elect to administer or provide access to either an antigen or molecular test If the covered worker is not working on-site during a week where testing would otherwise be required, the covered contractor's policy need not require the worker to submit to testing for that week This requirement shall not supplant any requirement imposed by the cov-

ered contractor regarding diagnostic testing of symptomatic workers or screening testing of vaccinated workers

5 Covered contractors must have a policy for tracking test results from testing required by this Order and must report results to local public health departments

6 An executive department or agency shall require bidders for contracts subject to this Order to certify at the time of bid or proposal or prior to executing a contract that the bidder, if awarded a contract, shall comply with this Order by having the policies and practices required by this Order in place, and shall collect all data necessary for compliance with this Order Covered contractors shall certify, at the time of submission of an invoice, that they have complied with this Order during the period of time covered by the invoice

7 For purposes of this Order, "covered worker" means any full-time or part-time worker for a covered contractor working on or in connection with a contract with an executive department or agency that requires such worker to enter, work at, or provide services in any place, site, installation, building, room, or facility in which any executive department or agency conducts official business or is within an executive department or agency's jurisdiction, custody, or control, or that relates to offering services for State employees, their dependents, or the general public

8 For purposes of this Order, a covered worker shall be considered "fully vaccinated" for COVID-19 two weeks or more after they have received the second dose in a two-dose series or two weeks or more after they have received a single-dose vaccine Individuals will only be considered fully vaccinated where they have received a COVID-19 vaccine that is currently authorized for emergency use by the FDA or the WHO, or that are approved for use by the same Workers who are not fully vaccinated, or for whom vaccination status is unknown or who have not provided sufficient proof of documentation, shall be considered unvaccinated for purposes of this Order

9 Nothing in this Order shall prevent a covered contractor from instituting a vaccination or testing policy that includes additional or stricter requirements, so long as such policy comports with the minimum requirements of this Order A covered contractor may also maintain a policy that requires more frequent testing of covered workers

10 The Commissioner is hereby authorized to issue a directive supplementing the requirements outlined in this Order, which may include, but not be limited to, any requirements for reporting vaccination and testing data to the DOH Actions taken by the Commissioner pursuant to this Order shall not be subject to the requirements of the Administrative Procedure Act, N J S A 52 14B-1 et seq

11 The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order

12 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 whatso-

ever, to cooperate fully in all matters concerning this Order, and to cooperate fully with any Administrative Orders issued pursuant to this Order

13 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement

14 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

15 This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor

Dated October 20, 2021

EXECUTIVE ORDER NO 272

WHEREAS, a strong Nor'easter is forecasted to begin impacting New Jersey on the evening of Monday, October 25, 2021, bringing severe weather conditions across the State over the next several days which may include strong winds, heavy and sustained rainfall forecasted to reach up to four inches across the State with even higher potential local accumulations, and coastal flooding, and

WHEREAS, these severe weather conditions may cause downed trees and power lines, damages to structures, and stream, river, and coastal flooding, and

WHEREAS, widespread roadway flooding may occur along inland waterways, making roadways impassable, and

WHEREAS, strong rains and winds may cause downed power lines and trees, resulting in power outages that could impede the normal operation of public and private entities, and

WHEREAS, significant rainfall is projected in areas already significantly impacted in early September 2021 by severe flooding from Tropical Storm Ida, and

WHEREAS, the late-night arrival of these conditions and level of forecast unpredictability of this weather system requires the State to enact protective measures in advance of the approaching storm, and

WHEREAS, these serious weather conditions may make it difficult or impossible for citizens to obtain the necessities of life, as well as essential services such as police, fire, and first aid, and

WHEREAS, this Nor'easter constitutes an imminent hazard that threatens and presently endangers the health, safety, and resources of the residents of the State, and

WHEREAS, this situation may become too large in scope to be handled in its entirety by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A App A 9-33, et seq , N J S A 38A 3-6 1, N J S A

38A 2-4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, in order to protect the health, safety, and welfare of the people of the State of New Jersey DO DECLARE and PROCLAIM that a State of Emergency exists throughout the State of New Jersey, effective at 8 00 p m on October 25, 2021, and I hereby ORDER and DIRECT the following

1 I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, to implement the State Emergency Operations Plan and to direct the activation of county and municipal emergency operations plans, as necessary, and to coordinate the recovery effort from this emergency with all governmental agencies, volunteer organizations, and the private sector

2 I authorize and empower, in accordance with N J S A App A 9-33, et seq , as supplemented and amended, the State Director of Emergency Management, who is the Superintendent of State Police, through the police agencies under his control, and with consideration of any Administrative Order issued by the Commissioner of the Department of Transportation (the "Commissioner"), to determine and control the direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant

3 I authorize and empower the Attorney General, pursuant to the provisions of N J S A 39 4-213, acting through the Superintendent of State Police, and with consideration of any Administrative Order issued by the Commissioner, to determine and control the direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic, to prevent ingress or egress, and to determine the type of vehicle or vehicles to be operated on such roadways I further authorize all law enforcement officers to enforce any such order of the Attorney General or Superintendent of State Police within their respective municipalities

4 I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director of Emergency Management deems necessary, from any area where their continued presence would present a danger to their health, safety, or welfare because of the conditions created by this emergency

5 I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency

6 I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule, where the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Order, subject to my prior approval and in consultation with the State Director of Emergency Management Any such waiver, modification, or suspension shall be promulgated in accordance with N J S A App A 9-45

7 I authorize and empower the Adjutant General, in accordance with N J S A 38A 2-4 and N J S A 38A 3-6 1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered

8 In accordance with the N J S A App A 9-34 and N J S A App A 9-51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately-owned property necessary to protect against this emergency

9 In accordance with N J S A App A 9-40, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede the achievement of the purposes of this Order

10 It shall be the duty of every person or entity in this State or doing business in this State, and of the members of the governing body and every official, employee, or agent of every political subdivision in this State, and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this State of Emergency

11 In accordance with N J S A App A 9-34, N J S A App A 9-40 6, and N J S A 40A 14-156 4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous disaster-stricken municipality within this State, nor to any disaster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or their deputies in consultation with the State Director of Emergency Management

12 This Order shall take effect at 8 00 p m on October 25, 2021 and shall remain in effect until such time as it is determined by me that an emergency no longer exists

Dated October 24, 2021

EXECUTIVE ORDER NO 273

WHEREAS, Executive Order No 272, declaring a State of Emergency, was issued on October 25, 2021, because of a prolonged nor'easter that arrived on that date and continued through October 27, 2021, and

WHEREAS, the severity of the conditions necessitating the declaration of a State of Emergency have eased, and

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the Statutes of this State, hereby ORDER and DIRECT

1 The State of Emergency declared in Executive Order No 272 (2021) is terminated effective 5 00 p m , Eastern Standard Time, on November 1, 2021

Dated November 1, 2021

EXECUTIVE ORDER NO 274

WHEREAS, global atmospheric warming, caused largely by the burning of fossil fuels, constitutes one of the greatest long-term threats currently facing humanity and is leading to significant changes in climate patterns here in New Jersey, across the United States, and around the world, resulting in rising sea levels, increased flooding, more frequent and severe extreme weather events, and numerous other adverse environmental impacts, and

WHEREAS, New Jersey's communities and economy are uniquely vulnerable to the devastating impacts of climate change, with potentially disastrous consequences for public health and safety, as well as for the social and economic vitality of the State, and

WHEREAS, minority and low-income communities are disproportionately affected by climate change, including by the health effects of higher temperatures and increased air pollution, and by the displacement of coastal and low-lying neighborhoods from sea level rise and flooding, and

WHEREAS, reducing the severity of adverse climate change impacts requires steep and immediate reductions in greenhouse gas emissions on an economy-wide basis, and

WHEREAS, traditional methods of energy production that rely on the burning of fossil fuels release harmful emissions of greenhouse gases, which in turn contribute to global climate change, and

WHEREAS, it is the policy of this State that, as a key part of its efforts to curtail the serious impacts of global climate change caused by greenhouse gas emissions, New Jersey must pursue a just and smooth transition away from its reli-

ance on fossil fuels as a primary energy source and build a stronger and fairer economy that relies primarily upon clean and renewable energy sources, and

WHEREAS, on July 6, 2007, the State enacted the Global Warming Response Act ("GWRA"), N J S A 26 2C-37, and updated it in 2019, establishing a statewide goal of reducing greenhouse gas emissions to 80 percent below 2006 levels by 2050, and

WHEREAS, in one of my earliest actions as Governor, I signed Executive Order No 7 (2018) authorizing the State to rejoin the Regional Greenhouse Gas Initiative, a cooperative program to cap and reduce carbon dioxide emissions from power plants in the participating states, and to begin limiting carbon dioxide emissions from New Jersey's power sector, while simultaneously allowing New Jersey to make transformational investments in clean energy to further reduce greenhouse gas emissions, and

WHEREAS, Executive Order Nos 8 (2018) and 92 (2019) emphasized the vital importance of offshore wind energy to aid in the State's just and smooth transition to a clean energy economy, setting a goal of procuring 7,500 megawatts of the State's energy from offshore wind by 2035, which will further reduce greenhouse gas emissions, and

WHEREAS, in Executive Order No 23 (2018), in recognition of the disproportionate exposure of New Jersey's low-income communities and communities of color to unacceptably high levels of environmental pollution, I directed all Executive Branch departments and agencies to consider environmental justice in implementing their responsibilities, and

WHEREAS, pursuant to Executive Order No 28 (2018), on January 27, 2020, the New Jersey Board of Public Utilities issued an update to New Jersey's Energy Master Plan ("EMP") that provided a comprehensive, forward-thinking blueprint for a just and smooth transition from reliance on fossil fuels that contribute to climate change to 100 percent clean energy sources on or before January 1, 2050, with the EMP next scheduled to be updated in 2022, and

WHEREAS, in Executive Order No 100 (2020), I directed the Department of Environmental Protection ("DEP") to adopt regulations to protect against climate threats, including establishing a greenhouse gas monitoring and reporting program and establishing criteria to reduce emissions of carbon dioxide and other climate pollutants, and

WHEREAS, on September 18, 2020, I signed a landmark environmental justice law, N J S A 13 1D-157 to -161, which recognizes the disproportionate exposure to pollution faced by New Jersey's low-income communities and communities of color and requires DEP to adopt regulations to deny or condition permits for certain facilities that would cause or contribute to adverse cumulative environmental and public health stressors in such communities, and

WHEREAS, pursuant to Executive Order No 89 (2019), on October 12, 2021, the Interagency Council on Climate Resilience issued the first Statewide Climate Change Resilience Strategy, laying out a vision for building a stronger, fairer,

more resilient New Jersey that proactively addresses the expected effects of climate change in the State, and

WHEREAS, in Executive Order No 221 (2021), I established the Governor's Office of Climate Action and the Green Economy ("OCAGE") to coordinate policymaking across the Executive Branch with respect to climate change, and created the New Jersey Council on the Green Economy to support the transition to an equitable clean energy economy and the creation of innovative and sustainable job opportunities, and

WHEREAS, New Jersey's first Scientific Report on Climate Change, issued by DEP on June 30, 2020 pursuant to Executive Order No 89 (2019), described impacts of climate change that are presently occurring in New Jersey as a result of increased atmospheric levels of greenhouse gases, including increasingly mild winters and related ecosystem harms, more intense rainfalls, and more severe flooding, as well as anticipated impacts including sea level rise, increased air pollution, more severe droughts, and damage to agricultural and marine resources, all of which threaten public health, safety, and the State's infrastructure and economy, and

WHEREAS, DEP's October 15, 2020 Global Warming Response Act 80x50 Report ("80x50 Report"), prepared in accordance with the GWRA, N J S A 26 2C-41, found that, without steep and permanent reductions in greenhouse gas emissions in the next several years, New Jersey will experience significant adverse effects of climate change, and

WHEREAS, the 80x50 Report further found that very substantial emissions reductions in all areas of New Jersey's economy, and particularly in the transportation, residential, commercial, and electric generation sectors, will be needed to meet the goal of an 80 percent reduction in emissions by 2050, and

WHEREAS, the August 6, 2021 Sixth Assessment Report of the United Nations Intergovernmental Panel on Climate Change, which the United Nations Secretary General called "a code red for humanity" and which describes the present effects of climate change on every inhabited region of the world, emphasizes the need for deep reductions in greenhouse gas emissions in the coming decades and underscores the need for immediate action, and

WHEREAS, emissions reductions in the next decade are critical to reducing the severity of adverse impacts of climate change, and

WHEREAS, it is vital that, here in New Jersey, we take decisive action in the immediate term to ensure that we remain on track to meet our longer-term emissions reduction goals and protect our people, economy, and environment from the worsening impacts of climate change, and

WHEREAS, effective action to achieve the necessary emissions reductions requires a coordinated whole-state approach that addresses all sectors of the economy, including transportation, electric generation, and residential and commercial building energy use, in an integrated manner, and

WHEREAS a concrete, near-term target for greenhouse gas emissions reductions will help focus our efforts and ensure that we take the critical actions that are needed today,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 It is the policy of the State to reduce greenhouse gas emissions to 50 percent below 2006 levels by the year 2030

2 The OCAGE shall coordinate the efforts of Executive Branch departments and agencies to further develop and implement the objectives and strategies detailed in the EMP and 80x50 Report or otherwise established in order to accomplish the policy set forth in this Order

3 For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General

4 Nothing in this Order shall be construed to confer any legal rights upon entities whose activities are regulated by State entities, nothing shall be construed to create a private right of action on behalf of any such regulated entities, and nothing shall be used as a basis for legal challenges to rules, approvals, permits, licenses, or other action or inaction by a State entity Nothing in this Order shall be construed to supersede any federal, State, or local law

5 This Order shall take effect immediately

Dated November 10, 2021

EXECUTIVE ORDER NO 275

WHEREAS, on March 9, 2020, I issued Executive Order No 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N J S A 26 13-1 et seq , and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N J S A App A 9-33 et seq , in the State of New Jersey for Coronavirus disease 2019 ("COVID-19"), and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19,

2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, in accordance with N J S A App A 9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19, and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the EHPA and the Disaster Control Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos 104-133, Nos 135-138, Nos 140-166, Nos 168-173, No 175, Nos 177-181, No 183, Nos 186-187, Nos 189-198, No 200, Nos 203-204, No 207, and Nos 210-211 (2020) and Nos 214-216, Nos 219-220, Nos 222-223, No 225, Nos 228-235, Nos 237-244, No 246, No 249, Nos 251-253, Nos 263-264, Nos 266-267, and No 271 (2021), the facts and circumstances of which are all adopted by reference herein, and

WHEREAS, in Executive Order Nos 127, 159, 170, and 178 (2020), I extended certain statutory deadlines in recognition that strict enforcement of certain statutory timeframes during and shortly following the Public Health Emergency could unduly burden the Executive Branch, industry, and members of the public, including individuals, small businesses, and other entities, in ways that would be detrimental to the public welfare, or yield other unintended consequences that would frustrate the fair achievement of the statute's objectives in a manner that imperils the health, safety, and well-being of New Jersey residents, and be detrimental to the public welfare, and

WHEREAS, after determining that, because of the broad range of regulated activities, it would not be appropriate to allow a blanket extension of statutory deadlines which vary with the function or regulated activity at issue, I consulted with the Cabinet and other agency heads to identify deadlines that could be postponed without significant detriment to the well-being of the public for limited periods of time, and

WHEREAS, in Executive Order No 127 (2020), I determined that strict enforcement of the timelines required by the Administrative Procedure Act would be detrimental to the public health and welfare because it would require responses from the public and could deprive Executive Branch departments and agencies, which faced unprecedented challenges in responding to the Public Health Emergency, of adequate time to ensure that their findings of fact, conclusions of law, and decisions and regulatory determinations comply with statutory requirements and are based upon sufficient, competent, and credible evidence, and

WHEREAS, I extended the deadlines identified in the Appendices to Executive Order Nos 159, 170, and 178 (2020) to address the economic impact of COVID-19 upon individuals, businesses, or other non-government entities, to protect public health and safety, including because social distancing policies adopted in response to COVID-19 will make it harder for individuals, businesses, or other non-government entities to meet the deadline, to protect the health and safety of agency personnel, including because social distancing policies adopted in response to COVID-19 will make it harder to meet the deadline, to address other circumstances related to COVID-19 that would make enforcement of the deadline unduly burdensome for individuals, businesses, or other non-government entities, and to address issues arising from the COVID-19 pandemic that would make it unduly burdensome for the agency to adhere strictly to the deadline, and

WHEREAS, various deadlines were extended for specific periods based on how much additional time likely would be needed to comply due to the emergency created by COVID-19, and in some instances, based on the relationship of those deadlines to other statutory deadlines or requirements, and

WHEREAS, on June 4, 2021, I signed Assembly Bill No 5820 into law as P L 2021, c 103 and issued Executive Order No 244, which terminated the Public Health Emergency declared in Executive Order No 103 (2020) but maintained the State of Emergency declared in that same Order, and

WHEREAS, P L 2021, c 103 provided that, following the termination of the Public Health Emergency, certain listed Executive Orders, including Executive Order Nos 127, 159, 170, and 178 (2020), shall remain in effect until January 1, 2022, and

WHEREAS, clarification is warranted as to the relationship between P L 2021, c 103, the specific extensions authorized by Executive Order Nos 127, 159, 170, 178 (2020), and Executive Order No 244 (2021), and

WHEREAS, P L 2021, c 103, and the Executive Orders are most appropriately understood together as treating January 1, 2022 as the last day of the Public Health Emergency for the sole purpose of determining the availability and length of extensions authorized by Executive Order Nos 127, 159, 170, and 178 (2020), and

WHEREAS, I have consulted with the Cabinet and other agency heads and determined that certain extensions authorized by Executive Order Nos 127, 159, 170, and 178 (2020) may be permitted to lapse before they naturally expire without having a detrimental impact on the public welfare, and

WHEREAS, on September 17, 2021, I issued Executive Order No 263 to address certain environmental deadlines that had been tolled by Executive Order No 136 (2020), and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 2-4 and all amendments and supple-

ments thereto, confer upon the Governor of the State of New Jersey certain emergency powers,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Except as specified in Executive Order No 263 (2021), the extensions granted by Paragraphs 1-6 of Executive Order No 127 (2020) shall be terminated in the following manner

a Any deadline, in any contested case, for (i) production and certification of a permitting record pursuant to N J S A 52 14B-10(a)(2), or (ii) filing of a recommended report and decision pursuant to N J S A 52 14B-10(c), if the original deadline would have fallen between the first day of the Public Health Emergency declared in Executive Order No 103 (2020) and the effective date of this Order absent the extension granted by Paragraph 1 of Executive Order No 127 (2020), shall terminate on the effective date of this Order,

b April 1, 2022 shall be the new deadline, in any contested case, for adopting, rejecting, or modifying a recommended report and decision pursuant to N J S A 52 14B-10(c), if the original deadline would have fallen between the first day of the Public Health Emergency declared in Executive Order No 103 (2020) and April 1, 2022, absent the extension granted by Paragraph 1 of Executive Order No 127 (2020),

c The expiration date for the following notices of rule proposal shall be January 1, 2022

i Notices of rule proposal that would have expired pursuant to the one-year expiration date set forth in N J A C 1 30-6 2(c) between April 14, 2020 and January 1, 2022, absent the extension granted by Paragraph 2 of Executive Order No 127 (2020), and

ii Notices of rule proposal that would have expired pursuant to the 18-month expiration date set forth in N J S A 52 14B-4 10(e), N J A C 1 30-6 2(c), and N J A C 1 30-6 3(e) between April 14, 2020 and January 1, 2022, absent the extension granted by Paragraph 3 of Executive Order No 127 (2020) Nothing herein shall be construed to mean that an agency which has issued such notice of substantial change on or after July 6, 2021, shall have fewer than 180 days to act upon the notice of substantial change

d January 1, 2022 shall be the new deadline for an Executive Branch department or agency to act on any petition for rulemaking pursuant to N J S A 52 14B-4(f), N J A C 1 30-4 1 to -4 3, or any Executive Branch department or agency rule prescribing procedures for the consideration and disposition of petitions for rulemaking, if the original deadline would have fallen between the first day of the Public Health Emergency declared in Executive Order No 103 (2020) and January 1, 2022, absent the extension granted by Paragraph 4 of Executive Order No 127 (2020),

e January 1, 2022 shall be the expiration date of any rule that would have expired pursuant to N J S A 52 14B-5 1 and N J A C 1 30-6 4 between the first day of the Public Health Emergency declared in Executive Order No 103 (2020) and January 1, 2022, absent the extension granted by Paragraph 5 of Executive Order No 127 (2020), and

f January 1, 2022 shall be the expiration date of any emergency rule that would have expired pursuant to N J S A 52 14B-4(c) and N J A C 1 30-6 5 between the first day of the Public Health Emergency declared in Executive Order No 103 (2020) and January 1, 2022, absent the extension granted by Paragraph 6 of Executive Order No 127 (2020)

2 Except as specified in the Appendix to this Order, for statutory deadlines, including statutory effective dates, extended by Paragraph 2 or 6 of Executive Order Nos 159, 170, or 178 (2020) by a specific number of days from the original deadline, the extension shall be applicable to deadlines falling on or before January 31, 2022 The extended deadlines are identified in the Appendix

3 Except as specified in the Appendix to this Order or Paragraph 5 of Executive Order Nos 159, 170, or 178 (2020), for statutory deadlines, including statutory effective dates, extended by Paragraph 3 or 6 of Executive Order Nos 159, 170, or 178 (2020) until a specific number of days or months after the last day of the Public Health Emergency, the extension shall run until the specific number of days or months after January 1, 2022, and shall be available to any person or entity that would have been required to meet such deadline between the beginning of the Public Health Emergency and the new deadline The extended deadlines are identified in the Appendix

4 Nothing in this Order is intended to deny or alter the authority of any agency or instrumentality of the State government, or any other person or entity, to request, grant, or consent to any extension that would otherwise be permissible under existing law

5 This Order is not intended to, and does not, confer any legal rights upon businesses or others whose activities are regulated by New Jersey's agencies, boards, commissions, or departments and shall not be used as a basis for legal challenges to regulations, rules, approvals, permits, licenses, or other actions, or to any inaction of the governmental entity subject to it

6 This Order shall take effect immediately

Dated November 23, 2021

For this executive order's appendix, please consult
https //www nj gov/infobank/eo/056murphy/approved/eo_archive shtml

EXECUTIVE ORDER NO 276

WHEREAS, Senator Bob Dole was born Robert Joseph Dole in Russell, Kansas on July 22, 1923, to Doran Dole, who worked in a creamery, and Bina Dole, a seamstress, and

WHEREAS, Senator Dole graduated from Russell High School and attended the University of Kansas until he joined the U S Army's Enlisted Reserve Corps and was called to active duty to fight in the Second World War, and

WHEREAS, Senator Dole suffered a near-fatal injury during a battle in Italy on April 14, 1945, when he was struck by a German shell that shattered his collarbone and part of his spine, leaving him temporarily paralyzed from the neck down, and

WHEREAS, Senator Dole received two Purple Hearts and the Bronze Star with "V" Device for valor for his heroism, and

WHEREAS, following a protracted period of recovery, Senator Dole attended the University of Arizona in Tucson and later graduated from Washburn University in Kansas, receiving both undergraduate and law degrees in 1952, and

WHEREAS, Senator Dole served a two-year term in the Kansas House of Representatives from 1951 to 1953, and

WHEREAS, Senator Dole was elected to the United States House of Representatives in 1960, where he would serve four terms representing Kansas, and

WHEREAS, during his tenure in the U S House of Representatives, Senator Dole supported the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Age Discrimination Act of 1967, and

WHEREAS, Senator Dole was elected to the United States Senate in 1968, and served the State of Kansas as a U S Senator until 1996, and

WHEREAS, at various times during his storied career in the Senate, Senator Dole served as the Senate Majority and Minority Leader, led the Senate Republican Conference, chaired the Senate Finance Committee, and served on the Senate Agriculture Committee, and

WHEREAS, Senator Dole often worked across the aisle, expanding access to food stamps and school lunches, crafting legislation that saved Social Security from insolvency, and successfully shepherding legislation that designated Martin Luther King Day as a federal holiday, and

WHEREAS, Senator Dole ran for Vice President of the United States as then-President Gerald Ford's running mate in 1976, and

WHEREAS, Senator Dole ran for President of the United States three times and secured the Republican nomination for President in 1996, ultimately coming up short in the general election against incumbent President Bill Clinton, and

WHEREAS, Senator Dole was head of the Federal City Council, a group of business, civic, education, and other leaders interested in economic development in Washington, D C from 1998 to 2002, and

WHEREAS, Senator Dole was involved in many volunteer organizations, including the World War II Memorial Campaign, which raised funds for the building of the World War II Memorial, and the Families of Freedom Foundation, a scholarship fund campaign to pay for the college educations of the families of 9/11 victims, and

WHEREAS, the Robert J Dole Institute of Politics at the University of Kansas was established in the Senator's name in July 2003 to promote bipartisanship in politics, and

WHEREAS, after retiring from the Senate, Senator Dole created an international school lunch program through the George McGovern-Robert Dole International Food for Education and Child Nutrition Program to help fight child hunger and poverty in developing countries, and

WHEREAS, in January 2018, Senator Dole was awarded the Congressional Gold Medal for his service to the nation as a soldier, legislator, and statesman, and

WHEREAS, in 1954, Senator Dole had a daughter, Robin, with his first wife, Phyllis Holden, and

WHEREAS, in 1975, Senator Dole married Elizabeth Hanford, who served as a Federal Trade Commissioner, U S Secretary of Labor, U S Secretary of Transportation, U S Senator from North Carolina, and President of the American Red Cross, and who herself ran for President of the United States in the 2000 election, and

WHEREAS, Senator Dole passed away on December 5, 2021 at the age of 98 following a battle with Stage IV lung cancer, and

WHEREAS, Senator Dole will be greatly missed by his family, friends, and colleagues, and

WHEREAS, President Joe Biden issued a proclamation on December 5, 2021 directing that all United States flags be flown at half-staff until sunset on December 9, 2021, and declared Senator Dole "a statesman like few in our history and a war hero among the greatest of the Greatest Generation", and

WHEREAS, as we mourn the passing of Senator Dole, it is appropriate to honor his history of service, his many achievements in the Senate, and his exemplary legacy,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours until sunset on December 9, 2021, consistent with federal law and directives, in recognition and mourning of Senator Bob Dole, an esteemed legislator, national figure, and war hero

2 This Order shall take effect immediately

Dated December 8, 2021

EXECUTIVE ORDER NO 277

WHEREAS, access to affordable quality health care is critical to the physical, mental, and economic wellbeing of the residents, families, communities, and businesses in the State, and

WHEREAS, health care and prescription drug cost growth continue to be a challenge nationwide and for New Jersey residents, families, and employers, including the State, and threaten to outpace the growth of the State's economy and residents' wages, and

WHEREAS, the steadily increasing costs of health care and prescription drugs have limited access to quality health care for lower- and middle-income residents and elderly residents alike, and

WHEREAS, the novel Coronavirus disease 2019 (COVID-19) pandemic and the economic fallout it has caused have underscored the importance of equitable and affordable access to quality health care services, treatments, and prescription drugs, while also highlighting inequalities in health outcomes and critical disparities in health care and coverage access, particularly with respect to minority communities and the underserved, and

WHEREAS, at a time when many of our residents have been impacted by job loss and housing and food insecurity, access to more affordable, quality health care has never been more critical, and

WHEREAS, planning for improved consumer affordability, health care quality, integration of health care delivery, reform of payment systems to reward value, cost transparency, and taxpayer savings, achieved through coordination among State agencies, is essential to effectively manage costs and improve health care delivery, and

WHEREAS, the growth of health care expenditures affects the State's budget as a significant portion of State revenue is used to fund public employee and retiree benefits and Medicaid benefits, and

WHEREAS, there is a growing recognition that the efforts to advance affordability, accessibility, and transparency in the health care system are aided and informed by incorporation of whole-person systems change, and that alignment of alternative payment models can improve quality and reduce the cost of care, and

WHEREAS, it is the policy of this State, as a key part of its efforts to improve health care affordability, accessibility, and transparency, that New Jersey must pursue opportunities Administration-wide and across the public and private sectors to improve health outcomes while reducing the rate of growth of health care costs, and

WHEREAS, on May 30, 2018, the State enacted the "New Jersey Health Insurance Premium Security Act," P L 2018, c 24, establishing a reinsurance program to reimburse insurers for certain high-cost claims in the insurance market, lowering premiums compared to what they would have been without the program, and

WHEREAS, on June 1, 2018, the State enacted the "Out-of-network Consumer Protection, Transparency, Cost Containment and Accountability Act ("the Act")," P L 2018, c 32, in which the Legislature declared that it is in the public interest "to reform the health care delivery system in New Jersey to enhance consumer protections, create a system to resolve certain health care billing disputes, [and] contain rising costs", and

WHEREAS, this Act requires providers and insurers to provide detailed disclosures regarding out-of-network charges, restricts the amount a provider may charge in excess of a deductible, copayment, or coinsurance amount applicable to in-network services pursuant to the covered person's health benefits plan, and implements an arbitration process for out-of-network billing disputes between insurance carriers and providers, and

WHEREAS, on June 28, 2019, the State enacted P L 2019, c 141, authorizing the Commissioner of the Department of Banking and Insurance ("DOBI") to operate a State-Based Health Exchange in New Jersey, through which residents who do not have coverage from an employer or other program may enroll in minimum essential coverage, and to oversee the State-Based Health Exchange "to ensure the best interests of and protection for consumers of the State", and

WHEREAS, on January 16, 2020, the State enacted a package of bills that codify into State law the basic protections of the Affordable Care Act, which include establishing protections for no-cost preventative care and contraception, prohibiting exclusions for pre-existing conditions, allowing children to stay on their parents' plan until age 26, and incorporating mental health and maternity care as part of essential benefits, and

WHEREAS, on January 21, 2020, the State enacted P L 2019, c 472, limiting cost sharing for prescription drugs under certain health plans, and

WHEREAS, on July 31, 2020, the State enacted P L 2020, c 61, continuing the repealed federal Health Insurance Tax as the New Jersey Health Insurer Assessment, the revenue generated from which is used for the purposes of increasing affordability in the individual market and providing greater access to health insurance to the uninsured, and

WHEREAS, in 2020, the Office of Health Care Affordability and Transparency ("the Office") was formed to help guide the Administration's work on health care affordability and price transparency, and

WHEREAS, the Office works with the DOBI, the Department of Health ("DOH"), the Department of Human Services ("DHS"), and the Department of the Treasury ("Treasury") to advance affordability, accessibility, and transparency in the health care system, and

WHEREAS, on January 28, 2021, I signed Executive Order No 217, creating an Interagency Health Care Affordability Working Group ("Working Group")

consisting of representatives from the DOBI, the DOH, the DHS, the Treasury, and the Division of Consumer Affairs to advise the State on the development of a health care cost growth benchmark and related activities to ensure access to high-quality, affordable, and equitable health care for all New Jerseyans, and

WHEREAS, the Working Group made recommendations for appointments to a Health Care Advisory Group ("Advisory Group"), to serve at the pleasure of the Governor, pursuant to Executive Order No 217 (2021) that included health care providers, insurers, employers, consumer advocates, and health care policy leaders to advise the Working Group on the development and implementation of a health care cost growth benchmark, and

WHEREAS, the Working Group and Advisory Group have met within their respective groups at least monthly for more than nine months to develop and advise on the development of the health care cost growth benchmark program, and

WHEREAS, the meetings of the Working Group and Advisory Group have resulted in a framework for a health care cost growth benchmark program, which will promote increased transparency and accountability for health care spending and slow the rate of health care spending growth to make it more affordable and sustainable for families, individuals, employers, and the State, and

WHEREAS, stakeholder involvement through the Advisory Group resulted in a stakeholder compact ("the compact") that memorializes a collective commitment to the health care cost growth benchmark program, and

WHEREAS, the compact establishes a strong, collaborative foundation for the State, providers, and carriers to work toward attaining the health care cost growth benchmark by setting forth stakeholders' commitment to participate in the data collection, verification, analysis, and reporting processes led by the DOBI, and the ongoing efforts to understand the underlying health care cost drivers in New Jersey, and

WHEREAS, a health care cost growth benchmark program will assess health care cost growth for all New Jersey residents with coverage through commercial plans, the Medicaid and Medicare programs, and the State Employee Health Benefits Program ("SHBP") and School Employees' Health Benefits Program ("SEHBP"), and

WHEREAS, the Commissioner of DOBI has access to claims data under various provisions of law, including but not limited to N J S A 17B 30-30, N J S A 17B 30-31, N J S A 52 17B-199, N J A C 11 24-3 8, N J A C 11 23-3 2, and N J A C 11 24B-2 8, which data can help assess performance relative to a health care cost growth benchmark to further the State's policy of improving health outcomes and reducing the rate of growth of health care costs, and

WHEREAS, monitoring the implementation of a health care cost growth benchmark is necessary to establish transparency and accountability for rising health care costs, and

WHEREAS, a concrete target for limiting health care cost increases will promote collaborative actions by health insurers, healthcare providers and others, and in-

form effective public policy strategies, to improve health care affordability, accessibility, and transparency for all New Jerseyans,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 It is the policy of the State to slow the rate of health care spending growth by establishing a health care cost growth benchmark for calendar years 2023 through 2027 as follows

a For calendar year 2023, the health care cost growth benchmark shall be set at 3 5 percent annual growth over 2022 total health care expenditures,

b For calendar year 2024, the health care cost growth benchmark shall be set at 3 2 percent annual growth over 2023 total health care expenditures,

c For calendar year 2025, the health care cost growth benchmark shall be set at 3 percent annual growth over 2024 total health care expenditures,

d For calendar year 2026, the health care cost growth benchmark shall be set at 2 8 percent annual growth over 2025 total health care expenditures, and

e For calendar year 2027, the health care cost growth benchmark shall be set at 2 8 percent annual growth over 2026 total health care expenditures

2 For the purposes of this Order, "total health care expenditures" shall mean the annual per capita sum of all health care expenditures in the State from public and private sources, including claims-based and non-claims-based payments to providers, patient cost-sharing amounts, such as deductibles and copayments, and the net cost of private health insurance to New Jersey residents, defined as the difference between health premiums earned and benefits incurred, inclusive of insurers' costs of paying bills, advertising, administrative costs, premium taxes, and profits or losses

3 This health care cost growth benchmark shall apply across all New Jersey health care markets and populations

4 The Commissioner of the DOBI, consistent with her statutory authority and this Order, shall monitor health care spending growth across all public and private payers and populations in the State, and report annually to the Governor on such growth

5 During calendar year 2022, the DOBI shall initiate data collection and coordinate with the Working Group established under Executive Order No 217 (2021) on analyzing and understanding the data before reporting health care spending and spending growth in aggregate form to promote transparency and facilitate discussion of strategies to make health care more affordable

6 The DOBI shall compile data necessary to assess performance against the health care cost growth benchmark, which data shall include but shall not be limited to

a Aggregate total medical expenditures for health care services delivered to New Jersey residents Total medical expenditures shall include claims-based and

non-claims-based payments, combined for fully insured plans, the State Medicaid Program, the SHBP, the SEHBP, and self-insured plans,

b The net cost of private health insurance to New Jersey residents, defined as the difference between health premiums earned and benefits incurred inclusive of insurers' costs of paying bills, advertising, administrative costs, premium taxes, and profits or losses,

c The aggregate value of pharmacy manufacturer rebates for New Jersey residents, and

d Enrolled member months and attributed lives counts for fully insured plans, the State Medicaid Program, the SHBP, the SEHBP, and self-insured plans

7 The Advisory Group, established pursuant to Paragraph 5 of Executive Order No 217 (2021), shall be dissolved following the issuance of this Order The Working Group established by Executive Order No 217 (2021) shall make recommendations to the Governor regarding State officials and other public members to serve on a Benchmark Implementation Advisory Group to advise the Working Group and the DOBI on the implementation of the health care cost growth benchmark program The Benchmark Implementation Advisory Group shall be advisory in nature and shall provide recommendations to the Working Group and the DOBI as deemed appropriate by the Working Group and the DOBI All members of the Benchmark Implementation Advisory Group will serve without compensation and at the pleasure of the Governor

8 The DOBI shall

a Advise the Governor and Working Group on current and projected trends in health care and the health care industry, particularly as they affect the expenditures and revenues of the State, its residents, and its major industries,

b Assess health care cost growth for all New Jersey residents with commercial (insured and self-insured), Medicaid, and Medicare coverage to better understand cost drivers and trends,

c Develop, in consultation with the Working Group and Benchmark Implementation Advisory Group, policies and strategies to support attainment of the health care cost growth benchmark,

d Engage relevant parties, including insurers, providers, and community partners to develop strategies to help meet the health care cost growth benchmark that are data-based and practical, and

e Review periodically all components of the health care cost growth benchmark methodology, including economic indicators and other conditions, and recommend to the Working Group for its approval whether the forecasted growth rate of health care expenditures has changed in such a material way that it warrants a change in the health care cost growth benchmark

9 Each department, office, division, or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the DOBI, within the limits of its statutory authority, and to furnish it with such data as is required to assess performance against the health care cost growth benchmark

10 The DOBI shall report annually on the performance relative to the health care cost growth benchmark program during the prior calendar year at the following levels (1) the State, (2) insurance market (e g , commercial, Medicaid, and Medicare), (3) insurer, and (4) provider entities who are sufficiently large such that performance can be accurately and reliably measured and who engage in total cost of care contracts for a significant proportion of their population served The DOBI shall also issue a report that identifies factors that contribute to health care cost trends, which factors may include inflationary pressures, out-of-state migration for health care, changes in payer mix, price variation, patterns in prescription drug utilization and pricing, the role of pharmaceutical companies and other suppliers, administrative costs, and regulatory compliance cost

11 The DOBI may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission outlined in this Order

12 Nothing in this Order shall be construed to create a private right of action to enforce the requirements outlined herein

13 This Order shall take effect immediately

Dated December 21, 2021

EXECUTIVE ORDER NO 278

WHEREAS, beginning early on Monday, January 3, 2022, portions of the State of New Jersey are forecasted to experience a potentially severe winter storm causing hazardous weather conditions including heavy mixed precipitation, coastal flooding, and total snow accumulations of 4 to 8 inches, and

WHEREAS, the National Weather Service has issued a Winter Storm Warning for the southern New Jersey counties of Atlantic, Burlington, Cape May, Cumberland, and Ocean, and

WHEREAS, snow accumulation is expected to begin early Monday, with the heaviest snow falling during the morning hours creating dangerous road conditions that may make travel difficult in the counties of Atlantic, Burlington, Cape May, Cumberland, and Ocean through much of the day, and

WHEREAS, this winter storm is expected to produce hazardous travel conditions due to accumulated snow and ice, especially during the morning commuting period on Monday, January 3, 2022, and

WHEREAS, these serious weather conditions may make it difficult or impossible for citizens to obtain the necessities of life, as well as essential services such as police, fire, and first aid, and

WHEREAS, this impending winter storm constitutes an imminent hazard that threatens and presently endangers the health, safety, and resources of the residents of Atlantic, Burlington, Cape May, Cumberland, 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 in Atlantic, Bur-

lington, Cape May, Cumberland, and Ocean counties, and this situation 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, N J S A 38A 2-4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, in order to protect the health, safety, and welfare of the people of the State of New Jersey DO DECLARE and PROCLAIM that a State of Emergency exists in the counties of Atlantic, Burlington, Cape May, Cumberland, and Ocean, effective at 9 00 p m on January 2, 2022, and I hereby ORDER and DIRECT the following

1 I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, to implement the State Emergency Operations Plan and to direct the activation of county and municipal emergency operations plans, as necessary, and to coordinate the recovery effort from this emergency with all governmental agencies, volunteer organizations, and the private sector

2 I authorize and empower, in accordance with N J S A App A 9-33, et seq , as supplemented and amended, the State Director of Emergency Management, who is the Superintendent of State Police, through the police agencies under his control, and with consideration of any Administrative Order issued by the Commissioner of the Department of Transportation (the "Commissioner"), to determine and control the direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant

3 I authorize and empower the Attorney General, pursuant to the provisions of N J S A 39 4-213, acting through the Superintendent of State Police, and with consideration of any Administrative Order issued by the Commissioner, to determine and control the direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic, to prevent ingress or egress, and to determine the type of vehicle or vehicles to be operated on such roadways I further authorize all law enforcement officers to enforce any such order of the Attorney General or Superintendent of State Police within their respective municipalities

4 I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety, or welfare because of the conditions created by this emergency

5 I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency

6 I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule, where the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Order, subject to my prior approval and in consultation with the State Director of Emergency Management Any such waiver, modification, or suspension shall be promulgated in accordance with N J S A App A 9-45

7 I authorize and empower the Adjutant General, in accordance with N J S A 38A 2-4 and N J S A 38A 3-6 1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered

8 In accordance with the N J S A App A 9-34 and N J S A App A 9-51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately-owned property necessary to protect against this Emergency

9 In accordance with N J S A App A 9-40, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order

10 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this State of Emergency

11 In accordance with N J S A App A 9-34, N J S A App A 9-40 6, and N J S A 40A 14-156 4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous disaster-stricken municipality within this State, nor to any disaster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or their deputies in consultation with the State Director of Emergency Management

12 This Order shall take effect at 9 00 p m on Sunday, January 2, 2022, and shall remain in effect until such time as it is determined by me that an Emergency no longer exists

Dated January 2, 2022

EXECUTIVE ORDER NO 279

WHEREAS, beginning late on Thursday, January 6, 2022, and continuing through Friday, January 7, 2022, the State of New Jersey is forecasted to experience a potentially severe winter storm causing hazardous weather conditions including heavy mixed precipitation, high winds, and total snow and ice accumulations of 4 to 6 inches in a substantial portion of the State, and

WHEREAS, the National Weather Service has issued a Winter Storm Warning for much of southern and central New Jersey, with the remainder of the State subject to a Winter Storm Advisory, and

WHEREAS, snow accumulation is expected to begin Thursday evening, with the heaviest snow falling at up to two inches per hour during the early morning hours on Friday, creating dangerous road conditions that may make travel difficult to impossible, and

WHEREAS, this winter storm is expected to produce hazardous travel conditions due to accumulated snow and ice, especially during the morning commuting period on Friday, January 7, 2022 and particularly in areas of southern New Jersey already impacted by a heavy snow storm on January 2, 2022 and January 3, 2022, and

WHEREAS, this winter storm is expected to produce hazardous travel conditions even for areas that receive lesser snowfall totals, and to make clearing snow and ice very difficult, and

WHEREAS, these serious weather conditions may make it difficult or impossible for citizens to obtain the necessities of life, as well as essential services such as police, fire, and first aid, and

WHEREAS, this impending winter storm constitutes an imminent hazard that threatens and presently endangers the health, safety, and resources of the residents of the State, and

WHEREAS, this situation may become too large in scope to be handled in its entirety by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State, and

WHEREAS, as part of the State's response to this winter storm, the Commissioner of the New Jersey Department of Transportation (the "Commissioner") has issued an Administrative Order(s) regarding vehicle travel restrictions pursuant to N J S A 27 1A-5, N J S A 27 3A-3, and N J S A 39 4-8 3, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A App A 9-33, et seq , N J S A 38A 3-6 1, N J S A

38A 2-4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, in order to protect the health, safety, and welfare of the people of the State of New Jersey DO DECLARE and PROCLAIM that a State of Emergency exists throughout the State of New Jersey, effective at 10 00 p m on January 6, 2022, and I hereby ORDER and DIRECT the following

1 I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, to implement the State Emergency Operations Plan and to direct the activation of county and municipal emergency operations plans, as necessary, and to coordinate the recovery effort from this emergency with all governmental agencies, volunteer organizations, and the private sector

2 I authorize and empower, in accordance with N J S A App A 9-33, et seq , as supplemented and amended, the State Director of Emergency Management, who is the Superintendent of State Police, through the police agencies under his control, and with consideration of any Administrative Order issued by the Commissioner, to determine and control the direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant

3 I authorize and empower the Attorney General, pursuant to the provisions of N J S A 39 4-213, acting through the Superintendent of State Police, and with consideration of any Administrative Order issued by the Commissioner, to determine and control the direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic, to prevent ingress or egress, and to determine the type of vehicle or vehicles to be operated on such roadways I further authorize all law enforcement officers to enforce any such order of the Attorney General or Superintendent of State Police within their respective municipalities

4 I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety, or welfare because of the conditions created by this emergency

5 I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency

6 I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule, where the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Order, subject to my prior approval and in consultation with the State Director of Emergency Management Any such waiver, modification, or suspension shall be promulgated in accordance with N J S A App A 9-45

7 I authorize and empower the Adjutant General, in accordance with N J S A 38A 2-4 and N J S A 38A 3-6 1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered

8 In accordance with the N J S A App A 9-34 and N J S A App A 9-51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately-owned property necessary to protect against this Emergency

9 In accordance with N J S A App A 9-40, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order

10 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this State of Emergency

11 In accordance with N J S A App A 9-34, N J S A App A 9-40 6, and N J S A 40A 14-156 4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous disaster-stricken municipality within this State, nor to any disaster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or their deputies in consultation with the State Director of Emergency Management

12 This Order shall take effect at 10 00 p m on Thursday, January 6, 2022, and shall remain in effect until such time as it is determined by me that an Emergency no longer exists

Dated January 6, 2021

EXECUTIVE ORDER NO 280

WHEREAS, Coronavirus disease 2019 ("COVID-19") is a contagious disease caused by the SARS-CoV-2 virus that can cause severe illness and is at times fatal, and

WHEREAS, on March 9, 2020, I issued Executive Order No 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N J S A 26 13-1 et seq , and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N J S A App A 9-33 et seq , in the State of New Jersey for COVID-19, the facts and circumstances of which are adopted by reference herein, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, which were issued each month between April 7, 2020 and May 14, 2021, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency in effect at the time continued to exist, and

WHEREAS, New Jersey made significant progress in responding to COVID-19 and mitigating its devastating effects, in particular in light of the advent of three effective vaccines that, among other things, had significantly reduced the likelihood of both contracting and transmitting the variants of COVID-19 that were present in the United States at the time, and

WHEREAS, on June 4, 2021, in light of these developments, I signed Assembly Bill No 5820 into law as P L 2021, c 103, and issued Executive Order No 244, which terminated the Public Health Emergency declared in Executive Order No 103 (2020), and

WHEREAS, P L 2021, c 103 sought to enable the State to bring an end to its prior Public Health Emergency while still allowing for an orderly continuation of the Administration's ability to order certain public health measures relating to COVID-19, including but not limited to vaccine distribution, administration, and management, COVID-19 testing, health resource and personnel allocation, data collection, and implementation of recommendations of the Centers for Disease Control and Prevention ("CDC") to prevent or limit the transmission of COVID-19, including in specific settings, and

WHEREAS, P L 2021, c 103 explicitly maintained the State of Emergency declared in Executive Order No 103 (2020), and stated it would in no way diminish, limit, or impair the powers of the Governor to respond to any of the threats presented by COVID-19 pursuant to the Disaster Control Act, and

WHEREAS, in addition to leaving the prior State of Emergency in effect, nothing in P L 2021, c 103 prevented the Governor from declaring any new public health emergency under the EHPA, N J S A 26 13-1 et seq , should the evolving circumstances on the ground require such a declaration, and

WHEREAS, as the CDC has recognized, viruses can change through mutation and mutations can result in a new variant of the virus, and these variants can have meaningfully distinct impacts from the original virus, and

WHEREAS, as the CDC has recognized, some variants spread more easily and quickly than other variants of the same virus, which may lead to more cases of COVID-19, increased strain on health care resources, more hospitalizations, and more deaths, and

WHEREAS, new variants are classified based on how easily the variant spreads, how severe its symptoms are, how it responds to treatments, and how well vaccines protect against the variant, and

WHEREAS, since Executive Order No 244 (2021) took effect, the CDC has reported that new variants of concern of COVID-19 have been identified in the United States, particularly the B 1 617 2 ("Delta") variant and most recently the B1 1 529 ("Omicron") variant, and

WHEREAS, although New Jersey was able to end the prior Public Health Emergency on account of the effectiveness of vaccines in reducing transmissibility of COVID-19, the Omicron variant appears to spread more easily than other variants, including Delta, early evidence suggests people who have received a primary series of a COVID-19 vaccine but have not yet received the recommended booster shot are more likely to become infected with this variant than prior variants and to be able to spread the virus to others, and some monoclonal antibody treatments may not be as effective against infection with the Omicron variant, and

WHEREAS, because vaccines are effective at preventing severe illness, hospitalizations, and death, including from the Omicron variant, the CDC has noted that the recent emergence of this variant emphasizes the importance of vaccination and boosters, and

WHEREAS, according to the CDC, studies show that after getting the primary series of a COVID-19 vaccine, protection against the virus and the ability to prevent infection may decrease over time, in particularly due to changes in variants, and

WHEREAS, although the COVID-19 vaccines remain effective in preventing severe disease, recent data suggests their effectiveness at preventing infection or severe illness wanes over time, and

WHEREAS, the CDC has reported that vaccinated people who receive a COVID-19 booster are likely to have stronger protection against contracting and transmitting COVID-19, particularly the Omicron variant, and stronger protection against serious illness, including hospitalizations and death, and

WHEREAS, after the first confirmed case of the Omicron variant was identified in New Jersey on December 3, 2021, COVID-19 cases started to significantly and rapidly increase again, and

WHEREAS, for the first time since April 2020, the COVID-19 Activity Level reached the "Very High" score throughout the entire State the week of January 1, 2022, and

WHEREAS, as of January 10, 2022, due to the increased prevalence of the Omicron variant, there were 6,075 adult and 86 pediatric hospitalizations related to COVID-19, and within the last week there were over 229,000 new cases, by far the highest number of new cases ever and the highest number of hospitalizations since the start of the pandemic, with 419 new confirmed deaths reported within the last week,, and

WHEREAS, as these numbers demonstrate, the spread of the Omicron variant has led to the highest number of cases in New Jersey ever, and has also led to a drastic increase in hospitalizations, increased risk to health and safety of health care workers, and staffing shortages, and

WHEREAS, the increased potential for such a large number of hospitalizations raises serious concerns about the public health and about the capacity of the State's hospitals and health care systems to meet the health needs of residents, even in the face of the State's preparedness and response efforts since March 2020, and

WHEREAS, health care workers must have the staffing and resources that are essential to maintaining the operations of the State's essential health care services to protect public health during the Omicron variant surge, which include but are not limited to critical and emergency health care, vaccination administration, COVID-19 testing, and contact tracing, and

WHEREAS, the spread of COVID-19 has greatly strained the resources and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, such as resources for vaccination administration, COVID-19 testing, and contract tracing, and the situation is too large in scope to be handled entirely by the normal county and municipal operating services, and

WHEREAS, the CDC has advised that expedient and additional public health action is necessary to prevent severe impacts on the health of individuals and the health care system due to the rapid spread of the Omicron variant, and

WHEREAS, the CDC has confirmed that the rapid increase of infections is due to the increased transmissibility of the Omicron variant and its increased ability to evade immunity conferred by past infection or vaccination, and

WHEREAS, the State has thus far administered approximately 13 1 million doses of COVID-19 vaccines, with over 7 4 million New Jerseyans having received at least one dose of a vaccine and over 6 4 million having received the primary series of a vaccine, and

WHEREAS, as of January 10, 2022, only 46 3 percent of eligible individuals statewide had received their booster shot, with only 7 5 percent of persons 12-17 years old and eligible to be boosted having received their booster shot, and

WHEREAS, while over 74 percent of people in the State have received the primary series of a COVID-19 vaccine, the booster rates remain significantly lower and additional steps are necessary to ensure continued vaccinations, especially boosters, of individuals to protect against spread of COVID-19, and

WHEREAS, in addition to vaccination, testing for COVID-19 remains one of the strongest tools to prevent the further spread of COVID-19, particularly the Omicron variant, and

WHEREAS, the CDC recommends that all individuals should seek testing when they are ill and isolate if they experience COVID-19 symptoms or receive a positive result, and

WHEREAS, there are currently over 1,000 testing sites available to residents of the State and since mid-December 2021, the Department of Health ("DOH") has supported approximately 100 additional testing sites while also supporting local and county governments in expanding free testing for residents, and

WHEREAS, hospitals across the State report having experienced an increase of individuals seeking testing through their emergency departments and they continue to ask members of the public to only seek urgent medical treatment from hospitals to help preserve critical staff and resources, especially as hospitals are approaching maximum capacity, and

WHEREAS, despite the increased testing capacity, the demand for testing in light of the increase in cases caused by the Omicron variant spread continues to exceed the supply of COVID-19 tests and there are delays in processing times for test results at clinical laboratories due to the increase in volume of tests and staffing shortages, and

WHEREAS, the State must have the resources necessary to protect the public health through vaccination efforts, masking, testing, treatment, and isolation and quarantine, monitoring hospital admissions and ICU capacity, tracking activity of the virus in the community, and acquiring and maintaining stockpiles of personal protective equipment, ventilators, and other critical supplies to remain prepared for the ongoing surge, and

WHEREAS, while our vaccination and testing efforts continue to progress, an effective mass vaccination and booster program and an adequate response to the continued public health threats imposed by COVID-19, and particularly the Omicron variant, require that my Administration retain all of the flexibility and resources that a public health emergency provides, and

WHEREAS, the rapid and continued spread of the Omicron variant within New Jersey constitutes an imminent public health hazard that threatens and presently endangers the health, safety, and welfare of the residents of one or more municipalities or counties of the State, and

WHEREAS, it is necessary and appropriate to act against this public health hazard to protect and maintain the health, safety, and welfare of New Jersey residents and visitors, and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of DOH confirms that the circumstances relating to the surge in cases tied to the new variants of COVID-19, in particular the Omicron variant, are meaningfully different than the circumstances on the ground at the time that I terminated the last Public Health Emergency, and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of DOH confirm that there exists a public health emergency in the State,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do DECLARE and PROCLAIM that a Public Health Emergency exists in the State of New Jersey and that the State of Emergency declared in Executive Order No 103 (2020) remains in full force and effect, and I hereby ORDER and DIRECT the following

1 Pursuant to my declaration of a Public Health Emergency in this Order, and pursuant to the State of Emergency that was declared in Executive Order No 103 (2020), I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, in conjunction with the Commissioner of DOH, to take any such emergency measures as the State Director may determine necessary, including the implementation of the State Emergency Operations Plan and directing the activation of county and municipal emergency operations plans, in order to fully and adequately protect the health, safety, and welfare of the citizens of the State of New Jersey from any actual or potential threat or danger that may exist from the possible exposure to COVID-19, including any and all variants of this virus The State Director of Emergency Management, in conjunction with the Commissioner of DOH, is authorized to coordinate the relief effort from this Emergency with all governmental agencies, volunteer organizations, and the private sector

2 The State Director of Emergency Management, in conjunction with the Commissioner of DOH, shall also supervise and coordinate all activities of all State, regional and local political bodies and agencies, in order to ensure the most effective and expeditious implementation of this Order, and, to this end, may call upon all such agencies and political subdivisions for any assistance necessary

3 Given the invocation of a Public Health Emergency as contemplated by N J S A 26 13-1 et seq and restatement that the State of Emergency declared in Executive Order No 103 (2020) remains in full force and effect, I reserve the right as specifically contemplated by N J S A 26 13-3 to exercise the authority and powers specific to the EHPA as I deem necessary and appropriate to ensure the public health of New Jersey's residents

4 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 and the Commissioner of DOH in all matters concerning this State of Emergency

5 Consistent with my authority under the Disaster Control Act, N J S A App A 9-33 et seq , as invoked in Executive Order No 103 (2020), I authorize and empower the executive head of any agency or instrumentality of the State government

with authority to promulgate rules to waive, suspend, or modify any existing rule, where the enforcement of which would be detrimental to the public welfare during this Emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Order, subject to my prior approval and in consultation with the State Director of Emergency Management and the Commissioner of DOH

6 All State agencies are authorized to take appropriate steps to address the public health hazard of COVID-19, including any and all variants of this virus, including increasing access and eliminating barriers to medical care, protecting the health and well-being of students, and protecting the health and well-being of State, county, and municipal employees while ensuring the continuous delivery of State, county, and municipal services

7 This Order shall take effect immediately

Dated January 11, 2022

EXECUTIVE ORDER NO 281

WHEREAS, on March 9, 2020, I issued Executive Order No 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N J S A 26 13-1 et seq , and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N J S A App A 9-33 et seq , in the State of New Jersey for Coronavirus disease 2019 ("COVID-19"), the facts and circumstances of which are adopted by reference herein, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, which were issued each month between April 7, 2020 and May 14, 2021, and the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency in effect at the time continued to exist, and

WHEREAS, Executive Order No 111, issued March 28, 2020, requires that health care facilities report their capacity and supplies, including bed capacity ventilators, and Personal Protective Equipment ("PPE") on a daily basis, and

WHEREAS, Executive Order No 112, issued April 1, 2020, granted the Department of Law and Public Safety, Division of Consumer Affairs, the authority to temporarily reactivate certain inactive health care licenses and allow the licensure of physicians licensed, and in good standing, in another country, suspended and waived certain licensure requirements for advanced practice nurses and physician assistants, relaxed registration requirements for the Prescription Monitoring Program, waived signature requirements for funeral agreements and authorizations, and provided certain healthcare professionals with civil or criminal immunity, and

WHEREAS, Executive Order No 207, issued December 4, 2020, required all individuals, regardless of age, to be automatically enrolled in the New Jersey Immunization Information System ("NJIIS"), the statewide electronic immunization registry, upon receipt of a COVID-19 vaccination, and

WHEREAS, New Jersey made significant progress in responding to COVID-19 and mitigating its devastating effects, in particular in light of the advent of three effective vaccines that, among other things, had significantly reduced the likelihood of both contracting and transmitting the variants of COVID-19 that were present in the United States at the time, and

WHEREAS, on June 4, 2021, in light of these developments, I signed Assembly Bill No 5820 into law as P L 2021, c 103, and issued Executive Order No 244, which terminated the Public Health Emergency declared in Executive Order No 103 (2020), and

WHEREAS, P L 2021, c 103 sought to enable the State to bring an end to its prior Public Health Emergency while still allowing for an orderly continuation of the Administration's ability to order certain public health measures relating to COVID-19, including but not limited to vaccine distribution, administration, and management, COVID-19 testing, health resource and personnel allocation, data collection, and implementation of recommendations of the Centers for Disease Control and Prevention ("CDC") to prevent or limit the transmission of COVID-19, including in specific settings, and

WHEREAS, P L 2021, c 103 explicitly maintained the State of Emergency declared in Executive Order No 103 (2020), and stated it would in no way diminish, limit, or impair the powers of the Governor to respond to any of the threats presented by COVID-19 pursuant to the Disaster Control Act, and

WHEREAS, in addition to leaving the prior State of Emergency in effect, nothing in P L 2021, c 103 prevented the Governor from declaring any new public health emergency under the EHPA, N J S A 26 13-1 et seq , should the evolving circumstances on the ground require such a declaration, and

WHEREAS, Executive Order No 251, issued August 6, 2021, requires all public, private, and parochial preschool programs and elementary and secondary schools, including charter and renaissance schools (collectively "school districts"), to maintain a policy regarding mandatory use of face masks by staff, students, and visitors in the indoor portion of the school district premises, except in certain specified circumstances, and

WHEREAS, Executive Order No 252, issued August 6, 2021, requires all covered health care and high-risk congregate settings to maintain a policy that requires all covered workers to either provide adequate proof to the health care and high-risk congregate settings that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly beginning September 7, 2021, and

WHEREAS, Executive Order No 253, issued August 23, 2021, requires school districts to maintain a policy that requires all covered workers to either provide adequate proof to the school district that they have been fully vaccinated or

submit to COVID-19 testing at minimum one to two times weekly beginning October 18, 2021, and

WHEREAS, Executive Order No 264, issued September 20, 2021, requires all child care centers and other child care facilities (collectively "child care settings") to maintain a policy regarding mandatory use of face masks by staff, child enrollees, and visitors in the indoor portion of the child care setting premises, except in certain specified circumstances, and

WHEREAS, Executive Order No 264 (2021) further required all child care settings to maintain a policy that required all covered workers to either provide adequate proof to the child care setting that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly beginning November 1, 2021, and

WHEREAS, Executive Order No 271, issued October 20, 2021, requires that each executive department and agency, including an independent authority, ensure that certain new contracts, new solicitation for a contract, extension or renewal of existing contracts, and exercise of an option on existing contracts, include a clause that the contractor or any subcontractors, at any tier, that is party to the contract, must maintain a policy that requires all covered workers to either provide adequate proof to the covered contractor that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly, and

WHEREAS, as the CDC has recognized, viruses can change through mutation and mutations can result in a new variant of the virus, and these variants can have meaningfully distinct impacts from the original virus, and

WHEREAS, as the CDC has recognized, some variants spread more easily and quickly than other variants of the same virus, which may lead to more cases of COVID-19, increased strain on healthcare resources, more hospitalizations, and more deaths, and

WHEREAS, new variants are classified based on how easily the variant spreads, how severe its symptoms are, how it responds to treatments, and how well vaccines protect against the variant, and

WHEREAS, since Executive Order No 244 (2021) took effect, the CDC has reported that new variants of concern of COVID-19 have been identified in the United States, particularly the B 1 617 2 ("Delta") variant and most recently the B1 1 529 ("Omicron") variant, and

WHEREAS, although New Jersey was able to end the prior Public Health Emergency on account of the effectiveness of vaccines in reducing transmissibility of COVID-19, the Omicron variant appears to spread more easily than other variants, including Delta, early evidence suggests people who have received a primary series of a COVID-19 vaccine but have not yet received the recommended booster shot are more likely to become infected with this variant than prior variants and to be able to spread the virus to others, and some monoclonal antibody treatments may not be as effective against infection with the Omicron variant, and

WHEREAS, on January 11, 2022, I issued Executive Order No 280, declaring the existence of a new Public Health Emergency, pursuant to the EHPA, N J S A 26 13-1 et seq , in the State of New Jersey due to the surge of cases and hospitalizations tied to the new variants of COVID-19, and

WHEREAS, because vaccines are effective at preventing severe illness, hospitalizations, and death, including from the Omicron variant, the CDC has noted that the recent emergence of this variant emphasizes the importance of vaccination and boosters, and

WHEREAS, according to the CDC, studies show after getting the primary series of a COVID-19 vaccine, protection against the virus and the ability to prevent infection may decrease over time, in particularly due to changes in variants, and

WHEREAS, although the COVID-19 vaccines remain effective in preventing severe disease, recent data suggests their effectiveness at preventing infection or severe illness wanes over time, and

WHEREAS, the CDC has reported that vaccinated people who receive a COVID-19 booster are likely to have stronger protection against contracting and transmitting COVID-19, particularly the Omicron variant, and stronger protection against serious illness, including hospitalizations and death, and

WHEREAS, after the first confirmed case of the Omicron variant was identified in New Jersey on December 3, 2021, COVID-19 cases started to significantly and rapidly increase again, and

WHEREAS, for the first time since April 2020, the COVID-19 Activity Level reached the "Very High" score throughout the entire State the week of January 1, 2022, and

WHEREAS, as of January 10, 2022, due to the increased prevalence of the Omicron variant, there were 6,075 adult and 86 pediatric hospitalizations related to COVID-19, and within the last week there were over 229,000 new cases, by far the highest number of new cases ever and the highest number of hospitalizations since the start of the pandemic, with 419 new confirmed deaths reported within the last week, and

WHEREAS, as these numbers demonstrate, the spread of the Omicron variant has led to the highest number of cases in New Jersey ever, and has also led to a drastic increase in hospitalizations, increased risk to health and safety of health care workers, and staffing shortages, and

WHEREAS, the increased potential for such a large number of hospitalizations raises serious concerns about the public health and about the capacity of the State's hospitals and health care systems to meet the health needs of residents, even in the face of the State's preparedness and response efforts since March 2020, and

WHEREAS, health care workers must have the staffing and resources that are essential to maintaining the operations of the State's essential health care services to protect public health during the Omicron variant surge, which include but are not limited to critical and emergency health care, vaccination administration, COVID-19 testing, and contact tracing, and

WHEREAS, it remains crucial that the State understand the health care system's existing capacity and its gaps through continued reporting, which will allow additional resources to be deployed where they are most needed as the State responds to the surge in cases and increased hospitalizations related to the Omicron variant, and

WHEREAS, the spread of COVID-19 has greatly strained the resources and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, such as resources for vaccination administration, COVID-19 testing, and contract tracing, and the situation is too large in scope to be handled entirely by the normal county and municipal operating services, and

WHEREAS, the CDC has advised that expedient and additional public health action is necessary to prevent severe impacts on the health of individuals and the health care system due to the rapid spread of the Omicron variant, and

WHEREAS, the CDC has confirmed that the rapid increase of infections is due to the increased transmissibility of the Omicron variant and its increased ability to evade immunity conferred by past infection or vaccination, and

WHEREAS, continued automatic enrollment in the NJIIS for individuals receiving a COVID-19 vaccine will facilitate and track progress relative to New Jersey's vaccination targets, and

WHEREAS, the State has thus far administered approximately 13 1 million doses of COVID-19 vaccines, with over 7 4 million New Jerseyans having received at least one dose of a vaccine and over 6 4 million having received the primary series of a vaccine, and

WHEREAS, there is no concrete timeline for authorization for use of currently available COVID-19 vaccinations for children under the age of 5, and

WHEREAS, according to data estimates, only 29 5 percent of 5–11 year-olds, 63 1 percent of 12-15 year-olds, and 75 1 percent of 16–17 year-olds in New Jersey have received their primary series of a COVID-19 vaccine, and

WHEREAS, as of January 10, 2022, only 46 3 percent of eligible individuals statewide have received their booster shot, with only 7 5 percent of persons 12-17 years old and eligible to be boosted having received their booster shot, and

WHEREAS, while over 74 percent of people in the State have received the primary series of a COVID-19 vaccine, the booster rates remain significantly lower and additional steps are necessary to ensure continued vaccinations, especially boosters, of individuals to protect against spread of COVID-19, and

WHEREAS, in addition to vaccination, testing for COVID-19 remains one of the strongest tools to prevent the further spread of COVID-19, particularly the Omicron variant, and

WHEREAS, the CDC recommends that all individuals should seek testing when they are ill and isolate if they experience COVID-19 symptoms or receive a positive result, and

WHEREAS, there are currently over 1,000 testing sites available to residents of the state and since mid-December 2021, the Department of Health ("DOH") has

supported approximately 100 additional testing sites while also supporting local and county governments in expanding free testing for residents, and

WHEREAS, hospitals across the State report having experienced an increase of individuals seeking testing through their emergency departments and they continue to ask members of the public to only seek urgent medical treatment from hospitals to help preserve critical staff and resources, especially as hospitals are approaching maximum capacity, and

WHEREAS, despite the increased testing capacity, the demand for testing in light of the increase in cases caused by the Omicron variant spread continues to exceed the supply of COVID-19 tests and there are delays in processing times for test results at clinical laboratories due to the increase in volume of tests and staffing shortages, and

WHEREAS, the State must have the resources necessary to protect the public health through vaccination efforts, masking, testing, treatment, and isolation and quarantine, monitoring hospital admissions and ICU capacity, tracking activity of the virus in the community, and acquiring and maintaining stockpiles of PPE, ventilators, and other critical supplies to remain prepared for the ongoing surge, and

WHEREAS, while our vaccination and testing efforts continue to progress, an effective mass vaccination and booster program and an adequate response to the continued public health threats imposed by COVID-19, and particularly the Omicron variant, require that my Administration retain all of the flexibility and resources that a public health emergency provides, and

WHEREAS, the American Academy of Pediatrics ("AAP") has emphasized that in-person learning is critical for educational and social development of children, as evidence demonstrates that remote learning has been detrimental to the educational attainment of students of all ages and has exacerbated the mental health crisis among children and adolescents, and

WHEREAS, the CDC has also cited evidence that suggests virtual learning can lead to learning loss for children and worsening mental health problems for the younger population, and

WHEREAS, child care centers provide critical support to tens of thousands of families across the State who rely on safe, in-person environments for their children during the work day, and

WHEREAS, given the evidence regarding high transmission of the Omicron variant, the CDC continues to recommend universal indoor masking for all teachers, staff, students, child enrollees, and visitors in K-12 schools and child care settings over the age of 2 regardless of vaccination status, and

WHEREAS, the CDC continues to emphasize that children should continue full-time, in-person learning with layered prevention strategies in place, including masking in indoor settings, and

WHEREAS, the AAP similarly recommends universal masking in schools and child care settings because a significant portion of the student population has

not yet received the vaccine, including individuals under the age of 5 who are not yet eligible to even receive a vaccine, and

WHEREAS, both the CDC and AAP recognize that masking is a critical tool to reduce transmission of the virus and protect unvaccinated individuals, and

WHEREAS, after consultation with the DOH, I have determined that it is necessary to continue to enforce a uniform masking policy in schools and child care settings for teachers, staff, students, child enrollees, and visitors over the age of 2 while vaccination rates are low among a significant portion of the student population and not yet available to a significant portion of the child enrollee population, and

WHEREAS, on July 6, 2021, the U S Department of Justice's Office of Legal Counsel issued an opinion concluding that Section 564 of the Food, Drug, and Cosmetic Act, 21 U S C § 360bbb-3 does not prohibit public or private entities from imposing vaccination requirements while vaccinations are only available pursuant to Emergency Use Authorization, and

WHEREAS, requiring workers in schools and child care settings to receive a COVID-19 vaccine or undergo regular testing can help prevent outbreaks and reduce transmission to children, including those who have not received, or are not yet eligible to receive, a vaccination, and

WHEREAS, preventing transmission of COVID-19 is critical to keeping schools and child care settings open for in-person instruction, and

WHEREAS, school districts have access to multiple sources of funding to address costs associated with worker vaccination efforts and testing, including three rounds of federal Elementary and Secondary School Emergency Relief funds and Emergency Assistance for Nonpublic Schools within the Governor's Emergency Education Relief funds, and

WHEREAS, the CDC has repeatedly emphasized the importance of heightened mitigation protocols in certain congregate and health care settings because of the significant risk of spread and vulnerability of the populations served, and

WHEREAS, requiring workers in those congregate and health care settings to receive a COVID-19 vaccine or undergo regular testing can help prevent outbreaks and reduce transmission to vulnerable individuals who may be at higher risk of severe disease, and

WHEREAS, parties that contract with the State government provide essential services to the public and interact with the public on a regular basis, and because of the nature of their work, a significant portion of their workers are not able to work remotely, and

WHEREAS, ensuring the safety of the government workforce during this overall escalation in COVID-19 cases, hospitalizations, and deaths resulting from the Omicron variant is essential for continued operation and service to the public, and it is fitting and proper to require additional protections to the State workforce and public by continuing to require contractors to provide their vaccination or testing status as a condition of entry onto State property and into State facilities, including property and facilities leased by a contractor, and

WHEREAS, this ensures that contractors are held to the same requirements as the State workforce, which the Executive Branch in its capacity as an employer has required to receive a COVID-19 vaccine or undergo regular testing, and

WHEREAS, the State will continue to work closely with school districts and child care settings to successfully implement the requirements of this Order, and

WHEREAS, as we evaluate the appropriate response and resources needed to combat the surge in cases and increase in hospitalizations due to the Omicron variant, I have consulted with the Executive Branch departments and agencies as to what administrative orders, directives, and waivers are necessary to continue, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 24 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Executive Order Nos 111, 112, and 207 (2020) shall be reinstated and remain in full force and effect, except that any civil or criminal immunity related to the COVID-19 response bestowed by Executive Order No 112 (2020) shall not be reinstated

2 Executive Order Nos 251, 252, 253, 264, and 271 (2021) shall remain in full force and effect

3 The administrative orders, directives, and waivers issued by any Executive Branch departments and agencies in whole or in part based on the authority under the EHPA to respond to the previously declared Public Health Emergency presented by the COVID-19 outbreak that are provided in the Appendix to this Order shall remain in full force and effect unless otherwise modified or revoked by the Executive Branch department or agency

4 For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General

5 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 whatso-

ever, to cooperate fully in all matters concerning this Order, and to cooperate fully with any Administrative Orders issued pursuant to this Order

6 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement

7 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

8 This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor

Dated January 11, 2022

For this executive order's appendix, please consult
https //www nj gov/infobank/eo/056murphy/approved/eo_archive shtml

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EXECUTIVE ORDER NO 282

WHEREAS, Executive Order No 278, declaring a State of Emergency in the counties of Atlantic, Burlington, Cape May, Cumberland, and Ocean, was issued on January 2, 2022, because of a major winter storm that arrived on that date and continued through January 3, 2022, and

WHEREAS, Executive Order No 279, declaring a State of Emergency across all twenty-one (21) counties, was issued on January 6, 2022, because of a major winter storm that arrived on that date and continued through January 7, 2022, and

WHEREAS, the severity of the conditions necessitating the State of Emergency declarations have eased, and

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the Statutes of this State, hereby ORDER and DIRECT

1 The States of Emergency declared pursuant to the following Orders are terminated effective 5 00 p m , Eastern Standard Time, on January 13, 2022

a Executive Order No 278 (2022)

b Executive Order No 279 (2022)

Dated January 13, 2022

AMENDMENT ADOPTED IN 2021 TO THE 1947 CONSTITUTION

AMENDMENT ADOPTED IN 2021 TO THE 1947 CONSTITUTION

ARTICLE IV, SECTION VII, PARAGRAPH 2

Amend Article IV, Section VII, paragraph 2 to read as follows

2 No gambling of any kind shall be authorized by the Legislature unless the specific kind, restrictions and control thereof have been heretofore submitted to, and authorized by a majority of the votes cast by, the people at a special election or shall hereafter be submitted to, and authorized by a majority of the votes cast thereon by, the legally qualified voters of the State voting at a general election, except that, without any such submission or authorization

A It shall be lawful for bona fide veterans, charitable, educational, religious or fraternal organizations, civic and service clubs, senior citizen associations or clubs, volunteer fire companies and first-aid or rescue squads to conduct, under such restrictions and control as shall from time to time be prescribed by the Legislature by law, games of chance of, and restricted to, the selling of rights to participate, the awarding of prizes, in the specific kind of game of chance sometimes known as bingo or lotto, played with cards bearing numbers or other designations, 5 or more in one line, the holder covering numbers as objects, similarly numbered, are drawn from a receptacle and the game being won by the person who first covers a previously designated arrangement of numbers on such a card, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, or to the support of such organizations, in any municipality, in which a majority of the qualified voters, voting thereon, at a general or special election as the submission thereof shall be prescribed by the Legislature by law, shall authorize the conduct of such games of chance therein,

B It shall be lawful for the Legislature to authorize, by law, bona fide veterans, charitable, educational, religious or fraternal organizations, civic and service clubs, senior citizen associations or clubs, volunteer fire companies and first-aid or rescue squads to conduct games of chance of, and restricted to, the selling of rights to participate, and the awarding of prizes, in the specific kinds of games of chance sometimes known as raffles, conducted by the drawing for prizes or by the allotment of prizes by chance, when the entire net proceeds of such games of chance are to be devoted to

educational, charitable, patriotic, religious or public-spirited uses, or to the support of such organizations, in any municipality, in which such law shall be adopted by a majority of the qualified voters, voting thereon, at a general or special election as the submission thereof shall be prescribed by law and for the Legislature, from time to time, to restrict and control, by law, the conduct of such games of chance,

C It shall be lawful for the Legislature to authorize the conduct of State lotteries restricted to the selling of rights to participate therein and the awarding of prizes by drawings when the entire net proceeds of any such lottery shall be for State institutions and State aid for education, provided, however, that it shall not be competent for the Legislature to borrow, appropriate or use, under any pretense whatsoever, lottery net proceeds for the confinement, housing, supervision or treatment of, or education programs for, adult criminal offenders or juveniles adjudged delinquent or for the construction, staffing, support, maintenance or operation of an adult or juvenile correctional facility or institution,

D It shall be lawful for the Legislature to authorize by law the establishment and operation, under regulation and control by the State, of gambling houses or casinos within the boundaries, as heretofore established, of the city of Atlantic City, county of Atlantic, and to license and tax such operations and equipment used in connection therewith Any law authorizing the establishment and operation of such gambling establishments shall provide for the State revenues derived therefrom to be applied solely for the purpose of providing funding for reductions in property taxes, rental, telephone, gas, electric, and municipal utilities charges of eligible senior citizens and disabled residents of the State, and for additional or expanded health services or benefits or transportation services or benefits to eligible senior citizens and disabled residents, in accordance with such formulae as the Legislature shall by law provide The type and number of such casinos or gambling houses and of the gambling games which may be conducted in any such establishment shall be determined by or pursuant to the terms of the law authorizing the establishment and operation thereof

It shall also be lawful for the Legislature to authorize by law wagering at casinos or gambling houses in Atlantic City on the results of any professional, college, or amateur sport or athletic event, except that wagering shall not be permitted on a college sport or athletic event that takes place in New Jersey or on a sport or athletic event in which any New Jersey college team participates regardless of where the event takes place,

E It shall be lawful for the Legislature to authorize, by law, (1) the simultaneous transmission by picture of running and harness horse races

conducted at racetracks located within or outside of this State, or both, to gambling houses or casinos in the city of Atlantic City and (2) the specific kind, restrictions and control of wagering at those gambling establishments on the results of those races The State's share of revenues derived therefrom shall be applied for services to benefit eligible senior citizens as shall be provided by law, and

F It shall be lawful for the Legislature to authorize, by law, the specific kind, restrictions and control of wagering on the results of live or simulcast running and harness horse races conducted within or outside of this State The State's share of revenues derived therefrom shall be used for such purposes as shall be provided by law

It shall also be lawful for the Legislature to authorize by law wagering at current or former running and harness horse racetracks in this State on the results of any professional, college, or amateur sport or athletic event, except that wagering shall not be permitted on a college sport or athletic event that takes place in New Jersey or on a sport or athletic event in which any New Jersey college team participates regardless of where the event takes place

Adopted November 2, 2021
Effective January 1, 2022

PROPOSED AMENDMENT TO THE 1947 CONSTITUTION THAT HAS BEEN REJECTED IN 2021

(3537)

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A It shall be lawful for bona fide veterans, charitable, educational, religious or fraternal organizations, civic and service clubs, senior citizen associations or clubs, volunteer fire companies and first-aid or rescue squads to conduct, under such restrictions and control as shall from time to time be prescribed by the Legislature by law, games of chance of, and restricted to, the selling of rights to participate, the awarding of prizes, in the specific kind of game of chance sometimes known as bingo or lotto, played with cards bearing numbers or other designations, 5 or more in one line, the holder covering numbers as objects, similarly numbered, are drawn from a receptacle and the game being won by the person who first covers a previously designated arrangement of numbers on such a card, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, and in the case of bona fide veterans' organizations and senior citizen associations or clubs to the support of such organizations, in any municipality, in which a majority of the qualified voters, voting thereon, at a general or special election as the submission thereof shall be prescribed by the Legislature by law, shall authorize the conduct of such games of chance therein,

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D It shall be lawful for the Legislature to authorize by law the establishment and operation, under regulation and control by the State, of gambling houses or casinos within the boundaries, as heretofore established, of the city of Atlantic City, county of Atlantic, and to license and tax such operations and equipment used in connection therewith Any law authorizing the establishment and operation of such gambling establishments shall provide for the State revenues derived therefrom to be applied solely for the purpose of providing funding for reductions in property taxes, rental, telephone, gas, electric, and municipal utilities charges of eligible senior citizens and disabled residents of the State, and for additional or expanded health services or benefits or transportation services or benefits to eligible senior citizens and disabled residents, in accordance with such formulae as the Legislature shall by law provide The type and number of such casinos or gambling houses and of the gambling games which may be conducted in any such establishment shall be determined by or pursuant to the terms of the law authorizing the establishment and operation thereof

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F It shall be lawful for the Legislature to authorize, by law, the specific kind, restrictions and control of wagering on the results of live or simulcast running and harness horse races conducted within or outside of this State The State's share of revenues derived therefrom shall be used for such purposes as shall be provided by law

It shall also be lawful for the Legislature to authorize by law wagering at current or former running and harness horse racetracks in this State on the results of any professional, college, or amateur sport or athletic event

Rejected November 2, 2021

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Architects to disclose insurance coverage, required, amends C 45 3-17, Ch 433
Compilation, data, issuance of annual reports, New Jersey teacher workforce, required, C 18A 27-3 5 et seq , Ch 394
Department of Health, establish nursing education, professional advancement programs, certain, required, C 45 11-81 et seq , Ch 302
"Direct Support Professional Career Development Program" established, C 18A 64A-82 et seq , Ch 421
Educator preparation program, report passing rates of students who complete tests, certain, disseminate information on test fee waiver programs, required, collection of student fee for testing costs, certain, permitted, C 18A 26-30 et seq , Ch 393
Exemption, civil service examination requirement, entry-level law enforcement, sheriff's, State, county correctional officers, permitted, hiring, appointment of such officers, conditions, certain, permitted, amends C 11A 4-1 3, Ch 406
Expedited licensure, mental health professions, out-of-State individuals, certain, during state of emergency, public health emergency, permitted, C 45 1-7 10, Ch 94
Health care professional licensing boards, utilize National Practitioner Data Bank, required, C 45 1-32 1, Ch 335
Health care professionals, certain, explicit, implicit bias training, required, C 26 2H-12 108 et al , Ch 79
Formation of limited liability companies, real estate salespersons, broker-salespersons, receive commission income, allowed, disclosures, certain, on promotions, required, amends R S 45 15-16 et seq , Ch 281
Loan redemption program, teachers, certain, redeem loan amounts received under New Jersey College Loans to Assist State Students Loan Program through employment, schools, certain, established, C 18A 71C-83 et seq , Ch 384
Mandatory domestic violence training, municipal prosecutors, established, amends C 2B 25-10, Ch 378
"Motorbus and Passenger Rail Service Employee Violence Prevention Act" established, C 27 25-5 28 et al , amends N J S 2C 12-1 et al , Ch 352
Names required, professional, occupational licensure, C 45 1-7 9, Ch 88
New Jersey Department of Community Affairs, studying, providing grants, technical assistance to licensed, registered child care providers, support workforce development, other improvements, Ch 144

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Nonresident Certified Public Accountants, certain, to provide attest services, permitted, amends C 45 2B-50 1 et al , Ch 297
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Professional, occupational boards, standards required regarding criminal history records, C 45 1-21 5 et seq , amends C 45 1-21, Ch 81
Real estate broker-salespersons, salesperson, right to define relationship with broker, codified, current, previous written agreements addressing relationship, enforced, amends P L 2018, c 71, Ch 486
School nurse retired from TPAF, return to employment, up to two years without reenrollment in Teachers' Pension and Annuity Fund, permitted, amends N J S 18A 66-53 2, Ch 296
State Board of Chiropractic Examiners, two public members added, licensure for individuals convicted of offenses, certain, prohibited, C 45 1-15 9, amends C 45 9-41 20 et al , Ch 345
State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors membership revised, amends C 45 16A-3, Ch 86
Teacher, professional staff member, provides special services, TPAF, return to employment, circumstances, certain, permitted, Ch 408
Temporary emergency licensure of health care professionals, certain, extended, amends P L 2021, c 326, Ch 368
Temporary nurse aids certification, Ch 326
Temporary travel license, practice chiropractic, provided, C 45 9-41 37, Ch 355
Training, culturally responsive teaching, teaching certification candidates, mandated, C 18A 26-2 31, Ch 311
Training for judges, law enforcement officers, assistant county prosecutors, expanded, concerning handling of domestic violence cases, amends C 2C 25-20, Ch 377
Transfer of professional, occupational licenses, certain, penalties, revised, C 56 8-146 1, amends C 45 1-25, Ch 482

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Insurer, submit to Motor Vehicle Commission power of attorney executed electronically, certificate of ownership, salvage certificate of title by person who received, due to receive total loss settlement, allowed, amends C 39 10-32, Ch 360
Municipalities, address unlawful operation, certain, all-terrain vehicles, dirt bikes, seizure, destruction of vehicles, some circumstances, authorized, amends C 39 3C-35 et al , Ch 353
Transfer of escheated civil forfeiture funds, certain, Unclaimed Personal Property Trust Fund to General Fund, required, county prosecutor's office, amends P L 2020, c 97, Ch 78

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Accidental death benefits, surviving spouses, children of members, retirees, certain, of State Police Retirement System, C 53 5A-14 5, Ch 75
Board of education, school bus contractor, held responsible for approving, assigning driver, substitute driver without first complying with provisions of law concerning training, certification, criminal history checks, amends N J S 18A 39-20, Ch 306
Employment by State, persons, certain, with disabilities, C 11A 7-13 6 et seq , Ch 466
Exempt fireman certificates, New Jersey State Firemen's Association membership, maximum eligibility age raised, amends N J S 40A 14-56 et al , Ch 123
Fast-track hiring, advancement employment opportunities by State, persons with significant disabilities, C 11A 7-13 1 et seq , Ch 465
Non-resident municipal emergency management coordinators appointment, municipalities under 5,000 residents, circumstances, certain, amends C App A 9-40 1, Ch 50
Periodic cancer screening, firefighters in State Health Benefits Program, mandated, C 52 14-17 29ii, Ch 478
Personal information of public officials, disclosure, provisions, modified, certain, amends C 47 1A-1 1 et al , Ch 24
Public Employees Retirement System retiree, return to employment in Legislature, circumstances, certain, permitted, Ch 498
"Responsible Collective Negotiations Act" created, C 34 13A-56 et al , amends C 34 13A-5 4 et al , Ch 411
Retirement allowance after 20 years of service, current PFRS members who retire within two years, amends C 43 16A-5, Ch 52
State Treasurer to determine Director of Division of Investment salary, authorized, amends C 52 18A-84, Ch 138
"Task Force to Promote the Employment by State Agencies of People with Disabilities" established, C 34 1A-1 21 et seq , Ch 84
Training required for New Jersey Department of Education arbitrators regarding cultural diversity, bias, amends C 18A 6-17 1, Ch 51

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2-1-1 telephone system information, include all current modes of public transit, information on access, usage, updated, C 26 17-1 et seq , Ch 361
Attorney General, annual report, sexual assault cases, required, C 52 4B-44 4, Ch 64
Board of Public Utilities, electric power suppliers, gas suppliers to publish information, certain, related to customer complaint filing, required, amends C 48 3-85 et al , Ch 458
Board of Public Utilities, establish, maintain electronic public records access service on website, provide notice, certain, of meetings, hearings, allow public comment, required, C 48 2-10 1 et al , amends R S 48 2-40, Ch 96

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Court records, confidentiality, eviction actions, certain, initiated during COVID-19 pandemic, C 2A 42-144 et seq , Ch 189
COVID-19 public health emergency data, reporting, Ch 5
Database, appointed positions, elected offices, certain, established, C 19 3-30, Ch 414
Department of Health, publish total number of COVID-19 deaths, cases in long-term care facilities, Ch 300
Human trafficking, victims, informational notices, development, posting, C 52 17B-237 1, amends C 52 17B-237 Ch 3
Notaries, notarial acts, electronic signatures, authorized, C 52 7-10 1 et al , amends C 52 7-10 et al , Ch 179
"Office of Information Privacy" created, redaction, nondisclosure, of home address of professionals, certain, immediate, cohabitating family members thereof, upon request, required, C 47 1B-1 et al , amends C 2C 20-31 1 et al , repeals C 56 8-166 2, Ch 371
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Public, local utilities to provide notice of relief measures, certain, during COVID-19 pandemic, required, Ch 97
Requirement to purchase the official "Manual of the Legislature of New Jersey" removed, repeals R S 52 12-3 et seq , Ch 473
Statewide database of certified payroll information for public works projects, creation required, amends C 34 11-56 33 et al , Ch 164

PUBLIC UTILITIES
Board of Public Utilities, electric power suppliers, gas suppliers to publish information, certain, related to customer complaint filing, required, amends C 48 3-85 et al , Ch 458
Board of Public Utilities, establish, maintain electronic public records access service on website, provide notice, certain, of meetings, hearings, allow public comment, required, C 48 2-10 1 et al , amends R S 48 2-40, Ch 96
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Cybersecurity, asset management, related reporting requirements, revised, in "Water Quality Accountability Act," C 58 31-4 1 et al , amends C 58 31-2 et al , Ch 262
Electric public utility, charge residential rate for service used by residential customer, electric vehicle charging, charging stations within designated parking spaces, certain, required, C 48 7-6 1, Ch 441
Elevated lead levels in drinking water, public water systems to notify customers, local officials, required, landlords to notify tenants, required, C 58 12A-12 4 et seq , Ch 82
Imposition of fee, connection to municipal electric distribution system, authorized, C 40 62-13 2, amends R S 40 62-14, Ch 270

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Power restoration to medical facilities, assisted living facilities, nursing homes priority, certain, required, C 48 7-26 et seq , Ch 29
Public community water systems, inventory, replace lead service lines within 10 years, required, recoupment of costs by investor-owned public water systems, C 58 12A-40 et seq , Ch 183
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Public utilities, local units, provide notice prior to initiating infrastructure projects, certain, required, C 48 3-17 11 et seq , Ch 263
Public water systems, offer drinking water tests, circumstances, certain, C 58 12A-12 7 et seq , Ch 265
School and Small Business Energy Efficiency Stimulus Program Fund, established, C 48 3-106 1 et seq , Ch 200
Solar energy projects, successor program established, Board of Public Utilities, C 48 3-114 et al , amends C 48 3-51 et al , Ch 169
Special assessment, bond issuance restrictions for replacement of residential lead service lines, removed, budgetary requirements for operators of water systems, certain, revised, C 40A 4-35 2 et al , amends C 40 14B-3 et al , Ch 184
Utility discontinuances, certain, prohibited, "Winter Termination Program" established, Board of Public Utilities to include sewer, water public utilities in Program, required, C 40A 5A-28 et al , Ch 317

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Capital City Redevelopment Corporation, sell surplus real property, improvements owned by State in City of Trenton, authorized, Ch 159
Disclosure of information, certain, prior to real estate sale, amends C 56 8-19 1, Ch 268
Foreclosure mediation, notification, amends C 2A 50-76, Ch 36
Garden State Growth Zone tax exemption program, modified, amends C 52 27D-489r et seq , Ch 232
Immunity, COVID-19 spread in planned real estate developments, Ch 142
Information on property condition disclosure statement, amends C 56 8-19 1, Ch 422
Lead paint inspection, residential rental property, certain, required, lead-based paint hazard education program established, C 52 27D-437 16 et al , amends C 26 2-137 6 et al , Ch 182
Municipal property registration ordinances, address risk of blight, C 40 48-2 12s1 et seq , amends C 2A 50-73, repeals C 40 48-2 12s, Ch 444
"Municipal Rehabilitation and Economic Recovery Act," economic recovery, term extended, appeal of property assessments, certain, Garden State Growth Zone Development Entity, barred, C 52 27D-489u, amends C 52 27BBB-3 et al , Ch 30

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"New Jersey Foreclosure Prevention Act", established, C 55 14K-94 et seq , amends N J S 2A 17-38 et al , Ch 34
Offshore wind projects, construct power lines, obtain real property interests, authorized, Board of Public Utilities, supersede local governmental powers, certain, upon petition from offshore wind project, authorized, amends C 48 3-87 1, Ch 178
Property condition disclosure statement, indicate presence of lead plumbing in residential property, required, amends C 56 8-19 1, Ch 264
Real property assessment, counties operating under "Real Property Assessment Demonstration Program," amends C 54 4-23b et al , Ch 136
Realty transfer fee revenues, certain, dedicated to Special Needs Housing Trust Fund, required, amends C 46 15-8 et al , Ch 126
Residential property title following foreclosure, creditors notification to municipality, amends C 46 10B-51 1, Ch 20
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Postconsumer recycled content requirements, rigid plastic containers, glass containers, paper, plastic carryout bags, plastic trash bags, established, sale of polystyrene loose fill packaging, prohibited, C 13 1E-99 135 et seq , Ch 391
Solar energy projects, successor program established, Board of Public Utilities, C 48 3-114 et al , amends C 48 3-51 et al , Ch 169

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Additional requirements, assess sanctions, impose penalties on nursing homes, reporting requirements for nursing homes, revised, C 26 2H-46 1 et seq , Ch 457
Department of Health, develop Statewide plan, infection control, prevention infrastructure improvements, nursing homes, required, C 26 2H-12 87a, Ch 277
Department of Health, publish total number of COVID-19 deaths, cases in long-term care facilities, Ch 300
Nursing homes, licensure, operational, reporting requirements revised, C 26 2H-7 25 et al , amends C 26 2H-7 2, Ch 95
Long-term care facilities, outbreak response plan requirements, revised, C 26 2H-87 3, amends C 26 2H-12 87, Ch 190
Long-term care facilities, requirements, certain, established, lesbian, gay, bisexual, transgender, undesignated/non-binary, questioning, queer, intersex, HIV-positive residents, long-term care facilities, rights C 26 2H-12 101 et seq , Ch 33
Minimum, maximum temperatures, certain, rooming, boarding houses, dementia care homes, nursing homes, residential health care facilities, certain, established, C 26 2H-14 4a, amends C 26 2H-14 3 et al , Ch 260
Temporary 25 percent increase, assisted living resident provider, certain, in Medicaid, amends P L 2020, c 97, Ch 186

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Alternate route, expedite teacher certification at early college high school programs, established, C 18A 26-2 30, Ch 279
Alternative evaluation in place of basic skills testing requirement, teacher certification, certain, allowed, C 18A 26-34, Ch 420
"Amistad Commission Exemplary Award Program" established, C 52 16A-88 1, Ch 209
Annual audit, 2020-2021 school district fiscal year, completion, filing deadline, extended, established, Ch 256

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Board of education, school bus contractor, held responsible for approving, assigning driver, substitute driver without first complying with provisions of law concerning training, certification, criminal history checks, amends N J S 18A 39-20, Ch 306
Boards of education to provide special education, related services to students exceeding age of eligibility, certain, C 18A 46-6 3, Ch 109
Career, technical education expansion, county vocational school districts, "Securing Our Children's Future Fund" grants, Ch 148
Compilation, data, issuance of annual reports, New Jersey teacher workforce, required, C 18A 27-3 5 et seq , Ch 394
"Commission on Asian American Heritage" established, Department of Education, C 18A 4-51 et seq , Ch 410
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Department of Children and Families, priority to school districts, certain, student mental health counseling centers, awarding grants, "School Based Youth Services Program," C 30 5B-35, Ch 323
Dependents of military members, enroll in school district ahead of relocation, permitted, C 18A 38-3 2, Ch 470
Educator preparation program, report passing rates of students who complete tests, certain, disseminate information on test fee waiver programs, required, collection of student fee for testing costs, certain, permitted, C 18A 26-30 et seq , Ch 393
Five-year pilot program, limited certificate of eligibility, with advanced standing, teacher candidates, certain, C 18A 26-2b et seq , Ch 224
Garden State Health Plan, effective date changed, charter, renaissance schools, certain, exempted from health care plan requirements, certain, negotiations, certain, over particular health care costs, required, amends C 18A 16-13 2 et al , Ch 163
Grant program, encourage school district, institution of higher education partnership, school-based mental health services providers, C 18A 6-33 18 et seq , Ch 322
Grants reciprocity to teachers with out-of-State certificates, "Alternate Route Interstate Reciprocity Pilot Program" established, C 18A 26-25 et seq , Ch 57
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Higher education students, certain, allowed to serve as substitute teacher, time period served by substitute teacher extended, public health emergency, C 18A 26-2 29, amends C 18A 16-1 1a et al , Ch 87
"Laura Wooten's Law", civics instruction, middle school, required, New Jersey Center for Civic Education, provide curricula, professional development, technical assistance for middle, high school civics, authorized, C 18A 35-40 et al , amends C 18A 35-2 1, Ch 185

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Loan redemption program, teachers, certain, redeem loan amounts received under New Jersey College Loans to Assist State Students Loan Program through employment, schools, certain, established, C 18A 71C-83 et seq , Ch 384
"Mental Health Screening in Schools Grant Program," established, C 18A 40-5 5 et seq , Ch 237
New Jersey Student Learning Standards, diversity, inclusion instruction, C 18A 35-4 36a, Ch 32
Non-resident children, certain, of United States military personnel attending public institutions of higher education, resident tuition rate provided, amends C 18A 62-4 1, Ch 49
"Office of School Bus Safety" created, Department of Education, C 18A 39-34 et seq , Ch 471
Outreach program, encourage young women, minorities, pursue post-secondary degrees, careers in STEM, Department of Education, C 18A 3B-99 et seq , Ch 239
Pilot program, Department of Education, support robotics programs, established, Ch 320
Procedures, certain, school district regionalization, modified, grant program, cost reimbursement, conducting regionalization feasibility studies, established, financial incentives, regionalization, C 18A 13-47 1 et al , amends N J S 18A 13-34 et al , Ch 402
Provisions required in school district's anti-bullying policy, revised, civil liability, parent of minor adjudicated delinquent for cyber-harassment, harassment, fines, certain, increased against parents, C 2A 53A-17 1 et al , amends C 2C 33-4 1 et al , Ch 338
Requirement to set tuition rates, certain, for approved private schools for students with disabilities, cases, certain, eliminated, amends P L 2021, c 109, Ch 487
School and Small Business Energy Efficiency Stimulus Program Fund, established, C 48 3-106 1 et seq , Ch 200
School-based social emotional learning, grades kindergarten through five, public schools, certain, "Clayton Model Pilot Program" established, Ch 85
School district surplus, maintenance, four percent for 2020-2021, 2021-2022 school years, allowed, Ch 35
School districts, instruction on history, contributions of Asian Americans and Pacific Islanders, New Jersey Student Learning Standards in Social Studies, C 18A 35-4 44, Ch 416
School districts to administer student health surveys, prior written notification to parents, legal guardians, permitted, C 18A 36-34 1, Ch 156
School report card, include demographic breakdown of students receiving disciplinary actions, required, Commissioner of Education to established Statewide database concerning disciplinary actions, certain, required, amends C 18A 7E-3 et al , Ch 387

SCHOOLS (continued)
School report card, include information concerning number of mental health professionals, school safety specialists employed by school districts, amends C 18A 7E-3, Ch 339
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School websites, web services, accessible to persons with disabilities, required, C 18A 36-35 1, Ch 461
Student-athletes, concussions, return to regular school activities prior to return to competition, school districts to implement six-step return-to-competition process, required, C 18A 40-41 2a et al , amends C 18A 40-41 4, Ch 222
Student speech rights, student journalists, public schools, institutions of higher education, C 18A 36-44 et al , Ch 309
Student well-being, school security drills, C 18A 41-7a, Ch 365
Supplemental State aid to school district receiving federal Impact Aid, certain, authorized, C 18A 7F-71, Ch 283
Teacher, professional staff member, provides special services, TPAF, return to employment, circumstances, certain, permitted, Ch 408
Training, culturally responsive teaching, teaching certification candidates, mandated, C 18A 26-2 31, Ch 311
Training required for New Jersey Department of Education arbitrators regarding cultural diversity, bias, amends C 18A 6-17 1, Ch 51
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SENIOR CITIZENS
Commissioner of Human Services, streamline Supplemental Nutrition Assistance Program application process for senior citizens, conduct outreach, required, C 44 10-81 3 et seq , Ch 243
Minimum Medicaid reimbursement rate, adult medical day care services, established, C 30 4D-7hh et seq , Ch 452
"Multigenerational Family Housing Continuity Commission" established, municipal guidance, provided, periodically analyze local advancement of senior citizen housing recommendations, C 52 27D-329 20, amends C 52 27D-310, Ch 273
Pharmaceutical Assistance to the Aged and Disabled program, Senior Gold Prescription Discount Program eligibility limits increased, amends C 30 4D-21, Ch 131

SOLID WASTE
Penalties, unauthorized transportation, disposal of solid waste, increased, amends C 13 1E-9 3 et seq , Ch 363

STATE GOVERNMENT
Grants Management Office established, State Treasurer to submit report, Legislature, identifying federal funds application deadlines, State agencies, required, C 52 18A-264, Ch 122
Office of Food Insecurity Advocate, revised, renamed, amends C 52 27J-1 et al , Ch 483
Rename, "Judith M Persichilli Building," Department of Health State office, City of Trenton, Ch 284
Requirement, promulgation by Governor of national census, removed, amends R S 52 4-1 et al , Ch 369
Statewide database of certified payroll information for public works projects, creation required, amends C 34 11-56 33 et al , Ch 164

STUDENTS
Eliminates eligibility of postsecondary students, other individuals for State student assistance, training, employment services if school, training provider requires consent to arbitration agreement, proceeding, to waive rights, certain, C 18A 71B-117 et al , Ch 53
Higher education institutions, public, non-public high schools, middle schools, adopt anti-hazing policies, required, activities encompassing criminal hazing, expanded, penalties for engaging, upgraded, C 18A 3-27 1 et al , amends C 2C 40-3 et seq , Ch 208
Higher education students, certain, allowed to serve as substitute teacher, time period served by substitute teacher extended, public health emergency, C 18A 26-2 29, amends C 18A 16-1 1a et al , Ch 87
Institutions of higher education, provide graduating students with information on income-contingent student loan repayment programs, C 18A 3B-101, Ch 357
Medicaid recipients, certain, residing on post-secondary school campus, participate remotely in nonmedical meetings regarding benefits, authorized, C 30 4D-6t, Ch 443
"Mental Health Screening in Schools Grant Program," established, C 18A 40-5 5 et seq , Ch 237
"New Jersey Legislative Youth Council" created, C 52 13GG-1 et seq , Ch 398
Provisions required in school district's anti-bullying policy, revised, civil liability, parent of minor adjudicated delinquent for cyber-harassment, harassment, fines, certain, increased against parents, C 2A 53A-17 1 et al , amends C 2C 33-4 1 et al , Ch 338
Public institutions of higher education, reduction of student's institutional financial aid upon receipt of private scholarship, circumstances, certain, C 18A 62-65 et seq , Ch 223
School report card, include demographic breakdown of students receiving disciplinary actions, required, Commissioner of Education to established Statewide database concerning disciplinary actions, certain, required, amends C 18A 7E-3 et al , Ch 387

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Student-athletes, concussions, return to regular school activities prior to return to competition, school districts to implement six-step return-to-competition process, required, C 18A 40-41 2a et al , amends C 18A 40-41 4, Ch 222
Student identification cards, certain, contain telephone number for suicide prevention hotline, required, C 18A 6-113 1 et al , Ch 261
Student representative, appointed to school district board of education, charter school board of trustees, grades nine through 12, required, C 18A 12-1 3 et al , Ch 446
Student speech rights, student journalists, public schools, institutions of higher education, C 18A 36-44 et al , Ch 309
Student well-being, school security drills, C 18A 41-7a, Ch 365
"Student Wellness Grant Program" established, Department of Education, C 18A 6-33 20 et seq , Ch 456
Students, certain, who hold T, U, or O visa, qualify for in-State tuition, allowed, student holding T or U visa, qualify for student financial aid, allowed, C 18A 71B-2 6, amends C 18A 62-4 6, Ch 341
Tuition, fees transparency, higher education, proprietary degree-granting institutions, amends C 18A 3B-6b, Ch 211

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Builders to offer unit concrete products utilizing carbon footprint-reducing technology, required, tax incentives, State, local purchasing requirements established, C 52 27D-141 15 et al , Ch 278
Deduction of promotional gaming credit, gross revenue on sports wagering, allowed, C 5 12A-16 1, Ch 450
Elective pass-through entity business alternative income tax, revised, amends C 54A 12-2 et al , Ch 419
Film, digital media content production tax credit program, changes, amends C 54 10A-5 39b et al , Ch 367
Forgiven federal paycheck protection program loans, excluded from gross income tax, tax deduction of expenses, certain, allowed, Ch 90
Garden State Growth Zone tax exemption program, modified, amends C 52 27D-489r et seq , Ch 232
Gross income tax credit, child, dependent care expenses, revised, C 54A 4-17, Ch 308
Mass transit parking tax, amends C 40 48C-1 7, Ch 348
New Jersey earned income tax credit program, eligibility expanded, taxpayers 18 years of age can qualify for modified benefits, amends C 54A 4-7, Ch 130
"Nonprofit Hospital Community Service Contribution Study Commission" established, property tax exemption, reinstated, third-party property tax appeals, prohibited, C 40 48J-1 et al , amends R S 54 4-3 6 et al , Ch 17
Partial pension, retirement income exclusion, taxpayers, certain, amends N J S 54A 6-10 et al , Ch 129

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Provision of energy, manufacturing facilities, certain, exemptions to energy-related taxes, certain, amends C 54 32B-8 47b et seq , Ch 213
Refund excess property taxes paid by taxpayer who wins assessment appeal as property tax credit, amends C 54 3-27 2 et al , Ch 432
Taxes, credits, casino licensees, temporarily modified, promotional gaming credits, include coupons, table game wagers, certain, priority funding, senior, disabled transportation services, required, amends C 5 12-38a et al , Ch 314
Veterans' property tax exemption to tenant shareholders in cooperatives, mutual housing corporations, extended, C 54 4-3 30a, amends C 54 4-3 33, Ch 175
Voluntary contributions, gross income tax returns, ovarian cancer research, C 54A 9-25 49, Ch 333
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2-1-1 telephone system information, include all current modes of public transit, information on access, usage, updated, C 26 17-1 et seq , Ch 361
"21st Century Integrated Digital Experience Act" created, C 52 18A-233 1 et seq , amends C 52 18A-230, Ch 392
Appeal of land use division related to holding meeting electronically, prohibited, Ch 230
Board of Public Utilities, establish, maintain electronic public records access service on website, provide notice, certain, of meetings, hearings, allow public comment, required, C 48 2-10 1 et al , amends R S 48 2-40, Ch 96
Builders to offer unit concrete products utilizing carbon footprint-reducing technology, required, tax incentives, State, local purchasing requirements established, C 52 27D-141 15 et al , Ch 278
Corporations, blockchain technology, recordkeeping requirements, certain, amends N J S 14A 5-28 et al , Ch 238
Cybersecurity, asset management, related reporting requirements, revised, in "Water Quality Accountability Act," C 58 31-4 1 et al , amends C 58 31-2 et al , Ch 262
Database, civil service hiring process, law enforcement officers, certain, established, Statewide diversity analysis of law enforcement, required, C 11A 4-1 4 et seq , Ch 236
Department of Community Affairs, homeless prevention programs, services, information made available on website, C 52 27D-281a, Ch 437
Department of Human Services, mobile software, Supplemental Nutritional Assistance Program recipients, C 44 10-107 et seq , Ch 245
Electronic communication service, preserve information reported to law enforcement, endangerment of children, 180 days, required, C 52 17B-193 1, Ch 356

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Medicaid recipients, certain, residing on post-secondary school campus, participate remotely in nonmedical meetings regarding benefits, authorized, C 30 4D-6t, Ch 443
Notaries, notarial acts, electronic signatures, authorized, C 52 7-10 1 et al , amends C 52 7-10 et al , Ch 179
Online selling, motor vehicles, electronic signatures for motor vehicle transactions, C 39 10-19 5 et al , amends R S 39 10-2 et al , Ch 462
School websites, web services, accessible to persons with disabilities, required, C 18A 36-35 1, Ch 461
State agencies awarding contracts for purchasing items requiring power source, consider items powered by fuel cells, C 52 34-6 9, Ch 91
Statewide database of beds in shelters for the homeless, established, C 55 14K-5 5 et seq , Ch 440
Supplemental Nutrition Assistance Program, application process, technological upgrade, C 44 10-81 2, Ch 93
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