ACTS

OF THE

First Annual Session

OF THE

Two Hundred and Thirteenth Legislature

OF THE

STATE OF NEW JERSEY



2008

New Jersey State Library

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

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of the
Two Hundred and Thirteenth Legislature

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THIRTY-EIGHTH DISTRICT
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(Part of Bergen)
GERALD CARDINALE

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

[1]Resigned 1/3/09; sworn in Congress 1/6/09.
[2]Sworn in 1/13/09.
[3]Resigned 1/3/09; sworn in Congress 1/6/09.

MEMBERS OF THE GENERAL ASSEMBLY

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ANNETTE QUIJANO[2]

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(Parts of Middlesex, Somerset, Union)
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MARCIA A. KARROW

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ALISON LITTELL McHOSE

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(Part of Morris)
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RICHARD A. MERKT

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ALEX DeCROCE
JAY WEBBER

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(Part of Essex)
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(Part of Hudson)
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(Part of Bergen)
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(Part of Bergen)
JOAN M. VOSS
CONNIE WAGNER

THIRTY-NINTH DISTRICT
(Part of Bergen)
JOHN E. ROONEY
CHARLOTTE VANDERVALK

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

[1]Resigned 7/27/08.
[2]Sworn in 9/25/08.

LAWS

ACTS
ENACTED BY THE

First Annual Session
OF THE

Two Hundred and Thirteenth Legislature

CHAPTER 1

AN ACT concerning horseshoe crabs and shorebird conservation and supplementing P.L.1979, c.199 (C.23:2B-1 et seq.).

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

C.23:2B-20 Findings, declarations, determinations relative to horseshoe crab and shorebird conservation.

1. The Legislature finds and declares that each spring more than a million shorebirds of six species, including the red knot, ruddy turnstone, sanderling, semipalmated sandpiper, short-billed dowitcher, and dunlin, stop at Delaware Bay beaches and feed upon horseshoe crab eggs; that the red knot was once considered one of New Jersey's most abundant shorebirds; that this critical food source of horseshoe crab eggs consumed during the stopover of the red knot in New Jersey and Delaware is needed for the birds to gain sufficient weight to continue their migration north to breeding grounds in the Canadian Arctic, survive until food becomes available, and successfully reproduce; that surveys have shown that red knots migrating through the bay region have declined by more than 75 percent since 2000; and that state and international biologists fear that the red knot will become extinct as soon as 2010.

The Legislature further finds and declares that the numbers of shorebirds other than the red knots that feed on horseshoe crab eggs on the Delaware Bay have declined by a highly significant 64 percent during the period of 1998 through 2007.

The Legislature further finds and declares that shorebird populations have continued to decline, despite the fact that over the past two decades more than $3 million in public funds have been spent on the protection and restoration of shorebird populations and their habitats on New Jersey's Delaware Bay shore.

The Legislature therefore determines that a moratorium on the harvest, landing and possession of horseshoe crabs is critical to ensure that more horseshoe crab eggs will be available as a food source, thus increasing the likelihood of survival of these shorebirds.

C.23:2B-21 Moratorium on taking of horseshoe crabs, exceptions; shorebird management plan.

2. a. Except as provided pursuant to subsection b. or c. of this section, there shall be a moratorium on the taking in the State of horseshoe crabs or the eggs of horseshoe crabs, on the landing in the State of such crabs or the eggs of horseshoe crabs taken from outside of the State, and on the possession of horseshoe crabs or the eggs of horseshoe crabs regardless of their origin, until such time as: (1) the recovery targets for the population of the red knot shorebird, identified pursuant to the United States Fish and Wildlife Service 2007 status assessment, entitled "Status of the Red Knot (*Calidris canutus rufa*) in the Western Hemisphere," are met; and (2) a shorebird management plan, which, based upon scientific study and evidence, demonstrates to the satisfaction of the Department of Environmental Protection that a more than adequate food supply from horseshoe crab eggs for shorebirds and population viability for both shorebirds and horseshoe crabs exist. The plan shall be subject to public comment and to review and approval by a peer-review panel which shall include qualified shorebird and horseshoe crab ecologists, and the Endangered and Nongame Species Advisory Committee created pursuant to subsection e. of section 7 of P.L.1973, c.309 (C.23:2A-7). The plan must indicate that the shorebirds species including the red knot *rufa* subspecies have fully recovered, pursuant to the United States Fish and Wildlife Service recovery targets, before the reestablishment of a limited harvest season may be considered.

b. Notwithstanding the provisions of this section to the contrary, the Department of Environmental Protection may issue a permit for: (1) the taking, landing and possession of horseshoe crabs or the eggs of horseshoe crabs for scientific or educational purposes only, provided that the department determines that the collection of the horseshoe crabs or the eggs of horseshoe crabs for these purposes will not cause harm to the red knot, other shorebirds, or horseshoe crab populations; or

(2) the collection of blood from horseshoe crabs for biomedical purposes, provided that the horseshoe crabs are released otherwise unharmed to the same waters from which they were collected.

c. The moratorium established in subsection a. of this section shall not apply to the possession and use of horseshoe crabs harvested outside of

the State, provided that the person found in possession of, or using, the horseshoe crabs has documentation which shows that the horseshoe crabs were not harvested in New Jersey. The documentation shall include a receipt or bill of lading that provides:

(1) the name, address, and phone number of the person or company that provided the horseshoe crabs;

(2) the permit or license number of the person or company named pursuant to paragraph (1) of this subsection; and

(3) the state and, if possible, the location, where the horseshoe crabs were harvested.

d. Any person possessing or using horseshoe crabs in violation of this section shall be liable to a penalty of $10,000 for the first offense, and $25,000 for the second and subsequent offenses, in addition to any applicable penalties prescribed pursuant to subsections b. through d. of section 73 of P.L.1979, c.199 (C.23:2B-14).

3. This act shall take effect immediately.

Approved March 25, 2008.

CHAPTER 2

AN ACT concerning municipal courts and amending N.J.S.2B:12-1.

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

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

Establishment of municipal courts.

2B:12-1. Establishment of municipal courts.

a. Every municipality shall establish a municipal court. If a municipality fails to maintain a municipal court or does not enter into an agreement pursuant to subsection b. or c. of this section, the Assignment Judge of the vicinage shall order violations occurring within its boundaries heard in any other municipal court in the county until such time as the municipality establishes and maintains a municipal court. The municipality without a municipal court shall be responsible for all administrative costs specified in the order of the Assignment Judge pending the establishment of its municipal court.

b. Two or more municipalities, by ordinance, may enter into an agreement establishing a single joint municipal court and providing for its administration. A copy of the agreement shall be filed with the Administrative Director of the Courts. As used in this act, "municipal court" includes a joint municipal court.

c. Two or more municipalities, by ordinance or resolution, may agree to provide jointly for courtrooms, chambers, equipment, supplies and employees for their municipal courts and agree to appoint judges and administrators without establishing a joint municipal court. Where municipal courts share facilities in this manner, the identities of the individual courts shall continue to be expressed in the captions of orders and process.

d. An agreement pursuant to subsection b. or c. of this section may be terminated as provided in the agreement. If the agreement makes no provision for termination, it may be terminated by any party with reasonable notices and terms as determined by the Assignment Judge of the vicinage.

e. Any county of the first class with a population of over 825,000 and a population density of less than 4,000 persons per square mile according to the latest federal decennial census, with a county police department and force established in accordance with N.J.S.40A:14-106 or a county park police system established in accordance with P.L.1960, c.135 (C.40:37-261 et seq.), may establish, by ordinance, a central municipal court, which shall be an inferior court of limited jurisdiction, to adjudicate cases filed by agents of the county health department, members of the county police department and force or county park police system, or other cases within its jurisdiction referred by the vicinage Assignment Judge pursuant to the Rules of Court, and provide for its administration. A copy of that ordinance shall be filed with the Administrative Director of the Courts. As used in this act, "municipal court" includes a central municipal court.

2. This act shall take effect immediately.

Approved March 26, 2008.

CHAPTER 3

AN ACT appropriating $33,000,000 from the "Garden State Green Acres Preservation Trust Fund" for the acquisition 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 from the "Garden State Green Acres Preservation Trust Fund" established pursuant to section 19 of P.L.1999, c.152 (C.13:8C-19), to the Department of Environmental Protection the sum of $33,000,000 for the acquisition of lands by the State for recreation and conservation purposes. This sum shall be allocated as follows:

Project	**County**	**Municipality**	**Amount**
(1) CAPE MAY PENINSULA			$3,000,000
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 AMERICAN REVOLUTION			4,000,000
Princeton Battlefield to Monmouth			
	Mercer	East Windsor Twp	
		Ewing Twp	
		Hamilton Twp	
		Hightstown Boro	
		Lawrence Twp	
		Robbinsville Twp	
		West Windsor Twp	
	Middlesex	Cranbury Twp	
		Monroe Twp	
		Plainsboro Twp	
		South Brunswick Twp	
	Monmouth	Allentown Boro	
		Englishtown Boro	
		Freehold Twp	
		Manalapan Twp	

	Marlboro Twp
	Millstone Twp
	Roosevelt Boro
	Upper Freehold Twp

Princeton to Morristown

Hunterdon	Delaware Twp
	East Amwell Twp
	Flemington Boro
	Franklin Twp
	Frenchtown Boro
	Kingwood Twp
	Lambertville City
	Raritan Twp
	Readington Twp
	Stockton Boro
Morris	Chatham Boro
	Chatham Twp
	Chester Boro
	Harding Twp
	Long Hill Twp
	Madison Boro
	Mendham Boro
	Mendham Twp
	Morris Plains Boro
	Morris Twp
	Morristown Town
	Randolph Twp
Somerset	Bedminster Twp
	Bernards Twp
	Bernardsville Boro
	Bound Brook Boro
	Branchburg Twp
	Bridgewater Twp
	Far Hills Boro
	Franklin Twp
	Green Brook Twp
	Hillsborough Twp
	Manville Boro
	Millstone Boro
	Montgomery Twp
	North Plainfield Boro
	Peapack-Gladstone Boro
	Raritan Boro

	Rocky Hill Boro
	Somerville Boro
	South Bound Brook Boro
	Warren Twp
	Watchung Boro

Washington Crossing to Princeton Battlefield

Hunterdon	East Amwell Twp
	West Amwell Twp
Mercer	Hopewell Boro
	Hopewell Twp
	Pennington Boro
	Princeton Twp
	Trenton City

(3) DELAWARE & RARITAN CANAL GREENWAY 1,000,000

Hunterdon	Delaware Twp
	Kingwood Twp
	Lambertville City
	Stockton Boro
	West Amwell Twp
Mercer	Ewing Twp
	Hamilton Twp
	Hopewell Twp
	Lawrence Twp
	Princeton Twp
	Trenton City
Middlesex	New Brunswick City
	Plainsboro Twp
	South Brunswick Twp
Somerset	Franklin Twp

(4) DELAWARE BAY WATERSHED GREENWAY 4,000,000

Alloways Creek Greenway

Salem	Alloway Twp
	Elsinboro Twp
	Lower Alloways Creek Twp
	Pilesgrove Twp
	Quinton Twp
	Upper Pittsgrove Twp

Cape May Tributaries

Cape May	Dennis Twp
	Lower Twp
	Middle Twp
	Upper Twp

Cohansey River Greenway

Cumberland	Bridgeton City
	Fairfield Twp
	Greenwich Twp
	Hopewell Twp
	Lawrence Twp
	Shiloh Boro
	Upper Deerfield Twp
Salem	Alloway Twp

Dividing/ Nantuxent/ Cedar/ Back Creeks Greenway

Cumberland	Commercial Twp
	Downe Twp
	Fairfield Twp
	Lawrence Twp

Maurice River Greenway

Atlantic	Buena Boro
	Buena Vista Twp
Cape May	Dennis Twp
Cumberland	Commercial Twp
	Deerfield Twp
	Maurice River Twp
	Millville City
	Vineland City
Gloucester	Clayton Boro
	Elk Twp
	Franklin Twp
	Glassboro Boro
	Monroe Twp
	Newfield Boro
Salem	Elmer Boro
	Pittsgrove Twp
	Upper Pittsgrove Twp

Salem River/ Mannington Greenway

Salem	Carneys Point Twp
	Elsinboro Twp

		Mannington Twp
		Oldmans Twp
		Pennsville Twp
		Pilesgrove Twp
		Upper Pittsgrove Twp
		Woodstown Boro
Stow Creek Greenway		
	Cumberland	Greenwich Twp
		Stow Creek Twp
	Salem	Alloway Twp
		Lower Alloways Creek Twp
		Quinton Twp
(5) DELAWARE RIVER WATERSHED GREENWAY		4,000,000
Assinkunk Creek Watershed		
	Burlington	Mansfield Twp
Big Timber Creek		
	Camden	Clementon Boro
		Gloucester Twp
		Lindenwold Boro
		Pine Hill Boro
	Gloucester	Deptford Twp
		Westville Boro
Cooper River Greenway		
	Camden	Berlin Twp
		Camden City
		Gibbsboro Boro
		Haddon Twp
		Lindenwold Boro
		Voorhees Twp
Crosswicks Creek Watershed		
	Burlington	Bordentown City
		Bordentown Twp
		Chesterfield Twp
		Mansfield Twp
		North Hanover Twp
	Mercer	Hamilton Twp
		Robbinsville Twp
		Trenton City

	Monmouth	Allentown Boro
		Millstone Twp
		Upper Freehold Twp
	Ocean	Jackson Twp
		Plumsted Twp
Delaware River Bluffs		
	Hunterdon	Delaware Twp
		Frenchtown Boro
		Kingwood Twp
		Lambertville City
		Stockton Boro
		West Amwell Twp
	Mercer	Ewing Twp
		Hopewell Twp
Nishisakawick Greenway		
	Hunterdon	Alexandria Twp
		Delaware Twp
		Frenchtown Boro
		Kingwood Twp
Oldmans Creek Greenway		
	Gloucester	Logan Twp
		South Harrison Twp
		Woolwich Twp
	Salem	Oldmans Twp
		Pilesgrove Twp
		Upper Pittsgrove Twp
Raccoon Creek Greenway		
	Gloucester	East Greenwich Twp
		Elk Twp
		Greenwich Twp
		Harrison Twp
		Logan Twp
		Woolwich Twp
Rancocas Creek Greenway		
	Burlington	Cinnaminson Twp
		Delanco Twp
		Delran Twp
		Eastampton Twp
		Hainesport Twp

	Lumberton Twp	
	Medford Twp	
	Moorestown Twp	
	Mount Holly Twp	
	Mount Laurel Twp	
	Pemberton Twp	
	Riverside Twp	
	Southampton Twp	
	Springfield Twp	
	Westampton Twp	
	Willingboro Twp	
Trenton / Hamilton Marsh		
Burlington	Bordentown Twp	
	Chesterfield Twp	
Mercer	Hamilton Twp	
	Trenton City	
Woodbury Creek Watershed		
Gloucester	National Park Boro	
	West Deptford Twp	
(6) HIGHLANDS GREENWAY		6,000,000
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-GladstoneBoro
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) NON-PROFIT CAMPS		1,000,000
Youth Camps		
	Bergen	Mahwah Twp
	Burlington	Evesham Twp
		Medford Twp
		Tabernacle Twp
	Cumberland	Greenwich Twp
		Hopewell Twp
	Gloucester	Franklin Twp
	Hunterdon	East Amwell Twp
		Readington Twp
	Monmouth	Wall Twp
	Morris	Kinnelon Boro
		Rockaway Boro
	Ocean	Ocean Twp
	Passaic	Ringwood Boro
		West Milford Twp
	Salem	Alloway Twp

	Somerset	Franklin Twp
	Sussex	Byram Twp
		Hampton Twp
		Sandyston Twp
		Sparta Twp
		Stillwater Twp
		Vernon Twp
		Wantage Twp
	Warren	Hardwick Twp
		Independence Twp
		Mansfield Twp
(8) PINELANDS		4,000,000
	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	4,000,000
	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		2,000,000
	Bergen	Edgewater Boro
	Camden	Camden City
	Essex	Belleville Twp
		Bloomfield Twp
		Caldwell Boro
		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	Bayonne City
		East Newark Boro
		Guttenberg Town
		Harrison Town
		Hoboken City
		Jersey City
		Kearny Town
		North Bergen Twp
		Union City
		Weehawken Twp
		West New York Town
	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 **$33,000,000**

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

c. To the extent that moneys remain available after the projects listed in subsection a. 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, section 2 of this 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.

d. The expenditure of moneys appropriated by this act is subject to the provisions of subsection o. of section 26 of P.L.1999, c.152 (C.13:8C-26).

e. For the purposes of this section, "Green Acres bond act" means P.L.1995, c.204, P.L.1992, c.88, and P.L.1989, c.183.

2. 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 any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund 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, or the Garden State Green Acres Preservation Trust 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.1995, c.204, P.L.1992, c.88, and P.L.1989, c.183.

3. This act shall take effect immediately.

Approved March 26, 2008.

CHAPTER 4

AN ACT concerning life insurance policies and amending N.J.S.17B:30-12.

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

1. N.J.S.17B:30-12 is amended to read as follows:

Discrimination prohibited; terms defined.

17B:30-12. a. No person shall discriminate against any person or group of persons because of race, creed, color, national origin or ancestry of such person or group of persons in the issuance, withholding, extension or renewal of any policy of life or health insurance or annuity or in the fixing of the rates, terms or conditions therefor, or in the issuance or acceptance of any application therefor.

b. No person shall use any form of policy of life or health insurance or contract of annuity which expresses, directly or indirectly, any limitation, or discrimination as to race, creed, color, national origin or ancestry or any intent to make any such limitation or discrimination.

c. No person shall make or permit any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any policy of life insurance or contract of annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such policy of life insurance or contract of annuity.

d. No person shall make or permit any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for any policy or contract of health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such policy or contract, or in any other manner whatever.

e. (1) No person shall discriminate against any individual on the basis of genetic information or the refusal to submit to a genetic test or make

available the results of a genetic test to the person in the issuance, withholding, extension or renewal of any hospital confinement or other supplemental limited benefit insurance, as defined by regulation of the commissioner, or in the fixing of the rates, terms or conditions therefor, or in the issuance or acceptance of any application therefor.

(2) As used in this subsection and subsection f. of this section:

"Genetic characteristic" means any inherited gene or chromosome, or alteration thereof, that is scientifically or medically believed to predispose an individual to a disease, disorder or syndrome, or to be associated with a statistically significant increased risk of development of a disease, disorder or syndrome.

"Genetic information" means the information about genes, gene products or inherited characteristics that may derive from an individual or family member.

"Genetic test" means a test for determining the presence or absence of an inherited genetic characteristic in an individual, including tests of nucleic acids such as DNA, RNA and mitochondrial DNA, chromosomes or proteins in order to identify a predisposing genetic characteristic.

f. No person shall make or permit any unfair discrimination against an individual in the application of the results of a genetic test or genetic information in the issuance, withholding, extension or renewal of a policy of life insurance, including credit life insurance, an annuity, disability income insurance contract or credit accident insurance coverage. If the commissioner has reason to believe that such unfair discrimination has occurred, including that application of the results of a genetic test is not reasonably related to anticipated claim experience, and that a proceeding by the commissioner would be in the interest of the public, the commissioner shall, in accordance with the provisions of N.J.S.17B:30-1 et seq., issue and serve upon the insurer a statement of the charges. Upon a determination that the practice or act of the insurer is in conflict with the provisions of this subsection, the commissioner shall issue an order requiring the insurer to cease and desist from engaging in the practice or act and may order payment of a penalty consistent with the provisions of N.J.S.17B:30-1 et seq.

If, in the issuance, withholding, extension or renewal of any policy of life insurance, including credit life insurance, an annuity, disability income insurance contract or credit accident insurance coverage, an insurer will use the results of a genetic test in compliance with this subsection, the insurer shall notify the individual who is the subject of the genetic test that such a test shall be required and shall obtain the individual's written informed consent for the test prior to the administration of the test, in accordance with

the requirements of P.L.1985, c.179 (C.17:23A-1 et seq.). The insurer shall also provide that the physician or other health care professional designated by the individual shall promptly receive a copy of the results of the test and, if required, an interpretation of the test results by a qualified professional, and that the individual shall state in writing whether the individual elects to be informed of the results of the test.

g. No person shall make or permit any unfair discrimination against any individual on the basis of the individual's intent to engage in future lawful foreign travel in the issuance, extension or renewal of any policy of life insurance or in the fixing of the rates, terms or conditions therefor. For purposes of this subsection, "unfair discrimination" means any decision to issue, extend, or renew a policy of life insurance or the fixing of rates, terms, or conditions of a life insurance policy, on the basis of the individual's intent to engage in future lawful foreign travel, which is not based on sound actuarial principles or actual or reasonably anticipated experience.

h. Nothing contained in this section shall be construed to require any agent or company to take or receive the application for insurance or annuity of any person or to issue a policy of insurance or contract of annuity to any person.

2. This act shall take effect immediately.

Approved March 26, 2008.

CHAPTER 5

AN ACT concerning the Advisory Graduate Medical Education Council of New Jersey and amending P.L.1977, c.390.

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

1. Section 4 of P.L.1977, c.390 (C.18A:64H-4) is amended to read as follows:

C.18A:64H-4 Council membership; appointment; terms; vacancies; advisory committees; executive director and employees; compensation.

4. The council shall consist of 15 members, 12 voting members and three nonvoting members; four members of the council shall be appointed

by the Governor and 11 shall be ex officio members. The appointments shall consist of three representatives of the public and one student currently enrolled in a graduate medical training program; the appointed members shall be voting members of the council. The president of the University of Medicine and Dentistry of New Jersey, who shall serve as chairperson; a dean from one of the medical schools of the University of Medicine and Dentistry of New Jersey, to be selected by the president of the University of Medicine and Dentistry of New Jersey; the dean of the School of Graduate Medical Education of Seton Hall University; the president of the New Jersey Hospital Association; the president of the Association of Hospital Directors of Medical Education of New Jersey; the president of the New Jersey Association of Osteopathic Physicians and Surgeons; the president of the Medical Society of New Jersey; and the president of the New Jersey Council of Teaching Hospitals or their designated representatives shall be ex officio, voting members of the council. The Commissioner of Health and Senior Services; the president of the State Board of Medical Examiners and the Commissioner of Human Services or their designated representatives shall be ex officio, nonvoting members. The appointed members shall serve for a three-year term or until a successor is appointed. For those first appointed, two shall be appointed for a one-year term; one shall be appointed for a two-year term; and one shall be appointed for a three-year term. Any vacancies in the voting membership other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only. To assist the council in carrying out the intent of this act:

a. The council may appoint advisory committees representative of the medical and health care professions, educators, and students, representatives of medical and health care facilities and consumers. The advisory committees shall provide advice and assistance to the council for the council's performance of its designated functions.

b. The council may employ an executive director and additional staff to provide expertise in the gathering and analysis of data and administration. The executive director shall have the right to speak on all matters at meetings of the council but shall have no vote. The council and the advisory committees shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

2. This act shall take effect immediately.

Approved March 26, 2008.

CHAPTER 6

AN ACT concerning the recycling tax on solid waste generation, amending P.L.1981, c.278 and P.L.2007, c.311, and supplementing P.L.2007, c.62.

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

1. Section 4 of P.L.2007, c.311 (C.13:1E-96.5) is amended to read as follows:

C.13:1E-96.5 Recycling tax on owner, operator of solid waste facility; applicability; rate.

4. a. (1) Beginning on April 1, 2008, there is levied upon the owner or operator of every solid waste facility a recycling tax of $3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

The recycling tax shall not be imposed on solid waste transported from an in-State transfer station from which the recycling tax has been levied on the owner or operator thereof to an in-State solid waste facility for final disposal.

(a) The recycling tax shall not be imposed on the owner or operator of a railroad transfer station or other facility designed exclusively to transport waste on railroads.

(b) The recycling tax shall not be imposed on the owner or operator of a sanitary landfill facility for the acceptance for disposal of the ash residue resulting from the incineration of solid waste at a resource recovery facility.

(c) The recycling tax shall not be imposed on the owner or operator of a solid waste facility for the acceptance for disposal of solid waste originating from out-of-State sources under a contract awarded prior to December 31, 2007 if the contract does not include a change-in-law or similar mechanism by which the recycling tax imposed by this section may be passed through as a fee or surcharge on the rates and charges set forth in the contract.

(d) The recycling tax shall not be imposed on the owner or operator of a resource recovery facility for the acceptance for disposal of solid waste originating from in-State sources under a contract awarded prior to December 31, 2007 if the contract does not include a change-in-law or similar mechanism by which the recycling tax imposed by this section may be passed through as a fee or surcharge on the rates and charges set forth in the contract.

The recycling tax shall be imposed on the owner or operator of a solid waste facility for the acceptance for disposal of solid waste originating from out-of-State sources under any contract awarded after December 31, 2007.

(2) Beginning on April 1, 2008, there is levied upon every solid waste collector that transports solid waste for transshipment or direct transportation to an out-of-State disposal site a recycling tax. The recycling tax shall be levied on the solid waste collector at the rate of $3.00 per ton on all solid waste collected for transportation to a railroad transfer station or other facility designed to transport waste on railroads or directly to an out-of-State disposal site.

b. (1) Every person subject to the recycling tax shall, by April 1, 2008, register with the director on forms prescribed by the director.

(2) Every person subject to the recycling tax shall, on or before July 20, 2008, and quarterly thereafter with returns due the 20th day of the first month following the end of the quarter, render a return under oath to the director, on such forms as may be prescribed by the director, indicating the number of tons of solid waste accepted for disposal or transfer, or collected, as appropriate, and at that time shall pay the full amount due.

c. If a return required by this section is not filed, or if a return when filed is incorrect or insufficient in the opinion of the director, the amount due shall be determined by the director from such information as may be available. Notice of the determination shall be given to the person subject to the recycling tax. The determination shall finally and irrevocably fix the amount due, unless the person on whom it is imposed, within 90 days after the giving of the notice of the determination, shall file a protest in writing as provided in R.S.54:49-18 and request a hearing, or unless the director on the director's own motion shall redetermine the same. After the hearing the director shall give notice of the determination to the person on whom the recycling tax is imposed.

d. Any person subject to the recycling tax who fails to file a return when due or to pay any tax when it becomes due, as herein provided, shall be subject to such penalties and interest as provided in the "State Uniform Tax Procedure Law," R.S.54:48-1 et seq. If the director determines that the failure to comply with any provision of this section was excusable under the circumstances, the director may remit that part or all of the penalty as shall be appropriate under the circumstances.

e. The director shall deposit all revenues collected pursuant to this section in the State Recycling Fund established pursuant to section 5 of P.L.1981, c.278 (C.13:1E-96).

f. In addition to the other powers granted to the director in this section, the director is authorized:

(1) To delegate to any officer or employee of the division those powers and duties as the director deems necessary to carry out efficiently the provisions of this section, and the person to whom the power has been delegated

shall possess and may exercise all of these powers and perform all of the duties delegated by the director;

(2) To prescribe and distribute all necessary forms for the implementation of this section.

g. (1) Every owner or operator of a solid waste facility may collect the recycling tax imposed by this section by (a) including the amount of recycling tax due as a separate line item on every customer bill or other statement presented to a solid waste collector or solid waste generator; (b) including the amount of recycling tax due as a fee or surcharge on any amount collected under a contract awarded pursuant to the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) or any other law for the provision of solid waste collection or solid waste disposal services; or (c) imposing an automatic surcharge on any tariff established pursuant to law for the solid waste disposal or transfer operations of the solid waste facility.

(2) Every solid waste collector is hereby authorized to calculate, charge and collect rates, fees or surcharges from all solid waste generators serviced by the solid waste collector sufficient to recover the recycling tax collected by the owner or operator of the solid waste facility.

(3) Every solid waste collector subject to the recycling tax is hereby authorized to calculate, charge and collect rates, fees or surcharges from all solid waste generators serviced by the solid waste collector sufficient to recover the recycling tax imposed by this section.

h. The recycling tax imposed by this section shall be governed in all respects by the provisions of the "State Uniform Tax Procedure Law," R.S.54:48-1 et seq., except only to the extent that a specific provision of this section may be in conflict therewith.

i. (1) The recycling tax imposed by this section shall not be imposed on the owner or operator of a materials recovery facility for the acceptance of Type 13C Construction and Demolition waste, provided that the facility meets or exceeds recyclable materials extraction rates as established by the department.

(2) The recycling tax imposed by this section shall not be imposed on a solid waste collector or the owner or operator of a solid waste facility for the collection or acceptance for disposal or transfer of residue resulting from the operations of a scrap processing facility as defined in section 2 of P.L.1987, c.102 (C.13:1E-99.12).

j. The recycling tax imposed by this section shall not be imposed on a solid waste collector or the owner or operator of a solid waste facility for the collection or acceptance for disposal or transfer of residue, provided that the residue is generated as a result of the use of post-consumer waste material in the manufacture of a recycled product which constitutes at least

75% of total annual sales dollar volume of the products manufactured by a manufacturer in this State as determined by the director.

k. The registration issued to any person subject to the recycling tax who violates the provisions of this section may be subject to revocation or suspension pursuant to section 12 of P.L.1970, c.39 (C.13:1E-12).

l. Subsections a. through k. of this section shall be without effect on and after the tenth day following a certification by the Director of the Division of Budget and Accounting in the Department of the Treasury pursuant to subsection b. of section 6 of P.L.2007, c.311 (C.13:1E-96.7).

2. Section 3 of P.L.2007, c.311 (C.13:1E-96.4) is amended to read as follows:

C.13:1E-96.4 Definitions relative to recycling of solid waste.

3. For the purposes of this act:

"Beverage container" means an individual, separate, hermetically sealed, or made airtight with a metal or plastic cap, bottle or can composed of glass, metal, plastic or any combination thereof, containing a beverage.

"Certified recycling coordinator" means a person or persons designated as such pursuant to section 3 of P.L.1987, c.102 (C.13:1E-99.13) or section 6 of P.L.1987, c.102 (C.13:1E-99.16).

"Commissioner" means the Commissioner of Environmental Protection.

"Department" means the Department of Environmental Protection.

"Director" means the Director of the Division of Taxation in the Department of the Treasury.

"Division" means the Division of Taxation in the Department of the Treasury.

"Materials recovery" means the processing and separation of solid waste utilizing manual or mechanical methods for the purposes of recovering recyclable materials for disposition and recycling prior to the disposal of the residual solid waste at an authorized solid waste facility.

"Materials recovery facility" means a transfer station or other authorized solid waste facility at which nonhazardous solid waste, which material is not source separated by the generator thereof prior to collection, is received for onsite processing and separation utilizing manual or mechanical methods for the purposes of recovering recyclable materials for disposition and recycling prior to the disposal of the residual solid waste at an authorized solid waste facility.

"Post-consumer waste material" means a material or product that would otherwise become solid waste, having completed its intended end

use and product life cycle; except that "post-consumer waste material" shall not include secondary waste material or materials and by-products generated from, and commonly used within, an original manufacturing and fabrication process.

"Recycled product" means any product or commodity which is manufactured or produced in whole or in part from post-consumer waste material and which meets the recycled content standard of the United States Environmental Protection Agency as published in the Comprehensive Procurement Guidelines for Products Containing Recovered Material.

"Residue" means any solid waste generated as a result of the use of post-consumer waste material in the manufacture of a recycled product.

"Resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other solid waste facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production.

"Secondary waste material" means waste material generated after the completion of a manufacturing process.

"Solid waste" means the same as that term is defined in section 3 of P.L.1970, c.39 (C.13:1E-3), except that, as used in the provisions of P.L.2007, c.311 (C.13:1E-96.2 et al.), "solid waste" shall be limited to the following solid waste ID types: Type 10 Municipal; Type 13 Bulky waste; Type 13C Construction and Demolition waste; Type 23 Vegetative waste; Type 25 Animal and food processing wastes; and Type 27 Dry industrial waste, including Type 27-A Asbestos-containing waste, as set forth in N.J.A.C.7:26-1.6 and N.J.A.C.7:26-2.13.

"Solid waste collection" means the activity related to pick-up and transportation of solid waste from its source or location to a solid waste facility or other destination.

"Solid waste collector" means a person engaged in the collection of solid waste and registered pursuant to sections 4 and 5 of P.L.1970, c.39 (C.13:1E-4 and 13:1E-5); or any municipality wherein the municipal governing body has established and operates a municipal service system for solid waste collection pursuant to R.S.40:66-1.

"Solid waste disposal" means the storage, treatment, utilization, processing, transfer, or final disposal of solid waste.

"Solid waste facilities" means and includes the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by, or on behalf of, any person, public

authority or county pursuant to the provisions of P.L.1970, c.39 (C.13:1E-1 et seq.) or any other act, including transfer stations, incinerators, resource recovery facilities, sanitary landfill facilities or other plants for the disposal of solid waste, and all vehicles, equipment and other real and personal property and rights therein and appurtenances necessary or useful and convenient for the collection or disposal of solid waste in a sanitary manner.

3. Section 5 of P.L.1981, c.278 (C.13:1E-96) is amended to read as follows:

C.13:1E-96 State Recycling Fund; allocation of moneys.

5. a. The State Recycling Fund (hereinafter referred to as the "fund") is established as a nonlapsing, revolving fund. The fund shall be administered by the Department of Environmental Protection, and shall be credited with all recycling tax revenue collected pursuant to section 4 of P.L.2007, c.311 (C.13:1E-96.5), and all interest received on moneys in the fund.

b. Moneys in the fund shall be appropriated annually solely for the following purposes and no others:

(1) Not less than 60% of the estimated annual balance of the fund shall be used for the annual expenses of a program for direct recycling grants to municipalities or counties in those instances where a county, at its own expense, provides for the collection, processing and marketing of recyclable materials on a regional basis. The amount of a direct recycling grant shall be calculated on the basis of the total number of tons of recyclable materials annually recycled from residential, commercial and institutional sources within a particular municipality, or group of municipalities in the case of a county recycling program. No direct recycling grant shall exceed $10 per ton of recyclable materials recycled. All grant moneys received by a municipality shall be expended only for its recycling program. The department may allocate a portion of the direct recycling grant moneys as bonus grants to municipalities and counties whenever a municipality or county, at its own expense, provides for the collection of recyclable materials in its recycling program. The department shall announce each year the total amount of moneys available in the bonus grant fund.

A municipality may distribute a portion of its direct recycling grant moneys to nonprofit groups that are located within that municipality and which have contributed to the receipt of the direct recycling grant, except that this distribution shall not exceed the value of approved documented tonnage contributed by a nonprofit group.

A municipality may designate any nonprofit group as a recycling agent. A recycling agent shall receive that part of the municipality's direct recycling grant under this paragraph that represents the percentage of the grant received by the municipality due to the documented tonnage contributed by that recycling agent. Moneys received by a recycling agent shall be expended only for its recycling program. Any moneys not used for recycling shall be returned by the recycling agent to the municipality.

To be eligible for a direct recycling grant pursuant to this paragraph, a municipality or county in the case of a county recycling program shall demonstrate that the recyclable materials recycled by the municipal or county recycling program were not diverted from a commercial recycling program already in existence on the effective date of the ordinance or resolution establishing the municipal or county recycling program.

To remain eligible for a direct recycling grant pursuant to this paragraph, a municipality or county in the case of a county recycling program shall submit an annual recycling tonnage report to the department in accordance with rules and regulations adopted by the department therefor. Following the designation of a district certified recycling coordinator pursuant to section 3 of P.L.1987, c.102 (C.13:1E-99.13) and the designation of a municipal certified recycling coordinator pursuant to section 6 of P.L.1987, c.102 (C.13:1E-99.16), the department shall not accept an annual recycling tonnage report from a county or municipality unless the report has been signed by a certified recycling coordinator.

No direct recycling grant to any municipality shall be used for constructing or operating any facility for the baling of wastepaper or for the shearing, baling or shredding of ferrous or nonferrous materials.

Whenever a municipality operates a municipal service system for solid waste collection pursuant to R.S.40:66-1, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.), the amount of grant moneys received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality pursuant to section 4 of P.L.2007, c.311 (C.13:1E-96.5), except that all grant moneys received by the municipality shall be expended only for its recycling program;

(2) 5% of the estimated annual balance of the fund shall be used for State recycling program planning and program funding, including the administrative expenses thereof;

(3) 25% of the estimated annual balance of the fund shall be used to provide State aid to counties for preparing, revising, and implementing solid waste management plans, including the implementation of the goals of the

State Recycling Plan. The moneys may also be used by the counties to support community oversight projects and to establish a citizens' advisory committee. A county receiving State aid shall not expend more than 2% of the amount of aid received in any year for the costs of administering the aid. The State aid shall be distributed to the counties on the basis of the total amount of solid waste generated from within each county during the previous calendar year as determined by the department. In the event that the department determines that any county has failed to fulfill its district solid waste management planning responsibilities, the department may withhold for an entire year or until the county fulfills its responsibilities, all or a portion of the amount of moneys that county would have received in any year pursuant to this paragraph. Any moneys withheld for an entire year shall be distributed among the remaining counties in the same proportion as the other moneys were distributed. The moneys may also be used by the counties for household hazardous waste collection, and for recycling program planning and program funding, including the administrative expenses thereof;

(4) 5% of the estimated annual balance of the fund shall be used by counties for public information and education programs concerning recycling activities; and

(5) Not more than 5% of the estimated annual balance of the fund shall be used by the department to provide grants to institutions of higher education for recycling demonstration, research or education, including professional training.

C.40A:4-45.45a Amounts raised to pay recycling tax treated as exclusion for calculation of adjusted tax levy.

4. Notwithstanding the provisions of section 10 of P.L.2007, c.62 (C.40A:4-45.45) to the contrary, amounts required to be raised to pay the recycling tax imposed by section 4 of P.L.2007, c.311 (C.13:1E-96.5) shall be treated as an exclusion that shall be added to the calculation of the adjusted tax levy.

5. This act shall take effect immediately and section 1 shall be retroactive to January 13, 2008.

Approved March 26, 2008.

CHAPTER 7

AN ACT concerning smoking on grounds of certain State-owned facilities and supplementing P.L.2005, c.383 (C.26:3D-55 et seq.).

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

C.26:3D-58.1 State psychiatric hospital, other facilities, prohibition of smoking, certain conditions.

1. a. A State psychiatric hospital may prohibit smoking on its grounds, if it offers a smoking cessation program for both employees, and residents and patients, as applicable.

b. The smoking cessation program shall be developed in consultation with the Commissioners of Health and Senior Services and Personnel, and shall be initiated one year prior to prohibiting smoking on its grounds and continue to be offered as long as smoking is prohibited. If a smoking cessation program required pursuant to this section was initiated prior to, and is in effect on, the effective date of this act, smoking may be prohibited one year from the date of initiation of the program.

c. The Commissioner of Human Services may, by regulation, prohibit smoking on the grounds of other Human Services facilities, subject to the requirements of subsection b. of this section.

C.26:3D-58.2 Rules, regulations.

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

3. This act shall take effect three months after enactment.

Approved April 7, 2008.

CHAPTER 8

AN ACT concerning amounts expended for municipal free library purposes, amending R.S.40:54-15 and supplementing chapter 4 of Title 40A of the New Jersey Statutes.

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

1. R.S.40:54-15 is amended to read as follows:

Annual report, identification of excess funds to municipality, transfer procedure.

40:54-15. a. The board of trustees shall make an annual report to the chief financial officer of the municipality which shall include a statement setting forth in detail all public revenues received by the library, all State aid received by the library, all expenditures made by the library and the balance of funds available. Notwithstanding the requirements of R.S.40:54-8 pertaining to the amount required to be raised and appropriated for library purposes, the annual report may identify excess funds that the board intends to approve and transfer to the municipality as miscellaneous revenue. The excess funds intended for transfer may be any amount that exceeds the sum of the amount of the audited operating expenditures of the library for the most recent available year, plus an additional 25% of those operating expenditures, excluding funds restricted for capital projects and grants, to be maintained as surplus. The annual report shall also include an analysis of the state and condition of the library and shall be sent to the municipal governing body and to the State Library. The State Librarian shall prescribe by regulation the form of all such reports.

b. (1) The board of trustees of a municipal free library may adopt a resolution of its intent to transfer excess funds to the municipality, as identified in its annual report pursuant to subsection a. of this section.

(2) The board of trustees of a municipal free library established after the effective date of P.L.2008, c.8 shall not adopt a resolution of intent pursuant to this subsection before the eighth budget year following its establishment.

c. Once the board of trustees has adopted a resolution of intent pursuant to subsection b. of this section, it shall forward the resolution to the State Librarian for approval, along with any other information required by the State Librarian and in accordance with procedures and forms promulgated by the State Librarian in consultation with the Director of the Division of Local Government Services in the Department of Community Affairs. The State Librarian shall approve any resolution upon a determination that all of the following provisions are met:

(1) the municipal free library will still retain a sum equal to the amount of the audited operating expenditures of the library for the most recent available year plus an additional 25% of that amount, excluding funds restricted for capital projects and grants, to be maintained as surplus;

(2) the municipality and the municipal free library are in compliance with all conditions imposed by rule or regulation promulgated by the State Librarian for per capita library aid to public libraries according to the "state library aid law," N.J.S.18A:74-1 et seq., and pertaining to appropriations for the maintenance of a municipal free library according to R.S.40:54-8 or sec-

tion 2 of P.L.1959, c.155 (C.40:54-29.4) in the case of a joint free public library;

(3) there are sufficient funds remaining in the municipal free library's operating budget for the maintenance of the library for the balance of the fiscal year in which the transfer of funds to the municipality occurs; and

(4) the library board of trustees has a written plan of at least three years that reflects that the long-term funding needs of the library will be met, and that any capital expense will contribute to the provision of efficient and effective library services, and that the written plan has been approved by the State Librarian.

d. Upon approval of its resolution of intent by the State Librarian pursuant to subsection c. of this section, the board of trustees may cause the amount of the excess funds identified in its resolution to be transferred to the municipality.

C.40A:4-25.1 Use of library monies transferred to municipality.

2. Monies approved by the State Librarian for transfer to a municipality by the board of trustees of its municipal free library, pursuant to subsection c. of R.S.40:54-15, may be anticipated by the municipality as a miscellaneous revenue; provided, however, that the monies shall be used solely and exclusively by the municipality for the purposes of reducing the amount the municipality is required to raise by local property tax levy for municipal purposes. The director shall certify that each municipality has complied with this section. If the director finds that monies transferred to a municipality by its municipal free library pursuant to subsection d. of R.S.40:54-15 are not used by that municipality solely and exclusively to reduce the amount required to be raised by the local property tax levy, then the director shall correct the municipal budget, pursuant to N.J.S.40A:4-86, to ensure that the transferred funds are used for that purpose only.

3. This act shall take effect immediately.

Approved April 7, 2008.

CHAPTER 9

AN ACT concerning motor vehicles and traffic regulations, amending R.S.39:4-144 and repealing R.S.39:4-145.

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

1. R.S.39:4-144 is amended to read as follows:

Stopping or yielding right of way before entering stop or yield intersections.

39:4-144. No driver of a vehicle or street car shall enter upon or cross an intersecting street marked with a "stop" sign unless the driver has first brought the vehicle or street car to a complete stop at a point within five feet of the nearest crosswalk or stop line marked upon the pavement at the near side of the intersecting street and shall proceed only after yielding the right of way to all traffic on the intersecting street which is so close as to constitute an immediate hazard. No driver of a vehicle or street car shall enter upon or cross an intersecting street marked with a "yield right of way" sign without first slowing to a reasonable speed for existing conditions and visibility, stopping if necessary, and the driver shall yield the right of way to all traffic on the intersecting street which is so close as to constitute an immediate hazard; unless, in either case, the driver is otherwise directed to proceed by a traffic or police officer or traffic control signal.

Repealer.

2. R.S.39:4-145 is repealed.

3. This act shall take effect on the 60th day after enactment, but the chief administrator may take such anticipatory administrative action in advance as shall be necessary for the implementation of the act.

Approved April 7, 2008.

CHAPTER 10

AN ACT concerning administration of certain tests on days of religious observance 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-37 Alternate opportunity to take test, examination for student due to religious observance.

1. An institution of higher education shall provide any student who, for reason of a religious observance, cannot attend a test or examination at its regular administration with an alternative opportunity to take an equivalent test or examination. The alternative opportunity shall be offered as soon after or before the regular administration of the test as is possible, and at comparable times, places, and costs. The institution may request that the student provide a written explanation of the religious conflict signed by a clergyman of the student's place of worship.

C.18A:3B-38 "Standardized test" defined; alternate administration of tests offered.

2. a. As used in this section:

"Standardized test" means any test that is given in the State at the expense of the test subject and designed for use and used in the process of selection for postsecondary or professional school admissions. The tests shall include, but are not limited to, the Preliminary Scholastic Aptitude Test, Scholastic Aptitude Test, ACT Assessment, Graduate Record Examination, Medical College Admission Test, Law School Admission Test, Dental Admission Test, Graduate Management Admission Test, Miller Analogies Test, and the Test of Standard Written English.

b. When regular administrations of standardized tests are given on days of religious observance which prevent attendance by test subjects at the regular administrations, alternative administrations shall be offered with the same frequency as regular administrations as soon after or before as is possible, at comparable times, places, and costs. The test agency may request that the test subject provide a written explanation of the religious conflict signed by a clergyman of the test subject's place of worship.

3. This act shall take effect immediately.

Approved April 9, 2008.

CHAPTER 11

AN ACT concerning workers' compensation coverage for certain horse racing industry employees and amending P.L.1995, c.329 and P.L.1999, c.378 and supplementing P.L.1995, c.329 (C.34:15-129 et seq.).

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

1. Section 2 of P.L.1995, c.329 (C.34:15-130) is amended to read as follows:

C.34:15-130 Findings, declarations.

2. The Legislature finds and declares that, whereas current law already requires virtually all employers to provide for the payment of workers' compensation benefits to injured employees, because of the unique nature of the horse racing industry, difficulties have arisen in ensuring that coverage is provided to employees. For example, out-of-State horse owners are sometimes unaware of their obligation to provide such coverage, or because a jockey may ride the horses of more than one owner, there may be confusion as to who the responsible employer is. As a result, serious injuries have been sustained for which there is no coverage.

It is, therefore, in the public interest to ensure that workers' compensation coverage is available to persons employed in the thoroughbred and standardbred horse racing industries in New Jersey by collectively securing workers' compensation insurance coverage for certain designated horse racing industry employees who are eligible to receive that coverage pursuant to the provisions of this act, the costs of which shall be funded by the horse racing industry, and the assessments for funding that coverage shall be calculated separately for the thoroughbred and standardbred industries, based on their respective experience.

It is also in the public interest for the Legislature to provide, through this act, sufficient guidance and clarity regarding which horse racing industry employees are eligible for coverage secured by the New Jersey Horse Racing Injury Compensation Board pursuant to this act, and the circumstances that must exist for that coverage to be applicable.

2. Section 3 of P.L.1995, c.329 (C.34:15-131) is amended to read as follows:

C.34:15-131 Definitions relative to the New Jersey Horse Racing Injury Compensation Board.

3. As used in this act:

"Board" means the New Jersey Horse Racing Injury Compensation Board established by section 4 of P.L.1995, c.329 (C.34:15-132).

"Commission" means the New Jersey Racing Commission established pursuant to section 1 of P.L.1940, c.17 (C.5:5-22).

"Horse racing industry employee" means:

a. the driver of a standardbred horse, who is licensed or is required to be licensed by the commission, while that driver is engaged in performing those services for which that driver is or is required to be licensed at a permitted New Jersey racetrack in connection with the racing of a horse. That standardbred driver shall be considered to be the horse racing industry employee of a standardbred owner for the purposes of calculating, allocating and assessing the cost of workers' compensation insurance coverage;

b. the jockey, jockey apprentice or exercise rider of a thoroughbred horse, who is licensed or is required to be licensed by the commission, while engaged in performing those services for which that jockey, jockey apprentice or exercise rider is or is required to be licensed at a permitted New Jersey racetrack in connection with the racing or exercising of a horse. That jockey, jockey apprentice or exercise rider shall be considered to be the horse racing industry employee of a thoroughbred owner for the purposes of calculating, allocating and assessing the cost of workers' compensation insurance coverage; and

c. the stable employees of a thoroughbred trainer, who are licensed or are required to be licensed by the commission, while those stable employees are engaged in performing those services for which those stable employees are licensed or are required to be licensed at a permitted New Jersey racetrack, during the period of time the trainer's horses are stabled at the permitted New Jersey racetrack. Stable employees as defined herein shall include assistant trainers, grooms, and hot walkers.

A "horse racing industry employee" shall not mean a standardbred owner, standardbred trainer, thoroughbred owner, or thoroughbred trainer.

"Permitted New Jersey racetrack" means a New Jersey racetrack that has been approved by the commission to hold a horse race meeting as evidenced by a valid permit issued pursuant to section 18 of P.L.1940, c.17 (C.5:5-38) for the year in which the race meeting is held.

"Stabled" means the long-term placement of horses in assigned stalls in barns located on the grounds of a permitted New Jersey racetrack, in which stalls the horses reside continuously for the purpose of racing at any permitted racetrack in New Jersey, or the short-term placement of those horses in stalls located on the grounds of an out-of-State racetrack in connection with the pre-race detention requirements of that out-of-State racetrack, provided the horses are returned to their permanent stabled location at the permitted New Jersey racetrack within a maximum of 48 hours after that out-of-State race.

3. Section 6 of P.L.1995, c.329 (C.34:15-134) is amended to read as follows:

C.34:15-134 Insurance coverage; assessments.

6. a. The board shall secure workers' compensation insurance coverage for horse racing industry employees.

b. The board shall assess and collect sufficient funds to pay the costs of the insurance or self insurance coverage required by this act and by the workers' compensation laws of this State and to pay any additional costs necessary to carry out its other duties. The board shall ascertain the total funding necessary, establish the sums that are to be paid and establish by regulation the method of assessing and collecting these moneys. Assessments shall include, but shall not be limited to, deductions from gross overnight purses paid to owners, so long as such deductions do not exceed 3% of standardbred purses or 4% of thoroughbred purses, as applicable, and additional assessments may be collected as needed from standardbred owners, thoroughbred owners and thoroughbred trainers who are licensed or are required to be licensed by the commission. Track owners shall not be assessed for such costs.

c. Assessments for workers' compensation insurance coverage pursuant to this act shall be calculated and allocated separately for the thoroughbred and standardbred industries, based on their respective loss experience, and any assessments pursuant to subsection b. of this section shall be allocated accordingly. No public funds, other than the moneys collected pursuant to subsection b. of this section, shall be used for the purpose of self insurance or for paying the costs of workers' compensation insurance or workers' compensation benefits pursuant to this act.

4. Section 2 of P.L.1999, c.378 (C.34:15-134.1) is amended to read as follows:

C.34:15-134.1 Trainer to carry compensation insurance for employees, eligibility for coverage.

2. Notwithstanding any provision of P.L.1995, c.329 (C.34:15-129 et seq.), as amended:

a. A standardbred trainer who is licensed or is required to be licensed by the commission shall carry compensation insurance covering the standardbred trainer's employees as required by R.S.34:15-1 et seq., regardless of where the standardbred trainer's horses are stabled;

b. With respect to the stable employees of a thoroughbred trainer, the workers' compensation policy secured by the board shall cover only those stable employees who are licensed or are required to be licensed by the

commission when they are employed to work at a permitted New Jersey racetrack to care for the horses located there. To be eligible for coverage and benefits under the workers' compensation policy secured by the board, those stable employees shall be injured at a permitted New Jersey racetrack while they are engaged in performing services for which they are licensed or are required to be licensed. Those thoroughbred trainer's stable employees shall remain eligible for coverage under the workers' compensation policy secured by the board, if the trainer requires them to accompany a horse that is transported from the permitted New Jersey racetrack where it is stabled to compete in a race at an out-of-State racetrack. Those stable employees shall remain eligible for coverage under the board's policy for that period of time in which the out-of-State racetrack requires the horse to be present prior to the race, provided that the horse is returned to stabling at a permitted New Jersey racetrack within a maximum of 48 hours after the race. The workers' compensation policy of the board shall not cover those stable employees who are licensed or are required to be licensed by the commission who work with horses that the trainer has stabled at a location other than a permitted New Jersey racetrack;

c. A thoroughbred trainer who is licensed or is required to be licensed by the commission shall carry compensation insurance covering the thoroughbred trainer's employees as required by R.S.34:15-1 et seq. when the trainer's horses are not stabled at a permitted New Jersey racetrack. A thoroughbred trainer whose horses are stabled at a permitted New Jersey racetrack and whose stable employees receive workers' compensation coverage through the policy secured by the board shall immediately obtain compensation insurance covering these stable employees as required by R.S.34:15-1 et seq. if and when that trainer's horses are no longer stabled at a permitted New Jersey racetrack; and

d. A thoroughbred trainer whose stable employees receive workers' compensation coverage through the policy secured by the board shall ascertain and comply with the workers' compensation requirements of any other state to which that thoroughbred trainer is subject to jurisdiction. In such cases when a state other than New Jersey requires a thoroughbred trainer to obtain workers' compensation insurance coverage pursuant to the terms and conditions of its laws, any workers' compensation coverage provided through the policy secured by the board shall be secondary to the coverage required by the other state.

5. Section 7 of P.L.1995, c.329 (C.34:15-135) is amended to read as follows:

C.34:15-135 Employee, employer relationship under the act.

7. a. For the purposes of this act and R.S.34:15-36, a horse racing industry employee shall be deemed to be in the employment of the New Jersey Horse Racing Injury Compensation Board and in the employment of all standardbred owners, thoroughbred owners, or thoroughbred trainers, as the case may be, who are licensed or are required to be licensed by the commission and whose horses are stabled at a permitted New Jersey racetrack at the time of any occurrence for which workers' compensation benefits are payable pursuant to R.S.34:15-1 et seq. as supplemented by this act, and not solely in the employment of a particular owner or trainer. A horse racing industry employee shall not be deemed to be in the employment of the New Jersey Horse Racing Injury Compensation Board for any other purpose.

b. For the purposes of this act and R.S.34:15-36, the New Jersey Horse Racing Injury Compensation Board and all standardbred owners, thoroughbred owners, or thoroughbred trainers who are licensed or are required to be licensed by the commission and whose horses are stabled at a permitted New Jersey racetrack shall be deemed the employer of a horse racing industry employee at the time of any event for which workers' compensation benefits are payable pursuant to R.S.34:15-1 et seq., as supplemented by this act. The New Jersey Racing Injury Compensation Board shall not be deemed the employer of a horse racing industry employee for any other purpose.

c. With respect to horse racing industry employees, the requirements of R.S.34:15-1 et seq. regarding the provision of workers' compensation insurance by employers are satisfied in full by compliance with the requirements imposed upon standardbred owners, thoroughbred owners, and thoroughbred trainers by this act and any rules or regulations promulgated hereunder. If the responsible owner or trainer fails to comply with the requirements of this act or any rules or regulations promulgated hereunder and if the board is still required to pay the award on behalf of that owner or trainer who has been found to have violated this act or any rule or regulation promulgated hereunder, then the board is hereby authorized to impose a penalty on that owner or trainer in an amount not to exceed $10,000 per violation.

d. The provisions of this act shall not apply to employees of an owner or trainer who are not horse racing industry employees.

C.34:15-136.1 Documentation, maintenance of complete and accurate records of wages paid.

6. a. A thoroughbred trainer shall document and maintain complete and accurate records of all wages paid, whether by check or in cash, to stable

employees and, notwithstanding the provisions of subsection b. of the definition of "Horse racing industry employee" in section 3 of P.L.1995, c.329 (C.34:15-131), to exercise riders who are hired in connection with the exercising or racing of a horse the trainer trains, who receive workers' compensation coverage through the policy secured by the board. A thoroughbred trainer shall produce these records within five days when directed to do so by the board or a designated agent of the board. The board is hereby authorized to impose a penalty in an amount not to exceed $1,000 per violation on any trainer who fails to produce complete and accurate records within the time period allotted by this subsection.

b. The appropriate horseman's bookkeeper, consistent with regulations promulgated by the New Jersey Racing Commission, shall document and maintain complete and accurate records of all wages paid, whether by check or in cash, to a jockey or jockey apprentice or driver who receives workers' compensation coverage through the policy secured by the board.

7. This act shall take effect immediately.

Approved April 11, 2008.

CHAPTER 12

AN ACT concerning promotional gaming credits issued by casinos and supplementing P.L.1977, c. 110 (C.5:12-1 et seq.).

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

C.5:12-38a "Promotional gaming credit."

1. "Promotional gaming credit" – A slot machine credit or other item approved by the commission that is issued by a licensee to a patron for the purpose of enabling the placement of a wager at a slot machine in the licensee's casino. No such credit shall be reported as a promotional gaming credit unless the casino licensee can establish that the credit was issued by the casino licensee and received from a patron as a wager at a slot machine in the licensee's casino.

C.5:12-144.2 Annual deduction from gross revenue relative to promotional gaming credits.

2. a. A casino licensee shall receive an annual deduction from the gross revenue taxed pursuant to subsection a. of section 144 of P.L.1977, c.110

(C.5:12-144) in an amount equal to either (1) the promotional gaming credits reported by that licensee in its annual tax return or (2) such other portion of the promotional gaming credits reported by all casino licensees as the commission may allocate to a particular licensee to reflect that licensee's pro rata share of the costs of the 2008 agreement executed between the New Jersey Sports and Exposition Authority and the Casino Association of New Jersey for the benefit of the horse racing industry.

b. Casino licensees shall be allowed a deduction from gross revenues for a tax year pursuant to subsection a. of this section for the total value of promotional gaming credits redeemed by patrons at all licensed casinos for that tax year in excess of $90,000,000. For the first tax year in which this act becomes operative pursuant to section 3 of this act, P.L.2008, c.12, the commission shall reduce the $90,000,000 deduction threshold for that tax year in proportion to the part of the tax year that has elapsed prior to that operative date.

c. The commission shall establish, by regulation, procedures and standards for allocating the deduction established pursuant to this section to reflect each licensee's pro rata share of the costs of the 2008 agreement executed between the New Jersey Sports and Exposition Authority and the Casino Association of New Jersey for the benefit of the horse racing industry and procedures and standards for each licensee to take the deduction established pursuant to this section to reflect those deductions that exceed the costs of the 2008 agreement. Such regulations shall include standards for the allocation of the $90,000,000 deduction threshold established in subsection b. of this section, the timing of the application of deductions, and all other matters related to the provisions of this section.

d. (1) The commission 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. If necessary, the commission may reduce the value of the available deduction to eliminate any negative fiscal impact to the Casino Revenue Fund attributable solely to the deduction and not to other economic or other factors that cause a negative fiscal impact to the Casino Revenue Fund.

(2) For the purposes of this subsection, "negative fiscal impact to the Casino Revenue Fund" shall mean that the amount generated from taxation of promotional gaming credits falls below the level generated in calendar year 2007.

3. This act, P.L.2008, c.12, shall become operative upon the certification by the chair of the Casino Control Commission to the State Treasurer

that an agreement has been executed between the New Jersey Sports and Exposition Authority and the Casino Association of New Jersey for the benefit of the horse racing industry, for $30,000,000 annually for a three-year period.

4. This act shall take effect immediately.

Approved April 11, 2008.

CHAPTER 13

AN ACT concerning shopping carts and supplementing various sections of law.

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

C.40:48-2.65 Definitions; impoundment of shopping carts by municipalities.

1. a. As used in this section:

"Shopping cart" means a push cart of the type or types which are commonly provided by grocery stores, drug stores or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and their parking areas; and

"Parking area" means a parking lot or other property provided by a retailer for the use of a customer for parking an automobile or other vehicle. The parking area of a retail mercantile establishment located in a multi-store complex or shopping center shall include the entire parking area used by the complex or center.

b. No municipality shall impound a shopping cart that has a sign or notice identifying the owner of the cart, or the retailer who has written consent from the owner to use the cart, and listing a valid telephone number or address through which the owner or retailer can be contacted, unless the following conditions are met:

(1) The shopping cart is located outside the premises or parking area of a retail mercantile establishment;

(2) The municipality notifies the owner or retailer of the location of the cart and allows three business days from the date of such notification for the owner, retailer, or an authorized agent to retrieve the shopping cart, unless the immediate removal is necessary to prevent a danger to public safety;

(3) The municipality notifies the owner or retailer upon impoundment of a shopping cart, and includes information as to how the cart may be retrieved;

(4) The location that an impounded shopping cart is held is reasonably convenient to the owner, retailer, or authorized agent, and is open for business at least six hours of each business day;

(5) Any fine imposed upon the owner or retailer for an impounded shopping cart does not exceed $50 for each occurrence for failure to retrieve shopping carts. An occurrence includes all shopping carts impounded in accordance with this section during a 24-hour period; and

(6) The municipality must allow the owner or retailer a minimum of five business days following receipt of notice that a shopping cart has been impounded to retrieve the cart before it may sell or otherwise dispose of the cart.

c. A municipality may impound a shopping cart that has a sign or notice identifying the owner of the cart, or the retailer who has written consent from the owner to use the cart, and lists a valid telephone number or address through which the owner or retailer can be contacted, without meeting the conditions required by paragraphs (1) through (5) of subsection b. of this section if the municipality:

(1) Notifies the owner or retailer within 24 hours of impounding the shopping cart, and includes information on how the cart may be retrieved;

(2) Releases the cart to the owner, retailer or authorized agent without any charge or fine whatsoever, if the owner, retailer, or authorized agent attempts to retrieve the cart within five business days of notice.

d. Nothing contained in this section shall preclude or otherwise limit a municipality from impounding a shopping cart that does not have a sign or notice identifying the owner of the cart, or the retailer who has written consent from the owner to use the cart, and lists a valid telephone number or address through which the owner or retailer can be contacted.

C.40:23-55 Definitions; impoundment of shopping carts by county.

2. a. As used in this section:

"Shopping cart" means a push cart of the type or types which are commonly provided by grocery stores, drug stores or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and their parking areas; and

"Parking area" means a parking lot or other property provided by a retailer for the use of a customer for parking an automobile or other vehicle. The parking area of a retail mercantile establishment located in a multistore complex or shopping center shall include the entire parking area used by the complex or center.

b. No county shall impound a shopping cart that has a sign or notice identifying the owner of the cart, or the retailer who has written consent from the owner to use the cart, and listing a valid telephone number or address through which the owner or retailer can be contacted, unless the following conditions are met:

(1) The shopping cart is located outside the premises or parking area of a retail mercantile establishment;

(2) The county notifies the owner or retailer of the location of the cart and allows three business days from the date of such notification for the owner, retailer, or an authorized agent to retrieve the shopping cart, unless the immediate removal is necessary to prevent a danger to public safety;

(3) The county notifies the owner or retailer upon impoundment of a shopping cart, and includes information as to how the cart may be retrieved;

(4) The location that an impounded shopping cart is held is reasonably convenient to the owner, retailer, or authorized agent, and is open for business at least six hours of each business day;

(5) Any fine imposed upon the owner or retailer for an impounded shopping cart does not exceed $50 for each occurrence for failure to retrieve shopping carts. An occurrence includes all shopping carts impounded in accordance with this section during a 24-hour period; and

(6) The county must allow the owner or retailer a minimum of five business days following receipt of notice that a shopping cart has been impounded to retrieve the cart before it may sell or otherwise dispose of the cart.

c. A county may impound a shopping cart that has a sign or notice identifying the owner of the cart, or the retailer who has written consent from the owner to use the cart, and lists a valid telephone number or address through which the owner or retailer can be contacted, without meeting the conditions required by paragraphs (1) through (5) of subsection b. of this section if the county:

(1) Notifies the owner or retailer within 24 hours of impounding the shopping cart, and includes information on how the cart may be retrieved;

(2) Releases the cart to the owner, retailer or authorized agent without any charge or fine whatsoever, if the owner, retailer, or authorized agent attempts to retrieve the cart within five business days of notice.

d. Nothing contained in this section shall preclude or otherwise limit a county from impounding a shopping cart that does not have a sign or notice identifying the owner of the cart, or the retailer who has written consent from the owner to use the cart, and lists a valid telephone number or address through which the owner or retailer can be contacted.

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

Approved April 21, 2008.

CHAPTER 14

AN ACT concerning public participation at board of education meetings and amending P.L.1975, c.231.

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

1. Section 7 of P.L.1975, c.231 (C.10:4-12) is amended to read as follows:

C.10:4-12 Meetings open to public; exceptions.

7. a. Except as provided by subsection b. of this section all meetings of public bodies shall be open to the public at all times. Nothing in this act shall be construed to limit the discretion of a public body to permit, prohibit or regulate the active participation of the public at any meeting, except that a municipal governing body and a board of education shall be required to set aside a portion of every meeting of the municipal governing body or board of education, the length of the portion to be determined by the municipal governing body or board of education, for public comment on any governmental or school district issue that a member of the public feels may be of concern to the residents of the municipality or school district.

b. A public body may exclude the public only from that portion of a meeting at which the public body discusses:

(1) Any matter which, by express provision of federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of subsection a. of this section.

(2) Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or in-

stitution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

(4) Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

(5) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

(6) Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.

(7) Any pending or anticipated litigation or contract negotiation other than in subsection b.(4) herein in which the public body is, or may become a party.

Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

(9) Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.

2. This act shall take effect immediately.

Approved April 21, 2008.

CHAPTER 15

AN ACT concerning rehabilitation of drug and alcohol dependent offenders and amending N.J.S.2C:35-14 and N.J.S.2C:35-15.

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; prosecutorial objections; 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; Prosecutorial Objections; 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. Notwithstanding the presumption of incarceration pursuant to the provisions of subsection d. of N.J.S.2C:44-1, and except as provided in subsection c. of this section, 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 abuse treatment and monitoring will serve to benefit the person by addressing his 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, robbery, 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 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 deter-

mine whether and to what extent the person is drug or alcohol dependent and would benefit from treatment.

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 Addiction Services in the Department of Human Services or a program of nonresidential treatment by a licensed and approved treatment provider, 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);

(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. A person who is subject to sentencing under this section in accordance with subsection a. shall not be eligible for a sentence of special probation pursuant to this section if:

(1) the person has been:

(a) convicted of or adjudicated delinquent for an offense under section 1 of P.L.1987, c.101 (C.2C:35-7), subsection b. of section 1 of P.L.1997, c.185 (C.2C:35-4.1), or any crime for which there exists a presumption of imprisonment pursuant to subsection d. of N.J.S.2C:44-1 or any other statute;

(b) previously convicted of 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; or

(c) previously convicted on two or more separate occasions of crimes of the third degree, other than crimes defined in N.J.S.2C:35-10; and

(2) the prosecutor objects to the person being placed on special probation. The court shall not place a person on special probation over the prosecutor's objection except upon a finding by the court of a gross and patent abuse of prosecutorial discretion. If the court makes a finding of a gross and patent abuse of prosecutorial discretion and imposes a sentence of special probation notwithstanding the objection of the prosecutor, the sentence of special probation imposed pursuant to this section shall not become final for 10 days in order to permit the appeal of such sentence by the prosecution.

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 treatment facility licensed and approved by the Division of 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 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 his 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. A person who fails to comply with the terms of his 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.

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 his participation in any rehabilitation program, nonresidential treatment program or period of residential treatment 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 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. 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 his 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) did not commit a substantial violation of any term or condition of special probation, including but not limited to a positive urine test, within the preceding 12 months; and (4) is not likely to relapse or commit an offense if probation supervision and related services are discontinued.

2. N.J.S.2C:35-15 is amended to read as follows:

Mandatory drug enforcement and demand reduction penalties; collection; disposition; suspension.

2C:35-15. a. (1) In addition to any disposition authorized by this title, the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any other statute indicating the dispositions that can be ordered for an adjudication of delinquency, every person convicted of or adjudicated delinquent for a violation of any offense defined in this chapter or chapter 36 of this title shall be assessed for each such offense a penalty fixed at:

(a) $3,000.00 in the case of a crime of the first degree;

(b) $2,000.00 in the case of a crime of the second degree;

(c) $1,000.00 in the case of a crime of the third degree;

(d) $750.00 in the case of a crime of the fourth degree;

(e) $500.00 in the case of a disorderly persons or petty disorderly persons offense.

(2) A person being sentenced for more than one offense set forth in subsection a. of this section who is neither placed in supervisory treatment pursuant to this section nor ordered to perform reformative service pursuant to subsection f. of this section may, in the discretion of the court, be assessed a single penalty applicable to the highest degree offense for which the person is convicted or adjudicated delinquent, if the court finds that the defendant has established the following:

(a) the imposition of multiple penalties would constitute a serious hardship that outweighs the need to deter the defendant from future criminal activity; and

(b) the imposition of a single penalty would foster the defendant's rehabilitation.

Every person placed in supervisory treatment pursuant to the provisions of N.J.S.2C:36A-1 or N.J.S.2C:43-12 for a violation of any offense defined in this chapter or chapter 36 of this title shall be assessed the penalty prescribed herein and applicable to the degree of the offense charged, except that the court shall not impose more than one such penalty regardless of the number of offenses charged. If the person is charged with more than one offense, the court shall impose as a condition of supervisory treatment the penalty applicable to the highest degree offense for which the person is charged.

All penalties provided for in this section shall be in addition to and not in lieu of any fine authorized by law or required to be imposed pursuant to the provisions of N.J.S.2C:35-12.

b. All penalties provided for in this section shall be collected as provided for collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the Department of the Treasury as provided in subsection c. of this section.

c. All moneys collected pursuant to this section shall be forwarded to the Department of the Treasury to be deposited in a nonlapsing revolving fund to be known as the "Drug Enforcement and Demand Reduction Fund." Moneys in the fund shall be appropriated by the Legislature on an annual basis for the purposes of funding in the following order of priority: (1) the Alliance to Prevent Alcoholism and Drug Abuse and its administration by the Governor's Council on Alcoholism and Drug Abuse; (2) the "Alcoholism and Drug Abuse Program for the Deaf, Hard of Hearing and Disabled" established pursuant to section 2 of P.L.1995, c.318 (C.26:2B-37); (3) the "Partnership for a Drug Free New Jersey," the State affiliate of the "Partnership for a Drug Free America"; and (4) other alcohol and drug abuse programs.

Moneys appropriated for the purpose of funding the "Alcoholism and Drug Abuse Program for the Deaf, Hard of Hearing and Disabled" shall not be used to supplant moneys that are available to the Department of Health and Senior Services as of the effective date of P.L.1995, c.318 (C.26:2B-36 et al.), and that would otherwise have been made available to provide alcoholism and drug abuse services for the deaf, hard of hearing and disabled, nor shall the moneys be used for the administrative costs of the program.

d. (Deleted by amendment, P.L.1991, c.329).

e. The court may suspend the collection of a penalty imposed pursuant to this section; provided the person is ordered by the court to participate in a drug or alcohol rehabilitation program approved by the court; and further provided that the person agrees to pay for all or some portion of the costs associated with the rehabilitation program. In this case, the collection of a penalty imposed pursuant to this section shall be suspended during the person's participation in the approved, court-ordered rehabilitation program. Upon successful completion of the program, as determined by the court upon the recommendation of the treatment provider, the person may apply to the court to reduce the penalty imposed pursuant to this section by any amount actually paid by the person for his participation in the program. The court shall not reduce the penalty pursuant to this subsection unless the person establishes to the satisfaction of the court that he has successfully completed the rehabilitation program. If the person's participation is for any reason terminated before his successful completion of the rehabilitation program, collection of the entire penalty imposed pursuant to this section shall be enforced. Nothing in this section shall be deemed to affect or suspend any other criminal sanctions imposed pursuant to this chapter or chapter 36 of this title.

f. A person required to pay a penalty under this section may propose to the court and the prosecutor a plan to perform reformative service in lieu of payment of up to one-half of the penalty amount imposed under this section. The reformative service plan option shall not be available if the provisions of paragraph (2) of subsection a. of this section apply or if the person is placed in supervisory treatment pursuant to the provisions of N.J.S.2C:36A-1 or N.J.S.2C:43-12. For purposes of this section, "reformative service" shall include training, education or work, in which regular attendance and participation is required, supervised, and recorded, and which would assist in the defendant's rehabilitation and reintegration. "Reformative service" shall include, but not be limited to, substance abuse treatment or services, other therapeutic treatment, educational or vocational services, employment training or services, family counseling, service to the community and volunteer work. For the purposes of this section, an application to participate in a

court-administered alcohol and drug rehabilitation program shall have the same effect as the submission of a reformative service plan to the court.

The court, in its discretion, shall determine whether to accept the plan, after considering the position of the prosecutor, the plan's appropriateness and practicality, the defendant's ability to pay and the effect of the proposed service on the defendant's rehabilitation and reintegration into society. The court shall determine the amount of the credit that would be applied against the penalty upon successful completion of the reformative service, not to exceed one-half of the amount assessed, except that the court may, in the case of an extreme financial hardship, waive additional amounts of the penalty owed by a person who has completed a court administered alcohol and drug rehabilitation program if necessary to aid the person's rehabilitation and reintegration into society. The court shall not apply the credit against the penalty unless the person establishes to the satisfaction of the court that he has successfully completed the reformative service. If the person's participation is for any reason terminated before his successful completion of the reformative service, collection of the entire penalty imposed pursuant to this section shall be enforced. Nothing in this subsection shall be deemed to affect or suspend any other criminal sanctions imposed pursuant to this chapter or chapter 36 of this title.

Any reformative service ordered pursuant to this section shall be in addition to and not in lieu of any community service imposed by the court or otherwise required by law. Nothing in this section shall limit the court's authority to order a person to participate in any activity, program or treatment in addition to those proposed in a reformative service plan.

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

Approved April 21, 2008.

CHAPTER 16

AN ACT concerning the Joint Legislative Committee on Ethical Standards and ethics training for members of the Legislature, amending P.L.1971, c.182 and P.L.2003, c.255.

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

1. Section 11 of P.L.1971, c.182 (C.52:13D-22) is amended to read as follows:

C.52:13D-22 Joint Legislative Committee on Ethical Standards; membership; powers; terms; duties; penalties.

11. (a) There is established a Joint Legislative Committee on Ethical Standards in the Legislative Branch of State Government.

(b) (1) Commencing with the second Tuesday in January of the next even numbered year following the effective date of P.L.2004, c.24, the joint committee shall be composed of sixteen members as follows: four members of the Senate, appointed by the President thereof, no more than two of whom shall be of the same political party; four members of the General Assembly, appointed by the Speaker thereof, no more than two of whom shall be of the same political party; and eight public members, two appointed by the President of the Senate, two appointed by the Speaker of the General Assembly, two appointed by the Minority Leader of the Senate and two appointed by the Minority Leader of the General Assembly. The terms of the members serving pursuant to this paragraph shall be terminated on the 30th day after the effective date of P.L.2008, c.16.

(2) Commencing on the 30th day after the effective date of P.L.2008, c.16, the joint committee shall be composed of eight members of the public as follows: two appointed by the President of the Senate, two appointed by the Speaker of the General Assembly, two appointed by the Minority Leader of the Senate, and two appointed by the Minority Leader of the General Assembly. No member of the Senate or of the General Assembly shall be eligible to serve as a member of the joint committee. No more than two members of the joint committee may be former members of the Senate or of the General Assembly. The members shall be full-time residents of the State and available throughout the year to attend, in person, the meetings of the joint committee.

No member shall be a lobbyist or governmental affairs agent as defined by the "Legislative and Governmental Process Activities Disclosure Act," P.L.1971, c.183 (C.52:13C-18 et seq.), a full-time State employee or an officer or director of any entity which is required to file a statement with the Election Law Enforcement Commission, and no former lobbyist or governmental affairs agent shall be eligible to serve as a member for one year following the cessation of all activity by that person as a governmental affairs agent or lobbyist. No person who served as a member of the joint committee at any time prior to the 30th day after the effective date of P.L.2008, c.16 shall be eligible to serve as a member of the joint committee

as constituted under paragraph (2) of this subsection. The members shall serve for terms of two years.

The terms of the members shall run from the second Tuesday in January of an even-numbered year to the second Tuesday in January of the next even-numbered year, regardless of the original date of appointment.

Vacancies in the membership of the joint committee shall be filled in the same manner as the original appointments, but for the unexpired term only. The members of the joint committee shall serve without compensation, but shall be entitled to be reimbursed for all actual and necessary expenses incurred in the performance of their duties.

(c) The joint committee shall organize as soon as may be practicable after the appointment of its members, by the selection of a chairman and vice chairman from among its membership and the appointment of a secretary, who need not be a member of the joint committee. Commencing on the 30th day after the effective date of P.L.2008, c.16, the chairman of the joint committee shall be selected jointly by the President of the Senate and the Speaker of the General Assembly, when the President and Speaker are members of the same political party, from among the members of the joint committee, and the vice chairman shall be selected jointly by the Minority Leader of the Senate and the Minority Leader of the General Assembly, when the Minority Leaders are members of the same political party, from among the members of the joint committee. When the President of the Senate and the Speaker of the General Assembly are not members of the same political party, the President and Speaker shall alternate in selecting the chairman of the joint committee with the President of the Senate selecting the chairman first, and then, at the next organization of the joint committee if the President and the Speaker are not members of the same political party, the Speaker of the General Assembly selecting the chairman. When the Minority Leader of the Senate and the Minority Leader of the General Assembly are not members of the same political party, the Minority Leaders shall alternate in selecting the vice chairman of the joint committee with the Minority Leader of the Senate selecting the vice chairman first, and then, at the next organization of the joint committee if the Minority Leaders are not members of the same political party, the Minority Leader of the General Assembly selecting the vice chairman. The alternating method of selection shall continue regardless of intervening periods when joint selections are made.

The chairman and the vice chairman shall not be members of the same political party.

(d) The Legislative Counsel in the Office of Legislative Services shall act as legal adviser to the joint committee. The Executive Director of the Office of Legislative Services shall appoint another attorney in the Office of Legislative Services to serve as Ethics Counsel to the individual members of the Legislature and officers and employees in the Legislative Branch. The Ethics Counsel shall provide informal ethics advice to individual members of the Legislature and officers and employees in the Legislative Branch upon request, when the request is one fully answered by the New Jersey Conflicts of Interest Law or the Legislative Code of Ethics or is on a subject previously determined by the Joint Committee. Informal ethics advice from the Ethics Counsel to a member of the Legislature or an officer or employee in the Legislative Branch shall be confidential and subject to the attorney-client privilege. The Ethics Counsel may also assist members of the Legislature and officers or employees in the Legislative Branch in requesting formal advisory opinions from the joint committee on novel subject matters. The Legislative Counsel shall, upon request, assist and advise the joint committee in the rendering of formal advisory opinions by the joint committee, in the approval and review of codes of ethics adopted by State agencies in the Legislative Branch, and in the recommendation of revisions in codes of ethics or legislation relating to the conduct of members of the Legislature or State officers and employees in the Legislative Branch.

(e) The joint committee may, within the limits of funds appropriated or otherwise available to it for the purpose, employ other professional, technical, clerical or other assistants, excepting legal counsel, and incur expenses as may be necessary to the performance of its duties.

(f) The joint committee shall have all the powers granted pursuant to chapter 13 of Title 52 of the Revised Statutes.

(g) The joint committee is authorized to render formal advisory opinions as to whether a given set of facts and circumstances would, in its opinion, constitute a violation of the provisions of this act, of a code of ethics promulgated pursuant to the provisions of this act or of any rule of either or both Houses which gives the joint committee jurisdiction and the authority to investigate a matter.

(h) (1) The joint committee shall have jurisdiction to initiate, receive, hear and review complaints regarding violations of the provisions of this act or of a code of ethics promulgated pursuant to the provisions of this act. It shall further have such jurisdiction as to enforcement of the rules of either or both Houses of the Legislature governing the conduct of the members or employees thereof as those rules may confer upon the joint committee. A complaint regarding a violation of a code of ethics promulgated pur-

suant to the provisions of this act may be referred by the joint committee for disposition in accordance with subsection 12(d) of this act.

(2) The joint committee shall not accept a complaint against a member of the Legislature submitted within 90 days of a primary or general election in which the member is a candidate. An attempt to file a complaint during this period shall toll any statute of limitations. This paragraph shall not bar the joint committee from initiating a complaint during this period.

A complaint that is filed within seven days following a primary or general election shall be considered by the joint committee in an expedited manner that results in a final determination by the end of the annual session of the Legislature.

(3) The joint committee, when reviewing a complaint, shall have the authority to require a member of the Legislature who is the subject of a complaint to submit detailed financial disclosures containing information that is in addition to the information required to be disclosed by a law, rule or code of ethics. Such additional information shall remain confidential, unless the joint committee, by a vote of at least three-fourths of the total membership, directs that the information be made public.

(4) The joint committee shall inform a complainant of the time, date, and location of any meeting at which the joint committee will discuss or make a determination on any aspect of the complaint.

(i) Any State officer or employee or special State officer or employee in the Legislative Branch found guilty by the joint committee of violating any provisions of this act, of a code of ethics promulgated pursuant to the provisions of this act or of any rule of either or both Houses which gives the joint committee jurisdiction and the authority to investigate a matter shall be fined not less than $500.00 nor more than $10,000, which penalty may be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), and may be reprimanded and ordered to pay restitution where appropriate and may be suspended from office or employment by order of the joint committee for a period not in excess of one year. If the joint committee finds that the conduct of the officer or employee constitutes a willful and continuous disregard of the provisions of this act, of a code of ethics promulgated pursuant to the provisions of this act or of any rule of either or both Houses which gives the joint committee jurisdiction and the authority to investigate a matter, it may order that person removed from office or employment and may further bar the person from holding any public office or employment in this State in any capacity whatsoever for a period not exceeding five years from the date on which the person was found guilty by the joint committee.

(j) A member of the Legislature who shall be found guilty by the joint committee of violating the provisions of this act, of a code of ethics promulgated pursuant to the provisions of this act or of any rule of either or both Houses which gives the joint committee jurisdiction and the authority to investigate a matter shall be fined not less than $500.00 nor more than $10,000, which penalty may be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), and shall be subject to such further action as may be determined by the House of which the person is a member. In such cases the joint committee shall report its findings to the appropriate House and shall recommend to the House such further action as the joint committee deems appropriate, but it shall be the sole responsibility of the House to determine what further action, if any, shall be taken against such member.

2. Section 4 of P.L.2003, c.255 (C.52:13D-28) is amended to read as follows:

C.52:13D-28 Online tutorial on legislative ethics; certification; members of legislature, participation in annual ethics training, consultation with Ethics Counsel.

4. The Legislature shall provide an online tutorial on legislative ethics for its members and State officers or employees and special State officers or employees in the Legislative Branch of government. Each member of the Legislature and officer or employee in the Legislative Branch shall take the tutorial no later than April 1 of every even-numbered year. Each Executive Director shall submit a certification to the Ethics Counsel for himself or herself and for his or her respective staff members that they have completed the online tutorial. Each member of the Legislature shall submit to the Ethics Counsel a certification that he or she and his or her district office staff members have completed the online tutorial. The certification shall be public information. Failure to take the tutorial and file the certification shall be reported by the Ethics Counsel to the joint committee.

In addition to the tutorial, all officers and employees in the Legislative Branch shall participate in annual ethics training as directed by their Executive Directors and all members of the Legislature shall participate in annual ethics training as directed by the President of the Senate for members of the Senate and by the Speaker of the General Assembly for members of the General Assembly. The Executive Directors, the President of the Senate, and the Speaker of the General Assembly shall also direct the process by which completion of the training is verified. Such verification shall be filed with the Ethics Counsel. The verification shall be public information.

Failure to participate in the training and file the verification shall be reported by the Ethics Counsel to the joint committee.

Each member of the Legislature shall consult with the Ethics Counsel each year regarding the requirements of the New Jersey Conflicts of Interest Law and the Legislative Code of Ethics and any other applicable law, rule or standard of conduct relating to the area of ethics. The assistance of the Ethics Counsel to members of the Legislature is subject to the attorney-client privilege. This assistance is intended as a service to the members of the Legislature and may not be deemed to diminish a member's personal responsibility for adherence to applicable laws, code provisions, rules and other standards of conduct. No privileged information provided to the Ethics Counsel by members of the Legislature or officers or employees in the Legislative Branch shall be used or admitted into evidence in any proceeding against them; but this shall not prohibit proceedings against them from evidence independently derived.

3. This act shall take effect immediately.

Approved April 21, 2008.

CHAPTER 17

AN ACT providing benefits for family temporary disability leave, amending R.S.43:21-4 and R.S.43:21-7, amending and supplementing P.L.1948, c.110, and supplementing Title 54A of the New Jersey Statutes.

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

1. Section 2 of P.L.1948, c.110 (C.43:21-26) is amended to read as follows:

C.43:21-26 Purpose.

2. Purpose. This act shall be liberally construed as remedial legislation enacted upon the following declarations of public policy and legislative findings of fact:

The public policy of this State, already established, is to protect employees against the suffering and hardship generally caused by involuntary unemployment. But the "unemployment compensation law" provides benefit payments to replace wage loss caused by involuntary unemployment

only so long as an individual is "able to work, and is available for work," and fails to provide any protection against wage loss suffered because of inability to perform the duties of a job interrupted by nonoccupational illness, injury, or other disability of the individual or of members of the individual's family. Nor is there any other comprehensive and systematic provision for the protection of working people against loss of earnings due to a nonoccupational sickness, accident, or other disability.

The prevalence and incidence of nonoccupational sickness, accident, and other disability among employed people is greatest among the lower income groups, who either cannot or will not voluntarily provide out of their own resources against the hazard of an earnings loss caused by nonoccupational sickness, accident, or other disability. Disabling sickness or accident occurs throughout the working population at one time or another, and approximately fifteen per centum (15%) of the number of people at work may be expected to suffer disabling illness of more than one week each year.

It was found, prior to the enactment of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.), that then existing voluntary plans for the payment of cash sickness benefits covered less than one-half of the number of working people of this State who were covered by the "unemployment compensation law," and that even that degree of voluntary protection afforded uneven, unequal and sometimes uncertain protection among the various voluntary benefit programs.

While the enactment of that law has provided stable protection for New Jersey's disabled workers, very few workers are protected from income losses caused by the need to take time off from work to care for family members who are incapable of self-care, including newborn and newly-adopted children. The growing portion of middle-income families in which all adult family members work, largely due to economic necessity, points to the desperate need for replacement income when a working family member must take time to care for family members who are unable to take care of themselves. Moreover, the United States is the only industrialized nation in the world which does not have a mandatory workplace-based program for such income support. It is therefore desirable and necessary to fill the gap in existing provisions for protection against the loss of earnings caused by involuntary unemployment, by extending such protection to meet the hazard of earnings loss due to inability to work caused by nonoccupational sickness, accidents, or other disabilities of workers and members of their families. Developing systems that help families adapt to the competing interests of work and home not only benefits workers, but also benefits employers by reducing employee turnover and increasing worker productivity.

The foregoing facts and considerations require that there be a uniform minimum program providing in a systematic manner for the payment of reasonable benefits to replace partially such earnings loss and to meet the continuing need for benefits where an individual becomes disabled during unemployment or needs to care for family members incapable of self-care. In order to maintain consumer purchasing power, relieve the serious menace to health, morals and welfare of the people caused by insecurity and the loss of earnings, to reduce the necessity for public relief of needy persons, to increase workplace productivity and alleviate the enormous and growing stress on working families of balancing the demands of work and family needs, and in the interest of the health, welfare and security of the people of this State, such a system, enacted under the police power, is hereby established, requiring the payment of reasonable cash benefits to eligible individuals who are subject to accident or illness which is not compensable under the worker's compensation law or who need to care for family members incapable of self-care.

While the Legislature recognizes the pressing need for benefits for workers taking leave to care for family members incapable of self-care, it also finds that the need of workers for leave during their own disability continues to be especially acute, as a disabled worker has less discretion about taking time off from work than a worker caring for a family member. Notwithstanding any interpretation of law which may be construed as providing a worker with rights to take action against an employer who fails or refuses to restore the worker to employment after the worker's own disability, the Legislature does not intend that the policy established by P.L.2008, c.17 (C.43:21-39.1 et al.) of providing benefits for workers during periods of family temporary disability leave to care for family members incapable of self-care be construed as granting any worker an entitlement to be restored by the employer to employment held by the worker prior to taking family temporary disability leave or any right to take action, in tort, or for breach of an implied provision of the employment agreement, or under common law, against an employer who fails or refuses to restore the worker to employment after the family temporary disability leave, and the Legislature does not intend that the policy of providing benefits during family temporary disability leave be construed as increasing, reducing or otherwise modifying any entitlement of a worker to return to employment or right of the worker to take action under the provisions of the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.), or the federal "Family and Medical Leave Act of 1993," Pub.L.103-3 (29 U.S.C. s.2601 et seq.).

Since the enactment of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.), the State government-operated State

temporary disability benefits plan, or "State plan," has proven to be highly efficient and cost effective in providing temporary disability benefits to New Jersey workers. The State plan guarantees the availability of coverage for all employers, regardless of experience, with low overhead costs and a rapid processing of claims and appeals by knowledgeable, impartial public employees. Consequently, the percentage of all employers using the State plan increased from 64% in 1952 to 98% in 2006, while the percentage of employees covered by the State plan increased from 28% to 83%. A publicly-operated, nonprofit State plan is therefore indispensable to achieving the goals of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.).

2. Section 3 of P.L.1948, c.110 (C.43:21-27) is amended to read as follows:

C.43:21-27 Definitions.

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

(a) (1) "Covered employer" means, with respect to whether an employer is required to provide benefits during an employee's own disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any individual or type of organization, including 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, who is an employer subject to the "unemployment compensation law" (R.S.43:21-1 et seq.), except the State, its political subdivisions, and any instrumentality of the State unless such governmental entity elects to become a covered employer pursuant to paragraph (2) of this subsection (a); provided, however, that commencing with the effective date of this act, the State of New Jersey, including Rutgers, The State University, the University of Medicine and Dentistry of New Jersey and the New Jersey Institute of Technology, shall be deemed a covered employer, as defined herein.

"Covered employer" means, after June 30, 2009, with respect to whether the employer is an employer whose employees are eligible for benefits during periods of family temporary disability leave pursuant to P.L.1948, c.110 (C.43:21-25 et al.), and, after December 31, 2008, whether employees of the employer are required to make contributions pursuant to R.S.43:21-7(d)(1)(G)(ii), any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company or domestic or foreign corporation, or the receiver, trustee in

bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, who is an employer subject to the "unemployment compensation law" (R.S.43:21-1 et seq.), including any governmental entity or instrumentality which is an employer under R.S.43:21-19(h)(5), notwithstanding that the governmental entity or instrumentality has not elected to be a covered employer pursuant to paragraph (2) of this subsection (a).

(2) Any governmental entity or instrumentality which is an employer under R.S.43:21-19(h)(5) may, with respect to the provision of benefits during an employee's own disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), elect to become a "covered employer" under this subsection beginning with the date on which its coverage under R.S.43:21-19(h)(5) begins or as of January 1 of any year thereafter by filing written notice of such election with the division within at least 30 days of the effective date. Such election shall remain in effect for at least two full calendar years and may be terminated as of January 1 of any year thereafter by filing with the division a written notice of termination at least 30 days prior to the termination date.

(b) (1) "Covered individual" means, with respect to whether an individual is eligible for benefits during an individual's own disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any person who is in employment, as defined in the "unemployment compensation law" (R.S.43:21-1 et seq.), for which the individual is entitled to remuneration from a covered employer, or who has been out of such employment for less than two weeks, except that a "covered individual" who is employed by the State of New Jersey, including Rutgers, The State University, the University of Medicine and Dentistry of New Jersey and the New Jersey Institute of Technology, or by any governmental entity or instrumentality which elects to become a "covered employer" pursuant to this amendatory act, shall not be eligible to receive any benefits under the "Temporary Disability Benefits Law" until such individual has exhausted all sick leave accumulated as an employee in the classified service of the State or accumulated under terms and conditions similar to classified employees or accumulated under the terms and conditions pursuant to the laws of this State or as the result of a negotiated contract with any governmental entity or instrumentality which elects to become a "covered employer."

"Covered individual" shall not mean, with respect to whether an individual is eligible for benefits during an individual's own disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any member of the Division of State Police in the Department of Law and Public Safety.

(2) "Covered individual" means, with respect to whether an individual is eligible for benefits during the individual's period of family temporary

disability leave pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any individual who is in employment, as defined in the "unemployment compensation law" (R.S.43:21-1 et seq.), for which the individual is entitled to remuneration from a covered employer, or who has been out of that employment for less than two weeks.

(c) "Division" or "commission" means the Division of Temporary Disability Insurance of the Department of Labor and Workforce Development, and any transaction or exercise of authority by the director of the division shall be deemed to be performed by the division.

(d) "Day" shall mean a full calendar day beginning and ending at midnight.

(e) "Disability" shall mean such disability as is compensable under section 5 of P.L.1948, c.110 (C.43:21-29).

(f) "Disability benefits" shall mean any cash payments which are payable to a covered individual for all or part of a period of disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.).

(g) "Period of disability" with respect to any covered individual shall mean:

(1) The entire period of time during which the covered individual is continuously and totally unable to perform the duties of the covered individual's employment because of the covered individual's own disability, except that two periods of disability due to the same or related cause or condition and separated by a period of not more than 14 days shall be considered as one continuous period of disability; provided the individual has earned wages during such 14-day period with the employer who was the individual's last employer immediately preceding the first period of disability; and

(2) On or after July 1, 2009, the entire period of family temporary disability leave taken from employment by the covered individual.

(h) "Wages" shall mean all compensation payable by covered employers to covered individuals for personal services, including commissions and bonuses and the cash value of all compensation payable in any medium other than cash.

(i) (1) (Deleted by amendment, P.L.2001, c.17).

(2) (Deleted by amendment, P.L.2001, c.17).

(3) "Base week" with respect to periods of disability commencing on or after October 1, 1985 and before January 1, 2001, means any calendar week during which a covered individual earned in employment from a covered employer remuneration equal to not less than 20% of the Statewide average weekly wage determined under subsection (c) of R.S.43:21-3,

which shall be adjusted to the next higher multiple of $1.00 if not already a multiple thereof.

(4) "Base week" with respect to periods of disability commencing on or after January 1, 2001, means any calendar week of a covered individual's base year during which the covered individual earned in employment from a covered 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 is in employment with more than one employer, the covered individual may in that calendar week establish a base week with respect to each of the employers from whom the covered individual earns remuneration equal to not less than the amount defined in this paragraph during that week.

(j) (1) "Average weekly wage" means the amount derived by dividing a covered individual's total wages earned from the individual's most recent covered employer during the base weeks in the eight calendar weeks immediately preceding the calendar week in which a period of disability commenced, by the number of such base weeks.

(2) If the computation in paragraph (1) of this subsection (j) yields a result which is less than the individual's average weekly earnings in employment with all covered employers during the base weeks in such eight calendar weeks, then the average weekly wage shall be computed on the basis of earnings from all covered employers during the base weeks in the eight calendar weeks immediately preceding the week in which the period of disability commenced.

(3) For periods of disability commencing on or after July 1, 2009, if the computations in paragraphs (1) and (2) of this subsection (j) both yield a result which is less than the individual's average weekly earnings in employment with all covered employers during the base weeks in the 26 calendar weeks immediately preceding the week in which the period of disability commenced, then the average weekly wage shall, upon a written request to the department by the individual on a form provided by the department, be computed by the department on the basis of earnings from all covered employers of the individual during the base weeks in those 26 calendar weeks, and, in the case of a claim for benefits from a private plan, that computation of the average weekly wage shall be provided by the department to the individual and the individual's employer.

When determining the "average weekly wage" with respect to a period of family temporary disability leave for an individual who has a period of family temporary disability immediately after the individual has a period of disability for the individual's own disability, the period of disability is deemed to have commenced at the beginning of the period of disability for the individual's own disability, not the period of family temporary disability.

(k) "Child" means a biological, adopted, or foster child, stepchild or legal ward of a covered individual, child of a domestic partner of the covered individual, or child of a civil union partner of the covered individual, who is less than 19 years of age or is 19 years of age or older but incapable of self-care because of mental or physical impairment.

(l) "Domestic partner" means a domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3).

(m)"Civil union" means a civil union as defined in section 2 of P.L.2006, c.103 (C.37:1-29).

(n) "Family member" means a child, spouse, domestic partner, civil union partner or parent of a covered individual.

(o) "Family temporary disability leave" means leave taken by a covered individual from work with an employer to (1) participate in the providing of care, as defined in the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) and regulations adopted pursuant to that act, for a family member of the individual made necessary by a serious health condition of the family member; or (2) be with a child during the first 12 months after the child's birth, if the individual, or the domestic partner or civil union partner of the individual, is a biological parent of the child, or the first 12 months after the placement of the child for adoption with the individual. "Family temporary disability leave" does not include any period of time in which a covered individual is paid benefits pursuant to P.L.1948, c.110 (C.43:21-25 et al.) because the individual is unable to perform the duties of the individual's employment due to the individual's own disability.

(p) "Health care provider" means a health care provider as defined in the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.), and any regulations adopted pursuant to that act.

(q) "Parent of a covered individual" means a biological parent, foster parent, adoptive parent, or stepparent of the covered individual or a person who was a legal guardian of the covered individual when the covered individual was a child.

(r) "Placement for adoption" means the time when a covered individual adopts a child or becomes responsible for a child pending adoption by the covered individual.

(s) "Serious health condition" means an illness, injury, impairment or physical or mental condition which requires: inpatient care in a hospital, hospice, or residential medical care facility; or continuing medical treatment or continuing supervision by a health care provider.

(t) "12-month period" means, with respect to an individual who establishes a valid claim for disability benefits during a period of family temporary disability leave, the 365 consecutive days that begin with the first day that the individual first establishes the claim.

3. Section 5 of P.L.1948, c.110 (C.43:21-29) is amended to read as follows:

C.43:21-29 Compensable disability, individual, family.

5. Compensable disability. (a) In the case of the disability of a covered individual, disability shall be compensable subject to the limitations of P.L.1948, c.110 (C.43:21-25 et al.) if the disability is the result of the covered individual suffering an accident or sickness not arising out of and in the course of the individual's employment or if so arising not compensable under the workers' compensation law, R.S.34:15-1 et seq., and resulting in the individual's total inability to perform the duties of employment.

(b) In the case of an individual taking family temporary disability leave, the leave shall be compensable subject to the limitations of P.L.2008, c.17 (C.43:21-39.1 et al.).

4. Section 11 of P.L.1948, c.110 (C.43:21-35) is amended to read as follows:

C.43:21-35 Termination of private plans.

11. (a) If the division is furnished satisfactory evidence that a majority of the employees covered by an approved private plan have made election in writing to discontinue such plan, the division shall withdraw its approval of such plan effective at the end of the calendar quarter next succeeding that in which such evidence is furnished. Upon receipt of a petition therefor signed by not less than 10% of the employees covered by an approved private plan, the division shall require the employer upon 30 days' written notice to conduct an election by ballot in writing to determine whether or not a majority of the employees covered by such private plan favor discontinuance thereof; provided, that such election shall not be required more often than once in any 12-month period.

(b) Unless sooner permitted, for cause, by the division, no approved private plan shall be terminated by an employer, in whole or in part, until at

least 30 days after written notice of intention so to do has been given by the employer to the division and after notices are conspicuously posted so as reasonably to assure their being seen, or after individual notices are given to the employees concerned.

(c) The division may, after notice and hearing, withdraw its approval of any approved private plan if it finds that there is danger that the benefits accrued or to accrue will not be paid, that the security for such payment is insufficient, or for other good cause shown. No employer, and no union or association representing employees, shall so administer or apply the provisions of an approved private plan as to derive any profit therefrom. The division may withdraw its approval from any private plan which is administered or applied in violation of this provision.

(d) No termination of an approved private plan shall affect the payment of benefits, in accordance with the provisions of the plan, to employees whose period of disability commenced prior to the date of termination. Employees who have ceased to be covered by an approved private plan because of its termination shall, subject to the limitations and restrictions of this act, become eligible forthwith for benefits from the State Disability Benefits Fund for a period of disability commencing after such cessation, and contributions with respect to their wages shall immediately become payable as otherwise provided by law. Any withdrawal of approval of a private plan pursuant to this section shall be reviewable by writ of certiorari or by such other procedure as may be provided by law. With respect to a period of family temporary disability leave immediately after the individual has a period of disability during the individual's own disability, the period of disability is deemed, for the purposes of determining whether the period of disability commenced prior to the date of the termination, to have commenced at the beginning of the period of disability during the individual's own disability, not the period of family temporary disability leave.

(e) Anything in this act to the contrary notwithstanding, a covered employer who, under an approved private plan, is providing benefits at least equal to those required by the State plan, may modify the benefits under the private plan so as to provide benefits not less than the benefits required by the State plan. Individuals covered under a private plan shall not be required to contribute to the plan at a rate exceeding 3/4 of 1% of the amount of "wages" established for any calendar year under the provisions of R.S.43:21-7(b) prior to January 1, 1975, and 1/2 of 1% for calendar years beginning on or after January 1, 1975. For a calendar year beginning on or after January 1, 2009: an employer providing a private plan only for benefits for employees during their own disabilities may require the employees to

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contribute to the plan at a rate not exceeding 0.5% of the amount of "wages" established for the calendar year under the provisions of R.S.43:21-7(b); an employer providing a private plan only for benefits for employees during periods of family temporary disability may require the individuals covered by the private plan to contribute an amount not exceeding the amount the individuals would pay pursuant to R.S.43:21-7(d)(1)(G)(ii); an employer providing a private plan both for benefits for employees during their own disabilities and for benefits during periods of family temporary disability may require the employees to contribute to the plan at a rate not exceeding 0.5% of the amount of "wages" established for the calendar year under the provisions of R.S.43:21-7(b) plus an additional amount not exceeding the amount the individuals would pay pursuant to R.S.43:21-7(d)(1)(G)(ii). Notification of the proposed modification shall be given by the employer to the division and to the individuals covered under the plan.

5. Section 14 of P.L.1948, c.110 (C.43:21-38) is amended to read as follows:

C.43:21-38 Duration of benefits.

14. Duration of benefits.

With respect to any period of disability for an individual's own disability commencing on or after January 1, 1953, disability benefits, not in excess of an individual's maximum benefits, shall be payable with respect to disability which commences while a person is a covered individual under the Temporary Disability Benefits Law, and shall be payable with respect to the eighth consecutive day of such disability and each day thereafter that such period of disability continues; and if benefits shall be payable for three consecutive weeks with respect to any period of disability commencing on or after January 1, 1968, then benefits shall also be payable with respect to the first seven days thereof. With respect to any period of family temporary disability leave commencing on or after July 1, 2009 and while an individual is a covered individual, family temporary disability benefits, not in excess of the individual's maximum benefits, shall be payable with respect to the first day of leave taken after the first one-week period following the commencement of the period of family temporary disability leave and each subsequent day of leave during that period of family temporary disability leave; and if benefits become payable on any day after the first three weeks in which leave is taken, then benefits shall also be payable with respect to any leave taken during the first one-week period in which leave is taken. The maximum total benefits payable to any eligible individual for any period of dis-

ability of the individual commencing on or after January 1, 1968, shall be either 26 times his weekly benefit amount or 1/3 of his total wages in his base year, whichever is the lesser; provided that such maximum amount shall be computed in the next lower multiple of $1.00 if not already a multiple thereof. The maximum total benefits payable to any eligible individual for any period of family temporary disability leave commencing on or after July 1, 2009, shall be six times the individual's weekly benefit amount or 1/3 of his total wages in his base year, whichever is the lesser; provided that the maximum amount shall be computed in the next lower multiple of $1.00, if not already a multiple thereof.

6. Section 15 of P.L.1948, c.110 (C.43:21-39) is amended to read as follows:

C.43:21-39 Limitation of benefits.

15. Limitation of benefits. Notwithstanding any other provision of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.), no benefits shall be payable under the State plan to any individual:

(a) for the first seven consecutive days of each period of disability; except that:

(1) if benefits shall be payable for three consecutive weeks with respect to any period of disability, then benefits shall also be payable with respect to the first seven days thereof;

(2) in the case of intermittent leave in a single period of family temporary disability leave taken to provide care for a family member of the individual with a serious health condition, benefits shall be payable with respect to the first day of leave taken after the first one-week period following the commencement of the period of family temporary disability leave and each subsequent day of leave during that period of family temporary disability leave; and if benefits become payable on any day after the first three weeks in which leave is taken, then benefits shall also be payable with respect to any leave taken during the first one-week period in which leave is taken; and

(3) in the case of an individual taking family temporary disability leave immediately after the individual has a period of disability for the individual's own disability, there shall be no waiting period between the period of the individual's own disability and the period of family temporary disability;

(b) (1) for more than 26 weeks with respect to any one period of disability of the individual;

(2) for more than six weeks with respect to any one period of family temporary disability leave, or more than 42 days with respect to any one

period of family temporary disability leave taken on an intermittent basis to provide care for a family member of the individual with a serious health condition; and

(3) for more than six weeks of family temporary disability leave during any 12-month period, or more than 42 days of family temporary disability leave taken during any 12-month period, on an intermittent basis to provide care for a family member of the individual with a serious health condition, including family temporary disability leave taken pursuant to R.S.43:21-4(f)(2) while unemployed;

(c) for any period of disability which did not commence while the claimant was a covered individual;

(d) for any period of disability of a claimant during which the claimant is not under the care of a legally licensed physician, dentist, optometrist, podiatrist, practicing psychologist, advanced practice nurse, or chiropractor, who, when requested by the division, shall certify within the scope of the practitioner's practice, the disability of the claimant, the probable duration thereof, and, where applicable, the medical facts within the practitioner's knowledge or for any period of family temporary disability leave for a serious health condition of a family member of the claimant, during which the family member is not receiving inpatient care in a hospital, hospice, or residential medical care facility or is not subject to continuing medical treatment or continuing supervision by a health care provider, who, when requested by the division, shall certify within the scope of the provider's practice, the serious health condition of the family member, the probable duration thereof, and, where applicable, the medical facts within the provider's knowledge;

(e) (Deleted by amendment, P.L.1980, c.90.)

(f) for any period of disability due to willfully and intentionally self-inflicted injury, or to injury sustained in the perpetration by the claimant of a crime of the first, second, third, or fourth degree, or for any period during which a covered individual would be disqualified for unemployment compensation benefits for gross misconduct under subsection (b) of R.S.43:21-5;

(g) for any period during which the claimant performs any work for remuneration or profit;

(h) in a weekly amount which together with any remuneration the claimant continues to receive from the employer would exceed regular weekly wages immediately prior to disability;

(i) for any period during which a covered individual would be disqualified for unemployment compensation benefits under subsection (d) of R.S.43:21-5, unless the disability commenced prior to such disqualification;

and there shall be no other cause of disqualification or ineligibility to receive disability benefits hereunder except as may be specifically provided in this act.

7. Section 17 of P.L.1948, c.110 (C.43:21-41) is amended to read as follows:

C.43:21-41 Entitlement for disability benefits.

17. (a) (Deleted by amendment, P.L.1975, c.355.)

(b) (Deleted by amendment, P.L.2001, c.17).

(c) (Deleted by amendment, P.L.2001, c.17).

(d) (1) (Deleted by amendment, P.L.2008, c.17).

(2) With respect to periods of disability commencing on or after January 1, 2001, no individual shall be entitled to benefits under this act unless the individual has, within the 52 calendar weeks preceding the week in which the individual's period of disability commenced, established at least 20 base weeks or earned not less than 1,000 times the minimum wage in effect pursuant to section 5 of P.L.1996, c.113 (C.34:11-56a4) on October 1 of the calendar year preceding the calendar year in which the disability commences, which amount shall be adjusted to the next higher multiple of $100.00, if not already a multiple thereof.

(e) With respect to a period of family temporary disability leave for an individual who has a period of family temporary disability immediately after the individual has a period of disability for the individual's own disability, the period of disability is deemed, for the purposes of specifying the time of the 52-week period in which base weeks or earnings are required to be established for benefit eligibility pursuant to this subsection (e), to have commenced at the beginning of the period of disability for the individual's own disability, not the period of family temporary disability.

8. Section 31 of P.L.1948, c.110 (C.43:21-55) is amended to read as follows:

C.43:21-55 Penalties.

31. Penalties. (a) Whoever makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense, to obtain or increase any disability benefit under the State plan or an approved private plan, or for a disability during unemployment, including any benefit during a period of family temporary disability leave, either for himself or for any other person, shall be liable for a fine of $250 to be paid to the division. Upon refusal to pay such

fine, the same shall be recovered in a civil action by the division in the name of the State of New Jersey. If in any case liability for the payment of a fine as aforesaid shall be determined, any person who shall have received any benefits hereunder by reason of the making of such false statements or representations or failure to disclose a material fact, shall not be entitled to any benefits under this act for any disability occurring prior to the time he shall have discharged his liability hereunder to pay such fine.

(b) Any employer or any officer or agent of any employer or any other person who makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to prevent or reduce the benefits to any person entitled thereto, or to avoid becoming or remaining subject hereto or to avoid or reduce any contribution or other payment required from an employer under this act, or who willfully fails or refuses to make any such contributions or other payment or to furnish any reports required hereunder or to produce or permit the inspection or copying of records as required hereunder, shall be liable for a fine of $250 to be paid to the division. Upon refusal to pay such fine, the same shall be recovered in a civil action by the division in the name of the State of New Jersey.

(c) Any person who shall willfully violate any provision hereof or any rule or regulation made hereunder, for which a fine is neither prescribed herein nor provided by any other applicable statute, shall be liable to a fine of $500 to be paid to the division. Upon the refusal to pay such fine, the same shall be recovered in a civil action by the division in the name of the State of New Jersey.

(d) Any person, employing unit, employer or entity violating any of the provisions of the above subsections with intent to defraud the division shall in addition to the penalties hereinbefore described, be liable for each offense upon conviction before the Superior Court or any municipal court for a fine not to exceed $1,000 or by imprisonment for a term not to exceed ninety days, or both, at the discretion of the court. The fine upon conviction shall be payable to the State disability benefits fund of the division. Any penalties imposed by this subsection shall be in addition to those otherwise prescribed in this chapter (R.S.43:21-1 et seq.).

9. Section 2 of P.L.1997, c.318 (C.43:21-55.1) is amended to read as follows:

C.43:21-55.1 Liability for repayment of disability benefits overpayments.

2. (a) If it is determined by the division that an individual for any reason has received, under the State plan, an approved private plan or for a disabil-

ity during unemployment, any sum of disability benefits, including benefits during a period of family temporary disability leave, to which the individual was not entitled, the individual shall, except as provided in subsection (b) of this section, be liable to repay the sum in full. Except as provided in subsection (b) of this section, the sum that the individual is liable to repay shall be deducted from future benefits payable to the individual under P.L.1948, c.110 (C.43:21-25 et al.) or subsection (f) of R.S.43:21-4, or shall be repaid by the individual to the division, the employer or the insurer, and that sum shall be collectible in the manner provided for by law, including, but not limited to, the filing of a certificate of debt with the Clerk of the Superior Court of New Jersey; except that no individual who does not knowingly misrepresent or withhold any material fact to obtain benefits shall be liable for any repayments or deductions against future benefits unless notified before four years have elapsed from the time the benefits in question were paid. The division shall promptly notify the individual by mail of the determination and the reasons for the determination. Unless the individual files an appeal of the determination within 20 calendar days following the receipt of the notice, or, within 24 days after the notice was mailed to the individual's last known address, the determination shall be final.

(b) If the individual received the overpayment of benefits because of error made by the division, the employer or the physician, and if the individual did not knowingly misrepresent or withhold any material fact to obtain the benefits, the following limits shall apply:

(1) The amount withheld from any subsequent benefit check shall be an amount not greater than 50% of the amount of the check; and

(2) All repayments of the overpayments by the individual or the estate of the individual shall be waived if the individual is deceased or permanently disabled.

Any demand for repayment from an individual pursuant to this subsection shall include an explanation of the provisions of this subsection.

C.43:21-39.1 Compensation for family temporary disability leave; conditions.

10. a. Family temporary disability leave shall be compensable subject to the limitations of P.L.2008, c.17 (C.43:21-39.1 et al.) for any period of family temporary disability leave taken by a covered individual which commences after June 30, 2009.

b. An individual shall not simultaneously receive disability benefits for family temporary disability leave and any other disability benefits pursuant to P.L.1948, c.110 (C.43:21-25 et al.) or any unemployment compensation.

c. The employer of an individual may, notwithstanding any other provision of law, including the provisions of N.J.S.18A:30-1 et seq., permit or require the individual, during a period of family temporary disability leave, to use any paid sick leave, vacation time or other leave at full pay made available by the employer before the individual is eligible for disability benefits for family temporary disability leave pursuant to P.L.2008, c.17 (C.43:21-39.1 et al.), except that the employer may not require the individual to use more than two weeks worth of leave at full pay. The employer may also have the total number of days worth of disability benefits paid pursuant to P.L.2008, c.17 (C.43:21-39.1 et al.) to the individual during a period of family temporary disability leave reduced by the number of days of leave at full pay paid by the employer to the individual during that period. If the employer requires the individual to use leave at full pay, the employee shall be permitted to take that fully-paid leave during the waiting period required pursuant to subsection (a) of section 15 of P.L.1948, c.110 (C.43:21-39). Nothing in P.L.2008, c.17 (C.43:21-39.1 et al.) shall be construed as nullifying any provision of an existing collective bargaining agreement or employer policy, or preventing any new provision of a collective bargaining agreement or employer policy, which provides employees more generous leave or gives employees greater rights to select which kind of leave is used or select the order in which the different kinds of leave are used. Nothing in P.L.2008, c.17 (C.43:21-39.1 et al.) shall be construed as preventing an employer from providing more generous benefits than are provided under P.L.2008, c.17 (C.43:21-39.1 et al.) or providing benefits which supplement the benefits provided under P.L.2008, c.17 (C.43:21-39.1 et al.) for some or all of the employer's employees.

d. An individual who is entitled to leave under the provisions of the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) or the federal "Family and Medical Leave Act of 1993," Pub.L.103-3 (29 U.S.C. s.2601 et seq.), shall take any benefits provided for family temporary disability leave pursuant to P.L.2008, c.17 (C.43:21-39.1 et al.) concurrently with leave taken pursuant to the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) or the federal "Family and Medical Leave Act of 1993," Pub.L.103-3 (29 U.S.C. s.2601 et seq.). Nothing in P.L.2008, c.17 (C.43:21-39.1 et al.) shall be construed to grant an employee any entitlement to be restored by the employer to employment held by the employee prior to taking family temporary disability leave or any right to take action against an employer who refuses to restore the employee to employment after the leave. Nothing in P.L.2008, c.17 (C.43:21-39.1 et al.) shall be construed to increase, reduce or otherwise modify any entitlement of an employee to return to employment

or right of the employee to take action under the provisions of the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) or the federal "Family and Medical Leave Act of 1993," Pub.L.103-3 (29 U.S.C. s.2601 et seq.). If an employee receives benefits for family temporary disability leave pursuant to P.L.2008, c.17 (C.43:21-39.1 et al.) with respect to employment with an employer who is not an employer as defined in the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) and that employer fails or refuses to restore the employee to employment after the period of family temporary disability leave, that failure or refusal shall not be a wrongful discharge in violation of a clear mandate of public policy, and the employee shall not have a cause of action against that employer, in tort, or for breach of an implied provision of the employment agreement, or under common law, for that failure or refusal.

e. An employee taking family temporary disability leave or an employer from whom the employee is taking the leave shall have the same right to appeal a determination of a benefit for the family temporary disability leave made under P.L.2008, c.17 (C.43:21-39.1 et al.) as an employee or employer has to appeal a determination of a benefit for the disability of the employee under the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.), and any regulations adopted pursuant to the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.).

f. In the event of a period of family temporary disability leave of any individual covered under the State plan, the employer shall, not later than the ninth day of the period of family temporary disability leave, including any waiting period or time in which the employer provides sick leave, vacation or other fully paid leave, issue to the individual and to the division printed notices on division forms containing the name, address and Social Security number of the individual, such wage information as the division may require to determine the individual's eligibility for benefits, including any sick pay, vacation or other fully paid time off provided by the employer during the period of family temporary disability leave, and the name, address, and division identity number of the employer. Not later than 30 days after the commencement of the period of family temporary disability leave for which the notice is furnished by the employer, the individual shall furnish to the division a notice and claim for family temporary disability leave benefits. Upon the submission of the notices by the employer and the individual, the division may issue benefit payments. In the case of family temporary disability leave taken to care for a family member with a serious health condition, the benefits may be paid for periods not exceeding three weeks pending the receipt of the certification required pursuant to subsec-

tion b. of section 11 of P.L.2008, c.17 (C.43:21-39.2). Failure to furnish notice and certification in the manner above provided shall not invalidate or reduce any claim if it shall be shown to the satisfaction of the division not to have been reasonably possible to furnish the notice and certification and that the notice and certification was furnished as soon as reasonably possible.

g. Each covered employer shall conspicuously post notification, in a place or places accessible to all employees in each of the employer's workplaces, in a form issued by regulation promulgated by the commissioner, of each covered employee's rights regarding benefits payable pursuant to this section. The employer shall also provide each employee of the employer with a written copy of the notification: (1) not later than 30 days after the form of the notification is issued by regulation; (2) at the time of the employee's hiring, if the employee is hired after the issuance; (3) whenever the employee notifies the employer that the employee is taking time off for circumstances under which the employee is eligible for benefits pursuant to this section; and (4) at any time, upon the first request of the employee.

C.43:21-39.2 Duration of family temporary disability leave; continuous or intermittent; certification.

11. a. In the case of a family member who has a serious health condition, the benefits for family temporary disability leave may be taken intermittently when medically necessary, if: the total time within which the leave is taken does not exceed 12 months; the covered individual provides the employer with a copy of the certification required pursuant to subsection b. of this section; the covered individual provides the employer with prior notice of the leave not less than 15 days before the first day on which benefits are paid for the intermittent leave, unless an emergency or other unforeseen circumstance precludes prior notice; and the covered individual makes a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the employer and, if possible, provide the employer, prior to the commencement of intermittent leave, with a regular schedule of the days or days of the week on which the intermittent leave will be taken. In the case of family temporary disability leave benefits to care for a family member with a serious health condition which are taken on a continuous, non-intermittent basis, the covered individual shall: provide the employer with prior notice of the leave in a reasonable and practicable manner, unless an emergency or other unforeseen circumstance precludes prior notice; provide a copy of the certification required pursuant to subsection b. of this section; make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the employer.

b. Any period of family temporary disability leave for the serious health condition of a family member of the covered individual shall be supported by certification provided by a health care provider. The certification shall be sufficient if it states:

(1) The date, if known, on which the serious health condition commenced;

(2) The probable duration of the condition;

(3) The medical facts within the knowledge of the provider of the certification regarding the condition;

(4) A statement that the serious health condition warrants the participation of the covered individual in providing health care, as provided in the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) and regulations adopted pursuant to that act;

(5) An estimate of the amount of time that the covered individual is needed for participation in the care of the family member;

(6) If the leave is intermittent, a statement of the medical necessity for the intermittent leave and the expected duration of the intermittent leave; and

(7) If the leave is intermittent and for planned medical treatment, the dates of the treatment.

c. A covered individual claiming benefits to provide care for a family member with a serious health condition under the State plan or during unemployment shall, if requested by the division, have the family member submit to an examination by a health care provider designated by the division. The examinations shall not be more frequent than once a week, shall be made without cost to the claimant and shall be held at a reasonable time and place. Refusal of the family member to submit to an examination requested pursuant to this subsection shall disqualify the claimant from all benefits for the period in question, except from benefits already paid.

C.43:21-39.3 Payment of benefits for period of family temporary disability leave, birth or adoption of child.

12. a. All of the disability benefits paid to a covered individual during a period of family temporary disability leave with respect to any one birth or adoption shall be for a single continuous period of time, except that the employer of the covered individual may permit the covered individual to receive the disability benefits during non-consecutive weeks in a manner mutually agreed to by the employer and the covered individual and disclosed to the division by the employer.

b. The covered individual shall provide the employer with notice of the period of family temporary disability leave with respect to birth or

adoption not less than 30 days before the leave commences, unless it commences while the individual is receiving unemployment benefits, in which case the covered individual shall notify the division. The amount of benefits shall be reduced by two weeks worth of benefits if the individual does not provide notice to an employer as required by this subsection b., unless the time of the leave is unforeseeable or the time of the leave changes for unforeseeable reasons.

c. Family temporary disability leave taken because of the birth or placement for adoption of a child may be taken at any time within a year after the date of the birth or placement for adoption.

C.43:21-39.4 Availability of annual reports, contents.

13. a. The Commissioner of Labor and Workforce Development shall issue and make available to the public, not later than December 31, 2010, and each subsequent year, annual reports providing data on temporary disability benefits, including separate data for claims involving pregnancy and childbirth, and family temporary disability benefits, including separate data for each of the following categories of claims: care of newborn children; care of newly adopted children; care of sick children; care of sick spouses, and care of other sick family members. The reports shall include, for each category of claims, the number of workers receiving the benefits, the amount of benefits paid, the average duration of benefits, the average weekly benefit, and, in the case of family temporary disability benefits, any reported amount of sick leave, vacation or other fully paid time which resulted in reduced benefit duration. The report shall provide data by gender and by any other demographic factors determined to be relevant by the commissioner. The reports shall also provide, for all temporary disability benefits and for all family temporary disability benefits, the total costs of benefits and the total cost of administration, the portion of benefits for claims during unemployment, and the total revenues from: employer assessments, where applicable; employee assessments; and other sources.

b. The commissioner may, in his discretion, conduct surveys and other research regarding, and include in the annual reports descriptions and evaluations of, the impact and potential future impact of the provisions of P.L.2008, c.17 (C.43:21-39.1 et al.) on the State disability benefits fund, and other effects of those provisions, including the costs and benefits resulting from the provisions of P.L.2008, c.17 (C.43:21-39.1 et al.) for:

(1) Employees and their families, including surveys and evaluations of: what portion of the total number of employees taking leave would not have taken leave, or would have taken less leave, without the availability of benefits;

what portion of employees return to work after receiving benefits and what portion are not permitted to return to work; and what portion of employees who are eligible for benefits do not claim or receive them and why they do not;

(2) Employers, including benefits such as reduced training and other costs related to reduced turnover of personnel, and increased affordability of family temporary disability leave insurance through the State plan, with special attention given to small businesses; and

(3) The public, including savings caused by any reduction in the number of people receiving public assistance.

c. The total amount of any expenses which the commissioner determines are necessary to carry out his duties pursuant to this section shall be charged to the Family Temporary Disability Leave Account of the State disability benefits fund, except that the amount shall in no case exceed $150,000 during any fiscal year.

14. R.S.43:21-4 is amended to read as follows:

Benefit eligibility conditions.

43:21-4. Benefit eligibility conditions. An unemployed individual shall be eligible to receive benefits with respect to any week only if:

(a) The individual has filed a claim at an unemployment insurance claims office and thereafter continues to report at an employment service office or unemployment insurance claims office, as directed by the division in accordance with such regulations as the division may prescribe, except that the division may, by regulation, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs, and as to such other types of cases or situations with respect to which the division finds that compliance with such requirements would be oppressive, or would be inconsistent with the purpose of this act; provided that no such regulation shall conflict with subsection (a) of R.S.43:21-3.

(b) The individual has made a claim for benefits in accordance with the provisions of subsection (a) of R.S.43:21-6.

(c) (1) The individual is able to work, and is available for work, and has demonstrated to be actively seeking work, except as hereinafter provided in this subsection or in subsection (f) of this section.

(2) The director may modify the requirement of actively seeking work if such modification of this requirement is warranted by economic conditions.

(3) No individual, who is otherwise eligible, shall be deemed ineligible, or unavailable for work, because the individual is on vacation, without pay, during said week, if said vacation is not the result of the individual's

own action as distinguished from any collective action of a collective bargaining agent or other action beyond the individual's control.

(4) (A) Subject to such limitations and conditions as the division may prescribe, an individual, who is otherwise eligible, shall not be deemed unavailable for work or ineligible because the individual is attending a training program approved for the individual by the division to enhance the individual's employment opportunities or because the individual failed or refused to accept work while attending such program.

(B) For the purpose of this paragraph (4), any training program shall be regarded as approved by the division for the individual if the program and the individual meet the following requirements:

(i) The training is for a labor demand occupation and is likely to enhance the individual's marketable skills and earning power;

(ii) The training is provided by a competent and reliable private or public entity approved by the Commissioner of Labor and Workforce Development pursuant to the provisions of section 8 of the "1992 New Jersey Employment and Workforce Development Act," P.L.1992, c.43 (C.34:15D-8);

(iii)The individual can reasonably be expected to complete the program, either during or after the period of benefits;

(iv)The training does not include on the job training or other training under which the individual is paid by an employer for work performed by the individual during the time that the individual receives benefits; and

(v) The individual enrolls in vocational training, remedial education or a combination of both on a full-time basis.

(C) If the requirements of subparagraph (B) of this paragraph (4) are met, the division shall not withhold approval of the training program for the individual for any of the following reasons:

(i) The training includes remedial basic skills education necessary for the individual to successfully complete the vocational component of the training;

(ii) The training is provided in connection with a program under which the individual may obtain a college degree, including a post-graduate degree;

(iii)The length of the training period under the program; or

(iv)The lack of a prior guarantee of employment upon completion of the training.

(D) For the purpose of this paragraph (4), "labor demand occupation" means an occupation for which there is or is likely to be an excess of demand over supply for adequately trained workers, including, but not limited to, an occupation designated as a labor demand occupation by the Center for Occupational Employment Information pursuant to the provisions of subsection d. of section 27 of P.L.2005, c.354 (C.34:1A-86).

(5) An unemployed individual, who is otherwise eligible, shall not be deemed unavailable for work or ineligible solely by reason of the individual's attendance before a court in response to a summons for service on a jury.

(6) An unemployed individual, who is otherwise eligible, shall not be deemed unavailable for work or ineligible solely by reason of the individual's attendance at the funeral of an immediate family member, provided that the duration of the attendance does not extend beyond a two-day period.

For purposes of this paragraph, "immediate family member" includes any of the following individuals: father, mother, mother-in-law, father-in-law, grandmother, grandfather, grandchild, spouse, child, child placed by the Division of Youth and Family Services in the Department of Children and Families, sister or brother of the unemployed individual and any relatives of the unemployed individual residing in the unemployed individual's household.

(7) No individual, who is otherwise eligible, shall be deemed ineligible or unavailable for work with respect to any week because, during that week, the individual fails or refuses to accept work while the individual is participating on a full-time basis in self-employment assistance activities authorized by the division, whether or not the individual is receiving a self-employment allowance during that week.

(8) Any individual who is determined to be likely to exhaust regular benefits and need reemployment services based on information obtained by the worker profiling system shall not be eligible to receive benefits if the individual fails to participate in available reemployment services to which the individual is referred by the division or in similar services, unless the division determines that:

(A) The individual has completed the reemployment services; or

(B) There is justifiable cause for the failure to participate, which shall include participation in employment and training, self-employment assistance activities or other activities authorized by the division to assist reemployment or enhance the marketable skills and earning power of the individual and which shall include any other circumstance indicated pursuant to this section in which an individual is not required to be available for and actively seeking work to receive benefits.

(9) An unemployed individual, who is otherwise eligible, shall not be deemed unavailable for work or ineligible solely by reason of the individual's work as a board worker for a county board of elections on an election day.

(d) With respect to any benefit year commencing before January 1, 2002, the individual has been totally or partially unemployed for a waiting period of one week in the benefit year which includes that week. When benefits become payable with respect to the third consecutive week next

following the waiting period, the individual shall be eligible to receive benefits as appropriate with respect to the waiting period. No week shall be counted as a week of unemployment for the purposes of this subsection:

(1) If benefits have been paid, or are payable with respect thereto; provided that the requirements of this paragraph shall be waived with respect to any benefits paid or payable for a waiting period as provided in this subsection;

(2) If it has constituted a waiting period week under the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.);

(3) Unless the individual fulfills the requirements of subsections (a) and (c) of this section;

(4) If with respect thereto, claimant was disqualified for benefits in accordance with the provisions of subsection (d) of R.S.43:21-5.

The waiting period provided by this subsection shall not apply to benefit years commencing on or after January 1, 2002. An individual whose total benefit amount was reduced by the application of the waiting period to a claim which occurred on or after January 1, 2002 and before the effective date of P.L.2002, c.13, shall be permitted to file a claim for the additional benefits attributable to the waiting period in the form and manner prescribed by the division, but not later than the 180th day following the effective date of P.L.2002, c.13 unless the division determines that there is good cause for a later filing.

(e) (1) (Deleted by amendment, P.L.2001, c.17).

(2) (Deleted by amendment, P.L.2008, c.17).

(3) (Deleted by amendment, P.L.2008, c.17).

(4) With respect to benefit years commencing on or after January 7, 2001, except as otherwise provided in paragraph (5) of this subsection, the individual has, during his base year as defined in subsection (c) of R.S.43:21-19:

(A) Established at least 20 base weeks as defined in paragraphs (2) and (3) of subsection (t) of R.S.43:21-19; or

(B) If the individual has not met the requirements of subparagraph (A) of this paragraph (4), earned remuneration not less than an amount 1,000 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 $100 if not already a multiple thereof.

(5) With respect to benefit years commencing on or after January 7, 2001, notwithstanding the provisions of paragraph (4) of this subsection, an unemployed individual claiming benefits on the basis of service performed in the production and harvesting of agricultural crops shall, subject to the limita-

tions of subsection (i) of R.S.43:21-19, be eligible to receive benefits if during his base year, as defined in subsection (c) of R.S.43:21-19, the individual:

(A) Has established at least 20 base weeks as defined in paragraphs (2) and (3) of subsection (t) of R.S.43:21-19; or

(B) Has earned remuneration not less than an amount 1,000 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 $100 if not already a multiple thereof; or

(C) Has performed at least 770 hours of service in the production and harvesting of agricultural crops.

(6) The individual applying for benefits in any successive benefit year has earned at least six times his previous weekly benefit amount and has had four weeks of employment since the beginning of the immediately preceding benefit year. This provision shall be in addition to the earnings requirements specified in paragraph (4) or (5) of this subsection, as applicable.

(f) (1) The individual has suffered any accident or sickness not compensable under the workers' compensation law, R.S.34:15-1 et seq. and resulting in the individual's total disability to perform any work for remuneration, and would be eligible to receive benefits under this chapter (R.S.43:21-1 et seq.) (without regard to the maximum amount of benefits payable during any benefit year) except for the inability to work and has furnished notice and proof of claim to the division, in accordance with its rules and regulations, and payment is not precluded by the provisions of R.S.43:21-3(d); provided, however, that benefits paid under this subsection (f) shall be computed on the basis of only those base year wages earned by the claimant as a "covered individual," as defined in subsection (b) of section 3 of P.L.1948, c.110 (C.43:21-27); provided further that no benefits shall be payable under this subsection to any individual:

(A) For any period during which such individual is not under the care of a legally licensed physician, dentist, optometrist, podiatrist, practicing psychologist, advanced practice nurse, or chiropractor, who, when requested by the division, shall certify within the scope of the practitioner's practice, the disability of the individual, the probable duration thereof, and, where applicable, the medical facts within the practitioner's knowledge;

(B) (Deleted by amendment, P.L.1980, c.90.)

(C) For any period of disability due to willfully or intentionally self-inflicted injury, or to injuries sustained in the perpetration by the individual of a crime of the first, second or third degree;

(D) For any week with respect to which or a part of which the individual has received or is seeking benefits under any unemployment compensation or disability benefits law of any other state or of the United States; provided that if the appropriate agency of such other state or the United States finally determines that the individual is not entitled to such benefits, this disqualification shall not apply;

(E) For any week with respect to which or part of which the individual has received or is seeking disability benefits under the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.);

(F) For any period of disability commencing while such individual is a "covered individual," as defined in subsection (b) of section 3 of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-27).

(2) The individual is taking family temporary disability leave to provide care for a family member with a serious health condition or to be with a child during the first 12 months after the child's birth or placement of the child for adoption with the individual, and the individual would be eligible to receive benefits under R.S.43:21-1 et seq. (without regard to the maximum amount of benefits payable during any benefit year) except for the individual's unavailability for work while taking the family temporary disability leave, and the individual has furnished notice and proof of claim to the division, in accordance with its rules and regulations, and payment is not precluded by the provisions of R.S.43:21-3(d) provided, however, that benefits paid under this subsection (f) shall be computed on the basis of only those base year wages earned by the claimant as a "covered individual," as defined in subsection (b) of section 3 of P.L.1948, c.110 (C.43:21-27); provided further that no benefits shall be payable under this subsection to any individual:

(A) For any week with respect to which or a part of which the individual has received or is seeking benefits under any unemployment compensation or disability benefits law of any other state or of the United States; provided that if the appropriate agency of such other state or the United States finally determines that the individual is not entitled to such benefits, this disqualification shall not apply;

(B) For any week with respect to which or part of which the individual has received or is seeking disability benefits for a disability of the individual under the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.);

(C) For any period of family temporary disability leave commencing while the individual is a "covered individual," as defined in subsection (b) of section 3 of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-27); or

(D) For any period of family temporary disability leave for a serious health condition of a family member of the claimant during which the family member is not receiving inpatient care in a hospital, hospice, or residential medical care facility and is not subject to continuing medical treatment or continuing supervision by a health care provider, who, when requested by the division, shall certify within the scope of the provider's practice, the serious health condition of the family member, the probable duration thereof, and, where applicable, the medical facts within the provider's knowledge.

(3) Benefit payments under this subsection (f) shall be charged to and paid from the State disability benefits fund established by the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.), and shall not be charged to any employer account in computing any employer's experience rate for contributions payable under this chapter.

(g) Benefits based on service in employment defined in subparagraphs (B) and (C) of R.S.43:21-19 (i)(1) shall be payable in the same amount and on the terms and subject to the same conditions as benefits payable on the basis of other service subject to the "unemployment compensation law"; except that, notwithstanding any other provisions of the "unemployment compensation law":

(1) With respect to service performed after December 31, 1977, in an instructional research, or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms;

(2) With respect to weeks of unemployment beginning after September 3, 1982, on the basis of service performed in any other capacity for an educational institution, benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms, except that if benefits are denied to any individual under this paragraph (2) and the individual was not offered an opportunity to perform these services for the educational institution for the

second of any academic years or terms, the individual shall be entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this clause;

(3) With respect to those services described in paragraphs (1) and (2) above, benefits shall not be paid on the basis of such services to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such period or holiday recess;

(4) With respect to any services described in paragraphs (1) and (2) above, benefits shall not be paid as specified in paragraphs (1), (2), and (3) above to any individual who performed those services in an educational institution while in the employ of an educational service agency, and for this purpose the term "educational service agency" means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing those services to one or more educational institutions.

(h) Benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sports seasons (or similar periods) if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

(i) (1) Benefits shall not be paid on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time the services were performed and was lawfully present for the purpose of performing the services or otherwise was permanently residing in the United States under color of law at the time the services were performed (including an alien who is lawfully present in the United States as a result of the application of the provisions of section 212(d)(5) (8 U.S.C. s.1182 (d)(5)) of the Immigration and Nationality Act (8 U.S.C. s.1101 et seq.)); provided that any modifications of the provisions of section 3304(a)(14) of the Federal Unemployment Tax Act (28 U.S.C. s.3304 (a)(14)), as provided by Pub.L.94-566, which specify other conditions or other effective dates than stated herein for the denial of benefits based on services performed by aliens and which modifications are required to be implemented under State law as a condition for full tax credit against

the tax imposed by the Federal Unemployment Tax Act, shall be deemed applicable under the provisions of this section.

(2) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(3) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of alien status shall be made except upon a preponderance of the evidence.

(j) Notwithstanding any other provision of this chapter, the director may, to the extent that it may be deemed efficient and economical, provide for consolidated administration by one or more representatives or deputies of claims made pursuant to subsection (f) of this section with those made pursuant to Article III (State plan) of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.).

15. R.S.43:21-7 is amended to read as follows:

Contributions.

43:21-7. Contributions. Employers other than governmental entities, whose benefit financing provisions are set forth in section 4 of P.L.1971, c.346 (C.43:21-7.3), and those nonprofit organizations liable for payment in lieu of contributions on the basis set forth in section 3 of P.L.1971, c.346 (C.43:21-7.2), shall pay to the controller for the unemployment compensation fund, contributions as set forth in subsections (a), (b) and (c) hereof, and the provisions of subsections (d) and (e) shall be applicable to all employers, consistent with the provisions of the "unemployment compensation law" and the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.).

(a) Payment.

(1) Contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this chapter (R.S.43:21-1 et seq.), with respect to having individuals in his employ during that calendar year, at the rates and on the basis hereinafter set forth. Such contributions shall become due and be paid by each employer to the controller for the fund, in accordance with such regulations as may be prescribed, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ.

(2) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to $0.005 or more, in which case it shall be increased to $0.01.

(b) Rate of contributions. Each employer shall pay the following contributions:

(1) For the calendar year 1947, and each calendar year thereafter, 2 7/10% of wages paid by him during each such calendar year, except as otherwise prescribed by subsection (c) of this section.

(2) The "wages" of any individual, with respect to any one employer, as the term is used in this subsection (b) and in subsections (c), (d) and (e) of this section 7, shall include the first $4,800.00 paid during calendar year 1975, for services performed either within or without this State; provided that no contribution shall be required by this State with respect to services performed in another state if such other state imposes contribution liability with respect thereto. If an employer (hereinafter referred to as a successor employer) during any calendar year acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessors, then, for the purpose of determining whether the successor employer has paid wages with respect to employment equal to the first $4,800.00 paid during calendar year 1975, any wages paid to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor employer.

(3) For calendar years beginning on and after January 1, 1976, the "wages" of any individual, as defined in the preceding paragraph (2) of this subsection (b), shall be established and promulgated by the Commissioner of Labor and Workforce Development on or before September 1 of the preceding year and shall be, 28 times the Statewide average weekly remuneration paid to workers by employers, as determined under R.S.43:21-3(c), raised to the next higher multiple of $100.00 if not already a multiple thereof, provided that if the amount of wages so determined for a calendar year is less than the amount similarly determined for the preceding year, the greater amount will be used; provided, further, that if the amount of such wages so determined does not equal or exceed the amount of wages as defined in subsection (b) of section 3306 of the Federal Unemployment Tax Act, Chapter 23 of the Internal Revenue Code of 1986 (26 U.S.C. s.3306(b)), the wages as determined in this paragraph in any calendar year shall be raised to equal the amount established under the Federal Unemployment Tax Act for that calendar year.

(c) Future rates based on benefit experience.

(1) A separate account for each employer shall be maintained and this shall be credited with all the contributions which he has paid on his own behalf on or before January 31 of any calendar year with respect to employment occurring in the preceding calendar year; provided, however, that if January 31 of any calendar year falls on a Saturday or Sunday, an employer's account shall be credited as of January 31 of such calendar year with all the contributions which he has paid on or before the next succeeding day which is not a Saturday or Sunday. But nothing in this chapter (R.S.43:21-1 et seq.) shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Benefits paid with respect to benefit years commencing on and after January 1, 1953, to any individual on or before December 31 of any calendar year with respect to unemployment in such calendar year and in preceding calendar years shall be charged against the account or accounts of the employer or employers in whose employment such individual established base weeks constituting the basis of such benefits, except that, with respect to benefit years commencing after January 4, 1998, an employer's account shall not be charged for benefits paid to a claimant if the claimant's employment by that employer was ended in any way which, pursuant to subsection (a), (b), (c), (f), (g) or (h) of R.S.43:21-5, would have disqualified the claimant for benefits if the claimant had applied for benefits at the time when that employment ended. Benefits paid under a given benefit determination shall be charged against the account of the employer to whom such determination relates. When each benefit payment is made, either a copy of the benefit check or other form of notification shall be promptly sent to the employer against whose account the benefits are to be charged. Such copy or notification shall identify the employer against whose account the amount of such payment is being charged, shall show at least the name and social security account number of the claimant and shall specify the period of unemployment to which said check applies. If the total amount of benefits paid to a claimant and charged to the account of the appropriate employer exceeds 50% of the total base year, base week wages paid to the claimant by that employer, then such employer shall have canceled from his account such excess benefit charges as specified above.

Each employer shall be furnished an annual summary statement of benefits charged to his account.

(2) Regulations may be prescribed for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and upon application by two or more em-

ployers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

(3) No employer's rate shall be lower than 5.4% unless assignment of such lower rate is consistent with the conditions applicable to additional credit allowance for such year under section 3303(a)(1) of the Internal Revenue Code of 1986 (26 U.S.C. s.3303(a)(1)), any other provision of this section to the contrary notwithstanding.

(4) Employer Reserve Ratio. (A) Each employer's rate shall be 2 8/10%, except as otherwise provided in the following provisions. No employer's rate for the 12 months commencing July 1 of any calendar year shall be other than 2 8/10%, unless as of the preceding January 31 such employer shall have paid contributions with respect to wages paid in each of the three calendar years immediately preceding such year, in which case such employer's rate for the 12 months commencing July 1 of any calendar year shall be determined on the basis of his record up to the beginning of such calendar year. If, at the beginning of such calendar year, the total of all his contributions, paid on his own behalf, for all past years exceeds the total benefits charged to his account for all such years, his contribution rate shall be:

(1) 2 5/10%, if such excess equals or exceeds 4%, but less than 5%, of his average annual payroll (as defined in paragraph (2), subsection (a) of R.S.43:21-19);

(2) 2 2/10%, if such excess equals or exceeds 5%, but is less than 6%, of his average annual payroll;

(3) 1 9/10%, if such excess equals or exceeds 6%, but is less than 7%, of his average annual payroll;

(4) 1 6/10%, if such excess equals or exceeds 7%, but is less than 8%, of his average annual payroll;

(5) 1 3/10%, if such excess equals or exceeds 8%, but is less than 9%, of his average annual payroll;

(6) 1%, if such excess equals or exceeds 9%, but is less than 10%, of his average annual payroll;

(7) 7/10 of 1%, if such excess equals or exceeds 10%, but is less than 11%, of his average annual payroll;

(8) 4/10 of 1%, if such excess equals or exceeds 11% of his average annual payroll.

(B) If the total of an employer's contributions, paid on his own behalf, for all past periods for the purposes of this paragraph (4), is less than the total benefits charged against his account during the same period, his rate shall be:

(1) 4%, if such excess is less than 10% of his average annual payroll;

(2) 4 3/10%, if such excess equals or exceeds 10%, but is less than 20%, of his average annual payroll;

(3) 4 6/10%, if such excess equals or exceeds 20% of his average annual payroll.

(C) Specially assigned rates.

(i) If no contributions were paid on wages for employment in any calendar year used in determining the average annual payroll of an employer eligible for an assigned rate under this paragraph (4), the employer's rate shall be specially assigned as follows:

if the reserve balance in its account is positive, its assigned rate shall be the highest rate in effect for positive balance accounts for that period, or 5.4%, whichever is higher, and

if the reserve balance in its account is negative, its assigned rate shall be the highest rate in effect for deficit accounts for that period.

(ii) If, following the purchase of a corporation with little or no activity, known as a corporate shell, the resulting employing unit operates a new or different business activity, the employing unit shall be assigned a new employer rate.

(iii)Entities operating under common ownership, management or control, when the operation of the entities is not identifiable, distinguishable and severable, shall be considered a single employer for the purposes of this chapter (R.S.43:21-1 et seq.).

(D) The contribution rates prescribed by subparagraphs (A) and (B) of this paragraph (4) shall be increased or decreased in accordance with the provisions of paragraph (5) of this subsection (c) for experience rating periods through June 30, 1986.

(5) (A) Unemployment Trust Fund Reserve Ratio. If on March 31 of any calendar year the balance in the unemployment trust fund equals or exceeds 4% but is less than 7% of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be increased by 3/10 of 1% over the contribution rate otherwise established under the provisions of paragraph (3) or (4) of this subsection. If on March 31 of any calendar year the balance of the unemployment trust fund exceeds 2 1/2% but is less than 4% of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experi-

ence, shall be increased by 6/10 of 1% over the contribution rate otherwise established under the provisions of paragraph (3) or (4) of this subsection.

If on March 31 of any calendar year the balance of the unemployment trust fund is less than 2 1/2% of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer (1) eligible for a contribution rate calculation based upon benefit experience, shall be increased by (i) 6/10 of 1% over the contribution rate otherwise established under the provisions of paragraph (3), (4)(A) or (4)(B) of this subsection, and (ii) an additional amount equal to 20% of the total rate established herein, provided, however, that the final contribution rate for each employer shall be computed to the nearest multiple of 1/10% if not already a multiple thereof; (2) not eligible for a contribution rate calculation based upon benefit experience, shall be increased by 6/10 of 1% over the contribution rate otherwise established under the provisions of paragraph (4) of this subsection. For the period commencing July 1, 1984 and ending June 30, 1986, the contribution rate for each employer liable to pay contributions under R.S.43:21-7 shall be increased by a factor of 10% computed to the nearest multiple of 1/10% if not already a multiple thereof.

(B) If on March 31 of any calendar year the balance in the unemployment trust fund equals or exceeds 10% but is less than 12 1/2% of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be reduced by 3/10 of 1% under the contribution rate otherwise established under the provisions of paragraphs (3) and (4) of this subsection; provided that in no event shall the contribution rate of any employer be reduced to less than 4/10 of 1%. If on March 31 of any calendar year the balance in the unemployment trust fund equals or exceeds 12 1/2% of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be reduced by 6/10 of 1% if his account for all past periods reflects an excess of contributions paid over total benefits charged of 3% or more of his average annual payroll, otherwise by 3/10 of 1% under the contribution rate otherwise established under the provisions of paragraphs (3) and (4) of this subsection; provided that in no event shall the contribution rate of any employer be reduced to less than 4/10 of 1%.

(C) The "balance" in the unemployment trust fund, as the term is used in subparagraphs (A) and (B) above, shall not include moneys credited to the State's account under section 903 of the Social Security Act, as amended (42 U.S.C.s.1103), during any period in which such moneys are appropriated for the payment of expenses incurred in the administration of the "unemployment compensation law."

(D) Prior to July 1 of each calendar year the controller shall determine the Unemployment Trust Reserve Ratio, which shall be calculated by dividing the balance of the unemployment trust fund as of the prior March 31 by total taxable wages reported to the controller by all employers as of March 31 with respect to their employment during the last calendar year.

(E) (i)(Deleted by amendment, P.L.1997, c.263).

(ii)(Deleted by amendment, P.L.2001, c.152).

(iii)(Deleted by amendment, P.L.2003, c.107).

(iv)(Deleted by amendment, P.L.2004, c.45).

(v) (Deleted by amendment, P.L.2008, c.17).

(vi) With respect to experience rating years beginning on or after July 1, 2004, the new employer rate or the unemployment experience rate of an employer under this section shall be the rate which appears in the column headed by the Unemployment Trust Fund Reserve Ratio as of the applicable calculation date and on the line with the Employer Reserve Ratio, as defined in paragraph 4 of this subsection (R.S.43:21-7 (c)(4)), as set forth in the following table:

EXPERIENCE RATING TAX TABLE
Fund Reserve Ratio[1]

Employer Reserve Ratio[2]	1.40% and Over A	1.00% to 1.39% B	0.75% to 0.99% C	0.50% to 0.74% D	0.49% and Under E
Positive Reserve Ratio:					
17% and over	0.3	0.4	0.5	0.6	1.2
16.00% to 16.99%	0.4	0.5	0.6	0.6	1.2
15.00% to 15.99%	0.4	0.6	0.7	0.7	1.2
14.00% to 14.99%	0.5	0.6	0.7	0.8	1.2
13.00% to 13.99%	0.6	0.7	0.8	0.9	1.2
12.00% to 12.99%	0.6	0.8	0.9	1.0	1.2
11.00% to 11.99%	0.7	0.8	1.0	1.1	1.2
10.00% to 10.99%	0.9	1.1	1.3	1.5	1.6
9.00% to 9.99%	1.0	1.3	1.6	1.7	1.9

8.00% to 8.99%	1.3	1.6	1.9	2.1	2.3
7.00% to 7.99%	1.4	1.8	2.2	2.4	2.6
6.00% to 6.99%	1.7	2.1	2.5	2.8	3.0
5.00% to 5.99%	1.9	2.4	2.8	3.1	3.4
4.00% to 4.99%	2.0	2.6	3.1	3.4	3.7
3.00% to 3.99%	2.1	2.7	3.2	3.6	3.9
2.00% to 2.99%	2.2	2.8	3.3	3.7	4.0
1.00% to 1.99%	2.3	2.9	3.4	3.8	4.1
0.00% to 0.99%	2.4	3.0	3.6	4.0	4.3
Deficit Reserve Ratio:					
-0.00% to -2.99%	3.4	4.3	5.1	5.6	6.1
-3.00% to -5.99%	3.4	4.3	5.1	5.7	6.2
-6.00% to -8.99%	3.5	4.4	5.2	5.8	6.3
-9.00% to-11.99%	3.5	4.5	5.3	5.9	6.4
-12.00% to-14.99%	3.6	4.6	5.4	6.0	6.5
-15.00% to-19.99%	3.6	4.6	5.5	6.1	6.6
-20.00% to-24.99%	3.7	4.7	5.6	6.2	6.7
-25.00% to-29.99%	3.7	4.8	5.6	6.3	6.8
-30.00% to-34.99%	3.8	4.8	5.7	6.3	6.9
-35.00% and under	5.4	5.4	5.8	6.4	7.0
New Employer Rate	2.8	2.8	2.8	3.1	3.4

[1]Fund balance as of March 31 as a percentage of taxable wages in the prior calendar year.

[2]Employer Reserve Ratio (Contributions minus benefits as a percentage of employer's taxable wages).

(F) (i) (Deleted by amendment, P.L.1997, c.263).

(ii) (Deleted by amendment, P.L.2008, c.17).

(iii) With respect to experience rating years beginning on or after July 1, 2004, if the fund reserve ratio, based on the fund balance as of the prior March 31, is less than 0.50%, the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be increased by a factor of 10% computed to the nearest multiple of 1/10% if not already a multiple thereof.

(G) On or after January 1, 1993, notwithstanding any other provisions of this paragraph (5), the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be decreased by 0.1%, except that, during any experience rating year starting before January 1, 1998 in which the fund reserve ratio is equal to or greater than 7.00% or during any experience rating year starting on or after January 1, 1998, in which the fund reserve ratio is equal to or greater than 3.5%, there shall be no decrease pursuant to this subparagraph (G) in the

contribution of any employer who has a deficit reserve ratio of negative 35.00% or under.

(H) On and after January 1, 1998 until December 31, 2000 and on or after January 1, 2002 until June 30, 2006, the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be decreased by a factor, as set out below, computed to the nearest multiple of 1/10%, except that, if an employer has a deficit reserve ratio of negative 35.0% or under, the employer's rate of contribution shall not be reduced pursuant to this subparagraph (H) to less than 5.4%:

From January 1, 1998 until December 31, 1998, a factor of 12%;
From January 1, 1999 until December 31, 1999, a factor of 10%;
From January 1, 2000 until December 31, 2000, a factor of 7%;
From January 1, 2002 until March 31, 2002, a factor of 36%;
From April 1, 2002 until June 30, 2002, a factor of 85%;
From July 1, 2002 until June 30, 2003, a factor of 15%;
From July 1, 2003 until June 30, 2004, a factor of 15%;
From July 1, 2004 until June 30, 2005, a factor of 7%;
From July 1, 2005 until December 31, 2005, a factor of 16%; and
From January 1, 2006 until June 30, 2006, a factor of 34%.

The amount of the reduction in the employer contributions stipulated by this subparagraph (H) shall be in addition to the amount of the reduction in the employer contributions stipulated by subparagraph (G) of this paragraph (5), except that the rate of contribution of an employer who has a deficit reserve ratio of negative 35.0% or under shall not be reduced pursuant to this subparagraph (H) to less than 5.4% and the rate of contribution of any other employer shall not be reduced to less than 0.0%.

(I) (Deleted by amendment, P.L2008, c.17).

(J) On or after July 1, 2001, notwithstanding any other provisions of this paragraph (5), the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be decreased by 0.0175%, except that, during any experience rating year starting on or after July 1, 2001, in which the fund reserve ratio is equal to or greater than 3.5%, there shall be no decrease pursuant to this subparagraph (J) in the contribution of any employer who has a deficit reserve ratio of negative 35.00% or under. The amount of the reduction in the employer contributions stipulated by this subparagraph (J) shall be in addition to the amount of the reduction in the employer contributions stipulated by subparagraphs (G) and (H) of this paragraph (5), except that the rate of contribution of an employer who has a deficit reserve ratio of negative 35.0% or under shall not be reduced pursuant to this subparagraph (J) to

less than 5.4% and the rate of contribution of any other employer shall not be reduced to less than 0.0%.

(6) Additional contributions.

Notwithstanding any other provision of law, any employer who has been assigned a contribution rate pursuant to subsection (c) of this section for the year commencing July 1, 1948, and for any year commencing July 1 thereafter, may voluntarily make payment of additional contributions, and upon such payment shall receive a recomputation of the experience rate applicable to such employer, including in the calculation the additional contribution so made, except that, following a transfer as described under R.S.43:21-7(c)(7)(D), neither the predecessor nor successor in interest shall be eligible to make a voluntary payment of additional contributions during the year the transfer occurs and the next full calendar year. Any such additional contribution shall be made during the 30-day period following the date of the mailing to the employer of the notice of his contribution rate as prescribed in this section, unless, for good cause, the time for payment has been extended by the controller for not to exceed an additional 60 days; provided that in no event may such payments which are made later than 120 days after the beginning of the year for which such rates are effective be considered in determining the experience rate for the year in which the payment is made. Any employer receiving any extended period of time within which to make such additional payment and failing to make such payment timely shall be, in addition to the required amount of additional payment, liable for a penalty of 5% thereof or $5.00, whichever is greater, not to exceed $50.00. Any adjustment under this subsection shall be made only in the form of credits against accrued or future contributions.

(7) Transfers.

(A) Upon the transfer of the organization, trade or business, or substantially all the assets of an employer to a successor in interest, whether by merger, consolidation, sale, transfer, descent or otherwise, the controller shall transfer the employment experience of the predecessor employer to the successor in interest, including credit for past years, contributions paid, annual payrolls, benefit charges, et cetera, applicable to such predecessor employer, pursuant to regulation, if it is determined that the employment experience of the predecessor employer with respect to the organization, trade, assets or business which has been transferred may be considered indicative of the future employment experience of the successor in interest. The successor in interest may, within four months of the date of such transfer of the organization, trade, assets or business, or thereafter upon good cause shown, request a reconsideration of the transfer of employment ex-

perience of the predecessor employer. The request for reconsideration shall demonstrate, to the satisfaction of the controller, that the employment experience of the predecessor is not indicative of the future employment experience of the successor.

(B) An employer who transfers part of his or its organization, trade, assets or business to a successor in interest, whether by merger, consolidation, sale, transfer, descent or otherwise, may jointly make application with such successor in interest for transfer of that portion of the employment experience of the predecessor employer relating to the portion of the organization, trade, assets or business transferred to the successor in interest, including credit for past years, contributions paid, annual payrolls, benefit charges, et cetera, applicable to such predecessor employer. The transfer of employment experience may be allowed pursuant to regulation only if it is found that the employment experience of the predecessor employer with respect to the portion of the organization, trade, assets or business which has been transferred may be considered indicative of the future employment experience of the successor in interest. Credit shall be given to the successor in interest only for the years during which contributions were paid by the predecessor employer with respect to that part of the organization, trade, assets or business transferred.

(C) A transfer of the employment experience in whole or in part having become final, the predecessor employer thereafter shall not be entitled to consideration for an adjusted rate based upon his or its experience or the part thereof, as the case may be, which has thus been transferred. A successor in interest to whom employment experience or a part thereof is transferred pursuant to this subsection shall, as of the date of the transfer of the organization, trade, assets or business, or part thereof, immediately become an employer if not theretofore an employer subject to this chapter (R.S.43:21-1 et seq.).

(D) If an employer transfers in whole or in part his or its organization, trade, assets or business to a successor in interest, whether by merger, consolidation, sale, transfer, descent or otherwise and both the employer and successor in interest are at the time of the transfer under common ownership, management or control, then the employment experience attributable to the transferred business shall also be transferred to and combined with the employment experience of the successor in interest. The transfer of the employment experience is mandatory and not subject to appeal or protest.

(E) The transfer of part of an employer's employment experience to a successor in interest shall become effective as of the first day of the calendar quarter following the acquisition by the successor in interest. As of the effective date, the successor in interest shall have its employer rate recalcu-

lated by merging its existing employment experience, if any, with the employment experience acquired. If the successor in interest is not an employer as of the date of acquisition, it shall be assigned the new employer rate until the effective date of the transfer of employment experience.

(F) Upon the transfer in whole or in part of the organization, trade, assets or business to a successor in interest, the employment experience shall not be transferred if the successor in interest is not an employer at the time of the acquisition and the controller finds that the successor in interest acquired the business solely or primarily for the purpose of obtaining a lower rate of contributions.

(d) Contributions of workers to the unemployment compensation fund and the State disability benefits fund.

(1) (A) For periods after January 1, 1975, each worker shall contribute to the fund 1% of his wages with respect to his employment with an employer, which occurs on and after January 1, 1975, after such employer has satisfied the condition set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer; provided, however, that such contributions shall be at the rate of 1/2 of 1% of wages paid with respect to employment while the worker is in the employ of the State of New Jersey, or any governmental entity or instrumentality which is an employer as defined under R.S.43:21-19(h)(5), or is covered by an approved private plan under the "Temporary Disability Benefits Law" or while the worker is exempt from the provisions of the "Temporary Disability Benefits Law" under section 7 of that law, P.L.1948, c.110 (C.43:21-31).

(B) Effective January 1, 1978 there shall be no contributions by workers in the employ of any governmental or nongovernmental employer electing or required to make payments in lieu of contributions unless the employer is covered by the State plan under the "Temporary Disability Benefits Law" (C.43:21-25 et al.), and in that case contributions shall be at the rate of 1/2 of 1%, except that commencing July 1, 1986, workers in the employ of any nongovernmental employer electing or required to make payments in lieu of contributions shall be required to make contributions to the fund at the same rate prescribed for workers of other nongovernmental employers.

(C) (i) Notwithstanding the above provisions of this paragraph (1), during the period starting July 1, 1986 and ending December 31, 1992, each worker shall contribute to the fund 1.125% of wages paid with respect to his employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a nonprofit organization which is an employer as defined under R.S.43:21-19(h)(6), regardless of whether that nonprofit organization elects or is required to finance

its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection R.S.43:21-19(h) with respect to becoming an employer. Contributions, however, shall be at the rate of 0.625% while the worker is covered by an approved private plan under the "Temporary Disability Benefits Law" or while the worker is exempt under section 7 of that law, P.L.1948, c.110 (C.43:21-31) or any other provision of that law; provided that such contributions shall be at the rate of 0.625% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions and which is covered by the State plan under the "Temporary Disability Benefits Law," except that, while the worker is exempt from the provisions of the "Temporary Disability Benefits Law" under section 7 of that law, P.L.1948, c.110 (C.43:21-31) or any other provision of that law, or is covered for disability benefits by an approved private plan of the employer, the contributions to the fund shall be 0.125%.

(ii) (Deleted by amendment, P.L.1995, c.422.)

(D) Notwithstanding any other provisions of this paragraph (1), during the period starting January 1, 1993 and ending June 30, 1994, each worker shall contribute to the unemployment compensation fund 0.5% of wages paid with respect to the worker's employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer. No contributions, however, shall be made by the worker while the worker is covered by an approved private plan under the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.) or while the worker is exempt under section 7 of P.L.1948, c.110 (C.43:21-31) or any other provision of that law; provided that the contributions shall be at the rate of 0.50% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions and which is covered by the State plan under the "Temporary Disability Benefits Law," except that, while the worker is exempt from the provisions of the "Temporary Disability Benefits Law" under section 7 of that law, P.L.1948, c.110 (C.43:21-31) or any other pro-

vision of that law, or is covered for disability benefits by an approved private plan of the employer, no contributions shall be made to the fund.

Each worker shall, starting on January 1, 1996 and ending March 31, 1996, contribute to the unemployment compensation fund 0.60% of wages paid with respect to the worker's employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer, provided that the contributions shall be at the rate of 0.10% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions.

Each worker shall, starting on January 1, 1998 and ending December 31, 1998, contribute to the unemployment compensation fund 0.10% of wages paid with respect to the worker's employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer, provided that the contributions shall be at the rate of 0.10% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions.

Each worker shall, starting on January 1, 1999 until December 31, 1999, contribute to the unemployment compensation fund 0.15% of wages paid with respect to the worker's employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer, provided that the contributions shall be at the rate of 0.10% of wages paid with respect to employment with the

State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions.

Each worker shall, starting on January 1, 2000 until December 31, 2001, contribute to the unemployment compensation fund 0.20% of wages paid with respect to the worker's employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer, provided that the contributions shall be at the rate of 0.10% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions.

Each worker shall, starting on January 1, 2002 until June 30, 2004, contribute to the unemployment compensation fund 0.1825% of wages paid with respect to the worker's employment with a governmental employer electing or required to pay contributions or a nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer, provided that the contributions shall be at the rate of 0.0825% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions.

Each worker shall, starting on and after July 1, 2004, contribute to the unemployment compensation fund 0.3825% of wages paid with respect to the worker's employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer, provided that the contributions shall be at the rate of 0.0825% of wages paid with respect to employment with the

State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions.

(E) Each employer shall, notwithstanding any provision of law in this State to the contrary, withhold in trust the amount of his workers' contributions from their wages at the time such wages are paid, shall show such deduction on his payroll records, shall furnish such evidence thereof to his workers as the division or controller may prescribe, and shall transmit all such contributions, in addition to his own contributions, to the office of the controller in such manner and at such times as may be prescribed. If any employer fails to deduct the contributions of any of his workers at the time their wages are paid, or fails to make a deduction therefor at the time wages are paid for the next succeeding payroll period, he alone shall thereafter be liable for such contributions, and for the purpose of R.S.43:21-14, such contributions shall be treated as employer's contributions required from him.

(F) As used in this chapter (R.S.43:21-1 et seq.), except when the context clearly requires otherwise, the term "contributions" shall include the contributions of workers pursuant to this section.

(G) (i) Each worker shall, starting on July 1, 1994, contribute to the State disability benefits fund an amount equal to 0.50% of wages paid with respect to the worker's employment with a government employer electing or required to pay contributions to the State disability benefits fund or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, unless the employer is covered by an approved private disability plan or is exempt from the provisions of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.) under section 7 of that law (C.43:21-31) or any other provision of that law.

(ii) Each worker shall contribute to the State disability benefits fund, in addition to any amount contributed pursuant to subparagraph (i) of this paragraph (1)(G), an amount equal to, during calendar year 2009, 0.09%, and during calendar year 2010 and each subsequent calendar year, 0.12%, of wages paid with respect to the worker's employment with any covered employer, including a governmental employer which is an employer as defined under R.S.43:21-19(h)(5), unless the employer is covered by an approved private disability plan for benefits during periods of family temporary disability leave. The contributions made pursuant to this subparagraph (ii) to the State disability benefits fund shall be deposited into an account of that fund reserved for the payment of benefits during periods of family temporary disability leave as defined in section 3 of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-27) and for the administra-

tion of those payments and shall not be used for any other purpose. This account shall be known as the "Family Temporary Disability Leave Account." Necessary administrative costs shall include the cost of an outreach program to inform employees of the availability of the benefits and the cost of issuing the reports required or permitted pursuant to section 13 of P.L.2008, c.17 (C.43:21-39.4). No monies, other than the funds in the "Family Temporary Disability Leave Account," shall be used for the payment of benefits during periods of family temporary disability leave or for the administration of those payments, with the sole exception that, during calendar years 2008 and 2009, a total amount not exceeding $25 million may be transferred to that account from the revenues received in the State disability benefits fund pursuant to subparagraph (i) of this paragraph (1)(G) and be expended for those payments and their administration, including the administration of the collection of contributions made pursuant to this subparagraph (ii) and any other necessary administrative costs. Any amount transferred to the account pursuant to this subparagraph (ii) shall be repaid during a period beginning not later than January 1, 2011 and ending not later than December 31, 2015. No monies, other than the funds in the "Family Temporary Disability Leave Account," shall be used under any circumstances after December 31, 2009, for the payment of benefits during periods of family temporary disability leave or for the administration of those payments, including for the administration of the collection of contributions made pursuant to this subparagraph (ii).

(2) (A) (Deleted by amendment, P.L.1984, c.24.)

(B) (Deleted by amendment, P.L.1984, c.24.)

(C) (Deleted by amendment, P.L.1994, c.112.)

(D) (Deleted by amendment, P.L.1994, c.112.)

(E) (i) (Deleted by amendment, P.L.1994, c.112.)

(ii) (Deleted by amendment, P.L.1996, c.28.)

(iii) (Deleted by amendment, P.L.1994, c.112.)

(3) If an employee receives wages from more than one employer during any calendar year, and either the sum of his contributions deposited in and credited to the State disability benefits fund plus the amount of his contributions, if any, required towards the costs of benefits under one or more approved private plans under the provisions of section 9 of the "Temporary Disability Benefits Law" (C.43:21-33) and deducted from his wages, or the sum of such latter contributions, if the employee is covered during such calendar year only by two or more private plans, exceeds an amount equal to 1/2 of 1% of the "wages" determined in accordance with the provisions of R.S.43:21-7(b)(3) during the calendar years beginning on or after Janu-

ary 1, 1976, the employee shall be entitled to a refund of the excess if he makes a claim to the controller within two years after the end of the calendar year in which the wages are received with respect to which the refund is claimed and establishes his right to such refund. Such refund shall be made by the controller from the State disability benefits fund. No interest shall be allowed or paid with respect to any such refund. The controller shall, in accordance with prescribed regulations, determine the portion of the aggregate amount of such refunds made during any calendar year which is applicable to private plans for which deductions were made under section 9 of the "Temporary Disability Benefits Law" (C.43:21-33) such determination to be based upon the ratio of the amount of such wages exempt from contributions to such fund, as provided in subparagraph (B) of paragraph (1) of this subsection with respect to coverage under private plans, to the total wages so exempt plus the amount of such wages subject to contributions to the disability benefits fund, as provided in subparagraph (G) of paragraph (1) of this subsection. The controller shall, in accordance with prescribed regulations, prorate the amount so determined among the applicable private plans in the proportion that the wages covered by each plan bear to the total private plan wages involved in such refunds, and shall assess against and recover from the employer, or the insurer if the insurer has indemnified the employer with respect thereto, the amount so prorated. The provisions of R.S.43:21-14 with respect to collection of employer contributions shall apply to such assessments. The amount so recovered by the controller shall be paid into the State disability benefits fund.

(4) If an individual does not receive any wages from the employing unit which for the purposes of this chapter (R.S.43:21-1 et al.) is treated as his employer, or receives his wages from some other employing unit, such employer shall nevertheless be liable for such individual's contributions in the first instance; and after payment thereof such employer may deduct the amount of such contributions from any sums payable by him to such employing unit, or may recover the amount of such contributions from such employing unit, or, in the absence of such an employing unit, from such individual, in a civil action; provided proceedings therefor are instituted within three months after the date on which such contributions are payable. General rules shall be prescribed whereby such an employing unit may recover the amount of such contributions from such individuals in the same manner as if it were the employer.

(5) Every employer who has elected to become an employer subject to this chapter (R.S.43:21-1 et al.), or to cease to be an employer subject to this chapter (R.S.43:21-1 et al.), pursuant to the provisions of R.S.43:21-8,

shall post and maintain printed notices of such election on his premises, of such design, in such numbers, and at such places as the director may determine to be necessary to give notice thereof to persons in his service.

(6) Contributions by workers, payable to the controller as herein provided, shall be exempt from garnishment, attachment, execution, or any other remedy for the collection of debts.

(e) Contributions by employers to State disability benefits fund.

(1) Except as hereinafter provided, each employer shall, in addition to the contributions required by subsections (a), (b), and (c) of this section, contribute 1/2 of 1% of the wages paid by such employer to workers with respect to employment unless he is not a covered employer as defined in section 3 of the "Temporary Disability Benefits Law" (C.43:21-27 (a)), except that the rate for the State of New Jersey shall be 1/10 of 1% for the calendar year 1980 and for the first six months of 1981. Prior to July 1, 1981 and prior to July 1 each year thereafter, the controller shall review the experience accumulated in the account of the State of New Jersey and establish a rate for the next following fiscal year which, in combination with worker contributions, will produce sufficient revenue to keep the account in balance; except that the rate so established shall not be less than 1/10 of 1%. Such contributions shall become due and be paid by the employer to the controller for the State disability benefits fund as established by law, in accordance with such regulations as may be prescribed, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ. In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to $0.005 or more, in which case it shall be increased to $0.01.

(2) During the continuance of coverage of a worker by an approved private plan of disability benefits under the "Temporary Disability Benefits Law," the employer shall be exempt from the contributions required by subparagraph (1) above with respect to wages paid to such worker.

(3) (A) The rates of contribution as specified in subparagraph (1) above shall be subject to modification as provided herein with respect to employer contributions due on and after July 1, 1951.

(B) A separate disability benefits account shall be maintained for each employer required to contribute to the State disability benefits fund and such account shall be credited with contributions deposited in and credited to such fund with respect to employment occurring on and after January 1, 1949. Each employer's account shall be credited with all contributions paid on or before January 31 of any calendar year on his own behalf and on behalf of individuals in his service with respect to employment occurring in

preceding calendar years; provided, however, that if January 31 of any calendar year falls on a Saturday or Sunday an employer's account shall be credited as of January 31 of such calendar year with all the contributions which he has paid on or before the next succeeding day which is not a Saturday or Sunday. But nothing in this act shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him to the fund either on his own behalf or on behalf of such individuals. Benefits paid to any covered individual in accordance with Article III of the "Temporary Disability Benefits Law" on or before December 31 of any calendar year with respect to disability in such calendar year and in preceding calendar years shall be charged against the account of the employer by whom such individual was employed at the commencement of such disability or by whom he was last employed, if out of employment.

(C) The controller may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and upon application by two or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

(D) Prior to July 1 of each calendar year, the controller shall make a preliminary determination of the rate of contribution for the 12 months commencing on such July 1 for each employer subject to the contribution requirements of this subsection (e).

(1) Such preliminary rate shall be 1/2 of 1% unless on the preceding January 31 of such year such employer shall have been a covered employer who has paid contributions to the State disability benefits fund with respect to employment in the three calendar years immediately preceding such year.

(2) If the minimum requirements in (1) above have been fulfilled and the credited contributions exceed the benefits charged by more than $500.00, such preliminary rate shall be as follows:

(i) 2/10 of 1% if such excess over $500.00 exceeds 1% but is less than 1 1/4% of his average annual payroll as defined in this chapter (R.S.43:21-1 et al.);

(ii) 15/100 of 1% if such excess over $500.00 equals or exceeds 1 1/4% but is less than 1 1/2% of his average annual payroll;

(iii)1/10 of 1% if such excess over $500.00 equals or exceeds 1 1/2% of his average annual payroll.

(3) If the minimum requirements in (1) above have been fulfilled and the contributions credited exceed the benefits charged but by not more than $500.00 plus 1% of his average annual payroll, or if the benefits charged

exceed the contributions credited but by not more than $500.00, the preliminary rate shall be 1/4 of 1%.

(4) If the minimum requirements in (1) above have been fulfilled and the benefits charged exceed the contributions credited by more than $500.00, such preliminary rate shall be as follows:

(i) 35/100 of 1% if such excess over $500.00 is less than 1/4 of 1% of his average annual payroll;

(ii) 45/100 of 1% if such excess over $500.00 equals or exceeds 1/4 of 1% but is less than 1/2 of 1% of his average annual payroll;

(iii) 55/100 of 1% if such excess over $500.00 equals or exceeds 1/2 of 1% but is less than 3/4 of 1% of his average annual payroll;

(iv)65/100 of 1% if such excess over $500.00 equals or exceeds 3/4 of 1% but is less than 1% of his average annual payroll;

(v) 75/100 of 1% if such excess over $500.00 equals or exceeds 1% of his average annual payroll.

(5) Determination of the preliminary rate as specified in (2), (3) and (4) above shall be subject, however, to the condition that it shall in no event be decreased by more than 1/10 of 1% of wages or increased by more than 2/10 of 1% of wages from the preliminary rate determined for the preceding year in accordance with (1), (2), (3) or (4), whichever shall have been applicable.

(E) (1) Prior to July 1 of each calendar year the controller shall determine the amount of the State disability benefits fund as of December 31 of the preceding calendar year, increased by the contributions paid thereto during January of the current calendar year with respect to employment occurring in the preceding calendar year. If such amount exceeds the net amount withdrawn from the unemployment trust fund pursuant to section 23 of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-47) plus the amount at the end of such preceding calendar year of the unemployment disability account as defined in section 22 of said law (C.43:21-46), such excess shall be expressed as a percentage of the wages on which contributions were paid to the State disability benefits fund on or before January 31 with respect to employment in the preceding calendar year.

(2) The controller shall then make a final determination of the rates of contribution for the 12 months commencing July 1 of such year for employers whose preliminary rates are determined as provided in (D) hereof, as follows:

(i) If the percentage determined in accordance with paragraph (E)(1) of this subsection equals or exceeds 1 1/4%, the final employer rates shall be the preliminary rates determined as provided in (D) hereof, except that if the employer's preliminary rate is determined as provided in (D)(2) or

(D)(3) hereof, the final employer rate shall be the preliminary employer rate decreased by such percentage of excess taken to the nearest 5/100 of 1%, but in no case shall such final rate be less than 1/10 of 1%.

(ii) If the percentage determined in accordance with paragraph (E)(1) of this subsection equals or exceeds 3/4 of 1% and is less than 1 1/4 of 1%, the final employer rates shall be the preliminary employer rates.

(iii) If the percentage determined in accordance with paragraph (E)(1) of this subsection is less than 3/4 of 1%, but in excess of 1/4 of 1%, the final employer rates shall be the preliminary employer rates determined as provided in (D) hereof increased by the difference between 3/4 of 1% and such percentage taken to the nearest 5/100 of 1%; provided, however, that no such final rate shall be more than 1/4 of 1% in the case of an employer whose preliminary rate is determined as provided in (D)(2) hereof, more than 1/2 of 1% in the case of an employer whose preliminary rate is determined as provided in (D)(1) and (D)(3) hereof, nor more than 3/4 of 1% in the case of an employer whose preliminary rate is determined as provided in (D)(4) hereof.

(iv)If the amount of the State disability benefits fund determined as provided in paragraph (E)(1) of this subsection is equal to or less than 1/4 of 1%, then the final rate shall be 2/5 of 1% in the case of an employer whose preliminary rate is determined as provided in (D)(2) hereof, 7/10 of 1% in the case of an employer whose preliminary rate is determined as provided in (D)(1) and (D)(3) hereof, and 1.1% in the case of an employer whose preliminary rate is determined as provided in (D)(4) hereof. Notwithstanding any other provision of law or any determination made by the controller with respect to any 12-month period commencing on July 1, 1970, the final rates for all employers for the period beginning January 1, 1971, shall be as set forth herein.

(F) Notwithstanding any other provisions of this subsection (e), the rate of contribution paid to the State disability benefits fund by each covered employer as defined in paragraph (1) of subsection (a) of section 3 of P.L.1948, c.110 (C.43:21-27), shall be determined as if:

(i) No disability benefits have been paid with respect to periods of family temporary disability leave;

(ii) No worker paid any contributions to the State disability benefits fund pursuant to paragraph (1)(G)(ii) of subsection (d) of this section; and

(iii)No amounts were transferred from the State disability benefits funds to the "Family Temporary Disability Leave Account" pursuant to paragraph (1)(G)(ii) of subsection (d) of this section.

C.54A:6-31 Family leave benefits not included in gross income.

16. Gross income shall not include benefits for family temporary disability leave paid pursuant to P.L.1948, c.110 (C.43:21-25 et al.) and P.L.2008, c.17 (C.43:21-39.1 et al.).

17. This act shall take effect immediately.

Approved May 2, 2008.

CHAPTER 18

AN ACT concerning voting machines and amending R.S.19:48-1 and P.L.1973, c.82.

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

1. R.S.19:48-1 is amended to read as follows:

Voting machines, requirements.

19:48-1. Any thoroughly tested and reliable voting machines may be adopted, rented, purchased or used, which shall be so constructed as to fulfill the following requirements:

(a) It shall secure to the voter secrecy in the act of voting;

(b) It shall provide facilities for such number of office columns, not less than 40 and not exceeding 60, as the purchasing authorities may specify and of as many political parties or organizations, not exceeding nine, as may make nominations, and for or against as many questions, not exceeding 30, as submitted;

(c) It shall, except at primary elections, permit the voter to vote for all the candidates of one party or in part for the candidates of one party or one or more parties;

(d) It shall permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for, but no more;

(e) It shall prevent the voter from voting for the same person more than once for the same office;

(f) It shall permit the voter to vote for or against any question he may have the right to vote on, but no other;

(g) It shall for use in primary elections be so equipped that the election officials can stop a voter from voting for all candidates except those of the voter's party;

(h) It shall correctly register or record and accurately count all votes cast for any and all persons, and for or against any and all questions;

(i) It shall be provided with a "protective counter" or "protective device" whereby any operation of the machine before or after the election will be detected;

(j) It shall be so equipped with such protective devices as shall prevent the operation of the machine after the polls are closed;

(k) It shall be provided with a counter which shall show at all times during an election how many persons have voted;

(l) It shall be provided with a model, illustrating the manner of voting on the machine, suitable for the instruction of voters;

(m) It must permit a voter to vote for any person for any office, except delegates and alternates to national party conventions, whether or not nominated as a candidate by any party or organization by providing an opportunity to indicate such names or name;

(n) It shall be equipped with a permanently affixed box or container of sufficient strength, size and security to hold all emergency ballots and prepunched single-hole envelopes and with a clipboard and a table-top privacy screen;

(o) It shall not use mechanical lever machines or punch cards to record votes.

All voting machines used in any election shall be provided with a screen, hood or curtain, which shall be so made and adjusted as to conceal the voter and his action while voting.

It shall also be provided with one device for each party for voting for all the presidential electors of that party by one operation, and a ballot therefor containing only the words "presidential electors for," preceded by the name of that party and followed by the names of the candidates thereof for the offices of President and Vice-President and a registering device therefor which shall register the vote cast for such electors when thus voted collectively.

By January 1, 2009, each voting machine shall produce an individual permanent paper record for each vote cast, which shall be made available for inspection and verification by the voter at the time the vote is cast, and preserved for later use in any manual audit. In the event of a recount of the results of an election, the voter-verified paper record shall be the official tally in that election. A waiver of the provisions of this paragraph shall be granted by the Secretary of State if the technology to produce a permanent voter-verified paper record for each vote cast is not commercially available.

2. Section 3 of P.L.1973, c.82 (C.19:53A-3) is amended to read as follows:

C.19:53A-3 Requirements of electronic voting systems.

3. Every electronic voting system, consisting of a voting device in combination with automatic tabulating equipment, acquired or used in accordance with this act, shall:

a. Provide for voting in secrecy, except in the case of voters who have received assistance as provided by law;

b. Permit each voter to vote at any election for all persons and offices for whom and for which he is lawfully entitled to vote; to vote for or against any question upon which he is entitled to vote; and the automatic tabulating equipment shall reject choices recorded on his ballot if the number of choices exceeds the number which he is entitled to vote for the office or on the measure;

c. Permit each voter, at presidential elections, by one mark to vote for the candidates of that party for president, vice president, and their presidential electors;

d. Permit each voter, at other than primary elections, to vote for the nominees of one or more parties and for independent candidates; and personal choice or write-in candidates;

e. Permit each voter in primary elections to vote for candidates in the party primary in which he is qualified to vote, and the automatic tabulating equipment shall reject any votes cast for candidates of another party;

f. Prevent the voter from voting for the same person more than once for the same office;

g. Be suitably designed for the purpose used, of durable construction, and may be used safely, efficiently, and accurately in the conduct of elections and counting ballots;

h. When properly operated, record correctly and count accurately every vote cast, including all overvotes or undervotes and all affirmative votes or negative votes on all public questions or referenda;

i. By January 1, 2009, each voting machine shall produce an individual permanent paper record for each vote cast, which shall be made available for inspection and verification by the voter at the time the vote is cast, and preserved for later use in any manual audit. In the event of a recount of the results of an election, the voter-verified paper record shall be the official tally in that election. A waiver of the provisions of this subsection shall be granted by the Secretary of State if the technology to produce a permanent voter-verified paper record for each vote cast is not commercially available.

3. This act shall take effect immediately.

Approved May 4, 2008.

CHAPTER 19

AN ACT concerning the participation of certain students in high school graduation ceremonies and supplementing chapter 7C of Title 18A of the New Jersey Statutes.

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

1. This act shall be known as and may be cited as "Alicia's Law."

C.18A:7C-5.2 Special education students, certain circumstances, participation in graduation ceremony permitted.

2. a. The board of education of a school district and the board of trustees of a charter school shall permit a student who has been classified as eligible for special education programs and services pursuant to chapter 46 of Title 18A of the New Jersey Statutes and whose individualized education program prescribes continued special education programs beyond the fourth year of high school to participate in commencement ceremonies with his graduating class and to receive a certificate of attendance, provided that the student has attended four years of high school.

b. Nothing in this section shall be construed to preclude a classified student from receiving a high school diploma when the student satisfactorily completes his individualized education program and has met appropriate graduation requirements.

3. This act shall take effect immediately.

Approved June 13, 2008.

CHAPTER 20

AN ACT concerning the calculation of the unemployment trust fund reserve ratio and making an appropriation.

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

1. Notwithstanding the provisions of R.S.43:21-7, or any other law, to the contrary, the controller shall determine the Unemployment Trust Fund Reserve Ratio, for use in determining employer contributions for the experience rating year beginning on July 1, 2008, by dividing the balance of the unemployment trust fund as of June 30, 2008 by total taxable wages reported to the controller by all employers for calendar year 2007.

2. There is appropriated to the Department of Labor and Workforce Development the sum of $260,000,000 from the General Fund for deposit in the unemployment compensation fund.

3. This act shall take effect immediately.

Approved June 19, 2008.

CHAPTER 21

AN ACT providing additional retirement benefits to certain employees of State government and supplementing Title 52 of the Revised Statutes.

WHEREAS, The public interest requires the control of long term costs and pension liabilities associated with the retirement of employees of State government pursuant to an early retirement program; and

WHEREAS, The public interest requires the maximization of short and long term budget savings associated with the reduction in the overall workforce for the State that will occur as a result of an offer of an early retirement incentive program; and

WHEREAS, The public interest requires assurance that a workforce reduction obtained as a result of an early retirement incentive program is maintained by a limitation on hiring replacements for those who retire; and

WHEREAS, To maximize savings and limit pension liabilities resulting from an early retirement incentive program, it is essential to limit the retirement systems through which an early retirement incentive program will be offered to the Public Employees' Retirement System and the Teachers' Pension and Annuity Fund, to require that any employee who participates

in such a program be already eligible to retire from State service and to further limit participation in the program to only a designated subset of employees who already are eligible to retire from State service; and

WHEREAS, Because the public interest requires that savings associated with vacancies achieved through an early retirement program not be lost by rehiring retired former employees, directly or indirectly, it is appropriate to establish restrictions prohibiting eligible employees who retire and receive a benefit pursuant to this act from eligibility for employment in, or from being awarded a contract to perform, or from performing professional services for the State as part of a contract awarded to a third party, by the branch of State government from which they retired, for a period of three years following the effective date of retirement; and

WHEREAS, To further ensure budget savings and limit liabilities, an early retirement incentive program must not be made available to employees of independent State authorities, or to employees enrolled in certain special sections of the Public Employees' Retirement System, or to certain employees in State departments or agencies when there is a determination that the mission of those departments or agencies is principally related to the provision of direct care or when the nature of their operations otherwise does not permit the imposition of a strict limit on the filling of vacancies; now, therefore,

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

1. a. An eligible State employee or an eligible Judiciary employee who is at least 58 years of age and has at least 25 years of service credit under the Public Employees' Retirement System, established pursuant to P.L.1954, c.84 (C.43:15A-1 et seq.), or the Teachers' Pension and Annuity Fund, established pursuant to N.J.S.18A:66-1 et seq., other than a veteran who retires on a veteran's retirement, shall receive an additional three years of service credit under the Public Employees' Retirement System or the Teachers' Pension and Annuity Fund.

An employee who is at least 58 years of age and has at least 25 years of service credit and retires on a veteran's retirement under the Public Employees' Retirement System or the Teachers' Pension and Annuity Fund shall receive an additional pension under the retirement system in the amount of 3/55 of the compensation upon which the retirement allowance is based.

The additional retirement benefit provided pursuant to this subsection shall be applicable only to the full-time State employment from which an

eligible employee retires to receive the benefit and the compensation for that employment.

b. For an eligible State employee who is at least 60 years of age and has at least 20, but less than 25, years of service credit under the Public Employees' Retirement System or the Teachers' Pension and Annuity Fund, the retirement system shall pay the premium or periodic charges for benefits provided to the retired State employee and the employee's dependents, but not including survivors, under the "New Jersey State Health Benefits Program Act," P.L.1961, c.49 (C.52:14-17.25 et seq.), in the same manner provided for State payment of premiums or periodic charges for a retired State employee with 25 or more years of service credit under section 6 of P.L.1996, c.8 (C.52:14-17.28b) for Public Employees' Retirement System members, and in the same manner provided for State payment of premiums or periodic charges for a qualified retiree from the Teachers' Pension and Annuity Fund under section 3 of P.L.1987, c.384 (C.52:14-17.32f) for Teachers' Pension and Annuity Fund members.

c. An eligible State employee who is at least 60 years of age and has at least 10, but less than 20, years of service credit under the Public Employees' Retirement System or the Teachers' Pension and Annuity Fund shall receive an additional pension under the Public Employees' Retirement System or the Teachers' Pension and Annuity Fund of $500 a month in each of the 24 months following the effective date of retirement.

d. To receive the benefits provided by this section, an eligible State employee or an eligible Judiciary employee shall submit an application for retirement on or after March 1, 2008 but not later than July 15, 2008 and retire not later than August 1, 2008.

Service credit in the Public Employees' Retirement System or the Teachers' Pension and Annuity Fund established through a purchase completed after the effective date of this act, P.L.2008, c.21, shall not be considered in determining an employee's eligibility for the benefit provided pursuant to subsections a., b., and c. of this section, except that those employees who have previously authorized payroll deductions for a purchase of service credit or those employees who have received a quotation for a purchase of service credit from the Division of Pensions and Benefits within the 90 days prior to the effective date of this act may effectuate the purchase to qualify for eligibility under this act so long as that entire purchase is paid in full by July 15, 2008 or the date of the expiration of the purchase quotation, whichever date is earliest.

An application submitted by an eligible State employee or an eligible Judiciary employee for retirement within the time period set forth herein to

receive the benefits provided shall be irrevocable seven days after submission.

e. For the purpose of this section:

"Eligible State employee" means a full-time employee of the executive branch of State government eligible to participate in the New Jersey State Health Benefits Program of the State of New Jersey, but not including an employee of the Department of Human Services, Department of Military and Veterans' Affairs, Department of Corrections, Juvenile Justice Commission in but not of the Department of Law and Public Safety, Office of the Public Defender in but not of the Department of the Treasury, and Department of Children and Families.

The term shall not include an employee of Rutgers, The State University; the New Jersey Institute of Technology; the University of Medicine and Dentistry of New Jersey; or a State college or university.

The term shall not include an employee of a public authority, board, commission, corporation, or other agency or instrumentality of the State allocated in, but not of, a principal department of State government pursuant to Article V, Section IV, paragraph 1 of the New Jersey Constitution authorized to participate in the Public Employees' Retirement System under section 73 of P.L.1954, c.84 (C.43:15A-73) or P.L.1990, c.25 (C.43:15A-73.2 et al.), which entity was authorized under P.L.2002, c.23 to provide additional retirement benefits to certain employees, as such entities are identified by the Division of Pensions and Benefits in consideration that the division submits a separate request for payment and receives a separate payment for benefits purposes from the entity. This paragraph shall not be deemed to exclude the New Jersey Commerce Commission or its successor.

The term shall not include an employee of a public agency or organization as defined in section 71 of P.L.1954, c.84 (C.43:15A-71), or a person participating in the Public Employees' Retirement System under the provisions of P.L.1972, c.167 (C.43:15A-135 et seq.), P.L.2001, c.259 (C.43:15A-142 et seq.), P.L.2001, c.366 (C.43:15A-155 et seq.) or P.L.1953, c.202 (C.32:23-1 et seq.).

"Eligible Judiciary employee" means a full-time employee of the judicial branch of State government eligible to participate in the New Jersey State Health Benefits Program of the State of New Jersey. The term shall not include a Justice of the Supreme Court, or a Judge of the Superior Court, or a Judge of a Municipal Court, or an employee of a Municipal Court.

f. When the needs of the executive branch of State government require the services of an employee who elects to retire and receive a benefit pursuant to this section, a State department may delay the effective date of retire-

ment of the employee until the first day of any calendar month after August 1, 2008, but not later than July 1, 2009. For each such delayed retirement, the State department shall request the approval of the State Treasurer by submitting in writing an explanation of the needs of the department, the services required of the employee, and the reasons why that particular employee's services are so essential as to necessitate a delay. The delay shall be effective only upon approval of the request by the State Treasurer. A request by an eligible State employee for a delay in the effective date of retirement, whether the employee provides reasons for the delay or not, shall not be considered by the State Treasurer unless the State department submits a request for a delay to the State Treasurer with the explanation described above.

When the needs of the judicial branch of State government require the services of an employee who elects to retire and receive a benefit pursuant to this section, the Judiciary may delay the effective date of retirement of the employee until the first day of any calendar month after August 1, 2008, but not later than July 1, 2009, pursuant to protocols to be issued by the Chief Justice of the Supreme Court.

An eligible State employee who applies to retire and receive the benefits provided by this section shall be deemed to consent, by that application, to a delay in the employee's effective date of retirement if the State department requests and receives approval for such a delay. An eligible Judiciary employee who applies to retire and receive the benefits provided by this section shall be deemed to consent, by that application, to a delay in the employee's effective date of retirement if the Chief Justice determines that such a delay is appropriate. Such an employee's receipt of the benefits provided by this section shall be conditioned upon faithful performance of services by the employee during the period of delay.

A delay in the effective date of retirement of an eligible State employee or an eligible Judiciary employee shall not extend the time period set forth in this section within which an employee shall qualify for a benefit pursuant to this section. The retirement of an employee for whom the effective date of retirement has been delayed shall be irrevocable.

For an eligible State employee or an eligible Judiciary employee who is a member of the Public Employees' Retirement System or the Teachers' Pension and Annuity Fund whose effective date of retirement is delayed and who dies before the retirement becomes effective, the retirement shall be effective as of the first day of the month after the date of death of the member.

g. The actuaries for the Public Employees' Retirement System and the Teachers' Pension and Annuity Fund shall determine the liabilities of the retirement systems for the additional service credit or pension provided

pursuant to this section and for the early retirement of employees in accordance with the tables of actuarial assumptions adopted by the boards of trustees of the retirement systems. These liabilities shall be added to the accrued liabilities of the State under the retirement systems and shall be funded as provided under section 24 of P.L.1954, c.84 (C.43:15A-24), section 2 of P.L.1990, c.6 (C.43:15A-24.1), N.J.S.18A:66-18, and section 2 of P.L.1987, c.385 (C.18A:66-18.1), respectively.

h. An eligible State employee or an eligible Judiciary employee who retires and receives a benefit pursuant to this section shall forfeit all tenure rights.

i. An eligible State employee who retires and receives a benefit pursuant to this section shall not be eligible for appointment to, or employment in, any position or capacity in the executive branch of State government, other than employment on an hourly basis for emergency management purposes, for a period of three years following the effective date of retirement. An eligible State employee who retires and receives a benefit pursuant to this section shall be barred from being awarded any contract for professional services by the executive branch of State government, or from performing professional services for the State as part of a contract awarded to a third party by the executive branch of State government, for a period of three years following the effective date of retirement.

An eligible Judiciary employee who retires and receives a benefit pursuant to this section shall not be eligible for appointment to, or employment in, any position or capacity in the Judicial branch of State government for a period of three years following the effective date of retirement. An eligible Judiciary employee who retires and receives a benefit pursuant to this section shall be barred from being awarded any contract for professional services by the judicial branch of State government, or from performing professional services for the State as part of a contract awarded to a third party by the Judicial branch of State government, for a period of three years following the effective date of retirement.

j. The Director of the Division of Pensions and Benefits in the Department of the Treasury may promulgate rules and regulations that the director deems necessary for the effective implementation of this section. Notwithstanding any provision of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the division may adopt immediately upon filing with the Office of Administrative Law such regulations as the division deems necessary to implement the provisions of this act, which shall be effective for a period not to exceed 270 days following enactment of P.L.2008, c.21, and may thereafter be amended, adopted, or

readopted by the division in accordance with the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

k. The Division of Pensions and Benefits in the Department of the Treasury shall report in writing to the Joint Budget Oversight Committee beginning on August 15, 2008, and annually thereafter on or before August 15, through 2014, on the results of the additional retirement benefits provided pursuant to this section. Based on information provided by relevant State agencies, the report shall provide an analysis of the impact of this section in order to document the aggregate costs incurred and aggregate savings realized by the State as a result of this section. The report shall include, but need not be limited to, the number of applications to retire filed pursuant to this section; the number of applications to retire approved; the number of delayed retirements; total annual savings; total additional one-time costs; and the corresponding retirement systems unfunded liability.

C.52:18A-248 Limit on executive branch hires to replace retirees; reporting requirements.

2. a. The number of employees hired after the effective date of P.L.2008, c.21 in the executive branch to fill the vacancies created directly or indirectly because eligible employees retired to receive additional retirement benefits pursuant to section 1 of P.L.2008, c.21 shall not exceed, in total for all departments in the executive branch of State government, 10 percent of the total number of employees who retired pursuant to section 1 of P.L.2008, c.21, including the employees for whom the effective date of retirement was delayed pursuant to subsection f. of section 1 of P.L.2008, c.21. A vacancy created directly shall mean a vacancy in the position held by the retiring employee at the time of retirement. A vacancy created indirectly shall mean a vacancy in a position created directly or indirectly by promotion or transfer to fill a vacancy in a position caused by the retiring employee.

b. The State Treasurer shall report to the Joint Budget Oversight Committee every six months for the first two years following the date of enactment of P.L.2008, c.21, and annually thereafter, on the impact of that act on the State workforce, including an analysis of the allocation of position reductions that occur in each department and division as a result of that act and the plans adopted by each department to maintain the essential governmental services provided by that department.

C.52:18A-249 Limitation on hires in judicial branch to replace retirees.

3. The number of employees hired after the effective date of P.L.2008, c.21 in the judicial branch of State government to fill the vacancies created

directly or indirectly because eligible employees retired to receive additional retirement benefits pursuant to section 1 of P.L.2008, c.21 shall not exceed, in total for the judicial branch, 10 percent of the total number of employees who retired pursuant to section 1 of P.L.2008, c.21, including the employees for whom the effective date of retirement was delayed pursuant to subsection f. of section 1 of P.L.2008, c.21. A vacancy created directly shall mean a vacancy in the position held by the retiring employee at the time of retirement. A vacancy created indirectly shall mean a vacancy in a position created directly or indirectly by promotion or transfer to fill a vacancy in a position caused by the retiring employee.

4. This act shall take effect immediately.

Approved June 24, 2008.

CHAPTER 22

AN ACT establishing the Long Term Obligation and Capital Expenditure Fund, supplementing Title 52 of the Revised Statutes and making various appropriations.

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

C.52:9H-2.1 "Long Term Funding Obligation and Capital Expenditure Fund"; funding; uses.

1. a. There is established in the General Fund a separate, non-lapsing fund to be known as the "Long Term Obligation and Capital Expenditure Fund." The Long Term Obligation and Capital Expenditure Fund shall be credited with the amount appropriated to the fund pursuant to section 2 of P.L.2008, c.22 and such funds as the Legislature may from time to time appropriate for the purposes of the fund as enumerated in subsection b. of this section.

b. (1) The moneys in the Long Term Obligation and Capital Expenditure Fund shall only be used for the purposes of paying for capital improvements and the costs thereof, retiring and defeasing debt and the costs thereof, or making supplemental payments to reduce the unfunded post-retirement health benefits liability for members of, and to reduce the unfunded pension liabilities of, the Public Employees' Retirement System, the Teachers' Pension and Annuity Fund, the Police and Firemen's Retirement

System, the State Police Retirement System, the Judicial Retirement System, and the costs thereof, and making supplemental payments to reduce the unfunded post-retirement health benefits liability for members of the Alternate Benefit Program, and the costs thereof.

(2) Appropriations from the Long Term Obligation and Capital Expenditure Fund shall be enumerated in a separate section of the annual appropriations act, apart from all other appropriated funds, and shall not be counted in the total amounts appropriated from any other fund.

(3) The provisions of this section shall not be construed to render balances in the Long Term Obligation and Capital Expenditure Fund unavailable for meeting the costs of any emergency which requires an immediate response in the protection of the life, safety or well-being of the citizens of this State.

2. There is appropriated $684,069,000 from the General Fund to the Long Term Obligation and Capital Expenditure Fund, established pursuant to section 1 of P.L.2008, c.22 (C.52:9H-2.1).

3. There is appropriated from the Long Term Obligation and Capital Expenditure Fund $650,000,000 for retiring and defeasing debt, and the costs thereof in such manner and such times as the State Treasurer shall direct, such that the amount required to be appropriated for debt service payments in the fiscal year 2009 annual appropriations act shall be reduced by approximately $130,000,000 and that for the next four fiscal years thereafter annual debt service requirements will be reduced by similar amounts.

4. There is appropriated from the Long Term Obligation and Capital Expenditure Fund $34,069,000 to be distributed among the following capital construction projects subject to the approval of the Director of the Division of Budget and Accounting: $175,000 for classroom improvements - Ewing Treatment Center, in the Department of Children and Families; $3,919,000 for Fire Safety Code Compliance - Garden State Youth Correctional Facility, $1,494,000 to replace modular unit - Bayside State Prison, and $1,580,000 for a locking system upgrade - Northern State Prison, in the Department of Corrections; $560,000 for Fire Protection - Marie H. Katzenbach School for the Deaf and $2,000,000 for fire sprinkler systems, various regional day schools, in the Department of Education; $6,500,000 for HR-6 Flood Control Projects and $561,000 for information technology infrastructure, in the Department of Environmental Protection; $2,400,000 for electrical upgrades at Ancora Psychiatric Hospital, Hunterdon Developmental Center, and the Senator Garrett W. Hagedorn Gero-Psychiatric Hospital, and $1,700,000 for

elevator replacement at the Vineland Developmental Center and Trenton Psychiatric Hospital, in the Department of Human Services; $1,320,000 for electrical upgrades at Building 15 in West Trenton, $660,000 for suicide prevention improvements at the Bordentown Juvenile Medium Secure Facility, and $1,000,000 for critical repairs to various Juvenile Services facilities, in the Department of Law and Public Safety; $1,200,000 for the cooling tower replacement at the Department of Environmental Protection Building, $1,500,000 for plaza water membrane replacement at the New Jersey State Museum in Trenton, $1,000,000 for Americans with Disabilities Act Compliance Projects - Statewide, $1,000,000 for hazardous materials removal projects - Statewide, $3,500,000 for renovation projects, existing and anticipated leases, and $2,000,000 for Security Projects – Statewide, in Inter-Departmental accounts.

5. This act shall take effect immediately.

Approved June 25, 2008.

CHAPTER 23

AN ACT providing for continued operation of casinos and racetracks in the event that a state of emergency is declared due to the failure to enact a general appropriation law by the deadline prescribed in the New Jersey Constitution, and amending and supplementing P.L.1977, c.110 and supplementing chapter 5 of Title 5 of the Revised Statutes.

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

1. Section 63 of P.L.1977, c.110 (C.5:12-63) is amended to read as follows:

C.5:12-63. Duties of the commission.

63. Duties of the Commission. The Casino Control Commission shall have general responsibility for the implementation of this act, as hereinafter provided, including, without limitation, the responsibility:

a. To hear and decide promptly and in reasonable order all license, registration, certificate, and permit applications and causes affecting the granting, suspension, revocation, or renewal thereof;

b. To conduct all hearings pertaining to civil violations of this act or regulations promulgated hereunder;

c. To promulgate such regulations as in its judgment may be necessary to fulfill the policies of this act;

d. To collect all license and registration fees and taxes imposed by this act and the regulations issued pursuant hereto;

e. To levy and collect penalties for the violation of provisions of this act and the regulations promulgated hereunder;

f. To be present through its inspectors and agents at all times, except as provided by section 4 of P.L.2008, c.23 (C.5:12-211), during the operation of any casino or simulcasting facility for the purpose of certifying the revenue thereof, receiving complaints from the public relating to the conduct of gaming and simulcast wagering operations, examining records of revenues and procedures, and conducting periodic reviews of operations and facilities for the purpose of evaluating current or suggested provisions of P.L.1977, c.110 (C.5:12-1 et seq.) and the regulations promulgated thereunder;

g. To refer to the division for investigation and prosecution any evidence of a violation of P.L.1977, c.110 (C.5:12-1 et seq.) or the regulations promulgated thereunder;

h. To review and rule upon any complaint by a casino licensee regarding any investigative procedures of the division which are unnecessarily disruptive of casino or simulcasting facility operations. The need to inspect and investigate shall be presumed at all times. The disruption of a licensee's operations shall be proved by clear and convincing evidence, which evidence shall establish that: (1) the procedures had no reasonable law enforcement purpose, and (2) the procedures were so disruptive as to inhibit unreasonably casino or simulcasting facility operations; and

i. To ensure that there is no duplication of duties and responsibilities between it and the division.

2. Section 99 of P.L.1977, c.110 (C.5:12-99) is amended to read as follows:

C.5:12-99 Internal controls.

99. Internal Controls.

a. Each applicant for a casino license shall submit to the commission a description of its initial system of internal procedures and administrative and accounting controls for gaming and simulcast wagering operations accompanied by a certification by its Chief Legal Officer or equivalent that

the submitted procedures conform to the requirements of P.L.1977, c.110 (C.5:12-1 et seq.), and the regulations promulgated thereunder, and a certification by its Chief Financial Officer or equivalent that the submitted procedures provide adequate and effective controls, establish a consistent overall system of internal procedures and administrative and accounting controls and conform to generally accepted accounting principles. Each applicant shall make its initial submission at least 30 days before such operations are to commence unless otherwise directed by the commission. Except as otherwise provided in subsection b. of this section, a casino licensee, upon submission to the commission of a narrative description of a change in its system of internal procedures and controls and the two certifications described above, may, following the 15th day after submission, implement the change. Each initial internal control submission shall contain a narrative description of the internal control system to be utilized by the casino, including, but not limited to:

(1) Accounting controls, including the standardization of forms and definition of terms to be utilized in the gaming and simulcast wagering operations;

(2) Procedures, forms, and, where appropriate, formulas covering the calculation of hold percentages; revenue drop; expense and overhead schedules; complimentary services, except as provided in paragraph (3) of subsection m. of section 102 of P.L.1977, c.110 (C.5:12-102); junkets; and cash equivalent transactions;

(3) Job descriptions and the system of personnel and chain-of-command, establishing a diversity of responsibility among employees engaged in casino or simulcasting facility operations and identifying primary and secondary supervisory positions for areas of responsibility, which areas shall not be so extensive as to be impractical for an individual to monitor; salary structure; and personnel practices;

(4) Procedures within the cashier's cage and simulcast facility for the receipt, storage and disbursal of chips, cash, and other cash equivalents used in gaming and simulcast wagering; the cashing of checks; the redemption of chips and other cash equivalents used in gaming and simulcast wagering; the pay-off of jackpots and simulcast wagers; and the recording of transactions pertaining to gaming and simulcast wagering operations;

(5) Procedures for the collection and security of moneys at the gaming tables and in the simulcasting facility;

(6) Procedures for the transfer and recordation of chips between the gaming tables and the cashier's cage and the transfer and recordation of moneys within the simulcasting facility;

(7) Procedures for the transfer of moneys from the gaming tables to the counting process and the transfer of moneys within the simulcasting facility for the counting process;

(8) Procedures and security for the counting and recordation of revenue;

(9) Procedures for the security, storage and recordation of cash, chips and other cash equivalents utilized in the gaming and simulcast wagering operations;

(10) Procedures for the transfer of moneys or chips from and to the slot machines;

(11) Procedures and standards for the opening and security of slot machines;

(12) Procedures for the payment and recordation of slot machine jackpots;

(13) Procedures for the cashing and recordation of checks exchanged by casino and simulcasting facility patrons;

(14) Procedures governing the utilization of the private security force within the casino and simulcasting facility;

(15) Procedures and security standards for the handling and storage of gaming apparatus including cards, dice, machines, wheels and all other gaming equipment;

(16) Procedures and rules governing the conduct of particular games and simulcast wagering and the responsibility of casino personnel in respect thereto;

(17) Procedures for separately recording all transactions pursuant to section 101 of this act involving the Governor, any State officer or employee, or any special State officer or employee, any member of the Judiciary, any member of the Legislature, any officer of a municipality or county in which casino gaming is authorized, or any gaming related casino employee, and for the quarterly filing with the Attorney General of a list reporting all such transactions; and

(18) Procedures for the orderly shutdown of casino operations in the event that a state of emergency that is declared due to the failure to enact a general appropriation law by the deadline prescribed by Article VIII, Section II, paragraph 2 of the New Jersey Constitution extends for more than seven days, as provided in section 4 of P.L.2008, c.23 (C.5:12-211), or the casino licensee is not eligible to conduct casino operations during such a state of emergency in accordance with section 5 of P.L.2008, c.23 (C.5:12-212), which procedures shall include, without limitation, the securing of all keys and gaming assets.

b. The commission shall review a submission made pursuant to subsection a. to determine whether it conforms to the requirements of this act and to the regulations promulgated thereunder and provides adequate and effective controls for the operations of the particular casino hotel submitting it. If during its review, the commission preliminarily determines that a procedure in the submission contains a substantial and material insufficiency likely to have a direct and materially adverse impact on the integrity of gaming or simulcast wagering operations or the control of gross revenue, the chairman, by written notice to the casino licensee, shall: (1) specify the precise nature of the insufficiency and, when possible, an acceptable alternative procedure, (2) schedule a hearing before the full commission no later than 15 days after the date of such written notice to plenarily and finally determine whether the procedure in question contains the described insufficiency, and (3) direct that the internal controls in issue not yet implemented not be implemented until approved by the commission. Upon receipt of the notice, the casino licensee shall proceed to the scheduled hearing before the full commission and may submit a revised procedure addressing the concerns specified in the notice.

c. Notwithstanding the provisions of subsections a. and b. hereof, the commission shall, by regulation, permit changes to those internal controls required by subsection a. hereof that cannot have a material impact upon the integrity of gaming or simulcast wagering operations or the control and reporting of gross revenue, including those internal controls described in paragraph (3) of subsection a. hereof, to be implemented by a casino licensee immediately upon the preparation and internal filing of such internal controls.

d. Each casino licensee and applicant shall submit a narrative description of its system of internal procedures and administrative and accounting controls for the recording and reporting of all business transactions and agreements governed by sections 92 and 104 of P.L.1977, c.110 (C.5:12-92 and 5:12-104, as amended) no later than five days after those operations commence or after any change in those procedures or controls takes effect.

3. Section 100 of P.L.1977, c.110 (C.5:12-100) is amended to read as follows:

C.5:12-100 Games and gaming equipment.

100. a. This act shall not be construed to permit any gaming except the conduct of authorized games in a casino room in accordance with this act and the regulations promulgated hereunder and in a simulcasting facility to the extent provided by the "Casino Simulcasting Act," P.L.1992, c.19

(C.5:12-191 et al.). Notwithstanding the foregoing, if the commission approves the game of keno as an authorized game pursuant to section 5 of P.L.1977, c.110 (C.5:12-5), as amended, keno tickets may be sold or redeemed in accordance with commission regulations at any location in a casino hotel approved by the commission for such activity.

b. Gaming equipment shall not be possessed, maintained or exhibited by any person on the premises of a casino hotel except in a casino room, in the simulcasting facility, or in restricted casino areas used for the inspection, repair or storage of such equipment and specifically designated for that purpose by the casino licensee with the approval of the commission. Gaming equipment which supports the conduct of gaming in a casino or simulcasting facility but does not permit or require patron access, such as computers, may be possessed and maintained by a casino licensee in restricted casino areas specifically designated for that purpose by the casino licensee with the approval of the commission. No gaming equipment shall be possessed, maintained, exhibited, brought into or removed from a casino room or simulcasting facility by any person unless such equipment is necessary to the conduct of an authorized game, has permanently affixed, imprinted, impressed or engraved thereon an identification number or symbol authorized by the commission, is under the exclusive control of a casino licensee or his employees, and is brought into or removed from the casino room or simulcasting facility following 24-hour prior notice given to an authorized agent of the commission.

Notwithstanding any other provision of this section, equipment which supports a multi-casino progressive slot system and links and interconnects slot machines of two or more casino licensees but is inaccessible to patrons, such as computers, may, with the approval of the commission, be possessed, maintained and operated by a casino licensee either in a restricted area on the premises of a casino hotel or in a secure facility specifically designed for that purpose off the premises of a casino hotel but within the city limits of the City of Atlantic City.

Notwithstanding the foregoing, a person may, with the prior approval of the commission and under such terms and conditions as may be required by the commission, possess, maintain or exhibit gaming equipment in any other area of the casino hotel; provided such equipment is used for nongaming purposes.

c. Each casino hotel shall contain a count room and such other secure facilities as may be required by the commission for the counting and storage of cash, coins, tokens and checks received in the conduct of gaming and for the inspection, counting and storage of dice, cards, chips and other

representatives of value. All drop boxes and other devices wherein cash, coins, or tokens are deposited at the gaming tables or in slot machines, and all areas wherein such boxes and devices are kept while in use, shall be equipped with two locking devices, one key to which shall be under the exclusive control of the commission and the other under the exclusive control of the casino licensee, and said drop boxes and other devices shall not be brought into or removed from a casino room or simulcasting facility, or locked or unlocked, except at such times, in such places, and according to such procedures as the commission may require. In the event that a state of emergency is declared due to the failure to enact a general appropriation law by the deadline prescribed by Article VIII, Section II, paragraph 2 of the New Jersey Constitution, the commission, in accordance with section 4 of P.L.2008, c.23 (C.5:12-211), may, at its discretion, and as may be necessary to ensure the continuity of casino operations and the collection and counting of gross revenue, give temporary custody of its key to a certified public accountant approved by the commission, who shall act in the capacity of the commission with respect to the use, control and security of the key in accordance with internal controls approved by the commission in accordance with section 5 of P.L.2008, c.23 (C.5:12-212).

d. All chips used in gaming shall be of such size and uniform color by denomination as the commission shall require by regulation.

e. All gaming shall be conducted according to rules promulgated by the commission. All wagers and pay-offs of winning wagers shall be made according to rules promulgated by the commission, which shall establish such limitations as may be necessary to assure the vitality of casino operations and fair odds to patrons. Each slot machine shall have a minimum payout of 83%.

f. Each casino licensee shall make available in printed form to any patron upon request the complete text of the rules of the commission regarding games and the conduct of gaming, pay-offs of winning wagers, an approximation of the odds of winning for each wager, and such other advice to the player as the commission shall require. Each casino licensee shall prominently post within a casino room and simulcasting facility, as appropriate, according to regulations of the commission such information about gaming rules, pay-offs of winning wagers, the odds of winning for each wager, and such other advice to the player as the commission shall require.

g. Each gaming table shall be equipped with a sign indicating the permissible minimum and maximum wagers pertaining thereto. It shall be unlawful for a casino licensee to require any wager to be greater than the stated minimum or less than the stated maximum; provided, however, that

any wager actually made by a patron and not rejected by a casino licensee prior to the commencement of play shall be treated as a valid wager.

h. (1) Except as herein provided, no slot machine shall be used to conduct gaming unless it is identical in all electrical, mechanical and other aspects to a model thereof which has been specifically tested by the division and licensed for use by the commission. The division may, in its discretion, and for the purpose of expediting the approval process, utilize the services of any testing laboratory with a plenary license as a casino service industry pursuant to subsection a. of section 92 of P.L.1977, c.110 (C.5:12-92) when testing a slot machine model. The division shall, within 60 days of its receipt of a complete application for the testing of a slot machine model, recommend the approval or rejection of the slot machine model to the commission. If the division is unable to complete the testing of a slot machine model within this 60-day period, the division may recommend that the commission conditionally approve the slot machine model for test use by a casino licensee provided that the division represents that the use of the slot machine model will not have a direct and materially adverse impact on the integrity of gaming or the control of gross revenue. The division shall give priority to the testing of slot machines which a casino licensee has certified it will use in its casino in this State. The commission shall, by regulation, establish such technical standards for licensure of slot machines, including mechanical and electrical reliability, security against tampering, the comprehensibility of wagering, and noise and light levels, as it may deem necessary to protect the player from fraud or deception and to insure the integrity of gaming. The denominations of such machines shall be set by the licensee; the licensee shall simultaneously notify the commission of the settings.

(2) The commission shall, by regulation, determine the permissible number and density of slot machines in a licensed casino so as to:

(a) promote optimum security for casino operations;

(b) avoid deception or frequent distraction to players at gaming tables;

(c) promote the comfort of patrons;

(d) create and maintain a gracious playing environment in the casino; and

(e) encourage and preserve competition in casino operations by assuring that a variety of gaming opportunities is offered to the public.

Any such regulation promulgated by the commission which determines the permissible number and density of slot machines in a licensed casino shall provide that all casino floor space and all space within a casino licensee's casino simulcasting facility shall be included in any calculation of the permissible number and density of slot machines in a licensed casino.

i. (Deleted by amendment, P.L.1991, c.182).

j. (Deleted by amendment, P.L.1991, c.182).

k. It shall be unlawful for any person to exchange or redeem chips for anything whatsoever, except for currency, negotiable personal checks, negotiable counter checks, other chips, coupons or complimentary vouchers distributed by the casino licensee, or, if authorized by regulation of the commission, a valid charge to a credit or debit card account. A casino licensee shall, upon the request of any person, redeem that licensee's gaming chips surrendered by that person in any amount over $100 with a check drawn upon the licensee's account at any banking institution in this State and made payable to that person.

l. It shall be unlawful for any casino licensee or its agents or employees to employ, contract with, or use any shill or barker to induce any person to enter a casino or simulcasting facility or play at any game or for any purpose whatsoever.

m. It shall be unlawful for a dealer in any authorized game in which cards are dealt to deal cards by hand or other than from a device specifically designed for that purpose, unless otherwise permitted by the rules of the commission.

n. It shall be unlawful for any casino key employee or any person who is required to hold a casino key employee license as a condition of employment or qualification to wager in any casino or simulcasting facility in this State, or any casino employee, other than a junket representative, bartender, waiter, waitress, or other casino employee who, in the judgment of the commission, is not directly involved with the conduct of gaming operations, to wager in a casino or simulcasting facility in the casino hotel in which the employee is employed or in any other casino or simulcasting facility in this State which is owned or operated by the same casino licensee. Any casino employee, other than a junket representative, bartender, waiter, waitress, or other casino employee who, in the judgment of the commission, is not directly involved with the conduct of gaming operations, must wait at least 30 days following the date that the employee either leaves employment with a casino licensee or is terminated from employment with a casino licensee before the employee may gamble in a casino or simulcasting facility in the casino hotel in which the employee was formerly employed or in any other casino or simulcasting facility in this State which is owned or operated by the same casino licensee.

o. (1) It shall be unlawful for any casino key employee or boxman, floorman, or any other casino employee who shall serve in a supervisory position to solicit or accept, and for any other casino employee to solicit,

any tip or gratuity from any player or patron at the casino hotel or simulcasting facility where he is employed.

(2) A dealer may accept tips or gratuities from a patron at the table at which such dealer is conducting play, subject to the provisions of this subsection. All such tips or gratuities shall be immediately deposited in a lockbox reserved for that purpose, accounted for, and placed in a pool for distribution pro rata among the dealers, with the distribution based upon the number of hours each dealer has worked, except that the commission may permit a separate pool to be established for dealers in the game of poker, or may permit tips or gratuities to be retained by individual dealers in the game of poker.

p. Any slot system operator that offers an annuity jackpot shall secure the payment of such jackpot by establishing an annuity jackpot guarantee in accordance with the requirements of P.L.1977, c.110 (C.5:12-1 et seq.), and the rules of the commission.

C.5:12-211 Continuance of casino, simulcast operations during certain states of emergency; violations, fines.

4. In the event that a state of emergency is declared due to the failure to enact a general appropriation law by the deadline prescribed by Article VIII, Section II, paragraph 2 of the New Jersey Constitution, that prevents inspectors, agents, or other employees of the commission and the division from performing their normal duties, a casino licensee may continue to conduct casino and simulcast operations for a period not to exceed seven calendar days, notwithstanding that the inspectors, agents or other employees of the commission and the division are unable to perform their functions, provided that the casino licensee has complied with section 5 of P.L.2008, c.23 (C.5:12-212), and that the casino licensee and its employees shall continue to comply with all relevant provisions of the New Jersey Constitution and all relevant State statutes and regulations and shall maintain detailed records of that compliance.

If, during any period of time that casino and simulcasting facilities remain open pursuant to the provisions of this section, the Governor determines that the holder of a casino license, or any licensed employee thereof, may be engaged in what the Governor believes to be a violation of any State statute or regulation governing the operation of those facilities that would ordinarily subject a licensee to a possible suspension or revocation of its license, the Governor shall have the authority to summarily suspend the license of that casino or employee until such time as it is rescinded by the Governor, or the state of emergency ceases and the commission or the division, as appropriate, is able to address the matter.

Any violation of a statute or regulation that would ordinarily subject a licensee to a fine, but which occurs while a facility remains open during a state of emergency pursuant to this section, which is not reported by the casino licensee in accordance with its approved internal control procedures, shall be punishable by a fine of no less than five times and up to ten times the amount of the usual fine, depending on the nature and seriousness of the violation. When the state of emergency ceases, casino licensees shall be responsible for any costs associated with re-implementing onsite State inspections.

C.5:12-212 Commission approval of internal controls prior to state of emergency.

5. In order for a casino licensee to conduct casino and simulcast operations during a state of emergency as authorized in section 4 of P.L.2008, c.23 (C.5:12-211), it shall obtain commission approval of internal controls prior to the state of emergency, which shall become effective only during the state of emergency, that contain, without limitation:

a. Procedures for the casino licensee and its employees to report any violation of a statute or regulation to the casino licensee's chief legal officer and audit committee executive, who shall report any such violations to the Governor immediately and to the commission and division when the state of emergency ceases.

b. Procedures for the casino licensee to engage a certified public accountant approved by the commission, which procedures shall provide sufficient safeguards to ensure that the public's interest in the integrity of casino operations is served, and shall include but not be limited to a criminal history record background check to be conducted in accordance with the authority provided under paragraph (5) of subsection b. of section 89 of P.L.1977, c.110 (C.5:12-89), to perform the following functions during the state of emergency:

(1) Act in the capacity of the commission whenever the presence of an inspector, agent or employee of the commission is normally required to perform an activity including, without limitation, the collection and counting of gross revenue;

(2) Perform any other functions in accordance with instructions issued by the commission prior to the state of emergency; and

(3) Maintain a written record of all activity performed.

c. Procedures for the surveillance department of the casino licensee to record any activity that involves the participation of the certified public accountant and to provide the recordings to the commission when the state of emergency ceases.

d. Procedures for providing any evidence of tampering or cheating that occurs during the state of emergency to the certified public accountant, who shall preserve such evidence for the commission and division.

e. Procedures to ensure that a designee of the casino licensee's chief legal officer is available at all times to receive any complaint from the public relating to the conduct of casino operations. Any such patron complaint shall be forwarded to the chief legal officer, who shall promptly file it with the commission when the state of emergency ceases.

f. Procedures for withholding the payment of slot machine jackpots greater than $75,000 during the state of emergency, which shall be posted in the casino advising patrons of the temporary jackpot payout procedures. Such procedures shall include, without limitation, issuance of a written receipt to the winning patron and withholding payment of the jackpot until the state of emergency ceases and the division has had the opportunity to inspect the slot machine on which the jackpot was won.

g. Procedures for staffing both the surveillance and casino security departments with at least one additional officer at all times during the state of emergency.

C.5:12-213 Prohibitions relative to operation during state of emergency.

6. During any period of operations authorized by section 4 of P.L.2008, c.23 (C.5:12-211), a casino licensee shall not:

a. Amend or seek permission to amend: (1) any submission required by section 99 of P.L.1977, c.110 (C.5:12-99); or (2) its operation certificate.

b. Modify the configuration of its gaming floor or the gaming assets located thereon in any manner whatsoever.

c. Perform any activity that requires a pre-inspection by the commission to ensure that surveillance camera coverage is adequate.

d. Perform any modification to any casino computer system or multi-casino progressive slot system, except in the event of an emergency that, in the opinion of its chief gaming executive and the director of its Management Information Systems department, could affect the integrity of casino or simulcasting operations or the collection and certification of gross revenue.

e. Perform an adjustment to the amount on the progressive meter of any slot machine; provided, however, notwithstanding any commission regulation to the contrary, if a casino licensee reasonably believes a progressive meter is displaying an incorrect amount, it may take the progressive slot machine out of service until the state of emergency ceases.

f. Conduct any gaming tournament or other activity that requires commission approval, unless the tournament or activity has been approved by the commission prior to the commencement of the state of emergency.

C.5:12-214 Restriction of transfer of property.

7. During any period of operations authorized by section 4 of P.L.2008, c.23 (C.5:12-211), no transfer of property shall occur that would otherwise require the issuance of interim casino authorization pursuant to section 3 of P.L.1987, c.409 (C.5:12-95.12) prior to such transfer.

C.5:12-215 Calculation of certain time periods.

8. In the event a state of emergency is declared due to the failure to enact a general appropriation law by the deadline prescribed by Article VIII, Section II, paragraph 2 of the New Jersey Constitution, the duration of the state of emergency shall not be included in the calculation of the time period required by any law, rule or regulation for:

a. Action by the Casino Control Commission or the Division of Gaming Enforcement on any pending application or submission; and

b. The filing of any application or other required submission with the Casino Control Commission or the Division of Gaming Enforcement by any person.

C.5:12-216 Adoption of regulations.

9. Notwithstanding any provision of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Casino Control Commission may adopt immediately upon filing with the Office of Administrative Law such regulations as the commission deems necessary to implement the provisions of this act, which shall be effective for a period not to exceed 270 days following enactment of P.L.2008, c.23, and may thereafter be amended, adopted, or readopted by the commission in accordance with the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.5:5-22.3 Continuation of horse race meetings during certain states of emergency; violations, fines.

10. a. In the event that a state of emergency is declared due to the failure to enact a general appropriation law by the deadline prescribed by Article VIII, Section II, paragraph 2 of the New Jersey Constitution, that prevents employees of the New Jersey Racing Commission from performing their normal duties, a holder of a permit to conduct a horse race meeting

may continue to hold scheduled races and simulcast operations for a period not to exceed seven calendar days, notwithstanding that employees of the commission are unable to perform the functions usually required for the conduct of horse racing in this State, provided that the permit holder has complied with subsection b. of this section, and that the permit holder and its employees shall continue to comply with all relevant provisions of the New Jersey Constitution and all relevant State statutes and regulations, and shall maintain detailed records of that compliance.

If, during any period of time that racetrack facilities remain open pursuant to the provisions of this section, the Governor determines that a permit holder, or any employee thereof, may be engaged in what the Governor believes to be a violation of any State statute or regulation governing the operation of those facilities and the conduct of horse racing in this State, that would ordinarily subject a permit holder or employee to a possible suspension or revocation of its permit or license, the Governor shall have the authority to summarily suspend the permit or license of that permit holder or employee until such time as it is rescinded by the Governor, or the state of emergency ceases and the commission is able to address the matter.

Any violation of a statute or regulation that would ordinarily subject a permit holder or licensee to a fine, but which occurs while a racetrack facility remains open during a state of emergency pursuant to this section, which is not reported by the permit holder or licensee in accordance with commission rules and regulations pursuant to subsection b. of this section, shall be punishable by a fine of no less than five times and up to ten times the amount of the usual fine, depending on the nature and seriousness of the violation. When the state of emergency ceases, permit holders shall be responsible for any costs associated with implementing the provisions of this section, including any costs accrued by the commission and associated with re-implementing commission functions and duties.

b. Notwithstanding any law, rule, or regulation to the contrary, the New Jersey Racing Commission may develop, through rules and regulations, the necessary standards, criteria, safeguards, and procedures that a permit holder shall meet prior to, and as a condition of, being eligible to continue to conduct horse racing operations in this State in the event that a state of emergency is declared, as provided in subsection a. of this section, and commission employees are not able to perform their usual functions. Notwithstanding any provision of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the commission may adopt immediately upon filing with the Office of Administrative Law such rules and regulations as the commission deems necessary to implement the

provisions of this section, which shall be effective for a period not to exceed 270 days following enactment of P.L.2008, c.23, and may thereafter be amended, adopted, or readopted by the commission in accordance with the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.5:12-217 Effective date.

11. This act shall take effect immediately and shall continue in full force and effect unless superseded by constitutional amendment.

Approved June 27, 2008.

CHAPTER 24

AN ACT centralizing non-tax debt management functions for State government in the Division of Revenue, and amending and supplementing P.L.2005, c.124.

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

1. Section 1 of P.L.2005, c.124 (C.2A:16-11.1) is amended to read as follows:

C.2A:16-11.1 Issuance of certificate of debt; definitions.

1. a. In addition to any other remedy provided by law, where a debt is owed to a State department or agency, and the person who owes the debt has failed to comply within 30 days after service of any notice, demand or order directing payment of any amount found to be due, the Department of the Treasury, on behalf of the department or agency, may issue a certificate of debt to the Clerk of the Superior Court stating that the person identified in the certificate of debt is indebted to the State in such amount as shall be stated in the certificate of debt.

b. The certificate of debt shall reference the statute, regulation or other legal authority under which the indebtedness arises. Thereupon the clerk to whom such certificate of debt shall have been issued shall immediately enter upon the record of docketed judgments the name of such person or entity as debtor; the State as creditor; the address of such person or entity, if shown in the certificate of debt; a reference to the statute, regulation

or other legal authority under which the debt arises; and the date of making such entries.

c. The docketing of the certificate of debt shall have the same force and effect as a civil judgment docketed in the Superior Court subject to the procedures for appeal as set forth in section 4 of P.L.2005, c.124 (C.52:18-38). The docketing of the certificate of debt shall be without prejudice to the right of appeal to the Appellate Division of the Superior Court.

d. As used in this section, in sections 2, 3, 4, 5, 6, and 8 of P.L.2005, c.124 (C.52:18-36, C.52:18-37, C.52:18-38, C.52:14F-22, C.52:18-39 and C.52:14F-23), and in sections 3 and 4 of P.L.2008, c.24 (C.52:18-40 and C.52:18-41):

"Debt" means a fee, fine, cost, penalty or assessment that has been due and owing a State department or agency for 90 days or more. "Debt" does not include inter-agency debts and debts associated with loans, notes, grants, and contracts.

e. As used in this amendatory and supplementary act, "State department or agency" does not include an independent authority or instrumentality that is independent of the operational and budgetary control of the department to which it is allocated.

2. Section 2 of P.L.2005, c.124 (C.52:18-36) is amended to read as follows:

C.52:18-36 Collection of debt.

2. The Department of the Treasury shall have all the remedies and may take all of the proceedings for the collection of debt, as defined pursuant to section 1 of P.L.2005, c.124 (C.2A:16-11.1), which may be had or taken upon the recovery of a judgment in an action, but without prejudice to any right of appeal. Upon entry by the clerk of the certificate of debt in the record of docketed judgments in accordance with section 1 of P.L.2005, c.124 (C.2A:16-11.1), interest in the amount specified by the court rules for post-judgment interest shall accrue from the date of the docketing of the certificate of debt; however, payment of interest may be waived by the Treasurer or the Treasurer's designee.

C.52:18-40 Regulations, procedures to manage collection of debt; report of inventory of total debt.

3. a. The Department of the Treasury shall promulgate regulations and procedures to effectively manage the collection of debt. The regulations and procedures shall include: the designation of the Division of Revenue in

the Department of the Treasury as State government's centralized debt management agency; and a requirement that a State agency in the executive branch that is unable, within 90 days of the recording of the delinquency, to collect such a debt owed to the agency, shall transfer the delinquent account no later than at the end of the 91st day following the recording of the debt to the Division of Revenue, which shall manage the delinquent account on behalf of the transferring agency and credit to the appropriate account of the transferring agency any debt collected.

b. In order to assist the Division of Revenue in its centralized debt management responsibilities, the chief administrative officer of each State department or agency, or their designee, within 45 days following the conclusion of each fiscal year, shall provide to the Director of the Division of Revenue in a format as the director shall determine, a certified report of the inventory for the fiscal year of the total debt owed to the department or agency so recorded on the department's or agency's records, debt owed to and collected by the department or agency, debt owed but not collected within 90 days of recording of the delinquency, the amount of that delinquent debt not transferred to the division, and the amount of the debt determined to be owed to the department or agency during the last 90 days of the fiscal year.

C.52:18-41 Report to Governor, Legislature.

4. The Director of the Division of Revenue in the Department of the Treasury shall, within 90 days following the conclusion of each fiscal year, report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature on the division's debt management in the concluded fiscal year. In the report the director shall present for each State department or agency for which the division manages debt the cumulative amount of outstanding receivable balances at the end of the concluded fiscal year, the amount of new receivable balances transferred to the division's custody in the concluded fiscal year, the amount of receivable balances collected by the division in the concluded fiscal year, and the amount of receivable balances written off as uncollectible in the concluded fiscal year. In addition, the director shall list every State department or agency of whose noncompliance with the provisions of section 3 of P.L.2008, c.24 (C.52:18-40) the director is cognizant.

5. This act shall take effect immediately.

Approved June 30, 2008.

CHAPTER 25

AN ACT concerning State-issued high school diplomas and supplementing Title 18A of the New Jersey Statutes.

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

C.18A:50A-1 Provision of State-issued high school diploma.

1. A State-issued high school diploma shall be provided by the New Jersey Department of Education to persons 16 years of age or older and no longer enrolled in school to document the attainment of academic skills and knowledge equivalent to a high school education. Demonstration of the appropriate level of academic competency for receipt of the State-issued high school diploma shall include, but need not be limited to, passage of the Tests of General Educational Development (GED) of the American Council on Education.

C.18A:50A-2 Rules, regulations relative to State-issued high school diploma.

2. Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of Education may adopt, immediately upon filing with the Office of Administrative Law, such rules and regulations as the commissioner deems necessary to implement the provisions of P.L.2008, c.25 (C.18A:50A-1 et seq.). The rules and regulations adopted by the commissioner shall be effective for a period not to exceed 12 months. Rules and regulations shall thereafter be amended, adopted, or re-adopted by the State Board of Education pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

The rules and regulations shall include, but not be limited to:

a. the establishment of reasonable and appropriate fees for persons seeking a State-issued high school diploma by examination or re-examination of the Tests of General Educational Development (GED) of the American Council on Education; provided that the fees shall not exceed the actual cost of the tests and their administration; and

b. the establishment of the manner in which a not for profit third party may participate in the administration of examinations and re-examinations of the Tests of General Educational Development (GED) and in the collection of fees from person seeking a high school diploma by examinations and re-examinations of the tests. The rules and regulations regarding not for profit third parties shall be in conformance with the application and ap-

proval process overseen by the Department of Education and the General Educational Development Testing Service of the American Council on Education.

3. This act shall take effect immediately.

Approved June 30, 2008.

CHAPTER 26

AN ACT creating two additional Superior Court judgeships and amending N.J.S.2B:2-1.

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

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

Number of judges.

2B:2-1. Number of Judges.

a. The Superior Court shall consist of 443 judges.

b. (1) The Superior Court shall at all times consist of the following number of judges, who at the time of their appointment and reappointment were resident of each county:

Atlantic	11
Bergen	28
Burlington	10
Camden	16
Cape May	4
Cumberland	7
Essex	34
Gloucester	11
Hudson	24
Hunterdon	3
Mercer	9
Middlesex	24
Monmouth	18
Morris	16
Ocean	15

Passaic	17
Salem	3
Somerset	6
Sussex	4
Union	20
Warren	3

(2) Additionally, the following number of those judges of the Superior Court satisfying the residency requirements set forth above shall at all times sit in the county in which they reside:

Atlantic	4
Bergen	12
Burlington	4
Camden	8
Cape May	2
Cumberland	4
Essex	14
Gloucester	6
Hudson	6
Hunterdon	2
Mercer	6
Middlesex	8
Monmouth	4
Morris	6
Ocean	8
Passaic	6
Salem	2
Somerset	4
Sussex	2
Union	6
Warren	2

2. This act shall take effect immediately.

Approved June 30, 2008.

CHAPTER 27

AN ACT abolishing the New Jersey Commerce Commission, establishing the Division of Business Assistance, Marketing, and International Trade

in the New Jersey Economic Development Authority, transferring the functions, powers and duties of the commission and other State entities to the division, and revising various parts of the statutory law.

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

C.34:1B-210 Findings, declarations relative to abolishing the New Jersey Commerce Commission.

1. The Legislature finds and declares that:

a. It is the policy of the State of New Jersey to stimulate economic growth and development by efforts that are efficient and coordinated across all sectors, departments, and agencies.

b. The State's efforts to deliver effective economic growth and development assistance and improve the New Jersey economy currently flow through a number of different programs, enacted and amended incrementally over time, which are administered by a number of different entities.

c. Greater coordination of the State's economic development efforts will achieve benefits, including short- and long-term budget savings during this period of unprecedented fiscal challenges facing the State, as well as enhancements to the effectiveness of the State's economic growth and development efforts.

d. By consolidating the New Jersey Commerce Commission and transferring its primary functions to the Division of Business Assistance, Marketing, and International Trade in the New Jersey Economic Development Authority, the coordination of these related but distinct functions will be advanced.

e. Such consolidation will enhance the work of the Division of Business Assistance, Marketing, and International Trade, which markets New Jersey and the opportunities in this State to the business community of the nation and the world, and the New Jersey Economic Development Authority, which provides financing on specific business projects, by improving cooperation and coordination among the agencies charged with these separate functions.

f. Further, the State's economic development activities will be improved by consolidating the New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises into the New Jersey Economic Development Authority, which can deliver the financial and other assistance needed for such businesses and enterprises, and by consolidating other economic development entities.

g. State efforts to classify businesses that are small or minority- or women-owned to participate in State purchasing and procurement processes also will be more effective if the registration and certification programs of the New Jersey Commerce Commission are placed directly within the Department of the Treasury, which serves as the procurement agency of the State.

C.34:1B-211 Definitions relative to C.34:1B-210 et seq.

2. For purposes of sections 1 through 26 of P.L.2008, c.27 (C.34:1B-210 et seq.), the following terms shall have the meaning indicated:

"Authority" means the New Jersey Economic Development Authority established by P.L.1974, c.80 (C.34:1B-1 et seq.).

"Authority board" means the board of directors of the New Jersey Economic Development Authority established pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.).

"Director" means the Director of the Division of Business Assistance, Marketing, and International Trade.

"Division" means the Division of Business Assistance, Marketing, and International Trade established by this act.

C.34:1B-212 New Jersey Commerce Commission abolished.

3. a. The New Jersey Commerce Commission created by P.L.1998, c.44 (C.52:27C-61 et al.) as a body corporate and politic and allocated in, but not of, the Department of the Treasury, is abolished and all of its functions, powers, and duties, except as otherwise provided in this act, are continued and transferred to the Division of Business Assistance, Marketing, and International Trade in the New Jersey Economic Development Authority.

b. The functions, powers, and duties of the New Jersey Commerce Commission not specifically allocated under this act are continued and are transferred to the New Jersey Economic Development Authority, to be allocated within the authority as determined by the authority board.

c. Except as otherwise provided in this act, whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the New Jersey Commerce Commission, Board of Directors of the New Jersey Commerce Commission, the Commerce, Economic Growth and Tourism Commission, the Commerce and Economic Growth Commission, the Department of Commerce and Economic Development, the Commissioner of the Department of Commerce and Economic Development, or the Chief Executive Officer and Secretary of the Commerce and Economic Growth Commission, the same shall mean and refer to the division.

C.34:1B-213 Disposition of Executive Director, employees of New Jersey Commerce Commission.

4. With respect to the Executive Director and employees of the New Jersey Commerce Commission:

a. Notwithstanding the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.), the office and term of the Executive Director of the New Jersey Commerce Commission, established by section 31 of P.L.2007, c.253 (C.52:27C-71.1), shall terminate not later than ninety days following the effective date of this act.

b. Employees of the New Jersey Commerce Commission who are employed by the Commission on the date of enactment of P.L.2008, c.27 (C.34:1B-210 et al.) are continued and transferred to the division, except for: (1) employees assigned to perform the work of the Urban Enterprise Zone Authority who may be transferred to the Department of the Treasury; or (2) employees who are transferred as otherwise specified in this act. Such transfers shall be consistent with the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Nothing contained in this act shall be construed to alter the representation status, bargaining rights and bargained-for terms and conditions of employment, or lack thereof, of any New Jersey Commerce Commission employee in office or employment on the effective date of this act, nor shall the establishment of the division and its placement in the authority alter such conditions for employees of the authority in office or employment on that effective date, except as specifically provided herein.

C.34:1B-214 Regulations continued.

5. Except as otherwise provided in this act, regulations of the New Jersey Commerce Commission shall continue in effect until amended or repealed pursuant to law.

C.34:1B-215 Division of Business Assistance, Marketing, and International Trade established.

6. a. In order to improve efficiency, achieve savings, and enhance the productivity of the State's interaction with the private sector, there is hereby established in the New Jersey Economic Development Authority the Division of Business Assistance, Marketing, and International Trade. To preserve the independence of the financing functions of the authority, notwithstanding this allocation, the division shall maintain a budget separate from the authority which shall be funded through annual appropriation by the Legislature from the General Fund.

b. The division shall be under the supervision of a director, appointed by the Governor, who shall be employed by and report to the Executive Director of the New Jersey Economic Development Authority. The director shall be a person qualified by training and experience to direct the work of the division.

c. The functions, powers, and duties of the board of directors of the New Jersey Commerce Commission are continued and are transferred to the authority board except as otherwise provided in this act.

C.34:1B-216 Transfer of function, powers, duties of Executive Director.

7. a. The functions, powers, and duties of the Executive Director of the New Jersey Commerce Commission, established pursuant to section 31 of P.L.2007, c.253 (C.52:27C-71.1), except as otherwise provided, are continued and transferred to the Director of the Division of Business Assistance, Marketing, and International Trade.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Executive Director of the New Jersey Commerce Commission, the same shall mean and refer to the director of the division.

C.34:1B-217 Transfer of functions, powers, duties of Office of Marketing and Communications.

8. a. The functions, powers, and duties of the Office of Marketing and Communications in the New Jersey Commerce Commission are continued and are transferred to the Division of Business Assistance, Marketing, and International Trade.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Office of Marketing and Communications in the New Jersey Commerce Commission, the same shall mean and refer to the division.

C.34:1B-218 Transfer of functions, powers, duties of Office of Business Advocacy.

9. a. The functions, powers, and duties of the Office of Business Advocacy in the New Jersey Commerce Commission are continued and are transferred to the Division of Business Assistance, Marketing, and International Trade.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Office of Business Advocacy in the New Jersey Commerce Commission, the same shall mean and refer to the division.

C.34:1B-219 Transfer of certain functions, powers, duties of New Jersey Commerce Commission.

10. a. The functions, powers, and duties of the New Jersey Commerce Commission regarding those business retention and relocation assistance programs that include the Business Retention and Relocation Act Grant Program established by section 3 of P.L.1996, c.25 (C.34:1B-114), the Business Retention and Relocation Act Tax Credit Certificate Transfer Program established by section 17 of P.L.2004, c.65 (C.34:1B-120.2), the Sales Tax Exemption Program established by sections 19 through 22 of P.L.2004, c.65 (C.34:1B-185 through 34:1B-188), and the Urban Enterprise Zone Energy Sales Tax Exemption Program established by section 23 of P.L.2004, c.65 (C.52:27H-87.1), except as otherwise provided, are continued and transferred to the New Jersey Economic Development Authority to be administered within that authority as the Authority Board so determines.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Business Retention and Relocation Act Grant Program, Business Retention and Relocation Act Tax Credit Certificate Transfer Program, Sales Tax Exemption Program or Urban Enterprise Zone Energy Sales Tax Exemption Program in the New Jersey Commerce Commission, the same shall mean and refer to the authority.

C.34:1B-220 Transfer of Energy Sales Tax Exemption Program for certain counties.

11. a. The functions, powers, and duties of the New Jersey Commerce Commission for the Energy Sales Tax Exemption Program for Certain Counties, established by subsection c. of section 1 of P.L.2005, c.374 (C.52:27H-87.1) as amended, except as otherwise provided, are continued and are transferred to the New Jersey Economic Development Authority to be administered within that authority as the authority board so determines.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Energy Sales Tax Exemption Program for Certain Counties in the New Jersey Commerce Commission, the same shall mean and refer to the authority.

C.34:1B-221 Transfer of Brownfields Reimbursement Program.

12. a. The functions, powers, and duties of the New Jersey Commerce Commission for the Brownfields Reimbursement Program, established by sections 34 through 39 of P.L.1997, c.278 (C.58:10B-26 through 58:10B-31), except as otherwise provided, are continued and are transferred to the New Jersey Economic Development Authority to be administered within

that authority as the authority board so determines. The authority shall, after consultation with the Director of the Division of Taxation in the Department of the Treasury, adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to govern the proper conduct and operation of the program.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Brownfields Reimbursement Program in the New Jersey Commerce Commission, the same shall mean and refer to the authority.

C.34:1B-222 Transfer of Municipal Landfill Closure and Remediation Reimbursement Program.

13. a. The functions, powers, and duties of the New Jersey Commerce Commission for the Municipal Landfill Closure and Remediation Reimbursement Program established by P.L.1996, c.124 (C.13:1E-116.1 through 13:1E-116.7), except as otherwise provided, are continued and are transferred to the New Jersey Economic Development Authority to be administered within that authority as the authority board so determines. The authority shall, after consultation with the Director of the Division of Taxation in the Department of the Treasury, adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to govern the proper conduct and operation of the program.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Municipal Landfill Closure and Remediation Reimbursement Program in the New Jersey Commerce Commission, the same shall mean and refer to the authority.

C.34:1B-223 Transfer of New Jersey Economic Development Site Program.

14. a. The functions, powers, and duties of the New Jersey Commerce Commission for the New Jersey Economic Development Site Program, established by P.L.1996, c.70, P.L.1997, c.97 (C.34:1B-140 through 34:1B-143), and section 31 of P.L.1998, c.44 (C.52:27C-91), except as otherwise provided, are continued and are transferred to the Division of Business Assistance, Marketing, and International Trade.

b. Whenever, in any law, rule, regulation, order, contract, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the New Jersey Economic Development Site Program in the New Jersey Commerce Commission, the same shall mean and refer to the division.

C.34:1B-224 Transfer of Urban Transit Hub Tax Credit Program.

15. a. The functions, powers, and duties of the New Jersey Commerce Commission relating to the Urban Transit Hub Tax Credit Program established by P.L.2007, c.346 (C.34:1B-207 through 34:1B-209), except as otherwise provided, are continued and are transferred to the New Jersey Economic Development Authority to be administered within that authority as the authority board so determines.

b. Whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Urban Transit Hub Tax Credit Program in the New Jersey Commerce Commission, the same shall mean and refer to the authority.

C.34:1B-225 Transfer of New Jersey Urban Enterprise Zone Authority, Office of Urban Enterprise Zone Authority.

16. a. The New Jersey Urban Enterprise Zone Authority in the New Jersey Commerce Commission, transferred to the Department of the Treasury pursuant to subsection a. of section 28 of P.L.1998, c.44 (C.52:27C-88), and the Office of Urban Enterprise Zone Authority in the New Jersey Commerce Commission which provides services necessary and incidental to the New Jersey Urban Enterprise Zone Authority pursuant to subsection d. of section 28 of P.L.1998, c.44 (C.52:27C-88), together with their respective functions, powers, and duties, are continued and are transferred to the Department of Community Affairs, provided however, that the authority shall be in, but not of, that department.

b. Whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the New Jersey Urban Enterprise Zone Authority or the Office of Urban Enterprise Zone Authority in the Department of the Treasury or the New Jersey Commerce Commission, the same shall mean and refer to the Department of Community Affairs.

C.34:1B-226 Transfer of Division of International Trade and Protocol.

17. a. The functions, powers, and duties of the New Jersey Commerce Commission relating to the international trade functions of the Division of International Trade, established by section 23 of P.L.1981, c.122 (C.52:27H-22), and supplemented by sections 1 and 2 of P.L.1985, c.160 (C.52:27H-22.1 and 52:27H-22.2), sections 1 through 3 of P.L.1987, c.303 (C.52:27H-22.2a through 52:27H-22.2c), sections 1 through 3 of P.L.1987, c.334 (C.52:27H-22.4 through 52:27H-22.6), and sections 1 through 8 of

P.L.1995, c.275 (C.52:27H-22.7 through 52:27H-22.14), and most recently known as the Office of International Trade and Protocol, except as otherwise provided, are continued and are transferred to the Division of Business Assistance, Marketing, and International Trade. The office and term of the Director of the Division of International Trade shall terminate upon the effective date of this act.

b. Whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Division of International Trade or the Office of International Trade and Protocol in the New Jersey Commerce Commission, the same shall mean and refer to the division.

C.34:1B-227 Transfer of Division of Development for Small Businesses and Women's and Minority Businesses.

18. a. The functions, powers, and duties of the Division of Development for Small Businesses and Women's and Minority Businesses, presently known as the Office of Business Services in the New Jersey Commerce Commission, created by section 3 of P.L.1987, c.55 (C.52:27H-21.9), except as otherwise provided, are continued and are transferred to the Department of the Treasury to be administered within that department as the Treasurer so determines. The office and term of the director of the Division of Development for Small Businesses and Women's and Minority Businesses, established by law, shall terminate upon the effective date of this act. Any employees of the Commission who are assigned to perform the work of the Office of Business Services may be transferred to the Department of the Treasury subject to the protections set forth in subsection b. of section 4 of this act.

b. Whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Division of Development for Small Businesses and Women's and Minority Businesses, more recently known as the Office of Business Services, or the Director of that office, in the New Jersey Commerce Commission, the same shall mean and refer to the State Treasurer.

C.34:1B-228 Transfer of authority to appoint certain executive directors.

19. a. The functions, powers, and duties of the New Jersey Commerce Commission to appoint executive directors of the New Jersey Economic Development Authority, established pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.), and the New Jersey Commission on Science and Technology, established pursuant to P.L.1985, c.102 (C.52:9X-1 et seq.) are continued and

are transferred to the Governor. Each such executive director shall be employed by and report to the board of the respective agency and shall receive such compensation as shall be fixed by the board of the respective agency.

b. The functions, powers, and duties of the New Jersey Commerce Commission to serve as a member of the board of agencies and to provide administrative assistance to agencies are transferred to the Division of Business Assistance, Marketing, and International Trade unless otherwise provided by this act.

c. Notwithstanding the provisions of any law, rule, regulation, or order to the contrary, the functions, powers, and duties of the New Jersey Commerce Commission and the executive director of the New Jersey Commerce Commission are transferred to the New Jersey Economic Development Authority and the Executive Director of the New Jersey Economic Development Authority, respectively, with regard to the following statutorily established boards, councils, commissions, authorities, and other organizations:

(1) State Employment and Training Commission, established pursuant to section 5 of P.L.1989, c.293 (C.34:15C-2);

(2) State Council for Adult Literacy Education Services, established pursuant to section 2 of P.L.1999, c.107 (C.34:15C-18);

(3) Council on Armed Forces and Veterans' Affairs, established pursuant to P.L.1983, c.61 (C.52:27H-45 et seq.) and transferred to and established in the Department of Military and Veterans' Affairs, pursuant to section 2 of P.L.1992, c.86 (C.38A:3-16);

(4) The Foundation for Technology Advancement, authorized to be established pursuant to section 1 of P.L.2005, c.373 (C.52:27C-96);

(5) The Main Street New Jersey Advisory Board, established pursuant to section 5 of P.L.2001, c.238 (C.52:27D-456);

(6) The Brownfields Redevelopment Task Force, established pursuant to section 5 of P.L.1997, c.278 (C.58:10B-23);

(7) The Fort Monmouth Economic Revitalization Planning Authority, established pursuant to section 4 of P.L.2006, c.16 (C.52:27I-4);

(8) The South Jersey Transportation Authority, established pursuant to section 4 of P.L.1991, c.252 (C.27:25A-4);

(9) The Aquaculture Advisory Council, established pursuant to section 5 of P.L.1997, c.236 (C.4:27-5);

(10) The Clean Air Council, established pursuant to section 3 of P.L.1967, c.106 (C.26:2C-3.2);

(11) The Community Financial Services Advisory Board, established pursuant to section 3 of P.L.1991, c.294 (C.17:16Q-3); and

(12) The New Jersey Redevelopment Authority, established pursuant to section 4 of P.L.1996, c.62 (C.55:19-23).

d. Notwithstanding the provisions of any law, rule, regulation, or order to the contrary, the functions, powers, and duties of the New Jersey Commerce Commission and the executive director of the New Jersey Commerce Commission, except as otherwise provided in this act, are transferred to the Division and the Director of the Division, respectively, with regard to any council, commission, committee, task force, or other organization established by executive order.

C.34:1B-229 Transfer of tourism-related functions to Department of State.

20. a. The functions, powers, and duties of the New Jersey Commerce Commission, pursuant to P.L.1992, c.165 (C.40:54D-1 et seq.), with respect to a tourism improvement and development authority, established pursuant to section 18 of P.L.1992, c.165 (C.40:54D-18), are continued and are transferred to the Department of State, to be administered within that department as the Secretary so determines. Any employees of the New Jersey Commerce Commission who are assigned to perform the work of the Tourism Improvement and Development Authority may be transferred to the Department of State subject to the protections set forth in subsection b. of section 4 of this act.

b. Whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the New Jersey Commerce Commission, the Department of Commerce and Economic Development, or the Commissioner of the Department of Commerce and Economic Development, with respect to a tourism improvement and development authority, the same shall mean and refer to the New Jersey Department of State.

C.34:1B-230 Economic Development Site Task Force abolished.

21. a. The Economic Development Site Task Force, established pursuant to section 6 of P.L.1997, c.97 (C.34:1B-140), in but not of, the Department of the Treasury, is abolished and all of its functions, powers, and duties are continued and transferred to the New Jersey Economic Development Authority to be administered within that authority as the authority board so determines.

b. Except as otherwise provided in this act, whenever in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Economic Development Site Task Force, the same shall mean and refer to the authority.

C.34:1B-231 Dredging Project Facilitation Task Force abolished.

22. a. The Dredging Project Facilitation Task Force, established pursuant to section 3 of P.L.1997, c.97 (C.12:6B-3) in, but not of, the Department of the Treasury, is abolished and all of its functions, powers, and duties are continued and transferred to the Division of Business Assistance, Marketing, and International Trade.

b. Except as otherwise provided in this act, whenever in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Dredging Project Facilitation Task Force, established pursuant to section 3 of P.L.1997, c.97 (C.12:6B-3) in, but not of, the Department of the Treasury, the same shall mean and refer to the division.

C.34:1B-232 Export Finance Company Advisory Council abolished.

23. a. The Export Finance Company Advisory Council, established pursuant to section 7 of P.L.1995, c.209 (C.34:1B-99) in, but not of, the Department of the Treasury, is abolished and all of its functions, powers, and duties are continued and transferred to the Division of Business Assistance, Marketing, and International Trade.

b. Except as otherwise provided in this act, whenever in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Export Finance Company Advisory Council in, but not of, the Department of the Treasury, the same shall mean and refer to the division.

C.34:1B-233 Transfer of Motion Picture and Television Development Commission.

24. a. The Motion Picture and Television Development Commission, established pursuant to section 3 of P.L.1977, c.44 (C.34:1B-24), is transferred in, but not of, the Division of Business Assistance, Marketing, and International Trade in the New Jersey Economic Development Authority, but notwithstanding this transfer, the Motion Picture and Television Development Commission shall be independent of any supervision and control by the authority or by any board or officer thereof.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Motion Picture and Television Development Commission, the same shall mean and refer to the Motion Picture and Television Development Commission in, but not of, the division.

c. The Division of Business Assistance, Marketing, and International Trade shall provide staff services necessary to support the functions of the Motion Picture and Television Development Commission.

C.34:1B-234 New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises abolished.

25. a. The New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises created by section 3 of P.L.1985, c.386 (C.34:1B-49), in but not of the Department of the Treasury, is abolished and all of its functions, powers, and duties are continued and transferred to the New Jersey Economic Development Authority to be allocated within the New Jersey Economic Development Authority as determined by the authority board.

b. Except as otherwise provided in this act, whenever in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises, the same shall mean and refer to the New Jersey Economic Development Authority.

C.34:1B-235 New Capital Sources Board abolished.

26. a. The New Capital Sources Board, established pursuant to section 4 of P.L.1995, c.293 (C.34:1B-110) in, but not of, the Department of the Treasury, is abolished and all of its functions, powers, and duties are continued and transferred to the New Jersey Economic Development Authority to be allocated within the New Jersey Economic Development Authority as determined by the authority board.

b. Except as otherwise provided in this act, whenever in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the New Capital Sources Board in, but not of, the Department of the Treasury, the same shall mean and refer to the authority.

27. Section 4 of P.L.1974, c.80 (C.34:1B-4) is amended to read as follows:

C.34:1B-4 "New Jersey Economic Development Authority."

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 Economic Development Authority." The authority is hereby constituted as an instrumentality of the State exercising public and essential governmental functions, and the exercise by the authority of the powers conferred by the provisions of P.L.1974, c.80 (C.34:1B-1 et seq.) or section 6 of P.L.2001, c.401 (C.34:1B-4.1) shall be deemed and held to be an essential governmental function of the State.

b. The authority shall consist of the Commissioner of Banking and Insurance, the Commissioner of Labor and Workforce Development, the Commissioner of Environmental Protection, an officer or employee of the Executive Branch of State government appointed by the Governor, and the State Treasurer, who shall be members ex officio, and eight public members appointed by the Governor as follows: two public members (who shall not be legislators) shall be appointed by the Governor upon recommendation of the Senate President; two public members (who shall not be legislators) shall be appointed by the Governor upon recommendation of the Speaker of the General Assembly; and four public members shall be appointed by the Governor, all for terms of three years. In addition, a public member of the State Economic Recovery Board established pursuant to section 36 of P.L.2002, c.43 (C.52:27BBB-36) appointed by the board, shall serve as a non-voting, ex officio member of the authority. Each member shall hold office for the term of the member's appointment and until the member's successor shall have been appointed and qualified. A member shall be eligible for reappointment. Any vacancy in the membership occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only. In the event the authority shall by resolution determine to accept the declaration of an urban growth zone by any municipality, the mayor or other chief executive officer of such municipality shall ex officio be a member of the authority for the purpose of participating and voting on all matters pertaining to such urban growth zone.

The Governor shall appoint three alternate members of the authority, of which one alternate member (who shall not be a legislator) shall be appointed by the Governor upon the recommendation of the Senate President, and one alternate member (who shall not be a legislator) shall be appointed by the Governor upon the recommendation of the Speaker of the General Assembly; and one alternate member shall be appointed by the Governor, all for terms of three years. The chairperson may authorize an alternate member, in order of appointment, to exercise all of the powers, duties and responsibilities of such member, including, but not limited to, the right to vote on matters before the authority.

Each alternate member shall hold office for the term of the member's appointment and until the member's successor shall have been appointed and qualified. An alternate member shall be eligible for reappointment. Any vacancy in the alternate membership occurring other than by the expiration of a term shall be filled in the same manner as the original appointment but for the unexpired term only. Any reference to a member of the

authority in this act shall be deemed to include alternate members unless the context indicates otherwise.

The terms of office of the members and alternate members of the authority appointed by the Governor who are serving on July 18, 2000 shall expire upon the appointment by the Governor of eight public members and three alternate members. The initial appointments of the eight public members shall be as follows: the two members appointed upon the recommendation of the President of the Senate and the two members appointed upon the recommendation of the Speaker of the General Assembly shall serve terms of three years; two members shall serve terms of two years; and two members shall serve terms of one year. The initial appointments of the alternate members shall be as follows: the alternate member appointed upon the recommendation of the President of the Senate shall serve a term of three years; the alternate member appointed upon the recommendation of the Speaker of the General Assembly shall serve a term of two years; and one alternate member shall serve a term of one year. No member shall be appointed who is holding elective office.

c. Each member appointed by the Governor may be removed from office by the Governor, for cause, after a public hearing, and may be suspended by the Governor pending the completion of such hearing. Each member before entering upon his duties shall take and subscribe an oath to perform the duties of the office faithfully, impartially and justly to the best of his ability. A record of such oaths shall be filed in the office of the Secretary of State.

d. A chairperson shall be appointed by the Governor from the public members. The members of the authority shall elect from their remaining number a vice chairperson and a treasurer thereof. The authority shall employ an executive director who shall be its secretary and chief executive officer. The powers of the authority shall be vested in the members thereof in office from time to time and seven members of the authority shall constitute a quorum at any meeting thereof; provided, however, that the public member designated by the State Economic Recovery Board pursuant to the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.) shall not count toward the quorum. Action may be taken and motions and resolutions adopted by the authority at any meeting thereof by the affirmative vote of at least seven members of the authority. No vacancy in the membership of the authority shall impair the right of a quorum of the members to exercise all the powers and perform all the duties of the authority.

e. Each member of the authority shall execute a bond to be conditioned upon the faithful performance of the duties of such member in such form and amount as may be prescribed by the Director of the Division of Budget and Accounting in the Department of the Treasury. Such bonds shall be filed in the office of the Secretary of State. At all times thereafter the members and treasurer of the authority shall maintain such bonds in full force and effect. All costs of such bonds shall be borne by the authority.

f. The members of the authority shall serve without compensation, but the authority shall reimburse its members for actual expenses necessarily incurred in the discharge of their duties. Notwithstanding the provisions of any other law, no officer or employee of the State shall be deemed to have forfeited or shall forfeit any office or employment or any benefits or emoluments thereof by reason of the acceptance of the office of ex officio member of the authority or any services therein.

g. Each ex officio member of the authority may designate an officer or employee of the member's department to represent the member at meetings of the authority, and each such designee may lawfully vote and otherwise act on behalf of the member for whom the person constitutes the designee. Any such designation shall be in writing delivered to the authority and shall continue in effect until revoked or amended by writing delivered to the authority.

h. The authority may be dissolved by act of the Legislature on condition that the authority has no debts or obligations outstanding or that provision has been made for the payment or retirement of such debts or obligations. Upon any such dissolution of the authority, all property, funds and assets thereof shall be vested in the State.

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 the copy of the minutes shall have been so delivered, unless during such 10-day period the Governor shall approve the same in which case such action shall become effective upon such approval. If, in that 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 void and of no effect. The powers conferred in this subsection i. upon the Governor shall be exercised with due regard for the rights of the holders of bonds and notes 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 notes or for the benefit, protection or security of the holders thereof.

j. On or before March 31 in each year, the authority shall make an annual report of its activities for the preceding calendar year to the Governor and the Legislature. Each such report shall set forth a complete operating and financial statement covering the authority's operations during the year. The authority shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and cause a copy thereof to be filed with the Secretary of State and the Director of the Division of Budget and Accounting in the Department of the Treasury.

k. The Director of the Division of Budget and Accounting in the Department of the Treasury and the director's legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts, books and records of the authority including its receipts, disbursements, contracts, sinking funds, investments and any other matters relating thereto and to its financial standing.

l. No member, officer, employee or agent of the authority shall be interested, either directly or indirectly, in any project or school facilities project, or in any contract, sale, purchase, lease or transfer of real or personal property to which the authority is a party.

28. Section 6 of P.L.1974, c.80 (C.34:1B-6) is amended to read as follows:

C.34:1B-6 Determinations prior to commitment for assistance.

6. Prior to making any commitment for assistance, the authority shall, by resolution duly adopted, find and determine, on the basis of all information reasonably available to it, that such assistance will tend to maintain or provide gainful employment for the inhabitants of the State, or will reduce the consumption, in a building devoted to industrial or commercial purposes, or in an office building, of nonrenewable sources of energy, or will eliminate and reduce environmental pollution derived from the operation of industry, utilities and commerce, and improve living conditions, and shall serve a public purpose by contributing to the prosperity, health and general welfare of the inhabitants of the State, and will tend to aid and assist in the economic growth, development or redevelopment of the political subdivision wherein it is to be located, and such finding and determination shall be conclusive for all purposes of this act.

The authority shall also find and determine, on the basis of all information reasonably available to it, that such assistance, or any part thereof, used to construct, improve or refinance any pollution control facility as defined by this act will not impair any obligation undertaken by any County Industrial Pollution Control Financing Authority created pursuant to P.L.1973, c.376 (C.40:37C-1 et seq.).

29. Section 4 of P.L.1983, c.303 (C.52:27H-63) is amended to read as follows:

C.52:27H-63 New Jersey Enterprise Zone Authority.

4. a. There is created the New Jersey Urban Enterprise Zone Authority, which shall consist of:

(1) The Executive Director of the New Jersey Economic Development Authority, who shall be the chair of the authority;

(2) The Commissioner of the Department of Community Affairs;

(3) The Commissioner of the Department of Labor and Workforce Development;

(4) The State Treasurer; and

(5) Five public members not holding any other office, position or employment in the State Government, nor any local elective office, who shall be appointed by the Governor with the advice and consent of the Senate, and who shall be qualified for their appointments by training and experience in the areas of local government finance, economic development and redevelopment, or volunteer civic service and community organization. No more than three public members shall be of the same political party. At least one public member of the authority shall reside within an enterprise zone; however, the provisions of this section shall apply only to members appointed or reappointed after the effective date of P.L.2001, c.347 (C.52:27H-66.2 et al.).

b. The public members of the authority shall serve for terms of five years, except that of the members first appointed, one shall serve for a term of one year, one shall serve for a term of two years, one shall serve for a term of three years, one shall serve for a term of four years, and one shall serve for a term of five years. Vacancies in the public membership shall be filled in the manner of the original appointments but for the unexpired terms.

c. An ex officio member of the authority may, from time to time, designate in writing to the authority an official within his respective department to attend and represent the department at the meetings of the authority from which the ex officio member is absent, and that designated representa-

tive shall be entitled to vote and otherwise act for the ex officio member at those meetings.

d. 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 the copy of the minutes shall have been so delivered, unless during such 10-day period the Governor shall approve the same, in which case such action shall become effective upon such approval. If, in that 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 void and of no effect.

C.34:1B-236 Authorization, procedure for transfers.

30. All transfers directed by this act shall take place in accordance with the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.), except as provided in this act.

31. This act shall take effect on July 1, 2008 and any actions necessary to implement this act may be taken at any time thereafter. General implementation is to be completed no later than the 90th day following enactment.

Approved June 30, 2008.

CHAPTER 28

AN ACT concerning the procedural requirements associated with the closure of Fort Monmouth and supplementing P.L.2006, c.16 (C.52:27I-1 et seq.).

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

C.52:27I-8.1 Additional powers of authority.

1. In addition to the powers granted the authority pursuant to section 8 of P.L.2006, c.16 (C.52:27I-8), the authority shall have the power to enter into any legally binding agreements with representatives of the homeless that are necessary in order to comply with and implement the requirements of 32 CFR 176.30 and 24 CFR 586.30.

C.52:27I-8.2 Actions required prior to submission of plan for closure of Fort Monmouth.

2. Prior to the submission to the appropriate agency or agencies of the federal government of the comprehensive plan for the conversion and revitalization of Fort Monmouth prepared and adopted by the authority pursuant to section 14 of P.L.2006, c.16 (C.52:27I-14), the Governor shall designate an agency with appropriate expertise and experience to assume responsibility for the homeless assistance submission required under the "Defense Base Closure and Realignment Act of 1990," Pub.L. 101-510 (10 U.S.C. s.2687). The power granted to the authority pursuant to section 1 of this act is also hereby granted to the designated agency. The designated agency shall have the same rights and responsibilities of the authority under any legally binding agreements with representatives of the homeless to which the authority and the designated agency are parties. The designated agency is authorized, after the submission of the comprehensive conversion and revitalization plan, to comply with and implement the requirements of 32 CFR 176.30 and 24 CFR 586.30. Further, if the authority is dissolved pursuant to subsection g. of section 6 of P.L.2006, c.16 (C.52:27I-6), the designated agency is authorized to assume all rights, responsibilities, and powers of the authority pursuant to section 1 of this act until a successor local redevelopment authority is recognized by the Secretary of Defense as the entity responsible for directing the implementation of the comprehensive conversion and revitalization plan, in the event the designated agency is not proposed to and recognized by the Secretary of Defense as the successor local redevelopment authority.

3. This act shall take effect immediately.

Approved June 30, 2008.

CHAPTER 29

AN ACT abolishing the Department of Personnel as a principal department in the Executive Branch of State government and transferring its functions, powers, and duties, creating a Civil Service Reform Task Force, and amending, supplementing, and repealing various parts of the statutory law.

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

1. N.J.S.11A:2-1 is amended to read as follows:

Civil service commission established.

11A:2-1. There is established in, but not of, the Department of Labor and Workforce Development in the Executive Branch of State government the Civil Service Commission. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Civil Service Commission is allocated within the Department of Labor and Workforce Development, but, notwithstanding this allocation, the commission shall be independent of any supervision or control by the department or by any officer or employee thereof. For the purpose of this title, "commission" means the Civil Service Commission.

2. N.J.S.11A:2-2 is amended to read as follows:

Implementation.

11A:2-2. Implementation. The Department of the Treasury and the Civil Service Commission, as appropriate, shall implement and enforce this title.

3. N.J.S.11A:2-3 is amended to read as follows:

Members; term; quorum; vacancies; chairperson.

11A:2-3. Members; term; quorum; vacancies; chairperson. The Civil Service Commission shall consist of five members appointed by the Governor with the advice and consent of the Senate for staggered terms of four years and until the appointment and qualification of their successors. No more than three of the five members shall be of the same political party. Three members of the commission shall constitute a quorum.

The holding over of an incumbent beyond the expiration of the term of office shall reduce, in commensurate length, the term of office of a successor. Vacancies shall be filled for the unexpired terms, in the same manner as original appointments. No member shall hold any other State or federal office or position.

The Governor shall designate one member to serve as the chairperson of the commission. The chairperson shall be the chief executive officer and administrator of the commission and shall devote full time to the duties of the position. The chairperson shall serve at the pleasure of the Governor.

4. N.J.S.11A:2-4 is amended to read as follows:

Removal of a commission member other than chairperson of the commission.

11A:2-4. Removal of a commission member other than chairperson of the commission. A commission member other than the chairperson of the commission may be removed from office by the Governor for cause, upon notice and an opportunity to be heard. A commission member removed from office shall be entitled to receive compensation only up to the date of removal.

5. N.J.S.11A:2-5 is amended to read as follows:

Compensation.

11A:2-5. Compensation. A commission member, other than the chairperson of the commission, shall receive a salary as fixed by law and shall also be entitled to sums incurred for necessary expenses. The salary of the chairperson shall be determined by the Governor.

6. N.J.S.11A:2-6 is amended to read as follows:

Powers and duties.

11A:2-6. Powers and duties. In addition to other powers and duties vested in it by this title or by any other law, the commission shall:

a. After a hearing, render the final administrative decision on appeals concerning permanent career service employees or those in their working test period in the following categories:

(1) Removal,

(2) Suspension or fine as prescribed in N.J.S.11A:2-14,

(3) Disciplinary demotion, and

(4) Termination at the end of the working test period for unsatisfactory performance;

b. On a review of the written record, render the final administrative decision on other appeals;

c. Provide for interim remedies or relief in a pending appeal where warranted;

d. Adopt and enforce rules to carry out this title and to effectively implement a comprehensive personnel management system;

e. Interpret the application of this title to any public body or entity; and

f. Authorize and conduct such studies, inquiries, investigations or hearings in the operation of this title as it deems necessary.

7. N.J.S.11A:2-7 is amended to read as follows:

Subpenas; oaths.

11A:2-7. Subpenas; oaths. The commission may subpena and require the attendance of witnesses in this State and the production of evidence or documents relevant to any proceeding under this title. Those persons may also administer oaths and take testimony. Subpenas issued under this section shall be enforceable by order of the Superior Court.

8. N.J.S.11A:2-11 is amended to read as follows:

Powers and duties of the commission.

11A:2-11. Powers and duties of the commission. In addition to other powers and duties vested in the commission by this title or any other law, the commission:

a. (Deleted by amendment, P.L.2008, c.29);

b. May appoint employees necessary to enforce or implement the provisions of this title. All employees of the commission whose principal duties relate to the enforcement or implementation of this title shall be confidential employees for the purposes of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.);

c. Shall maintain a management information system necessary to carry out the provisions of this title;

d. Shall have the authority to audit payrolls, reports or transactions for conformity with the provisions of this title;

e. Shall plan, evaluate, administer and implement personnel programs and policies in State government and political subdivisions operating under this title;

f. Shall establish and supervise the selection process and employee performance evaluation procedures;

g. (Deleted by amendment, P.L.2008, c.29);

h. Shall set standards and procedures for review and render the final administrative decision on a written record or after recommendation by an independent reviewer assigned by the commission from classification, salary, layoff rights and in the State service noncontractual grievances;

i. May establish pilot programs and other projects for a maximum of one year outside of the provisions of this title;

j. Shall provide for a public employee interchange program pursuant to the "Government Employee Interchange Act of 1967," P.L. 1967, c. 77 (C. 52:14-6.10 et seq.) and may provide for an employee interchange program between public and private sector employees;

k. (Deleted by amendment, P.L.2008, c.29);

l. (Deleted by amendment, P.L.2008, c.29);

m. Shall establish and consult with advisory boards representing political subdivisions, personnel officers, labor organizations and other appropriate groups;

n. Shall make an annual report to the Governor and Legislature and all other special or periodic reports as may be required. The annual report shall indicate the number of persons, by title, who, on March 31, June 30, September 30, and December 31 of each year, held appointments to positions in the senior executive service and the number of noncareer employees by title, who, on those same dates, held appointments in positions in the senior executive service;

o. Shall have the authority to assess costs for special or other services; and

p. (Deleted by amendment, P.L.2008, c.29).

9. N.J.S.11A:2-12 is amended to read as follows:

Delegations.

11A:2-12. Delegation. The commission may delegate to an appointing authority the responsibility for classifying positions, administering examinations and other technical personnel functions according to prescribed standards, but the commission may not delegate any function of the commission.

This delegation shall be written and shall conform to the provisions of this title. The commission may assign staff of the commission to an appointing authority to assist the appointing authority in its delegated personnel duties. The employees shall continue as employees of the commission. All delegation shall be subject to supervision by the commission and postaudit and may be cancelled, modified or limited at any time by the commission. Such delegation is to be performed in consultation with the advisory board representing political subdivisions, and approved by an affected appointing authority when the delegation requires substantial costs. The commission, in consultation with the advisory board representing political subdivisions, shall adopt rules to define substantial costs.

10. N.J.S.11A:2-13 is amended to read as follows:

Opportunity for appointing authority hearing, alternative procedures.

11A:2-13. Opportunity for appointing authority hearing, alternative procedures.

Except as otherwise provided herein, before any disciplinary action in subsection a. (1), (2) and (3) of N.J.S. 11A:2-6 is taken against a permanent employee in the career service or a person serving a working test period, the employee shall be notified in writing and shall have the opportunity for a hearing before the appointing authority or its designated representative. The hearing shall be held within 30 days of the notice of disciplinary action unless waived by the employee. Both parties may consent to an adjournment to a later date.

When the State of New Jersey and the majority representative have agreed pursuant to the New Jersey Employer-Employee Relations Act, section 7 of P.L.1968, c.303 (C.34:13A-5.3), to a procedure for appointing authority review before disciplinary action in subsection a. (1), (2) and (3) of N.J.S. 11A: 2-6, which would be otherwise appealable to the Civil Service Commission under N.J.S.11A:2-14, is taken against a permanent employee in the career service or a person serving a working test period, such procedure shall be the exclusive procedure for review before the appointing authority.

This section shall not prohibit the immediate suspension of an employee without a hearing if the appointing authority determines that the employee is unfit for duty or is a hazard to any person if allowed to remain on the job or that an immediate suspension is necessary to maintain safety, health, order or effective direction of public services. In addition, where a suspension is based on a formal charge of a crime of the first, second or third degree, or a crime of the fourth degree if committed on the job or directly related to the job, the suspension may be immediate and continue until a disposition of the charge. The Civil Service Commission shall establish, by rule, procedures for hearings and suspensions with or without pay.

11. N.J.S.11A:2-14 is amended to read as follows:

Notice to employee of right to appeal, alternative procedures.

11A:2-14. Notice to employee of right to appeal, alternative procedures.

Except as otherwise provided herein, within 20 days of the hearing provided in N.J.S.11A:2-13, the appointing authority shall make a final disposition of the charges against the employee and shall furnish the employee with written notice. If the appointing authority determines that the employee is to be removed, demoted or receive a suspension or a fine greater than five days, the employee shall have a right to appeal to the Civil Service Commission. The suspension or fine of an employee for five days or less shall be appealable if an employee's aggregate number of days suspended or fined in any one calendar year is 15 days or more. Where an

employee receives more than three suspensions or fines of five or less days in a calendar year, the last suspension or fine is appealable.

When the State of New Jersey and the majority representative have agreed pursuant to the New Jersey Employer-Employee Relations Act, section 7 of P.L.1968, c.303 (C.34:13A-5.3), to a disciplinary review procedure that provides for binding arbitration of disputes involving disciplinary action in subsection a. (1), (2) and (3) of N.J.S. 11A:2-6, which would be otherwise appealable to the Civil Service Commission under N.J.S.11A:2-14, being taken against a permanent employee in the career service or a person serving a working test period, such procedure shall be the exclusive procedure for any appeal of such disciplinary action.

12. N.J.S.11A:2-15 is amended to read as follows:

Appeal procedure.

11A:2-15. Appeal procedure. Any appeal from adverse actions specified in N.J.S.11A:2-13 and subsection a.(4) of N.J.S. 11A:2-6 shall be made in writing to the Civil Service Commission no later than 20 days from receipt of the final written determination of the appointing authority. If the appointing authority fails to provide a written determination, an appeal may be made directly to the Civil Service Commission within reasonable time.

13. N.J.S.11A:2-16 is amended to read as follows:

Appeal procedure for suspension or fine of five days or less.

11A:2-16. Appeal procedure for suspension or fine of five days or less. If a State employee receives a suspension or fine of five days or less, the employee may request review by the Civil Service Commission under standards and procedures established by the Civil Service Commission or appeal pursuant to an alternate appeal procedure where provided by a negotiated contract provision. If an employee of a political subdivision receives a suspension or fine of five days or less, the employee may request review under standards and procedures established by the political subdivision or appeal pursuant to an alternate appeal procedure where provided by a negotiated contract provision.

14. N.J.S.11A:2-18 is amended to read as follows:

Representation.

11A:2-18. Representation. An employee may be represented at any hearing before an appointing authority or the Civil Service Commission by an attorney or authorized union representative.

15. N.J.S.11A:2-19 is amended to read as follows:

Authority to increase or decrease penalty imposed.

11A:2-19. Authority to increase or decrease penalty imposed. The Civil Service Commission may increase or decrease the penalty imposed by the appointing authority, but removal shall not be substituted for a lesser penalty.

16. N.J.S.11A:2-20 is amended to read as follows:

Forms of disciplinary action.

11A:2-20. Forms of disciplinary action. The Civil Service Commission shall establish by rule the general causes which constitute grounds for disciplinary action and the kinds of disciplinary action which may be taken by appointing authorities against permanent career service employees or those serving in their working test periods. Unless offered by the appointing authority and selected by an employee as a disciplinary option, a fine may only be imposed by an appointing authority as a form of restitution or in lieu of a suspension when a suspension would be detrimental to the public health, safety or welfare. When a fine is assessed, it may either be paid in a lump sum or deducted from the employee's salary over time as provided by Civil Service Commission rule. Except as provided for in N.J.S.11A:2-13, an appointing authority may not impose a suspension or fine greater than six months.

17. N.J.S.11A:2-22 is amended to read as follows:

Back pay, benefits, seniority and reasonable attorney fees.

11A:2-22. Back pay, benefits, seniority and reasonable attorney fees. The Civil Service Commission may award back pay, benefits, seniority and reasonable attorney fees to an employee as provided by rule.

18. N.J.S.11A:2-24 is amended to read as follows:

Protection against reprisals.

11A:2-24. Protection against reprisals. An appointing authority shall not take or threaten to take any action against an employee in the career, senior executive or unclassified service in retaliation for an employee's lawful disclosure of information on the violation of any law or rule, governmental mismanagement or abuse of authority. An employee who is the subject of a reprisal action by an appointing authority for the lawful disclosure of information may appeal such action to the Civil Service Commission.

19. Section 1 of P.L.2006, c.77 (C.11A:2-28) is amended to read as follows:

C.11A:2-28 Law enforcement officers, certain participation in intergovernmental transfer program.

1. a. The commission shall provide, by regulation, for intergovernmental transfers by law enforcement officers, including county sheriff and corrections officers, as part of the commission's intergovernmental transfer program. These law enforcement officers, county sheriff and corrections officers shall be granted all privileges under the intergovernmental transfer program, including the option to waive all accumulated sick leave and seniority rights.

b. The waiver of accumulated sick leave and seniority rights shall require the consent in writing of the receiving jurisdiction, the affected employee, and the commission.

c. The sending jurisdiction shall not pay supplemental compensation for accumulated sick leave to any law enforcement officer, county sheriff or corrections officer, approved for an intergovernmental transfer and shall certify, to the receiving jurisdiction and the commission, that no supplemental compensation was paid.

20. N.J.S.11A:3-1 is amended to read as follows:

Classification.

11A:3-1. Classification. The Civil Service Commission shall assign and reassign titles among the career service, senior executive service and unclassified service. The commission shall:

a. Establish, administer, amend and continuously review a State classification plan governing all positions in State service and similar plans for political subdivisions;

b. Establish, consolidate and abolish titles;

c. Ensure the grouping in a single title of positions with similar qualifications, authority and responsibility;

d. Assign and reassign titles to appropriate positions; and

e. Provide a specification for each title.

21. N.J.S.11A:3-2 is amended to read as follows:

Career service.

11A:3-2. Career service. The career service shall have two divisions, the competitive division and the noncompetitive division. The commission shall

assign and reassign such titles to each division and may provide for movement, including promotion, of employees from one division to the other.

22. N.J.S.11A:3-3 is amended to read as follows:

Senior executive service.

11A:3-3. Senior executive service. A senior executive service shall be established in State government and include those positions having substantial managerial, policy influencing or policy executing responsibilities as determined by the Civil Service Commission. Titles included in a collective negotiations unit shall not be included in the senior executive service. The total number of senior executive service employees shall not exceed 1,200. The Civil Service Commission shall adopt rules providing for the selection, placement, transfer, development, compensation, separation and performance appraisal of senior executive service employees, and for the reinstatement of career service employees to the career service. The senior executive service shall not be subject to the provisions of this title unless otherwise specified. The senior executive service shall include noncareer and career service employees. The number of noncareer employees shall not exceed 15% of the entire senior executive service work force.

Where an employee holds permanent career service status in a position in a title that is assigned to the senior executive service, the employee, with appointing authority approval, shall be provided the option of joining the senior executive service. Permanent career service employees who opt not to join the senior executive service or who do not receive approval to join the senior executive service shall have the right to reinstatement to the career service to a level directly under the senior executive service. Permanent career service employees who join the senior executive service and who are later separated from the senior executive service shall have a right of reinstatement to the career service to a level held prior to entry in the senior executive service, unless the employee has been separated, after opportunity for hearing, from the senior executive service for reasons which constitute cause for removal from the career service.

23. N.J.S.11A:3-4 is amended to read as follows:

State unclassified service.

11A:3-4. State unclassified service. The State unclassified service shall not be subject to the provisions of this title unless otherwise specified and shall include the following:

a. Appointments of the Governor;

b. Department heads and members of boards and commissions authorized by law;

c. Employees in the legislative branch of State government;

d. Heads of institutions;

e. Superintendents, teachers and instructors in the public schools, the agricultural experiment station and State institutions, where certified teachers are employed under the supervision of and qualified by the State Department of Education, and other institutions maintained wholly or in part by the State;

f. Physicians, surgeons and dentists;

g. Assistant and Deputy Attorneys General and legal assistants appointed by the Attorney General;

h. One secretary and one confidential assistant to each department head, board, principal executive officer and commission. Each certification and appointment hereunder shall be recorded in the minutes of the Civil Service Commission;

i. Employees in the military or naval service of the State;

j. Student assistants;

k. Domestic employees in the Governor's household; and

l. All other titles as provided by law or as the Civil Service Commission may determine.

24. N.J.S.11A:3-5 is amended to read as follows:

Political subdivision unclassified service.

11A:3-5. Political subdivision unclassified service. The political subdivision unclassified service shall not be subject to the provisions of this title unless otherwise specified and shall include the following:

a. Elected officials;

b. One secretary and one confidential assistant to each mayor;

c. Members of boards and commissions authorized by law;

d. Heads of institutions;

e. Physicians, surgeons and dentists;

f. Attorneys of a county, municipality or school district operating under this title;

g. Teaching staff, as defined in N.J.S.18A:1-1, in the public schools and county superintendents and members and business managers of boards of education;

h. Principal executive officers;

i. One secretary, clerk or executive director to each department, board and commission authorized by law to make the appointment;

j. One secretary or clerk to each county constitutional officer, principal executive officer, and judge;

k. One deputy or first assistant to a principal executive officer who is authorized by statute to act for and in place of the principal executive officer;

l. No more than 12 county department heads and the heads of divisions within such departments; provided that the total number of unclassified positions created by the county administrative code pursuant to this subsection shall not exceed 20;

m. One secretary or confidential assistant to each unclassified department or division head established in subsection l.;

n. Employees of county park commissions, appointed pursuant to R.S.40:37-96 through R.S.40:37-174, in counties of the second class;

o. Directors of free public libraries in cities of the first class having a population of more than 300,000;

p. One secretary to the municipal council in cities of the first class having a population of less than 300,000;

q. One secretary and one confidential aide for each member of the board of freeholders other than the director, and one secretary and two confidential aides for the freeholder director, of any county of the second class with a population of at least 470,000 which has not adopted the provisions of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.) and one secretary or confidential aide for each member of the board of freeholders of any other county which has not adopted the provisions of the "Optional County Charter Law";

r. In school districts organized pursuant to N.J.S.18A:17-1 et seq., the executive controller, public information officer and the executive directors of board affairs, personnel, budget, purchasing, physical facilities, data processing, financial affairs, and internal audit;

s. The executive director, assistant executive director, director of staff operations, director of administration, director of redevelopment and the urban initiatives coordinator of a local housing authority;

t. The sheriff's investigators of any county appointed pursuant to section 2 of P.L.1987, c.113 (C.40A:9-117a);

u. Any title as provided by statute or as the Civil Service Commission may determine in accordance with criteria established by rule;

v. One confidential aide for each county clerk, in addition to the titles included under subsection j. of this section; and

w. Two deputy municipal clerks in cities of the first class having a population of not less than 240,000 persons or more than 250,000 persons according to the 2000 federal decennial census.

25. N.J.S.11A:3-6 is amended to read as follows:

Public hearing required when moving title from career to unclassified service.

11A:3-6. Public hearing required when moving title from career to unclassified service. Whenever the Civil Service Commission considers moving a title from the career service to the unclassified service, the Civil Service Commission shall first hold a public hearing before reaching a determination.

26. N.J.S.11A:3-7 is amended to read as follows:

Employee compensation.

11A:3-7. a. The commission shall administer an equitable State employee compensation plan which shall include pay schedules and standards and procedures for salary adjustments other than as provided for in the State compensation plan for the career, senior executive and unclassified services.

b. Prior to adoption or implementation of an amendment, change or modification to the compensation plan for State employees which amendment, change or modification affects public employees represented by a majority representative selected or designated pursuant to section 7 of P.L.1968, c.303 (C.34:13A-5.3), the State shall negotiate with the majority representative for an agreement on the amendment, change or modification to the compensation plan. The State shall negotiate in good faith with the majority representative. A State employee compensation plan shall not be amended, changed or modified except pursuant to a written agreement entered into between the State and the majority representative following negotiations.

c. When an employee has erroneously received a salary overpayment, the commission may waive repayment based on a review of the case.

d. Employees of political subdivisions are to be paid in reasonable relationship to titles and shall not be paid a base salary below the minimum or above the maximum established salary for an employee's title.

27. N.J.S.11A:3-8 is amended to read as follows:

Payroll audits.

11A:3-8. Payroll audits. The commission may audit State payrolls and the payrolls of political subdivisions to determine compliance with this title. The commission may order and enforce immediate compliance as necessary.

28. N.J.S.11A:4-1 is amended to read as follows:

Examinations.

11A:4-1. Examinations. The commission shall provide for:

a. The announcement and administration of examinations which shall test fairly the knowledge, skills and abilities required to satisfactorily perform the duties of a title or group of titles. The examinations may include, but are not limited to, written, oral, performance and evaluation of education and experience;

b. The rating of examinations;

c. The security of the examination process and appropriate sanctions for a breach of security;

d. The selection of special examiners to act as subject matter specialists or to provide other assistance. Employees of the State or political subdivisions may be so engaged as part of their official duties during normal working hours with the approval of their appointing authority. Extra compensation may be provided for such service outside normal working hours; and

e. The right to appeal adverse actions relating to the examination and appointment process, which shall include but not be limited to rejection of an application, failure of an examination and removal from an eligible list.

29. Section 1 of P.L.1992, c.197 (C.11A:4-1.1) is amended to read as follows:

C.11A:4-1.1 Application fee for examinations; additional fees; uses.

1. a. Except as provided in subsection b. of this section concerning law enforcement officer and firefighter examinations, the commission shall establish a $15 fee for each application for an open competitive or promotional examination. Persons receiving public assistance benefits pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973, c.256 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55 et seq.) shall not be required to pay this fee if they apply for an open competitive examination. Receipts derived from application fees established by this subsection shall be appropriated to the commission.

b. The commission shall establish a fee for each application for an open competitive or promotional examination for a law enforcement officer or firefighter title. The fee shall not exceed the cost of developing, procuring and administering the examination, including the processing of any appeals or reviews associated with the examination. Persons receiving public assistance benefits pursuant to P.L.1947, c.156 (C.44:8-107 et seq.),

P.L.1973, c.256 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55 et seq.) shall not be required to pay this fee if they apply for an open competitive examination. Receipts derived from application fees established by this subsection shall be appropriated to the commission for use in developing, procuring and administering law enforcement officer and firefighter examinations, including the processing of any appeals or reviews associated with those examinations.

c. In addition to the fees established in subsections a. and b. of this section, the commission shall establish a $15 fee for each application for an open competitive or promotional examination for a position in State service. Persons receiving public assistance benefits pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973, c.256 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55 et seq.) shall not be required to pay this fee if they apply for an open competitive examination. Receipts derived from the application fee established pursuant to this subsection shall be appropriated annually to the commission for the costs of the displaced workers pool program. This fee shall not be assessed and collected unless the commission implements a displaced workers pool program. If the displaced workers pool program is terminated at any time by the commission, the assessment and collection of this additional fee shall also be terminated.

30. Section 2 of P.L.1992, c.197 (C.11A:4-1.2) is amended to read as follows:

C.11A:4-1.2 Rules, regulations.

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

31. N.J.S.11A:4-2 is amended to read as follows:

Holding of examinations.

11A:4-2. Holding of examinations. A vacancy shall be filled by a promotional examination when considered by the commission to be in the best interest of the career service.

32. N.J.S.11A:4-3 is amended to read as follows:

Admission to examinations.

11A:4-3. Admission to examinations. If it appears that an eligible list is not likely to provide full certification for existing or anticipated vacan-

cies from among qualified residents of this State, or of political subdivisions where required by law, the commission may admit other qualified nonresident applicants. Where residency preference is provided pursuant to any other statute, the commission may limit applicants to such classes as are necessary to establish a sufficient pool of eligibles.

33. N.J.S.11A:4-4 is amended to read as follows:

Eligible lists and certifications.

11A:4-4. Eligible lists and certifications. The commission shall provide for:

a. The establishment and cancellation of eligible lists;

b. The certification of an eligible list to positions in other appropriate titles; and

c. The consolidation of eligible lists which may include, but is not limited to, the combining of names of eligibles by scores.

34. N.J.S.11A:4-5 is amended to read as follows:

Use of eligible list.

11A:4-5. Use of eligible list. Once the examination process has been initiated due to the appointment of a provisional or an appointing authority's request for a list to fill a vacancy, the affected appointing authority shall be required to make appointments from the list if there is a complete certification, unless otherwise permitted by the commission for valid reason such as fiscal constraints. If the commission permits an appointing authority to leave a position vacant in the face of a complete list, the commission may order the appointing authority to reimburse the commission for the costs of the selection process.

35. N.J.S.11A:4-6 is amended to read as follows:

Duration of lists.

11A:4-6. Duration of lists. The commission shall set the duration of an eligible list, which shall not be more than three years from the date of its establishment, except that it may be extended by the commission for good cause and a list shall not have a duration of more than four years. Notwithstanding the duration of a list, the commission may revive a list to implement a court order or decision of the commission in the event of a successful appeal instituted during the life of the list or to correct an administrative

error. The commission may revive a list to effect the appointment of an eligible whose working test period was terminated by a layoff.

36. N.J.S.11A:4-8 is amended to read as follows:

Certification and appointment.

11A:4-8. Certification and appointment. The commission shall certify the three eligibles who have received the highest ranking on an open competitive or promotional list against the first provisional or vacancy. For each additional provisional or vacancy against whom a certification is issued at that time, the commission shall certify the next ranked eligible. If more than one eligible has the same score, the tie shall not be broken and they shall have the same rank. If three or more eligibles can be certified as the result of the ranking without resorting to all three highest scores, only those eligibles shall be so certified.

A certification that contains the names of at least three interested eligibles shall be complete and a regular appointment shall be made from among those eligibles. An eligible on an incomplete list shall be entitled to a provisional appointment if a permanent appointment is not made.

Eligibles on any type of reemployment list shall be certified and appointed in the order of their ranking and the certification shall not be considered incomplete.

37. N.J.S.11A:4-9 is amended to read as follows:

Types of eligible lists.

11A:4-9. Types of eligible lists. The commission may establish the following types of eligible lists:

a. Open competitive, which shall include all qualified eligibles without regard to whether they are currently employed by the State or a political subdivision;

b. Promotional, which shall include qualified permanent eligibles;

c. Regular reemployment, which shall include former permanent employees who resigned in good standing and whose reemployment is certified by the appointing authority as in the best interest of the service. The name of any such employee shall not remain on a reemployment list for more than three years from the date of resignation, unless otherwise extended pursuant to N.J.S. 11A:4-6;

d. Police or fire reemployment, which shall include former permanent uniformed members of a police or fire department who have resigned in

good standing and whose reemployment is certified by the appointing authority as in the best interest of the service; and

e. Special reemployment, which shall include permanent employees laid off or demoted in lieu of layoff from permanent titles.

38. N.J.S.11A:4-11 is amended to read as follows:

Removal on criminal record.

11A:4-11. Removal on criminal record. Upon the request of an appointing authority, the commission may remove an eligible with a criminal record from a list when the criminal record includes a conviction for a crime which adversely relates to the employment sought. The following factors may be considered in such determination:

a. Nature and seriousness of the crime;

b. Circumstances under which the crime occurred;

c. Date of the crime and age of the eligible when the crime was committed;

d. Whether the crime was an isolated event; and

e. Evidence of rehabilitation.

The presentation to an appointing authority of a pardon or expungement shall prohibit an appointing authority from rejecting an eligible based on such criminal conviction, except for law enforcement, fire fighter or correction officer and other titles as determined by the commission.

39. N.J.S.11A:4-13 is amended to read as follows:

Types of appointment.

11A:4-13. Types of appointment. The commission shall provide for the following types of appointment:

a. Regular appointments shall be to a title in the competitive division of the career service upon examination and certification or to a title in the noncompetitive division of the career service upon appointment. The appointments shall be permanent after satisfactory completion of a working test period;

b. Provisional appointments shall be made only in the competitive division of the career service and only in the absence of a complete certification, if the appointing authority certifies that in each individual case the appointee meets the minimum qualifications for the title at the time of appointment and that failure to make a provisional appointment will seriously impair the work of the appointing authority. In no case shall any provisional appointment exceed a period of 12 months;

c. Temporary appointments may be made, without regard to the provisions of this chapter, to temporary positions established for a period aggregating not more than six months in a 12-month period as approved by the commission. These positions include, but are not limited to, seasonal positions. Positions established as a result of a short-term grant may be established for a maximum of 12 months. Appointees to temporary positions shall meet the minimum qualifications of a title;

d. Emergency appointments shall not exceed 30 days and shall only be permitted where nonappointment will result in harm to persons or property;

e. Senior executive service appointments shall be made pursuant to N.J.S.11A:3-3; and

f. Unclassified appointments shall be made pursuant to N.J.S.11A:3-4 and N.J.S.11A:3-5.

40. N.J.S.11A:4-14 is amended to read as follows:

Promotion.

11A:4-14. Promotion. The commission shall establish the minimum qualifications for promotion and shall provide for the granting of credit for performance and seniority where appropriate.

41. N.J.S.11A:4-15 is amended to read as follows:

Working test period.

11A:4-15. Working test period. The purpose of the working test period is to permit an appointing authority to determine whether an employee satisfactorily performs the duties of a title. A working test period is part of the examination process which shall be served in the title to which the certification was issued and appointment made. The commission shall provide for:

a. A working test period following regular appointment of four months, which may be extended to six months at the discretion of the commission, except that the working test period for political subdivision employees shall be three months and the working test period for entry level law enforcement, correction officer, and firefighter titles shall be 12 months;

b. Progress reports to be made by the appointing authority and provided to the employee at such times during the working test period as provided by rules of the commission and a final progress report at the end of the entire working test period shall be provided to the employee and the commission;

c. Termination of an employee at the end of the working test period and termination of an employee for cause during the working test period; and

d. The retention of permanent status in the lower title by a promoted employee during the working test period in the higher title and the right to return to such permanent title if the employee does not satisfactorily complete the working test period, but employees removed for cause during a working test period shall not be so returned.

42. N.J.S.11A:4-16 is amended to read as follows:

Transfer, reassignment and lateral title change.

11A:4-16. Transfer, reassignment and lateral title change. The rules of the Civil Service Commission shall define and establish the procedures for transfer, reassignment and lateral title change. Employees shall be granted no less than 30 days' notice of transfer, except with employee consent or under emergent circumstances as established by rules of the Civil Service Commission. The commission shall provide for relocation assistance for State employees who are transferred or reassigned to a new work location due to a phasedown or closing of a State operation, subject to available appropriations. Transfers, reassignments, or lateral title changes shall not be utilized as part of a disciplinary action, except following an opportunity for hearing. Nothing herein shall prohibit transfers, reassignments, or lateral title changes made in good faith. The burden of proof demonstrating lack of good faith shall be on the employee.

43. 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. 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.

44. N.J.S.11A:5-8 is amended to read as follows:

Preference in appointment in noncompetitive division.

11A:5-8. Preference in appointment in noncompetitive division. From among those eligible for appointment in the noncompetitive division, preference shall be given to a qualified veteran. Before an appointing authority shall select a nonveteran and not appoint a qualified veteran, the appointing authority shall show cause before the Civil Service Commission why a veteran should not be appointed. In all cases, a disabled veteran shall have preference over all others.

45. N.J.S.11A:5-10 is amended to read as follows:

Hearing on dismissal of veteran.

11A:5-10. Hearing on dismissal of veteran. Before any department head shall dismiss any veteran, as provided in N.J.S. 11A:5-9, such department head shall show cause before the Civil Service Commission why such veteran should not be retained, at which time such veteran or veterans may be privileged to attend. The Civil Service Commission shall be the sole judge of the facts constituting such qualification.

46. N.J.S.11A:5-11 is amended to read as follows:

Veterans not to be discriminated against because of physical defects.

11A:5-11. Veterans not to be discriminated against because of physical defects. Veterans suffering from any physical defect caused by wounds or injuries received in the line of duty in the military or naval forces of the United States during war service set forth in N.J.S.11A:5-1 shall not be discriminated against in an examination, classification or appointment because of the defect, unless this defect, in the opinion of the Civil Service Commission, would incapacitate the veteran from properly performing the duties of the office, position or employment for which applied.

47. N.J.S.11A:5-12 is amended to read as follows:

Employment or promotion of persons awarded Medal of Honor, Distinguished Service Cross, Air Force Cross or Navy Cross.

11A:5-12. Employment or promotion of persons awarded Medal of Honor, Distinguished Service Cross, Air Force Cross or Navy Cross. Any individual who has served in the Army, Air Force, Navy, or Marine Corps of the United States and who has been awarded the Medal of Honor, the Distinguished Service Cross, Air Force Cross or Navy Cross, while a resident of this State, and any individual who has served in the United States

Coast Guard and who has been awarded the Medal of Honor or the Navy Cross while a resident of this State, shall be appointed or promoted without complying with the rules of the Civil Service Commission. The appointing authority to whom the individual applies for appointment or promotion shall, at its discretion, appoint or promote that person. Upon promotion or appointment, that person shall become subject to the rules of the Civil Service Commission. A person who qualifies under this section shall not be limited to only one appointment or promotion.

48. N.J.S.11A:5-13 is amended to read as follows:

World War soldiers in employment of a county, municipality or school district; promotion.

11A:5-13. World War soldiers in employment of a county, municipality or school district; promotion. A soldier who served in the Army of the United States during the war between the United States and Germany, who holds the French Medaille Militaire, the Croix de Guerre with Palm, Croix de Guerre with Silver Star, Croix de Guerre with Bronze Star and who was on March 26, 1926, employed by any county, municipality or school district operating under the provisions of this title shall be eligible for promotion without complying with any of the rules or regulations of the Civil Service Commission. The head, or person in charge of the office in which the person is employed, may promote such employee for the good of the service as may in his judgment seem proper.

49. N.J.S.11A:5-15 is amended to read as follows:

Enforcement.

11A:5-15. Enforcement. The Civil Service Commission may promulgate rules for the proper administration and enforcement of this chapter.

Nothing herein contained shall be construed to amend, modify or supersede N.J.S.40A:14-25, N.J.S. 40A:14-115 or N.J.S. 40A:14-143.

50. N.J.S.11A:6-1 is amended to read as follows:

Leaves.

11A:6-1. Leaves. The Civil Service Commission shall designate the types of leaves and adopt rules for State employees in the career and senior executive services regarding procedures for sick leave, vacation leave and other designated leaves with or without pay as the Civil Service Commis-

sion may designate. Any political subdivision subject to the provisions of this title shall prepare procedures regarding these items.

In all cases, a leave of absence with or without pay shall not exceed a period of one year at any one time unless renewal or extension is granted upon written approval of the commission.

51. Section 1 of P.L.1993, c.297 (C.11A:6-1.1) is amended to read as follows:

C.11A:6-1.1 Establishment of voluntary furlough program.

1. The commission shall establish a voluntary furlough program for State employees under which days of leave without pay, singly or consecutively, may be taken. The seniority rights and health benefits coverage of an employee who participates in this furlough program shall continue and shall not be adversely affected by participation.

52. N.J.S.11A:6-2 is amended to read as follows:

Vacation leave; full-time State employees.

11A:6-2. Vacation leave; full-time State employees. Vacation leave for full-time State employees in the career and senior executive service shall be at least:

a. Up to one year of service, one working day for each month of service;

b. After one year and up to five years of continuous service, 12 working days;

c. After five years and up to 12 years of continuous service, 15 working days;

d. After 12 years and up to 20 years of continuous service, 20 working days;

e. Over 20 years of continuous service, 25 working days;

f. Vacation not taken in a given year because of business demands shall accumulate and be granted during the next succeeding year only; except that vacation leave not taken by an employee in the career and senior executive service in a given year because of duties directly related to a state of emergency declared by the Governor shall accumulate until, pursuant to a plan established by the employee's appointing authority and approved by the commission, the leave is used or the employee is compensated for that leave, which shall not be subject to collective negotiation or collective bargaining; and

g. Vacation not taken in a given year because of business demands shall accumulate and be granted during the next succeeding year only; ex-

cept that vacation leave not taken by an employee in the unclassified service in a given year because of duties directly related to a state of emergency declared by the Governor shall accumulate until, pursuant to a plan established by the employee's appointing authority and approved by the commission, the leave is used or the employee is compensated for that leave, which shall not be subject to collective negotiation or collective bargaining. Nothing in this subsection shall affect any rights to vacation leave which is subject to collective negotiation or collective bargaining.

53. N.J.S.11A:6-3 is amended to read as follows:

Vacation leave; full-time political subdivision employees.

11A:6-3. Vacation leave; full-time political subdivision employees. Vacation leave for full-time political subdivision employees shall be at least:

a. Up to one year of service, one working day for each month of service;

b. After one year and up to 10 years of continuous service, 12 working days;

c. After 10 years and up to 20 years of continuous service, 15 working days;

d. After 20 years of continuous service, 20 working days; and

e. Vacation not taken in a given year because of business demands shall accumulate and be granted during the next succeeding year only; except that vacation leave not taken in a given year because of duties directly related to a state of emergency declared by the Governor may accumulate at the discretion of the appointing authority until, pursuant to a plan established by the employee's appointing authority and approved by the commission, the leave is used or the employee is compensated for that leave, which shall not be subject to collective negotiation or collective bargaining

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

Sick leave injury in State service.

11A:6-8. Sick leave injury in State service. Leaves of absence for career, senior executive and unclassified employees in State service due to injury or illness directly caused by and arising from State employment shall be governed by rules of the Civil Service Commission. Leaves of absence for career and unclassified employees of a political subdivision directly caused by or arising from employment shall be governed by rules of the political subdivision. Any sick leave with pay shall be reduced by the amount of workers' compensation or disability benefits, if any, received for the same injury or illness.

55. N.J.S.11A:6-23 is amended to read as follows:

Supplemental compensation; rules.

11A:6-23. Supplemental compensation; rules. The Civil Service Commission shall adopt rules for the implementation of supplemental compensation, which shall include but need not be limited to application and eligibility procedures.

56. N.J.S.11A:6-24 is amended to read as follows:

Hours of work, overtime and holiday pay.

11A:6-24. State employees in the career, senior executive and unclassified services in titles or circumstances designated by the Civil Service Commission shall be eligible for overtime compensation and holiday pay. Overtime compensation and holiday pay shall be either cash compensation at a rate representing 1 1/2 times the employee's hourly rate of base salary or compensatory time off at a rate of 1 1/2 hours for each hour worked beyond the regular workweek, at the discretion of the department head, with the approval of the commission.

The commission shall adopt rules for the implementation of hours of work, overtime compensation and holiday pay programs, which shall include but need not be limited to application and eligibility procedures.

57. N.J.S.11A:6-25 is amended to read as follows:

State training programs.

11A:6-25. State training programs. The State Treasurer may establish and shall review and approve training and education programs for State employees in the career, senior executive and unclassified services and shall supervise a State training center with appropriate courses and fee schedules. Particular training may be required by the State Treasurer for certain employees, for which an assessment to State departments may be imposed.

58. N.J.S.11A:6-26 is amended to read as follows:

Employee career development.

11A:6-26. Employee career development. The State Treasurer shall develop and stimulate employee career development and improve management and efficiency in State government through programs, for which an assessment to State departments may be imposed, that include but are not limited to:

a. Career mobility and transferability;
b. Employee advisory services for counseling and rehabilitation;
c. Retirement planning; and
d. Interchange and internship programs.

59. N.J.S.11A:6-27 is amended to read as follows:

Political subdivisions.

11A:6-27. Political subdivisions. The commission may, at the request of any political subdivision, initiate programs similar to those authorized in this chapter and provide technical assistance to political subdivisions to improve the efficiency and effectiveness of their personnel management programs. The commission may require reasonable reimbursement from a participating political subdivision.

60. N.J.S.11A:6-28 is amended to read as follows:

Employee performance evaluations.

11A:6-28. Employee performance evaluations. The commission shall establish an employee performance evaluation system for State employees in the career and senior executive services. The system shall utilize standards and criteria related to job content and program goals.

Political subdivisions may adopt employee performance evaluation systems for their employees.

The Civil Service Commission shall adopt and enforce rules with respect to the utilization of performance ratings in promotion, layoff or other matters.

61. N.J.S.11A:6-29 is amended to read as follows:

Awards committee.

11A:6-29. Awards committee. The New Jersey Employee Awards Committee shall be established within the Civil Service Commission. The committee shall be composed of seven persons, each of whom shall be employed in a different department within the Executive Branch. Appointments to the committee shall be made by the Governor, from nominations by the commission, for staggered terms of three years or until a successor is appointed. No member shall serve more than two consecutive full terms. Members shall serve without compensation but shall be entitled to sums incurred for necessary expenses. The commission shall designate an employee as executive secretary to the committee.

62. N.J.S.11A:6-31 is amended to read as follows:

Powers and duties of the committee.

11A:6-31. Powers and duties of the committee. The committee shall:

a. Adopt rules for the implementation of the awards programs, subject to the approval of the commission;

b. Request and receive assistance from any department in State government;

c. Prepare an annual report to the Governor from the commission concerning the operation of the awards program; and

d. Establish and supervise the awards committees in the departments in State government.

63. N.J.S.11A:7-2 is amended to read as follows:

Division of Equal Employment Opportunity and Affirmative Action.

11A:7-2. Division of Equal Employment Opportunity and Affirmative Action. A Division of Equal Employment Opportunity and Affirmative Action is established in the Department of the Treasury. The division shall have all of the powers and shall exercise all of the functions and duties set forth in this chapter, subject to the supervision and control of the State Treasurer.

64. N.J.S.11A:7-3 is amended to read as follows:

Equal employment opportunity and affirmative action program.

11A:7-3. Equal employment opportunity and affirmative action program. The division shall develop, implement and administer an equal employment opportunity and affirmative action program for all State agencies. The program shall consider the particular personnel requirements that are reasonably related to job performance of each State agency. The director of the division shall ensure that the affirmative action and equal employment goals of each State agency for minorities, women and handicapped persons shall be reasonably related to their population in the relevant surrounding labor market areas. The director, in accordance with applicable federal and State guidelines, shall:

a. Ensure each State agency's compliance with all laws and rules relating to equal employment opportunity and seek correction of discriminatory practices, policies and procedures;

b. Recommend appropriate sanctions for noncompliance to the State Treasurer who, with the concurrence of the Governor, is authorized to implement sanctions;

c. Review State personnel practices, policies and procedures, inclusive of recruitment, selection, and promotion, in order to identify and eliminate artificial barriers to equal employment opportunity;

d. Act as liaison with federal, State, and local enforcement agencies;

e. Recommend appropriate legislation to the State Treasurer and perform other actions deemed necessary by the State Treasurer to implement this chapter; and

f. Provide, under rules adopted by the Department of the Treasury, for review of equal employment complaints.

65. N.J.S.11A:7-6 is amended to read as follows:

Agency affirmative action officer.

11A:7-6. Agency affirmative action officer. The head of each State agency shall appoint at least one person with the responsibility for equal employment opportunity as the affirmative action officer. Unless otherwise permitted by the director with the approval of the State Treasurer, such person shall serve on a full-time basis and shall be responsible to the Division of Equal Employment Opportunity and Affirmative Action.

66. N.J.S.11A:7-9 is amended to read as follows:

Agency failure to achieve affirmative action goals; penalties.

11A:7-9. Agency failure to achieve affirmative action goals; penalties. If there is a failure by a State agency to achieve its affirmative action goals or to demonstrate good faith efforts, appropriate sanctions and penalties may be imposed by the department in accordance with federal and State regulations, subject to the concurrence of the Governor and the State Treasurer. These sanctions may include, but are not limited to, placing a moratorium on departmental personnel actions in the career, senior executive and unclassified services, and such other sanctions as may be allowed by law.

67. N.J.S.11A:7-11 is amended to read as follows:

Equal Employment Opportunity Advisory Commission; creation.

11A:7-11. Equal Employment Opportunity Advisory Commission; creation. There is established in the Department of the Treasury an Equal Employment Opportunity Advisory Commission, which shall advise the

Division of Equal Employment Opportunity and Affirmative Action and recommend improvements in the State's affirmative action efforts.

68. N.J.S.11A:7-13 is amended to read as follows:

Accommodation for the handicapped and examination waiver.

11A:7-13. Accommodation for the handicapped and examination waiver. The commission may establish procedures for the reasonable accommodation of handicapped persons in the employee selection process for the State and the political subdivisions covered by this title. Pursuant to rules adopted by the Civil Service Commission, the commission may waive an examination for an applicant who suffers from a physical, mental or emotional affliction, injury, dysfunction, impairment or disability which:

a. Makes it physically or psychologically not practicable for that person to undergo the testing procedure for the title for which applied, but

b. Does not prevent that person from satisfactorily performing the responsibilities of the title under conditions of actual service; and

c. In making such determination, the commission may require the submission of sufficient and appropriate medical documentation.

69. N.J.S.11A:8-1 is amended to read as follows:

Layoff; inapplicable to those on certain military leave.

11A:8-1. a. A permanent employee may be laid off for economy, efficiency or other related reason. A permanent employee shall receive 45 days' written notice, unless in State government a greater time period is ordered by the commission, which shall be served personally or by certified mail, of impending layoff or demotion and the reasons therefor. The notice shall expire 120 days after service unless extended by the commission for good cause. At the same time the notice is served, the appointing authority shall provide the commission with a list of the names and permanent titles of all employees receiving the notice. The Civil Service Commission shall adopt rules to implement employee layoff rights consistent with the provisions of this section. The commission shall consult with the advisory board representing labor organizations prior to such recommendations.

b. Permanent employees in the service of the State or a political subdivision shall be laid off in inverse order of seniority. As used in this subsection, "seniority" means the length of continuous permanent service in the jurisdiction, regardless of title held during the period of service, except that for police and firefighting titles, "seniority" means the length of con-

tinuous permanent service only in the current permanent title and any other title that has lateral or demotional rights to the current permanent title. Seniority for all titles shall be based on the total length of calendar years, months and days in continuous permanent service regardless of the length of the employee's work week, work year or part-time status.

c. For purposes of State service, a "layoff unit" means a department or autonomous agency and includes all programs administered by that department or agency. For purposes of political subdivision service, the "layoff unit" means a department in a county or municipality, an entire autonomous agency, or an entire school district, except that the commission may establish broader layoff units.

d. For purposes of State service, "job location" means a county. The commission shall assign a job location to every facility and office within a State department or autonomous agency. For purposes of local service, "job location" means the entire political subdivision and includes any facility operated by the political subdivision outside its geographic borders.

e. For purposes of determining lateral title rights in State and political subdivision service, title comparability shall be determined by the commission based upon whether the: (1) titles have substantially similar duties and responsibilities; (2) education and experience requirements for the titles are identical or similar; (3) employees in an affected title, with minimal training and orientation, could perform the duties of the designated title by virtue of having qualified for the affected title; and (4) special skills, licenses, certifications or registration requirements for the designated title are similar and do not exceed those which are mandatory for the affected title. Demotional title rights shall be determined by the commission based upon the same criteria, except that the demotional title shall have lower but substantially similar duties and responsibilities as the affected title.

f. In State service, a permanent employee in a position affected by a layoff action shall be provided with applicable lateral and demotional title rights first, at the employee's option, within the municipality in which the facility or office is located and then to the job locations selected by the employee within the department or autonomous agency. The employee shall select individual job locations in preferential order from the list of all job locations and shall indicate job locations at which the employee will accept lateral and demotional title rights. In local service, a permanent employee in a position affected by a layoff action shall be provided lateral and demotional title rights within the layoff unit.

g. Following the employee's selection of job location preferences, lateral and demotional title rights shall be provided in the following order:

(1) a vacant position that the appointing authority has previously indicated it is willing to fill;

(2) a position held by a provisional employee who does not have permanent status in another title, and if there are multiple employees at a job location, the specific position shall be determined by the appointing authority;

(3) a position held by a provisional employee who has permanent status in another title, and if there are multiple provisional employees at a job location, the specific position shall be determined based on level of the permanent title held and seniority;

(4) the position held by the employee serving in a working test period with the least seniority;

(5) in State service, and in local jurisdictions having a performance evaluation program approved by the commission, the position held by the permanent employee whose performance rating within the most recent 12 months in the employee's permanent title was significantly below standards or an equivalent rating;

(6) in State service, and in local jurisdictions having a performance evaluation program approved by the commission, the position held by the permanent employee whose performance rating within the most recent 12 months in the employee's permanent title was marginally below standards or an equivalent rating; and

(7) the position held by the permanent employee with the least seniority.

h. A permanent employee shall be granted special reemployment rights based on the employee's permanent title at the time of the layoff action and the employee shall be certified for reappointment after the layoff action to the same, lateral and lower related titles. Special reemployment rights shall be determined by the commission in the same manner as lateral and demotional rights.

i. Notwithstanding the provisions above, at no time shall any person on a military leave of absence for active service in the Armed Forces of the United States in time of war or emergency be laid off.

70. N.J.S.11A:8-3 is amended to read as follows:

Alternatives to layoff.

11A:8-3. Alternatives to layoff. The commission, in consultation with the advisory committee established pursuant to subsection m. of N.J.S. 11A:2-11, may adopt rules on voluntary reduced work time or other alternatives to layoffs. Employee participation in the program shall not affect special reemployment or retention rights.

71. N.J.S.11A:8-4 is amended to read as follows:

Appeals.

11A:8-4. Appeals. A permanent employee who is laid off or demoted in lieu of layoff shall have a right to appeal the good faith of such layoff or demotion to the Civil Service Commission. Appeals must be filed within 20 days of final notice of such layoff or demotion. The burden of proof in such actions shall be on the employee and rules adopted pursuant to N.J.S.11A:2-22 would also be applicable to these appeals.

72. N.J.S.11A:9-7 is amended to read as follows:

Results certified.

11A:9-7. Results certified. The result of the election shall be certified by the clerk of the political subdivision to the commission.

73. N.J.S.11A:10-1 is amended to read as follows:

Disapproval of salary.

11A:10-1. Disapproval of salary. The Civil Service Commission may disapprove and order the payment stopped of the salary of any person employed in violation of this title or an order of the Civil Service Commission and recover all disapproved salary from such person. Any person or persons who authorize the payment of a disapproved salary or have employment authority over the person whose salary has been disapproved may be subject to penalties, including, but not limited to, the disapproval of their salaries and payment from their personal funds of improper expenditures of the moneys as may be provided by the rules of the Civil Service Commission. This section shall not be limited by the amounts set forth in N.J.S.11A:10-3.

74. N.J.S.11A:10-2 is amended to read as follows:

Criminal violation of title or order.

11A:10-2. Criminal violation of title or order. Any person who purposely or knowingly violates or conspires to violate any provision of this title or Civil Service Commission order shall be guilty of a crime of the fourth degree.

75. N.J.S.11A:10-3 is amended to read as follows:

Noncompliance.

11A:10-3. Noncompliance. The Civil Service Commission may assess all administrative costs incurred under N.J.S.11A:4-5. Other costs, charges and fines of not more than $10,000.00 may be assessed for noncompliance or violation of this title or any order of the Civil Service Commission.

76. N.J.S.11A:10-4 is amended to read as follows:

Action for enforcement.

11A:10-4. Action for enforcement. The Civil Service Commission or other party in interest may bring an action in the Superior Court for the enforcement of this title or an order of the Civil Service Commission.

77. N.J.S.11A:11-1 is amended to read as follows:

Merit System Board.

11A:11-1. Merit System Board. The functions, powers, and duties of the Merit System Board as constituted in the Department of Personnel are continued and transferred to the Civil Service Commission which is created and allocated in, but not of, the Department of Labor and Workforce Development by N.J.S.11A:2-1 as amended by P.L.2008, c.29. The members of the Merit System Board, other than the Commissioner of Personnel, on the effective date of this act, P.L.2008, c.29, shall continue as members of the Civil Service Commission for the duration of their current terms and any reappointments and until their successors are appointed, unless removed for cause.

78. N.J.S.11A:11-2 is amended to read as follows:

Department of Personnel abolished.

11A:11-2. a. The Department of Personnel is abolished as a principal department in the Executive Branch of State government. The offices and terms of the Commissioner of Personnel, the deputy commissioner, assistant commissioners, and the directors of the various divisions and offices of the Department of Personnel are terminated, except as otherwise provided by P.L.2008, c.29.

b. The functions, powers, and duties of the Department of Personnel, the Commissioner of Personnel, the deputy commissioner, assistant commissioners, and directors of the various divisions and offices of the Department of Personnel are continued and transferred as provided by

P.L.2008, c.29. The State Treasurer may allocate the functions, powers, and duties transferred to the Department of the Treasury or the State Treasurer by P.L.2008, c.29 among such divisions or subdivisions in the Department of the Treasury as the State Treasurer deems appropriate or as the State Treasurer may establish.

c. (1) The Division of Equal Employment Opportunity and Affirmative Action as constituted in the Department of Personnel, with its functions, powers, and duties, and those of the Commissioner of Personnel and the Merit System Board with regard to that division, is continued and transferred to the Department of the Treasury, except with regard to the power to adjudicate complaints of violations of the State policy against discrimination which power shall remain with the Civil Service Commission. The functions, powers, and duties of the Division of Equal Employment Opportunity and Affirmative Action shall be allocated within the department as the State Treasurer shall determine.

The Equal Employment Opportunity Advisory Commission as constituted in the Department of Personnel is continued and transferred to the Department of the Treasury to be allocated within that department as the State Treasurer shall determine. The members of the Equal Employment Opportunity Advisory Commission shall continue as members of the commission for the duration of their current terms and any reappointments and until their successors are appointed, unless removed for cause.

(2) The planning and research unit and function as constituted in the Department of Personnel is continued and transferred to the Department of the Treasury to be allocated within that department as the State Treasurer shall determine.

d. The Working Well NJ State employee wellness program as constituted in the Department of Personnel is continued and transferred to the Department of Health and Senior Services to be allocated within that department as the commissioner shall determine.

e. The toll-free information "Law Enforcement Officer Crisis Intervention Services" telephone hotline as constituted in the Department of Personnel is continued and transferred to the Department of Health and Senior Services, pursuant to sections 115 to 116 of P.L.2008, c.29 (C.26:2NN-1 to C.26:2NN-2), to be allocated within that department as the commissioner shall determine.

f. The New Jersey Employee Awards Committee as constituted in the Department of Personnel is continued and transferred to the Civil Service Commission. The members of the New Jersey Employee Awards Committee shall continue as members of the committee for the duration of their

current terms and any reappointments and until their successors are appointed, unless removed for cause.

g. The commission shall develop a plan for the consolidation and coordination of personnel and related functions, including, but not limited to, classification, compensation, and workforce planning, in the executive branch of State government and for transfer to the commission of such employees, positions, funding, facilities, equipment, powers, and duties from throughout the executive branch of State government as necessary and appropriate to effectuate such consolidation and coordination.

h. The commission shall submit the plan prepared pursuant to subsection g. of this section to the Governor for review and approval. With the approval of the Governor and in accordance with regulations adopted by the commission, the commission, pursuant to the approved plan, shall direct the consolidation and coordination of personnel and related functions, including, but not limited to, classification, compensation and workforce planning, in the executive branch of State government and transfer to the commission such employees, positions, funding, facilities, equipment, powers, duties and functions from throughout the executive branch of State government to effectuate such consolidation and coordination. The commission shall organize these functions in such units as the commission determines are necessary for the efficient operation of the commission and in such a manner as will provide the appointing authorities and all State employees with proper support in personnel matters. The consolidation shall not apply to those functions which the commission has determined are unique to each department or agency in its capacity as an appointing authority.

i. Each department, office, division, bureau or agency in the executive branch of State government shall cooperate with the commission and make available to the commission such information, personnel and assistance necessary to effectuate the purposes of P.L.2008, c.29.

j. This section shall not be construed to permit or require negotiations pursuant to the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), of any rule or regulation promulgated by the State Treasurer or Civil Service Commission pursuant to this section or any other section of this title.

79. N.J.S.11A:11-3 is amended to read as follows:

Names.

11A:11-3. Names. Any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, appropria-

tion or otherwise which refers to the Department of Personnel, Commissioner of Personnel, or Merit System Board shall mean the Department of the Treasury, State Treasurer, Civil Service Commission, or Department of Health and Senior Services, as provided by P.L.2008, c.29.

80. N.J.S.11A:11-4 is amended to read as follows:

Rules.

11A:11-4. Rules. All rules of the Merit System Board or the Department of Personnel in effect on the effective date of P.L.2008, c.29 shall remain in effect except as changed or modified by this title or action of the Civil Service Commission, State Treasurer, Commissioner of Health and Senior Services, or other authority, as appropriate.

81. N.J.S.11A:11-5 is amended to read as follows:

Pending actions.

11A:11-5. Pending actions. Any action pending on the effective date of P.L.2008, c.29 shall continue under the prior law and rule.

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

Transfer.

11A:11-6. Transfer. The transfers directed by P.L.2008, c.29, except as otherwise provided, shall be made in accordance with the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

83. N.J.S.11A:12-1 is amended to read as follows:

Inconsistent laws.

11A:12-1. Inconsistent laws. Any law or statute which is inconsistent with any of the provisions of this title, as amended by P.L.2008, c.29, are to the extent of the inconsistency hereby superseded, except that the title is not to be construed either to expand or to diminish collective negotiation rights existing under the "New Jersey Employer-Employee Relations Act," P.L.1941, c. 100 (C. 34:13A-1 et seq.).

84. N.J.S.2A:12-6 is amended to read as follows:

Distribution of law reports.

2A:12-6. The Administrative Director of the Courts is authorized to distribute or cause to be distributed any bound volumes of the New Jersey

Reports and the New Jersey Superior Court Reports heretofore or hereafter published and delivered to him, as follows:

To each member of the Legislature, one copy of each volume of such reports.

To the following named, for official use, to remain the property of the State, the following number of copies of each volume of such reports:

a. To the Governor, four copies;

b. To the Department of Law and Public Safety, for the Division of Law, four copies; and the Division of Alcoholic Beverage Control, one copy;

c. To the Department of the Treasury, for the State Treasurer, one copy; the Division of Taxation, three copies; and the Division of Local Government Services in the Department of Community Affairs, one copy;

d. To the Department of State, one copy;

e. (Deleted by amendment, P.L.2008, c.29);

f. To the Department of Banking and Insurance, two copies;

g. To the Board of Public Utilities in the Department of the Treasury, one copy;

h. To the Department of Labor and Workforce Development, for the commissioner, one copy; the Division of Workers' Compensation, five copies; the State Board of Mediation, one copy; and the Division of Employment Security, three copies;

i. To the Department of Education, for the commissioner, one copy;

j. To the Department of Transportation, one copy;

k. To the Department of Human Services, one copy; the Department of Corrections, one copy; and the Department of Children and Families, one copy;

l. To each judge of the federal courts in and for the district of New Jersey, one copy;

m. To each justice of the Supreme Court, one copy;

n. To each judge of the Superior Court, one copy;

o. To the Administrative Director of the Courts, one copy;

p. To each standing master of the Superior Court, one copy;

q. (Deleted by amendment, P.L.1983, c.36.)

r. To the clerk of the Supreme Court, one copy;

s. To the clerk of the Superior Court, one copy;

t. (Deleted by amendment, P.L.1983, c.36.)

u. (Deleted by amendment, P.L.1983, c.36.)

v. (Deleted by amendment, P.L.1991, c.91.)

w. (Deleted by amendment, P.L.1991, c.91.)

x. To each county prosecutor, one copy;

y. To the Central Management Unit in the Office of Legislative Services, one copy;

z. To each surrogate, one copy;

aa. To each county clerk, one copy;

ab. To each sheriff, one copy;

ac. To Rutgers, The State University, two copies; and the law schools, five copies each;

ad. To the law school of Seton Hall University, five copies;

ae. To Princeton University, two copies;

af. To the Library of Congress, four copies;

ag. To the New Jersey Historical Society, one copy;

ah. To every library provided by the board of chosen freeholders of any county at the courthouse in each county, one copy;

ai. To the library of every county bar association in this State, one copy;

aj. To each incorporated library association in this State, which has a law library at the county seat of the county in which it is located, one copy;

ak. To each judge of the tax court, one copy;

al. The State Library, 60 copies, five of which shall be deposited in the Law Library, and 55 of which shall be used by the State Librarian to send one copy to the state library of each state and territory of the United States, the same to be in exchange for the law reports of such states and territories sent to the State Library, which reports shall be deposited in and become part of the collection of the Law Library.

The remaining copies of such reports shall be retained by the administrative director for the use of the State and for such further distribution as he may determine upon.

85. Section 14 of P.L.2006, c.47 (C.9:3A-14) is amended to read as follows:

C.9:3A-14 Criminal history record information check for certain employees.

14. The Department of Children and Families shall not employ any individual as a direct care staff member unless the Commissioner of Children and Families has first determined, consistent with the requirements and standards of this section, that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or in the State Bureau of Identification in the Division of State Police, which would disqualify that individual from being employed at the department. A criminal history record background check shall be conducted at least once every two years for an individual employed as a direct care staff member.

As used in this section, "direct care staff member" means an individual employed at the department in a position which involves unsupervised, regular contact with individuals receiving services from the department.

a. An individual shall be disqualified from employment as a direct care staff member if that individual's criminal history record check reveals a record of conviction of any of the following crimes and offenses:

(1) In New Jersey, any crime or disorderly persons offense:

(a) involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:11-1 et seq., N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq. or N.J.S.2C:15-1 et seq.; or

(b) against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et seq.; or

(2) In any other state or jurisdiction, of conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in paragraph (1) of this subsection.

b. Notwithstanding the provisions of subsection a. of this section to the contrary, no individual shall be disqualified from employment under this act on the basis of any conviction disclosed by a criminal history record check performed pursuant to this section if the individual has affirmatively demonstrated to the Commissioner of Children and Families clear and convincing evidence of his rehabilitation. In determining whether an individual has affirmatively demonstrated rehabilitation, the following factors shall be considered:

(1) The nature and responsibility of the position which the convicted individual would hold;

(2) The nature and seriousness of the offense;

(3) The circumstances under which the offense occurred;

(4) The date of the offense;

(5) The age of the individual when the offense was committed;

(6) Whether the offense was an isolated or repeated incident;

(7) Any social conditions which may have contributed to the offense; and

(8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have had the individual under their supervision.

c. If a prospective direct care staff member refuses to consent to, or cooperate in, the securing of a criminal history record background check, the commissioner shall not consider the individual for employment as a

direct care staff member. The prospective staff member shall, however, retain any available right of review by the Civil Service Commission.

d. If a current direct care staff member refuses to consent to, or cooperate in, the securing of a criminal history record background check, the commissioner shall immediately remove the individual from his position as a direct care staff member and terminate the individual 's employment. The staff member shall, however, retain any available right of review by the Civil Service Commission.

e. Notwithstanding the provisions of subsection a. of this section to the contrary, the department may provisionally employ an individual as a direct care staff member for a period not to exceed six months if that individual's State Bureau of Identification criminal history record background check does not contain any information that would disqualify the individual from employment at the department and if the individual submits to the commissioner a sworn statement attesting that the individual has not been convicted of any crime or disorderly persons offense as described in this section, pending a determination that no criminal history record background information which would disqualify the individual exists on file in the Federal Bureau of Investigation, Identification Division. An individual who is provisionally employed pursuant to this subsection shall perform his duties under the direct supervision of a superior who acts in a supervisory capacity over that individual until the determination concerning the federal information is complete.

f. All applicants or current direct care staff members from whom criminal history record background checks are required shall submit their fingerprints in a manner acceptable to the commissioner. The commissioner is authorized to exchange fingerprint data with and receive criminal history record information from the Federal Bureau of Investigation and the Division of State Police for use in making the determinations required by this section. No criminal history record background check shall be performed pursuant to this section unless the applicant shall have furnished his written consent to the check.

g. (1) Upon receipt of an applicant or direct care staff member's criminal history record information from the Federal Bureau of Investigation or the Division of State Police, as applicable, the commissioner shall notify the applicant or staff member, in writing, of the applicant's or staff member's qualification or disqualification for employment under this act. If the applicant or staff member is disqualified, the conviction or convictions which constitute the basis for the disqualification shall be identified in the written notice.

(2) The applicant or staff member shall have 30 days from the date of written notice of disqualification to petition the commissioner for a hearing

on the accuracy of the criminal history record information or to establish his rehabilitation under subsection b. of this section. The commissioner may refer any case arising hereunder to the Office of Administrative Law for administrative proceedings pursuant to P.L.1978, c.67 (C.52:14F-1 et al.).

(3) The commissioner shall not maintain any individual's criminal history record information or evidence of rehabilitation submitted under this section for more than six months from the date of a final determination by the commissioner as to the individual's qualification or disqualification to be a direct care staff member pursuant to this section.

h. The commissioner shall initiate a criminal history record background check on all prospective direct care staff members. Current direct care staff members who have had a criminal history record background check conducted and stored in a manner approved by the commissioner shall have up to two years from the effective date of this act until the next criminal history background check is conducted.

i. The department shall assume the cost of all criminal history record background checks conducted on current and prospective direct care staff members.

86. Section 19 of P.L.1969, c.158 (C.18A:73-34) is amended to read as follows:

C.18A:73-34 Appointment of staff, compensation.

19. a. The President of Thomas Edison State College or the designee thereof shall, with the advice of the State Librarian, appoint all professional staff in the library, and fix the compensation of all such persons thus appointed. The President of Thomas Edison State College or the designee thereof shall appoint such other personnel as that person may consider necessary for the efficient performance of the work of the library and fix their compensation. All persons thus appointed shall be subject to the provisions of Title 11A, Civil Service, of the New Jersey Statutes.

b. For all purposes, the employees of the State Library shall be considered employees of Thomas Edison State College.

c. Thomas Edison State College shall maintain, in a manner acceptable to the Civil Service Commission, the personnel records of all employees and positions currently on staff and funded. All such records shall be subject to audit by the Civil Service Commission.

d. The State shall be responsible for paying the entire employer contribution of the pension and benefits costs for the State Library employees

whose salaries are funded from the direct State services portion of the annual appropriation for the State Library.

87. Section 2 of P.L.1988, c.45 (C.30:4-3.5) is amended to read as follows:

C.30:4-3.5 Criminal history record checks.

2. a. A facility shall not employ any individual unless the Commissioner of the Department of Human Services has first determined, consistent with the requirements and standards of this act, that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or in the State Bureau of Identification in the Division of State Police, which would disqualify that individual from being employed at the facility. A criminal history record background check shall be conducted at least once every two years for an individual employed at the facility. An individual shall be disqualified from employment under this act if that individual's criminal history record check reveals a record of conviction of any of the following crimes and offenses:

(1) In New Jersey, any crime or disorderly persons offense:

(a) Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:11-1 et seq., N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq. or N.J.S.2C:15-1 et seq.; or

(b) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et seq.; or

(2) In any other state or jurisdiction, of conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in paragraph (1) of this subsection.

b. Notwithstanding the provisions of subsection a. of this section, no individual shall be disqualified from employment under this act on the basis of any conviction disclosed by a criminal history record check performed pursuant to this act if the individual has affirmatively demonstrated to the Commissioner of Human Services clear and convincing evidence of his rehabilitation. In determining whether an individual has affirmatively demonstrated rehabilitation, the following factors shall be considered:

(1) The nature and responsibility of the position which the convicted individual would hold;

(2) The nature and seriousness of the offense;

(3) The circumstances under which the offense occurred;

(4) The date of the offense;

(5) The age of the individual when the offense was committed;

(6) Whether the offense was an isolated or repeated incident;

(7) Any social conditions which may have contributed to the offense; and

(8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have had the individual under their supervision.

c. If a prospective employee of a facility refuses to consent to, or cooperate in, the securing of a criminal history record background check, the commissioner shall direct the principal administrator not to consider the person for employment at the facility. The prospective employee shall, however, retain any available right of review by the Civil Service Commission.

d. If a current employee of a facility refuses to consent to, or cooperate in, the securing of a criminal history record background check, the commissioner shall direct the principal administrator to immediately remove the person from his position at the facility and to terminate the person's employment at the facility. The employee shall, however, retain any available right of review by the Civil Service Commission.

e. Notwithstanding the provisions of subsection a. of this section to the contrary, a facility may provisionally employ an individual for a period not to exceed six months if that individual's State Bureau of Identification criminal history record background check does not contain any information that would disqualify the individual from employment at the facility and if the individual submits to the commissioner a sworn statement attesting that the individual has not been convicted of any crime or disorderly persons offense as described in this act, pending a determination that no criminal history record background information which would disqualify the individual exists on file in the Federal Bureau of Investigation, Identification Division. An individual who is provisionally employed pursuant to this subsection shall perform his duties at the facility under the direct supervision of a superior who acts in a supervisory capacity over that individual until the determination concerning the federal information is complete.

88. Section 1 of P.L.1974, c.44 (C.30:1-8.1) is amended to read as follows:

C.30:1-8.1 Deputy commissioners; appointment, powers and duties; compensation, acting commissioner.

1. The commissioner shall be assisted in the performance of his duties by three deputy commissioners. Each deputy commissioner shall be appointed by and shall serve at the pleasure of the commissioner, and until his successor has been appointed and qualified.

Each deputy commissioner shall exercise such powers and perform such duties as the commissioner shall prescribe.

Unless otherwise provided by law, each deputy commissioner shall receive such salary as may be established by the commissioner with the approval of the Civil Service Commission and the Director of the Division of Budget and Accounting.

The commissioner may designate one of the deputy commissioners to exercise the powers and perform the duties of the commissioner during his disability or absence.

89. Section 6 of P.L.1990, c.73 (C.30:4-78.2) is amended to read as follows:

C.30:4-78.2 State assumption of management and operation of psychiatric facility.

6. If the commissioner determines that the plan submitted pursuant to section 5 of P.L.1990, c.73 (C.30:4-78.1) is appropriate, the commissioner shall enter into negotiations with the governing body of the county to provide for the State assumption of the management and operation of the psychiatric facility, in which case the State shall operate and maintain the psychiatric facility, provided that the funding ratios shall not change.

Any agreement for the assumption shall include, but not be limited to, such matters as personnel salaries, benefits, tenure or other rights; debt obligations of the facility; existing vendor contracts; lease, purchase or other arrangements for the State's operation of the facility; purchase of services from the county; capital improvements; staffing arrangements; and insurance payments and receivables, including Medicare and Medicaid payments. When negotiating an agreement the Commissioner of Human Services shall consult with the State Civil Service Commission concerning personnel salaries, benefits, tenure or other rights. If the commissioner and the governing body of the county agree to the State assumption of the management and operation of a county psychiatric facility, any changes in salaries, benefits, tenure or other rights of employees will recognize the rights and responsibilities under appropriate collective bargaining agreements.

90. Section 4 of P.L.1979, c.441 (C.30:4-123.48) is amended to read as follows:

C.30:4-123.48 Policies, determinations of parole board.

4. a. All policies and determinations of the Parole Board shall be made by the majority vote of the members.

b. Except where otherwise noted, parole determinations on individual cases pursuant to this act shall be made by the majority vote of a quorum of the appropriate board panel established pursuant to this section.

c. The chairman of the board shall be the chief executive officer of the board and, after consulting with the board, shall be responsible for designating the time and place of all board meetings, for appointing the board's employees, for organizing, controlling and directing the work of the board and its employees, and for preparation and justification of the board's budget. Only the employees in those titles and positions as are designated by the Civil Service Commission shall serve at the pleasure of the chairman and shall not be subject to the provisions of Title 11A of the New Jersey Statutes. All other employees, including hearing officers, shall be in the career service and subject to the provisions of Title 11A of the New Jersey Statutes. All such career service employees who are employed by the State Parole Board on September 5, 2001, and in the case of hearing officers, those who have been employed by the State Parole Board for a period of at least one year prior to the effective date of P.L.2005, c.344, shall have permanent career service status with seniority awarded from the date of their appointments. Parole officers assigned to supervise adult parolees and all supervisory titles associated with the supervision of adult parolees in the parole officer series shall be classified employees subject to the provisions of Title 11A of the New Jersey Statutes. Parole officers assigned to supervise adult parolees and all supervisory titles associated with the supervision of adult parolees in the parole officer job classification series shall be organizationally assigned to the State Parole Board with a sworn member of the Division of Parole appointed to act as director of parole supervision. The director of parole supervision shall report directly to the Chairman of the State Parole Board or to such person as the chairman may designate.

d. The board shall promulgate such reasonable rules and regulations, consistent with this act, as may be necessary for the proper discharge of its responsibilities. The chairman shall file such rules and regulations with the Secretary of State. The provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) shall apply to the promulgation of rules and regulations concerning policy and administration, but not to other actions taken under this act, such as parole hearings, parole revocation hearings and review of parole cases. In determination of its rules and regulations concerning policy and administration, the board shall consult the Governor, the Commissioner of Corrections and the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170).

e. The board, in conjunction with the Department of Corrections and the Juvenile Justice Commission, shall develop a uniform information system in order to closely monitor the parole process. Such system shall include participation in the Uniform Parole Reports of the National Council on Crime and Delinquency.

f. The board shall transmit a report of its work for the preceding fiscal year, including information on the causes and extent of parole recidivism, to the Governor, the Legislature and the Juvenile Justice Commission annually. The report also may include relevant information on compliance with established time frames in the processing of parole eligibility determinations, the effectiveness of any pertinent legislative or administrative measures, and any recommendations to enhance board operations or to effectuate the purposes of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et al.).

g. The board shall give public notice prior to considering any adult inmate for release.

h. The board shall give notice to the appropriate prosecutor's office and to the committing court prior to the initial consideration of any juvenile inmate for release.

91. Section 9 of P.L.1989, c.293 (C.34:15C-6) is amended to read as follows:

C.34:15C-6 Duties of commission.

9. The commission shall:

a. Issue the New Jersey Unified Workforce Investment Plan pursuant to the provisions of the Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 10 of P.L.1989, c.293 (C.34:15C-7);

b. Establish performance standards for workforce investment programs pursuant to the Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 11 of P.L.1989, c.293 (C.34:15C-8);

c. Act to ensure the full participation of Workforce Investment Boards in the planning and supervision of local workforce investment systems. The commission shall be responsible to oversee and develop appropriate standards to ensure Workforce Investment Board compliance with State and federal law, the State plan, and other relevant requirements regarding membership, staffing, meetings, and functions;

d. Foster and coordinate initiatives of the Department of Education and Commission on Higher Education to enhance the contributions of public schools and institutions of higher education to the implementation of the State workforce investment policy;

e. Examine federal and State laws and regulations to assess whether those laws and regulations present barriers to achieving any of the goals of this act. The commission shall, from time to time as it deems appropriate, issue to the Governor and the Legislature reports on its findings, including recommendations for changes in State or federal laws or regulations concerning workforce investment programs or services, including, when appropriate, recommendations to merge other State advisory structures and functions into the commission;

f. Perform the duties assigned to a State Workforce Investment Board pursuant to subsection (d) of section 111 of the Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2821);

g. Have the authority to enter into agreements with the head of each State department or commission which administers or funds education, employment or training programs, including, but not limited to, the Departments of Labor and Workforce Development, Community Affairs, Education, and Human Services and the Commission on Higher Education, the New Jersey Economic Development Authority, and the Juvenile Justice Commission, which agreements are for the purpose of assigning planning, policy guidance and oversight functions to each Workforce Investment Board with respect to any workforce investment program funded or administered by the State department or commission within the Workforce Investment Board's respective labor market area or local area, as the case may be; and

h. Establish guidelines to be used by the Workforce Investment Boards in performing the planning, policy guidance, and oversight functions assigned to the boards under any agreement reached by the commission with a department or commission pursuant to subsection g. of this section. The commission shall approve all local Workforce Investment Board plans that meet the criteria established by the commission for the establishment of One-Stop systems. The Department of Labor and Workforce Development shall approve the operational portion of the plans for programs administered by the department.

The commission shall have access to all files and records of other State agencies and may require any officer or employee therein to provide such information as it may deem necessary in the performance of its functions.

Nothing in P.L.2005, c.354 (C.34:15C-7.1 et al.) shall be construed as affecting the authority of the State Treasurer to review and approve training programs for State employees pursuant to N.J.S.11A:6-25.

92. Section 36 of P.L.1987, c.444 (C.38A:3-2h) is amended to read as follows:

C.38A:3-2h Salaries.

36. Each director shall receive such salary as may be established by the Adjutant General with the approval of the Civil Service Commission and the Director of the Division of Budget and Accounting.

93. Section 5 of P.L.2003, c.13 (C.39:2A-5) is amended to read as follows:

C.39:2A-5 Transfer of employees; retirement system, health benefits.

5. a. Upon the abolishment of the division, all career service employees serving in the division on that date shall be employees of the commission and shall be transferred to the commission pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.) and shall retain their present career service employment status and their collective bargaining status, including all rights of tenure, retirement, pension, disability, leave of absence, or similar benefits. Future employees of the commission shall be hired consistent with the provisions of Title 11A of the New Jersey Statutes and the rules promulgated thereunder.

b. Upon action of the commission, all agency employees shall become employees of the commission. Such employees shall be assigned to appropriate titles by the Civil Service Commission. Those private motor vehicle agency employees who were employed by the agency on or before January 1, 2003 and who are assigned to career service titles upon employment with the commission shall, upon completion of the special probationary period described in section 7 of P.L.2003, c.13 (C.39:2A-7), attain permanent, regular appointments in their respective titles. No special probationary period shall be required for those who have previously completed a probationary period during their previous State service employment. Except for managerial and confidential employees as defined by the "New Jersey Employer - Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), such employees shall be covered under the State of New Jersey's collective bargaining agreements and shall obtain all employment and collective bargaining rights consistent therewith.

c. Officers and employees of the commission shall be enrolled in the Public Employees' Retirement System and shall be eligible to participate in the State Health Benefits Program established pursuant to the "New Jersey State Health Benefits Program Act," P.L.1961, c.49 (C.52:14-17.25 et seq.).

94. Section 7 of P.L.2003, c.13 (C.39:2A-7) is amended to read as follows:

C.39:2A-7 Probationary period for certain employees.

7. Notwithstanding the provisions of Title 11A of the New Jersey Statutes and the rules promulgated thereunder to the contrary, all employees entering or returning to State service other than those on a Special Reemployment List as employees of the commission following employment with a private motor vehicle agency, who have been employed with the private motor vehicle agency on or before January 1, 2003, and assigned to the career service shall be subject to a special probationary period unless they have already completed a probationary period during their previous State service employment. The special probationary period shall have a duration of six months from the date that the employees enter or return to State service as employees of the commission. Each employee's work performance shall be evaluated to determine whether the employee can satisfactorily perform the duties of the title to which the employee is appointed and progress reports shall be provided to the employee as provided by the rules of the Civil Service Commission. An employee who is determined to have satisfactorily performed the duties of the employee's career service title shall attain permanent status in that title at the conclusion of the special probationary period. An employee who is determined not to have satisfactorily performed the duties of that title during or at the conclusion of the special probationary period shall be immediately separated from State service and shall not have any right of appeal regarding the separation to the Civil Service Commission.

95. R.S.39:5-41 is amended to read as follows:

Fines, penalties, forfeiture, disposition of, exceptions.

39:5-41. a. All fines, penalties and forfeitures imposed and collected under authority of law for any violations of R.S.39:4-63 and R.S.39:4-64 shall be forwarded by the judge to whom the same have been paid to the proper financial officer of a county, if the violation occurred within the jurisdiction of that county's central municipal court, established pursuant to N.J.S.2B:12-1 et seq. or the municipality wherein the violation occurred, to be used by the county or municipality to help finance litter control activities in addition to or supplementing existing litter pickup and removal activities in the municipality.

b. Except as otherwise provided by subsection a. of this section, all fines, penalties and forfeitures imposed and collected under authority of

law for any violations of the provisions of this Title, other than those violations in which the complaining witness is the chief administrator, a member of his staff, a member of the State Police, a member of a county police department and force or a county park police system in a county that has established a central municipal court, an inspector of the Board of Public Utilities, or a law enforcement officer of any other State agency, shall be forwarded by the judge to whom the same have been paid as follows: one-half of the total amount collected to the financial officer, as designated by the local governing body, of the respective municipalities wherein the violations occurred, to be used by the municipality for general municipal use and to defray the cost of operating the municipal court; and one-half of the total amount collected to the proper financial officer of the county wherein they were collected, to be used by the county as a fund for the construction, reconstruction, maintenance and repair of roads and bridges, snow removal, the acquisition and purchase of rights-of-way, and the purchase, replacement and repair of equipment for use on said roads and bridges therein. Up to 25% of the money received by a municipality pursuant to this subsection, but not more than the actual amount budgeted for the municipal court, whichever is less, may be used to upgrade case processing.

All fines, penalties and forfeitures imposed and collected under authority of law for any violations of the provisions of this Title, in which the complaining witness is a member of a county police department and force or a county park police system in a county that has established a central municipal court, shall be forwarded by the judge to whom the same have been paid to the financial officer, designated by the governing body of the county, for all violations occurring within the jurisdiction of that court, to be used for general county use and to defray the cost of operating the central municipal court.

Whenever any county has deposited moneys collected pursuant to this section in a special trust fund in lieu of expending the same for the purposes authorized by this section, it may withdraw from said special trust fund in any year an amount which is not in excess of the amount expended by the county over the immediately preceding three-year period from general county revenues for said purposes. Such moneys withdrawn from the trust fund shall be accounted for and used as are other general county revenues.

c. (Deleted by amendment, P.L.1993, c.293.)

d. Notwithstanding the provisions of subsections a. and b. of this section, $1 shall be added to the amount of each fine and penalty imposed and collected through a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or

traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. In addition, upon the forfeiture of bail, $1 of that forfeiture shall be forwarded to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "Body Armor Replacement" fund established pursuant to section 1 of P.L.1997, c.177 (C.52:17B-4.4). Beginning in the fiscal year next following the effective date of this act, the State Treasurer annually shall allocate from those moneys so forwarded an amount not to exceed $400,000 to the Department of the Treasury to be expended exclusively for the purposes of funding the operation of the "Law Enforcement Officer Crisis Intervention Services" telephone hotline established and maintained under the provisions of sections 115 and 116 of P.L.2008, c.29 (C.26:2NN-1 and C.26:2NN-2).

e. Notwithstanding the provisions of subsections a. and b. of this section, $1 shall be added to the amount of each fine and penalty imposed and collected through a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "New Jersey Spinal Cord Research Fund" established pursuant to section 9 of P.L.1999, c.201 (C.52:9E-9). In order to comply with the provisions of Article VIII, Section II, paragraph 5 of the State Constitution, a municipal or county agency which forwards moneys to the State Treasurer pursuant to this subsection may retain an amount equal to 2% of the moneys which it collects pursuant to this subsection as compensation for its administrative costs associated with implementing the provisions of this subsection.

f. Notwithstanding the provisions of subsections a. and b. of this section, $1 shall be added to the amount of each fine and penalty imposed and collected through a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "Autism Medical Research and Treatment Fund" established pursuant to section 1 of P.L.2003, c.144 (C.30:6D-62.2).

g. Notwithstanding the provisions of subsections a. and b. of this section, $2 shall be added to the amount of each fine and penalty imposed and collected by a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom

the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "New Jersey Forensic DNA Laboratory Fund" established pursuant to P.L.2003, c.183. Prior to depositing the moneys into the fund, the State Treasurer shall forward to the Administrative Office of the Courts an amount not to exceed $475,000 from moneys initially collected pursuant to this subsection to be used exclusively to establish a collection mechanism and to provide funding to update the Automated Traffic System Fund created pursuant to N.J.S.2B:12-30 to implement the provisions of this subsection.

The authority to impose additional fines and penalties under this subsection shall take effect 90 days after the effective date of P.L.2003, c.183 and shall expire five years thereafter. Not later than the 180th day prior to such expiration, the Attorney General shall prepare and submit to the Governor and the Legislature a report on the collection and use of DNA samples under P.L.1994, c.136. The report shall cover the period beginning on that effective date and ending four years thereafter. The report shall indicate separately, for each one-year period during those four years that begins on that effective date or an anniversary thereof, the number of each type of biological sample taken and the total cost of taking that type of sample, and also the number of identifications and exonerations achieved through the use of the samples. In addition, the report shall evaluate the effectiveness, including cost effectiveness, of having the samples available to further police investigations and other forensic purposes.

h. Notwithstanding the provisions of subsections a. and b. of this section, $1 shall be added to the amount of each fine and penalty imposed and collected under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "New Jersey Brain Injury Research Fund" established pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9). The Administrative Office of the Courts may retain an amount equal to $475,000 from the moneys which it initially collects pursuant to this subsection, prior to depositing any moneys in the "New Jersey Brain Injury Research Fund," in order to meet the expenses associated with utilizing the Automated Traffic System Fund created pursuant to N.J.S.2B:12-30 to implement the provisions of this subsection and serve other statutory purposes.

i. Notwithstanding the provisions of subsections a. and b. of this section, all fines and penalties imposed and collected under authority of law for any violation related to the unlawful operation or the sale of a vehicle under section

1 of P.L.1955, c.53 (C.39:3-17.1) shall be forwarded by the judge to whom the same have been paid to the State Treasurer, if the complaining witness is the chief administrator, a member of his staff, a member of the State Police, an inspector of the Board of Public Utilities, or a law enforcement officer or other official of any other State agency; or, if the complaining witness is not one of the foregoing, one-half to the chief financial officer of the county and one-half to the chief financial officer of the municipality wherein the violation occurred.

96. Section 4 of P.L.1997, c.265 (C.40A:12A-22.4) is amended to read as follows:

C.40A:12A-22.4 Notification to applicant; appeal; maintenance of information.

4. a. Upon receipt of an applicant's criminal history record information, an authority shall notify the applicant, in writing, as to whether he is qualified or disqualified for employment pursuant to P.L.1997, c.265 (C.40A:12A-22.1 et seq.). If the applicant is disqualified for employment, the conviction or convictions which constitute the basis for the disqualification shall be identified in the written notice.

b. An applicant to a housing authority which is subject to the provisions of Title 11A of the New Jersey Statutes shall have 20 days from the date of written notice of disqualification to file an appeal with the Civil Service Commission for a review on the accuracy of the criminal history record information or to establish his or her rehabilitation under subsection b. of section 2 of P.L.1997, c.265 (C.40A:12A-22.2) pursuant to regulations promulgated by the Civil Service Commission.

c. The Civil Service Commission or an authority shall not maintain an applicant's criminal history record information or evidence of rehabilitation submitted under this section for more than six months from the date the applicant is hired or the date of the final disposition of the applicant's disqualification, as the case may be.

This section shall not prohibit the Civil Service Commission from maintaining a copy of the decision on the applicant's appeal, or the entire record in the case of a judicial appeal.

97. Section 1 of P.L.1976, c.132 (C.40A:14-10.1a) is amended to read as follows:

C.40A:14-10.1a Fire departments; priority of eligibility for initial appointment; preference, certain.

1. a. In any municipality of this State, before any person shall be appointed as a member of the paid fire department or paid member of a part-paid fire de-

partment, the appointing authority may classify all the duly qualified applicants for the position or positions to be filled in the following classes:

I. Residents of the municipality.

II. Other residents of the county in which the municipality is situate.

III. Other residents of the State.

IV. All other qualified applicants.

Within each such classification duly qualified applicants who are veterans shall be accorded all such veterans' preferences as are provided by law. Persons discharged from the service within 6 months prior to making application to such municipality, who fulfill the requirements of N.J.S.40A:14-10.1, and who, thereby, are entitled to appointment notwithstanding their failure to meet the New Jersey residency requirement at the time of their initial application, shall be placed in Class III.

Preference in appointment second to that accorded to veterans pursuant to current law but superseding that accorded non-veterans shall be accorded all duly qualified applicants whose natural or adoptive parent was killed in the lawful discharge of official duties while serving as a member of any paid fire department or paid member of any part-paid fire department in the State at any time prior to the closing date for the filing of an application, provided that required documentation is submitted with the application by the closing date.

When a veteran and a non-veteran whose parent was killed in the lawful discharge of official duties while serving as a member of any paid fire department, or paid member of any part-paid fire department are duly qualified applicants for a position, first preference shall be given to the veteran.

b. In any municipality which classifies qualified applicants pursuant to subsection a. of this section, the appointing authority shall first appoint all those in Class I and then those in each succeeding class in the order above listed, and shall appoint a person or persons in any such class only to a vacancy or vacancies remaining after all qualified applicants in the preceding class or classes have been appointed or have declined an offer of appointment.

c. In any such municipality operating under the provisions of Title 11A of the New Jersey Statutes, the classes of qualified applicants defined in subsection a. of this section shall be considered as separate and successive lists of eligibles, and the Civil Service Commission shall, when requested to certify eligibles for positions specified in this section, make such certifications from said classes separately and successively, and shall certify no persons from any such class until all persons in the preceding class or classes have been appointed or have declined offers of appointment.

d. This section shall apply only to initial appointments and not to promotional appointments of persons already members of the fire department.

e. In making temporary appointments such appointing authority shall utilize the classifications set forth in subsection a. of this section, and shall classify accordingly all duly qualified applicants for the position or positions to be temporarily filled.

98. Section 2 of P.L.1976, c.132 (C.40A:14-123.1a) is amended to read as follows:

C.40A:14-123.1a Police departments; priority of eligibility for initial appointment; preference, certain.

2. a. In any municipality of this State, before any person shall be appointed as a member of the police department and force, the appointing authority may classify all the duly qualified applicants for the position or positions to be filled in the following classes:

I. Residents of the municipality.

II. Other residents of the county in which the municipality is situate.

III. Other residents of the State.

IV. All other qualified applicants.

Within each such classification duly qualified applicants who are veterans shall be accorded all such veterans' preferences as are provided by law. Persons discharged from the service within 6 months prior to making application to such municipality who fulfill the requirements of N.J.S.40A:14-123.1, and who, thereby, are entitled to appointment notwithstanding their failure to meet the New Jersey residency requirement at the time of their initial application, shall be placed in Class III.

Preference in appointment second to that accorded to veterans pursuant to current law but superseding that accorded non-veterans shall be accorded all duly qualified applicants whose natural or adoptive parent was killed in the lawful discharge of official duties while serving as a law enforcement officer in any law enforcement agency in the State at any time prior to the closing date for the filing of an application, provided that required documentation is submitted with the application by the closing date. This paragraph shall not, however, be applicable if the municipality has entered into a consent decree with the United States Department of Justice concerning the hiring practices of the municipality.

When a veteran and a non-veteran whose parent was killed in the lawful discharge of official duties while serving as a law enforcement officer in any law enforcement agency in the State are duly qualified applicants for a position, first preference shall be given to the veteran.

As used in this section, "law enforcement officer" means any person who is employed as a permanent full-time member of an enforcement agency, who is statutorily empowered to act for the detection, investigation, arrest and conviction of persons violating the criminal laws of this State and statutorily required to successfully complete a training course approved, or certified as being substantially equivalent to such an approved course, by the Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.); and "law enforcement agency" means a department, division, bureau, commission, board or other authority of the State or of any political subdivision thereof which has by statute or ordinance the responsibility of detecting and enforcing the general criminal laws of this State.

b. In any municipality which classifies qualified applicants pursuant to subsection a. of this section, the appointing authority shall first appoint all those in Class I and then those in each succeeding class in the order above listed, and shall appoint a person or persons in any such class only to a vacancy or vacancies remaining after all qualified applicants in the preceding class or classes have been appointed or have declined an offer of appointment.

c. In any such municipality operating under the provisions of Title 11A of the New Jersey Statutes, the classes of qualified applicants defined in subsection a. of this section shall be considered as separate and successive lists of eligibles, and the Civil Service Commission shall, when requested to certify eligibles for positions specified in this section, make such certifications from said classes separately and successively, and shall certify no persons from any such class until all persons in the preceding class or classes have been appointed or have declined offers of appointment.

d. This section shall apply only to initial appointments and not to promotional appointments of persons already members of the police department.

e. In making temporary appointments the appointing authority may utilize the classifications set forth in subsection a. of this section, and shall classify accordingly all duly qualified applicants for the positions to be temporarily filled.

99. Section 1 of P.L.1979, c.461 (C.40A:14-127.1) is amended to read as follows:

C.40A:14-127.1 Reappointment of certain law enforcement officers.

1. a. Notwithstanding the provisions of any other law to the contrary, any former State trooper, sheriff's officer or deputy, or county or municipal police officer who has separated from service voluntarily or involuntarily other than by removal for cause on charges of misconduct or delinquency,

shall be deemed to meet the maximum age requirement for appointment established by N.J.S.40A:14-127, if his actual age, less the number of years of his previous service as a law enforcement officer, would meet the maximum age requirement established by said section, but no person may be appointed who is over the age of 45 as of the date of his reappointment; except that in the case of a State trooper, sheriff's officer or deputy, or county or municipal police officer whose separation from service was involuntary due to a lay-off or reduction in force, such person shall be deemed to meet the maximum age requirement for appointment by complying with the procedure established hereinbefore without regard to his actual age at the time of reappointment.

b. For the purposes of meeting the maximum age requirement for appointment established by N.J.S.40A:14-127 and for the purpose of taking any civil service examination for appointment as a municipal police officer, the Civil Service Commission, for good cause shown, may deem an individual a former State trooper, sheriff's officer or deputy, or county or municipal police officer in accordance with subsection a. of this section, even though that individual's separation from current service will not occur except upon a new appointment.

100. Section 1 of P.L.1996, c.140 (C.40A:14-182) is amended to read as follows:

C.40A:14-182 Federal firefighters, certain; appointment.

1. a. The provisions of any other law to the contrary notwithstanding, the appointing authority of a municipality which, pursuant to N.J.S.40A:14-7, has established and maintains a paid or part-paid fire department and force or the board of fire commissioners in the case of a fire district established pursuant to the provisions of N.J.S.40A:14-70 et seq., may appoint as a member or officer of that fire department or force any person who:

(1) was serving as a civilian federal firefighter in good standing at any U.S. military installation in the State;

(2) satisfactorily completed such firefighter training as is required for employment as a civilian federal firefighter; and

(3) was, as a consequence of the closure of a federal military installation in this State, terminated as a civilian federal firefighter within 48 months prior to the appointment.

b. A municipality may employ such a person notwithstanding that:

(1) Title 11A, Civil Service, of the New Jersey Statutes is operative in that municipality;

(2) the municipality has available to it an eligible or regular reemployment list of persons eligible for such appointments; and

(3) the appointed person is not on any eligible list. A municipality which has adopted Title 11A, Civil Service, may not employ such a person if a special reemployment list is in existence for the firefighter title to be filled.

c. If a municipality determines to appoint a person pursuant to the provisions of this act, it shall give first priority in making such appointments to residents of the municipality and second priority to residents of the county not residing in the municipality.

d. The seniority, seniority-related privileges and rank a civilian federal firefighter possessed while employed at a federal military installation shall not be transferable to a position in a municipal fire department and force obtained pursuant to the provisions of this section.

e. To effectuate the purposes of this section, the Civil Service Commission shall prepare and circulate, to those municipalities which have established and maintain fire departments and forces pursuant to N.J.S.40A:14-7, and to boards of fire commissioners in the case of fire districts established pursuant to the provisions of N.J.S.40A:14-70 et seq., a list of civilian federal firefighters eligible for appointment under the provisions of this section. The Civil Service Commission shall also circulate the list to municipalities and fire districts that have not adopted Title 11A, Civil Service, of the New Jersey Statutes.

Placement on the list compiled by the department shall be governed by length of service as a federal firefighter. A federal firefighter may apply for placement on the list at the time he or she receives a notice of termination of position or a priority placement program notice, and shall remain on the list for a period of four years.

101. Section 11 of P.L.2007, c.63 (C.40A:65-11) is amended to read as follows:

C.40A:65-11 Employment reconciliation plan included in agreement; conditions.

11. a. When a local unit contracts, through a shared service or joint meeting, to have another local unit or a joint meeting provide a service it is currently providing using public employees and one or more of the local units have adopted Title 11A, Civil Service, then the agreement shall include an employment reconciliation plan in accordance with this section that and, if one or more of the local units have adopted Title 11A, Civil Service, shall specifically set forth the intended jurisdiction of the Civil Service Commission. An employment reconciliation plan shall be subject to the following provisions:

(1) a determination of those employees, if any, that shall be transferred to the providing local unit, retained by the recipient local unit, or terminated from employment for reasons of economy or efficiency, subject to the provisions of any existing collective bargaining agreements within the local units.

(2) any employee terminated for reasons of economy or efficiency by the local unit providing the service under the shared service agreement shall be given a terminal leave payment of not less than a period of one month for each five-year period of past service as an employee with the local unit, or other enhanced benefits that may be provided or negotiated. For the purposes of this paragraph, "terminal leave payment" means a single, lump sum payment, paid at termination, calculated using the regular base salary at the time of termination. Unless otherwise negotiated or provided by the employer, a terminal leave benefit shall not include extended payment, or payment for retroactive salary increases, bonuses, overtime, longevity, sick leave, accrued vacation or other time benefit, or any other benefit.

(3) the Civil Service Commission shall place any employee that has permanent status pursuant to Title 11A, Civil Service, of the New Jersey Statutes that is terminated for reasons of economy or efficiency at any time by either local unit on a special reemployment list for any civil service employer within the county of the agreement or any political subdivision therein.

(4) when a proposed shared service agreement affects employees in local units subject to Title 11A, Civil Service, of the New Jersey Statutes, an employment reconciliation plan shall be filed with the Civil Service Commission prior to the approval of the shared service agreement. The department shall review it for consistency with this section within 45 days of receipt and it shall be deemed approved, subject to approval of the shared service agreement by the end of that time, unless the department has responded with a denial or conditions that must be met in order for it to be approved.

(5) when an action is required of the Civil Service Commission by this section, parties to a planned shared service agreement may consult with that commission in advance of the action and the department shall provide such technical support as may be necessary to assist in the preparation of an employment reconciliation plan or any other action required of the commission by this section.

b. If all the local units that are parties to the agreement are subject to the provisions of Title 11A, Civil Service, of the New Jersey Statutes, the Civil Service Commission shall create an implementation plan for the agreement that will: (1) transfer employees with current status in current title unless reclassified, or (2) reclassify employees into job titles that best reflect the work to be performed. The Civil Service Commission shall re-

view whether any existing hiring or promotional lists should be merged, inactivated, or re-announced. Non-transferred employees shall be removed or suspended only for good cause and after the opportunity for a hearing before the Civil Service Commission; provided, however, that they may be laid-off in accordance with the provisions of N.J.S.11A:8-1 et seq., and the regulations promulgated thereunder. The final decision of which employees shall transfer to the new employer is vested solely with the local unit that will provide the service and subject to the provisions of any existing collective bargaining agreements within the local units.

c. If the local unit that will provide the service pursuant to a shared service agreement is subject to Title 11A, Civil Service, of the New Jersey Statutes, but the local unit to receive the service is not subject to that Title, and the contracting local units desire that some or all employees of the recipient local unit are to be transferred to the providing local unit, the Civil Service Commission shall vest only those employees who have been employed for one year or more in permanent status pursuant to N.J.S.11A:9-9 in appropriate titles, seniority, and tenure with the providing local unit based on the duties of the position. The final decision of which employees shall transfer to the new employer is vested solely with the local unit that will provide the service and subject to the provisions of any existing collective bargaining agreements within the local units.

d. If the local unit that will provide the service is not subject to the provisions of Title 11A, Civil Service, of the New Jersey Statutes, but the local unit that will receive the service is subject to that Title and the parties desire that some or all employees of the recipient local unit are to be transferred to the providing local unit, the transferred employees shall be granted tenure in office and shall only be removed or suspended for good cause and after a hearing; provided, however, that they may be laid-off in accordance with the provisions of N.J.S.11A:8-1 et seq., and the regulations promulgated thereunder. The transferred employees shall be subject to layoff procedures prior to the transfer to the new entity. Once transferred, they will be subject to any employment contracts and provisions that exist for the new entity. The final decision of which employees shall transfer to the new employer is vested solely with the local unit that will provide the service and subject to the provisions of any existing collective bargaining agreements within the local units.

102. Section 19 of P.L.2007, c.63 (C.40A:65-19) is amended to read as follows:

C.40A:65-19 Employment reconciliation plan; provisions.

19. a. When a local unit agrees to participate in a joint meeting that will provide a service that the local unit is currently providing itself through public employees, the agreement shall include an employment reconciliation plan in accordance with this section. An employment reconciliation plan shall be subject to the following provisions:

(1) a determination of those employees, if any, that shall be transferred to the joint meeting, retained by the contracting local unit, or terminated from employment for reasons of economy or efficiency subject to the provisions of any collective bargaining agreements within the local units.

(2) any employee terminated for reasons of economy or efficiency by the contracting local unit providing the service or by the joint meeting shall be given a terminal leave payment of not less than a period of one month for each five-year period of past service as an employee with the local unit, or other enhanced benefits that may be provided or negotiated. Unless otherwise negotiated or provided by the employer, a terminal leave benefit shall not include extended payment, or payment for retroactive salary increases, bonuses, overtime, longevity, sick leave, accrued vacation or other time benefit, or any other benefit.

(3) the Civil Service Commission shall place any employee that has permanent status pursuant to Title 11A, Civil Service, of the New Jersey Statutes that is terminated for reasons of economy or efficiency at any time by either local unit on a special reemployment list for any civil service employer within the county of the agreement or any political subdivision therein.

(4) when a proposed joint contract affects employees in local units that operate under the provisions of Title 11A, Civil Service, of the New Jersey Statutes, an employment reconciliation plan shall be filed with the Civil Service Commission prior to the approval of the joint meeting agreement. That department shall review the plan for consistency with this section within 45 days of receipt and it shall be deemed approved, subject to approval of the joint meeting agreement by the end of that time, unless that department has responded with a denial or conditions that must be met in order for it to be approved.

(5) when an action is required of the Civil Service Commission by this section, parties to a proposed joint contract may consult with the commission in advance of the action and the commission shall provide such technical support as may be necessary to assist in the preparation of an employment reconciliation plan or any other action required of the commission by this section.

b. If both the local unit and joint meeting operate under the provisions of Title 11A, Civil Service, of the New Jersey Statutes, the Civil Service Commission shall create an implementation plan for employees to be hired by the joint meeting that will: (1) transfer employees with current status in current title unless reclassified or (2) reclassify employees, if necessary, into job titles that best reflect the work to be performed. The Civil Service Commission shall review whether any existing hiring or promotional lists should be merged, inactivated, or re-announced. Non-transferred employees shall be removed or suspended only for good cause and after the opportunity for a hearing before the Civil Service Commission; provided, however, that they may be laid-off in accordance with the provisions of N.J.S.11A:8-1 et seq., and the regulations promulgated thereunder. The final decision of which employees shall transfer to the new employer is vested solely with the local unit that will provide the service and subject to the provisions of any existing collective bargaining agreements within the local units.

c. If the joint meeting operates under the provisions of Title 11A, Civil Service, of the New Jersey Statutes, and a local unit receiving the service is not subject to that Title, and the parties desire that some or all employees of the local unit be transferred to the joint meeting, the Civil Service Commission shall vest only those employees who have been employed one year or more in permanent status pursuant to N.J.S.40A:9-9 in appropriate titles, seniority, and tenure with the providing local unit based on the duties of the position. The final decision of which employees shall transfer to the new employer is vested solely with the joint meeting and subject to the agreements affecting the parties, provided that those agreements do not conflict with the provisions of any existing collective bargaining agreements within the local units.

d. (1) If the joint meeting does not operate under the provisions of Title 11A, Civil Service, of the New Jersey Statutes, and the local unit receiving the service is subject to that Title, and the parties desire that some or all employees of the recipient local unit are to be transferred to the joint meeting, then the transferred employees shall be granted tenure in office and shall be removed or suspended only for good cause and after a hearing. The transferred employees shall be subject to layoff procedures prior to the transfer to the new entity. Once transferred, they will be subject to any employment contracts and provisions that exist for the new entity. The final decision of which employees shall transfer to the joint meeting is vested solely with the joint meeting and subject to the provisions of any existing collective bargaining agreements within the local units.

(2) A joint meeting established after the effective date of sections 1 to 37 of P.L.2007, c.63 (C.40A:65-1 et al.) that affects both employees in local

units subject to Title 11A, Civil Service, of the New Jersey Statutes and employees in local units not subject to that Title, shall determine whether the employees of the joint meeting shall be subject to the Title. If the joint meeting determines that the employees shall not be subject to Title 11A, Civil Service, of the New Jersey Statutes, then the employees from the local units in which the Title is in effect shall have the same rights as employees transferred pursuant to paragraph (1) of this subsection.

103. Section 27 of P.L.2007, c.63 (C.40A:65-27) is amended to read as follows:

C.40A:65-27 Creation of task force to facilitate consolidation.

27. a. Once a consolidation has been approved by the affected municipal governing bodies or voters, the division shall create a task force of State departments, offices and agencies, as it deems appropriate, and representatives of affected negotiations units, to facilitate the consolidation and provide technical assistance.

b. When a consolidation plan provides that the consolidated municipality will be subject to the provisions of Title 11A, Civil Service, of the New Jersey Statutes the Civil Service Commission is specifically authorized to create a consolidation implementation plan to vest non-civil service employees, based on the education and experience of the individuals, in appropriate titles and tenure.

c. Whenever a referendum question to decide if a consolidated municipality shall be subject to the provisions of Title 11A, Civil Service, of the New Jersey Statutes fails, the employees of a municipality already subject to that Title shall be given non-civil service titles in the new entity and previously held tenure shall be vacated.

d. The Public Employment Relations Commission is authorized to provide technical advice, pursuant to section 12 of P.L.1968, c.303 (C.34:13A-8.3), to assist a new municipality and existing labor unions to integrate separate labor agreements into consolidated agreements and to adjust the structure of collective negotiations units, as the commission determines appropriate for the consolidated municipality.

104. Section 12 of P.L.1971, c.182 (C.52:13D-23) is amended to read as follows:

C.52:13D-23 Codes of ethics.

12. (a) (1) The head of each State agency, or the principal officer in charge of a division, board, bureau, commission or other instrumentality

within a department of State Government designated by the head of such department for the purposes hereinafter set forth, shall within six months from the date of enactment, promulgate a code of ethics to govern and guide the conduct of the members of the Legislature, the State officers and employees or the special State officers and employees in the agency to which said code is applicable. Such code shall conform to the general standards hereinafter set forth in this section, but it shall be formulated with respect to the particular needs and problems of the agency to which said code is to apply and, when applicable, shall be a supplement to the uniform ethics code promulgated pursuant to paragraph (2) of this subsection. Notwithstanding any other provisions of this section, the New Jersey members to any interstate agency to which New Jersey is a party and the officers and employees of any State agency which fails to promulgate a code of ethics shall be deemed to be subject to a code of ethics the provisions of which shall be paragraphs (1) through (6) of subsection (e) of this section.

(2) Within 180 days following the effective date of this act, P.L.2005, c.382, the State Ethics Commission shall promulgate a uniform ethics code to govern and guide the conduct of State officers and employees and special State officers and employees in State agencies in the Executive Branch. Such code shall conform to the general standards hereinafter set forth in this section, shall be the primary code of ethics for State agencies once it is adopted and a code promulgated pursuant to paragraph (1) of this subsection shall be a supplement to the primary code. The head of each State agency, or the principal officer in charge of a division, board, bureau, commission or other instrumentality within a department of State Government designated by the head of such department shall revise each code of ethics promulgated prior to the uniform code to recognize the uniform code as the primary code.

(b) A code of ethics formulated pursuant to subsection (a) of this section to govern and guide the conduct of the State officers and employees or the special State officers and employees in any State agency in the Executive Branch, or any portion of such a code, shall not be effective unless it has first been approved by the State Ethics Commission. When a proposed code is submitted to the said commission it shall be accompanied by an opinion of the Attorney General as to its compliance with the provisions of this act and any other applicable provision of law. Nothing contained herein shall prevent officers of State agencies in the Executive Branch from consulting with the Attorney General or with the State Ethics Commission at any time in connection with the preparation or revision of such codes of ethics.

(c) A code of ethics formulated pursuant to this section to govern and guide the conduct of the members of the Legislature, State officers and em-

ployees or special State officers and employees in any State agency in the Legislative Branch, or any portion of such code, shall not be effective unless it has first been approved by the Legislature by concurrent resolution. When a proposed code is submitted to the Legislature for approval it shall be accompanied by an opinion of the chief counsel as to its compliance with the provisions of this act and any other applicable provisions of law. Nothing contained herein shall prevent officers of State agencies in the Legislative Branch from consulting with the Chief Legislative Counsel or the Joint Legislative Committee on Ethical Standards at any time in connection with the preparation or revision of such codes of ethics.

(d) Violations of a code of ethics promulgated pursuant to this section shall be cause for removal, suspension, demotion or other disciplinary action by the State officer or agency having the power of removal or discipline. When a person who is in the classified civil service is charged with a violation of such a code of ethics, the procedure leading to such removal or discipline shall be governed by any applicable provisions of the Civil Service Act, N.J.S. 11A:1-1 et seq., and the Rules of the Civil Service Commission. No action for removal or discipline shall be taken under this subsection except upon the referral or with the approval of the State Ethics Commission or the Joint Legislative Committee on Ethical Standards, whichever is authorized to exercise jurisdiction with respect to the complaint upon which such action for removal or discipline is to be taken.

(e) A code of ethics for officers and employees of a State agency shall conform to the following general standards:

(1) No State officer or employee or special State officer or employee should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest.

(2) No State officer or employee or special State officer or employee should engage in any particular business, profession, trade or occupation which is subject to licensing or regulation by a specific agency of State Government without promptly filing notice of such activity with the State Ethics Commission, if he is an officer or employee in the Executive Branch, or with the Joint Legislative Committee on Ethical Standards, if he is an officer or employee in the Legislative Branch.

(3) No State officer or employee or special State officer or employee should use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.

(4) No State officer or employee or special State officer or employee should act in his official capacity in any matter wherein he has a direct or

indirect personal financial interest that might reasonably be expected to impair his objectivity or independence of judgment.

(5) No State officer or employee or special State officer or employee should undertake any employment or service, whether compensated or not, which might reasonably be expected to impair his objectivity and independence of judgment in the exercise of his official duties.

(6) No State officer or employee or special State officer or employee should accept any gift, favor, service or other thing of value under circumstances from which it might be reasonably inferred that such gift, service or other thing of value was given or offered for the purpose of influencing him in the discharge of his official duties.

(7) No State officer or employee or special State officer or employee should knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of his acts that he may be engaged in conduct violative of his trust as a State officer or employee or special State officer or employee.

(8) Rules of conduct adopted pursuant to these principles should recognize that under our democratic form of government public officials and employees should be drawn from all of our society, that citizens who serve in government cannot and should not be expected to be without any personal interest in the decisions and policies of government; that citizens who are government officials and employees have a right to private interests of a personal, financial and economic nature; that standards of conduct should separate those conflicts of interest which are unavoidable in a free society from those conflicts of interest which are substantial and material, or which bring government into disrepute.

(f) The code of ethics for members of the Legislature shall conform to subsection (e) hereof as nearly as may be possible.

105. Section 13 of P.L.1971, c.182 (C.52:13D-24) is amended to read as follows:

C.52:13D-24 Restriction of solicitation, receipt, etc. of certain things of value by certain State officers, employees.

13. a. No State officer or employee, special State officer or employee, or member of the Legislature shall solicit, receive or agree to receive, whether directly or indirectly, any compensation, reward, employment, gift, honorarium, out-of-State travel or subsistence expense or other thing of value from any source other than the State of New Jersey, for any service,

advice, assistance, appearance, speech or other matter related to the officer, employee, or member's official duties, except as authorized in this section.

b. A State officer or employee, special State officer or employee, or member of the Legislature may, in connection with any service, advice, assistance, appearance, speech or other matter related to the officer, employee, or member's official duties, solicit, receive or agree to receive, whether directly or indirectly, from sources other than the State, the following:

(1) reasonable fees for published books on matters within the officer, employee, or member's official duties;

(2) reimbursement or payment of actual and reasonable expenditures for travel or subsistence and allowable entertainment expenses associated with attending an event in New Jersey if expenditures for travel or subsistence and entertainment expenses are not paid for by the State of New Jersey;

(3) reimbursement or payment of actual and reasonable expenditures for travel or subsistence outside New Jersey, not to exceed $500.00 per trip, if expenditures for travel or subsistence and entertainment expenses are not paid for by the State of New Jersey. The $500 per trip limitation shall not apply if the reimbursement or payment is made by (a) a nonprofit organization of which the officer, employee, or member is, at the time of reimbursement or payment, an active member as a result of the payment of a fee or charge for membership to the organization by the State or the Legislature in the case of a member of the Legislature; (b) a nonprofit organization that does not contract with the State to provide goods, materials, equipment, or services; or (c) any agency of the federal government, any agency of another state or of two or more states, or any political subdivision of another state.

Members of the Legislature shall obtain the approval of the presiding officer of the member's House before accepting any reimbursement or payment of expenditures for travel or subsistence outside New Jersey.

As used in this subsection, "reasonable expenditures for travel or subsistence" means commercial travel rates directly to and from an event and food and lodging expenses which are moderate and neither elaborate nor excessive; and "allowable entertainment expenses" means the costs for a guest speaker, incidental music and other ancillary entertainment at any meal at an event, provided they are moderate and not elaborate or excessive, but does not include the costs of personal recreation, such as being a spectator at or engaging in a sporting or athletic activity which may occur as part of that event.

c. This section shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public

office, except that campaign contributions may not be accepted if they are known to be given in lieu of a payment prohibited pursuant to this section.

d. (1) Notwithstanding any other provision of law, a designated State officer as defined in paragraph (2) of this subsection shall not solicit, receive or agree to receive, whether directly or indirectly, any compensation, salary, honorarium, fee, or other form of income from any source, other than the compensation paid or reimbursed to him or her by the State for the performance of official duties, for any service, advice, assistance, appearance, speech or other matter, except for investment income from stocks, mutual funds, bonds, bank accounts, notes, a beneficial interest in a trust, financial compensation received as a result of prior employment or contractual relationships, and income from the disposition or rental of real property, or any other similar financial instrument and except for reimbursement for travel as authorized in paragraphs (2) and (3) of subsection b. of this section. To receive such income, a designated State officer shall first seek review and approval by the State Ethics Commission to ensure that the receipt of such income does not violate the "New Jersey Conflicts of Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.) or any applicable code of ethics, and does not undermine the full and diligent performance of the designated State officer's duties.

(2) For the purposes of this subsection, "designated State officer" shall include: the Governor, the Adjutant General, the Secretary of Agriculture, the Attorney General, the Commissioner of Banking and Insurance, the director of the Division of Business Assistance, Marketing, and International Trade, the Commissioner of Community Affairs, the Commissioner of Corrections, the Commissioner of Education, the Commissioner of Environmental Protection, the Commissioner of Health and Senior Services, the Commissioner of Human Services, the Commissioner of Children and Families, the Commissioner of Labor and Workforce Development, the President of the State Board of Public Utilities, the Secretary of State, the Superintendent of State Police, the Commissioner of Transportation, the State Treasurer, the head of any other department in the Executive Branch, and the following members of the staff of the Office of the Governor: Chief of Staff, Chief of Management and Operations, Chief of Policy and Communications, Chief Counsel to the Governor, Director of Communications, Policy Counselor to the Governor, and any deputy or principal administrative assistant to any of the aforementioned members of the staff of the Office of the Governor listed in this subsection.

e. A violation of this section shall not constitute a crime or offense under the laws of this State.

106. Section 1 of P.L.1974, c.55 (C.52:14-15.107) is amended to read as follows:

C.52:14-15.107 Department officers; annual salaries.

1. Notwithstanding the provisions of the annual appropriations act and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor shall fix and establish the annual salary, not to exceed $133,330 in calendar year 2000, $137,165 in calendar year 2001 and $141,000 in calendar year 2002 and thereafter, for each of the following officers:

Title

Agriculture Department
Secretary of Agriculture

Children and Families Department
Commissioner of Children and Families

Community Affairs Department
Commissioner of Community Affairs

Corrections Department
Commissioner of Corrections

Education Department
Commissioner of Education

Environmental Protection Department
Commissioner of Environmental Protection

Health and Senior Services Department
Commissioner of Health and Senior Services

Human Services Department
Commissioner of Human Services

Banking and Insurance Department
Commissioner of Banking and Insurance

Labor and Workforce Development Department
Commissioner of Labor and Workforce Development

Law and Public Safety Department
Attorney General

Military and Veterans' Affairs Department
Adjutant General

State Department
Secretary of State

Transportation Department
Commissioner of Transportation

Treasury Department
State Treasurer

Members, Board of Public Utilities
Public Advocate Department
Public Advocate

107. Section 2 of P.L.1974, c.55 (C.52:14-15.108) is amended to read as follows:

C.52:14-15.108 Salary ranges for departmental officers, directors.

2. The salary ranges for the following positions shall be as established by the Civil Service Commission with the approval of the Director, Division of Budget and Accounting. The salary rate for any such position shall be the salary step in such range next above the salary currently being paid; provided, however, that any sums appropriated for salaries may be made available for salary adjustments therein arising from various exigencies of the State service and for normal merit salary increments as the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting shall determine; and provided, further, that nothing in this act shall reduce the salary rate for any such position below that which is being paid on the effective date of this act:

Community Affairs Department
Assistant Commissioner of Community Affairs
Director, Division of State and Regional Planning
Director, Division of Local Government Services
Director, Division of Housing and Urban Renewal
Director, Office of Aging Programs
Director, Office on Women
Environmental Protection Department
Director, Division of Water Resources
Director, Division of Parks and Forestry
Director of Fish, Game and Shell Fisheries
Director, Division of Marine Services
Director, Division of Environmental Quality
Health and Senior Services Department
Director, Division of Narcotic and Drug Abuse Control
Corrections Department
Chairman, State Parole Board
Associate Member, State Parole Board
Public Defender
Labor and Workforce Development Department
Director, Workplace Standards

Law and Public Safety Department
Colonel and Superintendent, State Police
State Medical Examiner
Director, Division of Alcoholic Beverage Control
State Superintendent of Weights and Measures
Public Utilities Department
Director, Office of Cable Television
Executive Director, Public Broadcasting
State Department
Transportation Department
Assistant Commissioner for Highways
Assistant Commissioner for Public Transportation
Chief Administrator, New Jersey Motor Vehicle Commission
Treasury Department
Director, Division of Budget and Accounting
Director, Division of Taxation
Director, Division of Purchase and Property
Director, Division of Pensions and Benefits
Director, Division of State Lottery.

108. Section 3 of P.L.1961, c.49 (C.52:14-17.27) is amended to read as follows:

C.52:14-17.27 State Health Benefits Commission.

3. There is hereby created a State Health Benefits Commission, consisting of five members: the State Treasurer; the Commissioner of Banking and Insurance; the Chairperson of the Civil Service Commission; a State employees' representative chosen by the Public Employees' Committee of the AFL-CIO; and, through June 30, 2008, when employers of employees, as defined in section 32 of P.L.2007, c.103 (C.52:14-17.46.2), will no longer be eligible to participate in the State Health Benefits Program authorized by P.L.1961, c.49, a representative chosen by the New Jersey Education Association, which represents the largest number of employees of employers other than the State participating in the State Health Benefits Program. Beginning July 1, 2008, the fifth member of the commission shall be a local employees' representative chosen by the Public Employees' Committee of the AFL-CIO.

The treasurer shall be chairman of the commission and the health benefits program authorized by P.L.1961, c.49 shall be administered in the Treasury Department. The Director of the Division of Pensions and Bene-

fits shall be the secretary of the commission. The commission shall establish a health benefits program for the employees of the State, the cost of which shall be paid as specified in section 6 of P.L.1961, c.49. The commission shall establish rules and regulations as may be deemed reasonable and necessary for the administration of P.L.1961, c.49.

The Attorney General shall be the legal advisor of the commission.

The members of the commission shall serve without compensation but shall be reimbursed for any necessary expenditures. The public employee members shall not suffer loss of salary or wages during service on the commission.

The commission shall publish annually a report showing the fiscal transactions of the program for the preceding year and stating other facts pertaining to the plan. The commission shall submit the report to the Governor and furnish a copy to every employer for use of the participants and the public.

109. Section 2 of P.L.1961, c.56 (C.52:17B-67) is amended to read as follows:

C.52:17B-67 Definitions.

2. As used in this act:

"Approved school" shall mean a school approved and authorized by the Police Training Commission to give police training courses or a training course for State and county corrections officers and juvenile detention officers as prescribed in this act.

"Commission" shall mean the Police Training Commission or officers or employees thereof acting on its behalf.

"County" shall mean any county which within its jurisdiction has or shall have a law enforcement unit as defined in this act.

"Law enforcement unit" shall mean any police force or organization in a municipality or county which has by statute or ordinance the responsibility of detecting crime and enforcing the general criminal laws of this State.

"Municipality" shall mean a city of any class, township, borough, village, camp meeting association, or any other type of municipality in this State which, within its jurisdiction, has or shall have a law enforcement unit as defined in this act.

"Permanent appointment" shall mean an appointment having permanent status as a police officer in a law enforcement unit as prescribed by Title 11A of the New Jersey Statutes, Civil Service Commission Rules and

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Regulations, or of any other law of this State, municipal ordinance, or rules and regulations adopted thereunder.

"Police officer" shall mean any employee of a law enforcement unit, including sheriff's officers and county investigators in the office of the county prosecutor, other than civilian heads thereof, assistant prosecutors and legal assistants, persons appointed pursuant to the provisions of R.S.40:47-19, persons whose duties do not include any police function, court attendants, State and county corrections officers, juvenile corrections officers and juvenile detention officers.

110. Section 4 of P.L.1995, c.284 (C.52:17B-172) is amended to read as follows:

C.52:17B-172 Advisory council to Juvenile Justice Commission.

4. a. The advisory council to the Juvenile Justice Commission shall consist of the following members:

(1) The Commissioner of the Department of Labor and Workforce Development, the Commissioner of the Department of Health and Senior Services, the Commissioner of the Department of Community Affairs, the Chairperson of the Civil Service Commission, the Public Defender and a county prosecutor selected by and serving at the pleasure of the Governor or a person designated by one of the forenamed officers to serve in that officer's place;

(2) Nine members who shall be selected for their knowledge, competence, experience or interest in the juvenile justice system. Appointments shall be made as follows: three by the President of the Senate, no more than two of whom shall be of the same political party; three by the Speaker of the General Assembly, no more than two of whom shall be of the same political party and three by the Governor, no more than two of whom shall be of the same political party.

b. The term of office of each public member of the advisory council shall be three years; except that of the first members appointed, one appointed by the Governor, one by the President of the Senate and one by the Speaker of the General Assembly shall be appointed for a term of one year, one appointed by the Governor, one by the President of the Senate and one by the Speaker of the General Assembly shall be appointed for a term of two years and the remaining three members shall be appointed for a term of three years. Each member shall serve until a successor has been appointed and qualified, and vacancies shall be filled in the same manner as the origi-

nal appointments for the remainder of the unexpired term. A member is eligible for reappointment to the council.

c. The Governor shall appoint the chair of the advisory council from among the members of the council. The chair shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the chair's successor. The members of the council shall elect a vice-chair from among the members of the council.

d. The members of the council shall receive no compensation for their services.

111. Section 6 of P.L.1995, c.284 (C.52:17B-174) is amended to read as follows:

C.52:17B-174 Juvenile corrections officers.

6. a. The Juvenile Justice Commission shall employ, within the limits of available funds, juvenile corrections officers to staff each State secure juvenile facility and to provide security for other State juvenile facilities and programs including parole programs as deemed appropriate and to perform all other duties related to enforcement of confinement and conditions of release including execution of warrants and legal process. Juvenile corrections officers shall be in the competitive division of the career service established pursuant to N.J.S.11A:3-2, "policemen" within the meaning of section 1 of P.L.1944, c.255 (C.43:16A-1) and members of the Police and Firemen's Retirement System of New Jersey established pursuant to section 2 of P.L.1944, c.255 (C.43:16A-2), and shall be "employees" within the meaning of section 3 of P.L.1941, c.100 (C.34:13A-3).

b. Except as provided in subsection c. of this section, no person shall be appointed as a juvenile corrections officer unless that person:

(1) Is a citizen of the United States;

(2) Is able to read, write and speak the English language well and intelligently;

(3) Has a high school diploma or its equivalent;

(4) Is sound in body and of good health;

(5) Is of good moral character;

(6) Has not been convicted of any offense which would make the person unfit to perform the duties of a juvenile corrections officer;

(7) Has successfully completed the training course approved by the Police Training Commission and required by section 5 of P.L.1988, c.176 (C.52:17B-68.1) or is exempt pursuant to the provisions of that section; and

(8) Meets such other qualifications, including education and training, as may be specified by the commission in consultation with the Civil Service Commission.

c. (1) Pending appointment of a full complement of juvenile corrections officers who meet the requirements of subsection b. of this section, the commission and the Commissioner of Corrections shall arrange through agreement for the assignment of corrections officers necessary to fill the positions transferred pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176). Corrections officers assigned to the commission pursuant to such an agreement shall be under the supervision of the commission during the period of assignment as provided by the agreement between the commission and the Commissioner of Corrections. The primary concerns of all agreements governing assignment and supervision shall be public safety and safety within the facilities and programs. No officer assigned pursuant to such an agreement shall, by virtue of such assignment, be considered an employee of the commission or lose or suffer any diminution of any right, power, privilege or benefit to which the employee would otherwise be entitled pursuant to the provisions of Title 11A of the New Jersey Statutes, Title 34 of the Revised Statutes, or Title 43 of the Revised Statutes, including any rights, powers, privileges or benefits as to salary, seniority, promotion, re-employment, retirement, pension or representation for purposes of collective bargaining;

(2) Notwithstanding the provisions of subsection b. of this section, a corrections officer assigned to the commission pursuant to this section shall not be considered ineligible for the position of juvenile corrections officer solely because the officer does not meet any educational or training requirement the commission may establish and may be appointed as a juvenile corrections officer if the officer applies for such position within 18 months of the effective date of this act. A juvenile corrections officer appointed pursuant to this subsection shall not be deprived of any right or protection provided by Title 11A of the New Jersey Statutes or any pension or retirement system and, notwithstanding any law or regulation to the contrary, shall be eligible to compete for vacant positions within the Department of Corrections with full credit for experience, service and rank earned as an employee of the Department of Corrections and such credit for experience, service and rank earned as an employee of the commission as the Commissioner of Corrections, after consultation with the Civil Service Commission, deems appropriate.

d. Each juvenile corrections officer shall by virtue of such employment and in addition to any other power or authority, be empowered to act as an officer for the detection, apprehension, arrest and adjudication of of-

fenders against the law and, subject to regulations promulgated by the commission and conditions set forth in N.J.S.2C:39-6, shall have the authority to possess and carry a firearm.

112. Section 8 of P.L.1975, c.217 (C.52:27D-126) is amended to read as follows:

C.52:27D-126 Appointment of construction official, subcode officials.

8. a. The appointing authority of any municipality shall appoint a construction official and any necessary subcode officials to administer and enforce the code. The appointing authority may, by resolution or order as appropriate, set the total number of weekly hours of operation of the construction official's office and the total number of weekly work hours of the construction official, commensurate with the compensation paid to the construction official. The appointing authority shall not set the specific work hours of the construction official. The appointing authority shall also appoint a construction board of appeals to hear and decide appeals from decisions made by said construction official and subcode officials, in the administration and enforcement of the code. Nothing herein, however, shall prevent a municipality from accepting inspections as to compliance with the code or any subcode thereof made by an inspection authority approved by the State of New Jersey pursuant to law.

b. To establish tenure rights or any other right or protection provided by the "State Uniform Construction Code Act" or Title 11A, Civil Service, of the New Jersey Statutes, or any pension law or retirement system, the job title "construction official" shall be equivalent to that job title which, prior to the adoption of the State Uniform Construction Code as provided in section 5 of the "State Uniform Construction Code Act," entailed the chief administrative responsibility to enforce all construction codes which had been adopted by the municipal governing body, the enforcement of which was not the responsibility of an authorized private inspection agency; and the job title "subcode official" shall be equivalent to that job title which, prior to the adoption of the State Uniform Construction Code, entailed subordinate administrative responsibility to enforce one or more of the following construction codes: building, plumbing, electrical or fire code.

Any person, in a municipality operating under Title 11A, Civil Service, of the New Jersey Statutes, who, prior to the adoption of the State Uniform Construction Code, held the equivalent of the job title "construction" official or "subcode" official, but who no longer holds his position as a result of a determination that his old job title was not equivalent to that of "construc-

tion" official or "subcode" official, shall be offered reappointment as a construction official or subcode official, as the case may be, and shall be granted permanent classified status in such position. Tenure shall continue for (1) any construction official or subcode official who is serving under tenure as otherwise provided by law on the effective date of this act or within one year thereafter, or (2) any person certified pursuant to subsection c. of this section and who subsequently gains such tenure.

A construction official or subcode official appointed in a municipality operating under the provisions of Title 11A, Civil Service, of the New Jersey Statutes, who, at the time of adoption of the State Uniform Construction Code, January 1, 1977, or prior to January 1, 1981, had permanent classified status or was employed as a construction official or subcode official or in another position in the unclassified service, shall be included in the classified service without civil service examination in his respective title of construction official or subcode official. Any individual employed by a municipality, who, in his employment with the municipality between January 1, 1977 and prior to January 1, 1981, was charged with the chief administrative responsibility to enforce all existing municipal construction codes, shall be deemed as appointed to the position of construction official for the purposes of this act. Any individual employed by a municipality, who, in his employment with the municipality between January 1, 1977 and prior to January 1, 1981, was charged with chief responsibility to enforce the municipal building, plumbing, fire, or electrical code, shall be deemed as appointed to the position of subcode official for the purposes of this act. No person, on or after January 1, 1981, shall be appointed as construction or subcode official in a municipality operating under Title 11A, Civil Service, of the New Jersey Statutes without having passed an examination administered by the Civil Service Commission certifying the merit and fitness of the person to hold such position; provided that, whenever a noncivil service municipality adopts the provisions of that Title, construction code officials and subcode officials of such municipality appointed prior to the filing of the petition for the adoption of civil service, shall attain permanent status in the classified service without examination. Any construction or subcode official appointed after January 1, 1981 on a provisional basis in a municipality which has adopted the provisions of Title 11A, Civil Service, of the New Jersey Statutes, may not be removed from office except for just cause after a fair and impartial hearing has been held at the local level, with no further appeal to the Civil Service Commission; provided, however, that such a construction or subcode official may be removed to permit the appointment of a person certified for appointment by the Civil Service Commission.

A construction official or subcode official in a noncivil service municipality shall be appointed for a term of four years and shall, upon appointment to a second consecutive term or on or after the commencement of a fifth consecutive year of service, including years of service in an equivalent job title held prior to the adoption of the State Uniform Construction Code, be granted tenure and shall not be removed from office except for just cause after a fair and impartial hearing.

A construction or subcode official, to be eligible for appointment in civil service or noncivil service municipalities, shall be certified by the State of New Jersey in accordance with subsection c. of this section and shall have had at least three years' experience in construction, design or supervision as a licensed engineer or registered architect; or five years' experience in construction, design, or supervision as an architect or engineer with a bachelor's degree from an accredited institution of higher education; or 10 years' experience in construction, design or supervision as a journeyman in a trade or as a contractor. A subcode official shall, pursuant to any subcode which he administers, pass upon:

(1) matters relative to the mode, manner of construction or materials to be used in the erection or alteration of buildings or structures, except as to any such matter foreclosed by State approval pursuant to this act, and (2) actual execution of the approved plans and the installation of the materials approved by the State. The construction official in each municipality shall be the chief administrator of the "enforcing agency." He shall have the power to overrule a determination of a subcode official based on an interpretation of a substantive provision of the subcode which such subcode official administers, only if the construction official is qualified to act pursuant to this act as a subcode official for such subcode. He may serve as subcode official for any subcode which he is qualified under this act to administer. A subcode official or municipal engineer may serve as a construction official if otherwise qualified under the provisions of this act. The municipal enforcing agency shall require compliance with the provisions of the code, of all rules lawfully adopted and promulgated thereunder and of laws relating to the construction, alteration, repair, removal, demolition and integral equipment and location, occupancy and maintenance of buildings and structures, except as may be otherwise provided for.

Two or more municipalities may provide by ordinance, subject to regulations established by the commissioner, for the joint appointment of a construction official and subcode official for the purpose of enforcing the provisions of the code in the same manner.

c. No person shall act as a construction official or subcode official for any municipality unless the commissioner determines that said person is so qualified, except for the following:

(1) a municipal construction official or subcode official holding office under permanent civil service status, or tenure as otherwise provided by law on the effective date of this act or within one year thereafter and (2) a municipal construction official or subcode official holding office without such permanent civil service status or tenure on the effective date of this act or within one year thereafter; provided said construction official or subcode official not having such permanent civil service status or tenure shall be certified in accordance with this act within four years of the effective date thereof; provided further that a person holding on the effective date of this act a valid plumbing inspector's license from the Department of Health and Senior Services pursuant to Title 26 of the Revised Statutes may serve as a plumbing subcode official and a person holding on the effective date of this act a valid electrical inspector's license from the Board of Public Utilities pursuant to Title 48 of the Revised Statutes may serve as an electrical subcode official. The commissioner, after consultation with the code advisory board, may authorize the preparation and conducting of oral, written and practical examinations to determine if a person is qualified by this act to be eligible to be a construction official or subcode official or, in the alternative, may accept successful completion of programs of training as proof of qualification within the meaning of this act. Upon a determination of qualification the commissioner shall issue or cause to be issued a certificate to the construction official or subcode official or trainee stating that he is so certified. The commissioner, after consultation with the code advisory board, may establish classes of certification that will recognize the varying complexities of code enforcement in the municipalities within the State. The commissioner shall, after consultation with the code advisory board, provide for educational programs designed to train and assist construction officials and subcode officials in carrying out their responsibilities.

Whenever the commissioner is required by the terms of this subsection to consult with the code advisory board and the matter in question concerns plumbing subcode officials, the commissioner shall also consult with the Public Health Council and Commissioner of Health and Senior Services.

d. The commissioner, after consultation with the code advisory board, may periodically require that each construction official and subcode official demonstrate a working knowledge of innovations in construction technology and materials, recent changes in and additions to the relevant portions of the State Uniform Construction Code, and current standards of professional eth-

ics and legal responsibility; or, in the alternative, the commissioner, after consultation with the code advisory board, may accept successful completion of appropriate programs of training as proof of such working knowledge.

113. Section 10 of P.L.1989, c.222 (C.App.A:9-42.1b) is amended to read as follows:

C.App.A:9-4.421b Filling of deputy emergency management coordinator position.

10. The deputy emergency management coordinator position shall be filled by the governing body in each county by: a. the appointment of a qualified individual; b. the selection of a qualified volunteer; or, if appropriate, c. the selection of an individual pursuant to the rules and regulations of the Civil Service Commission of the State of New Jersey.

114. Section 24 of P.L.1999, c.152 (C.13:8C-24) is amended to read as follows:

C.13:8C-24 Office of Green Acres established.

24. a. (1) There is established in the Department of Environmental Protection the Office of Green Acres. The commissioner may appoint an administrator or director who shall supervise the office, and the department may employ such other personnel and staff as may be required to carry out the duties and responsibilities of the department and the office pursuant to this act, all without regard to the provisions of Title 11A, Civil Service, of the New Jersey Statutes. Persons appointed or employed as provided pursuant to this subsection shall be compensated in a manner similar to other employees in the Executive Branch, and their compensation shall be determined by the Civil Service Commission.

(2) The Green Acres Program in the Department of Environmental Protection, together with all of its functions, powers and duties, are continued and transferred to and constituted as the Office of Green Acres in the Department of Environmental Protection. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Green Acres Program, the same shall mean and refer to the Office of Green Acres in the Department of Environmental Protection. This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

b. The duties and responsibilities of the office shall be as follows:

(1) Administer all provisions of this act pertaining to funding the acquisition and development of lands for recreation and conservation pur-

poses as authorized pursuant to Article VIII, Section II, paragraph 7 of the State Constitution;

(2) Continue to administer all grant and loan programs for the acquisition and development of lands for recreation and conservation purposes, including the Green Trust, established or funded for those purposes pursuant to: P.L.1961, c.45 (C.13:8A-1 et seq.); P.L.1971, c.419 (C.13:8A-19 et seq.); P.L.1975, c.155 (C.13:8A-35 et seq.); or any Green Acres bond act; and

(3) Adopt, with the approval of the commissioner and pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations:

(a) establishing application procedures for grants and loans for the acquisition and development of lands for recreation and conservation purposes, criteria and policies for the evaluation and priority ranking of projects for eligibility to receive funding for recreation and conservation purposes using constitutionally dedicated moneys, any conditions that may be placed on the award of a grant or loan for recreation and conservation purposes pursuant to this act, and any restrictions that may be placed on the use of lands acquired or developed with a grant or loan for recreation and conservation purposes pursuant to this act. The criteria and policies established pursuant to this subparagraph for the evaluation and priority ranking of projects for eligibility to receive funding for recreation and conservation purposes using constitutionally dedicated moneys may be based upon, but need not be limited to, such factors as: protection of the environment, natural resources, water resources, watersheds, aquifers, wetlands, floodplains and flood-prone areas, stream corridors, beaches and coastal resources, forests and grasslands, scenic views, biodiversity, habitat for wildlife, rare, threatened, or endangered species, and plants; degree of likelihood of development; promotion of greenways; provision for recreational access and use; protection of geologic, historic, archaeological, and cultural resources; relative cost; parcel size; and degree of public support; and

(b) addressing any other matters deemed necessary to implement and carry out the goals and objectives of Article VIII, Section II, paragraph 7 of the State Constitution and this act with respect to the acquisition and development of lands for recreation and conservation purposes; and

(4) Establishing criteria and policies for the evaluation and priority ranking of State projects to acquire and develop lands for recreation and conservation purposes using constitutionally dedicated moneys, which criteria and policies may be based upon, but need not be limited to, such factors as: protection of the environment, natural resources, water resources, watersheds, aquifers, wetlands, floodplains and flood-prone areas, stream

corridors, beaches and coastal resources, forests and grasslands, scenic views, biodiversity, habitat for wildlife, rare, threatened, or endangered species, and plants; degree of likelihood of development; promotion of greenways; provision for recreational access and use; protection of geologic, historic, archaeological, and cultural resources; relative cost; parcel size; and degree of public support.

C.26:2NN-1 "Law Enforcement Officer Crisis Intervention Services" telephone hotline.

115. a. The Department of Health and Senior Services shall maintain a toll-free information "Law Enforcement Officer Crisis Intervention Services" telephone hotline on a 24-hour basis.

The hotline shall receive and respond to calls from law enforcement officers and sheriff's officers who have been involved in any event or incident which has produced personal or job-related depression, anxiety, stress, or other psychological or emotional tension, trauma, or disorder for the officer and officers who have been wounded in the line of duty. The operators of the hotline shall seek to identify those officers who should be referred to further debriefing and counseling services, and to provide such referrals. In the case of wounded officers, those services may include peer counseling, diffusing, debriefing, group therapy and individual therapy as part of a coordinated assistance program, to be known as the "Blue Heart Law Enforcement Assistance Program," designed and implemented by the University of Medicine and Dentistry of New Jersey's University Behavioral Healthcare Unit.

b. The operators of the hotline shall be trained by the Department of Health and Senior Services and, to the greatest extent possible, shall be persons, who by experience or education, are: (1) familiar with post trauma disorders and the emotional and psychological tensions, depressions, and anxieties unique to law enforcement officers and sheriff's officers; or (2) trained to provide counseling services involving marriage and family life, substance abuse, personal stress management and other emotional or psychological disorders or conditions which may be likely to adversely affect the personal and professional well-being of a law enforcement officer and a sheriff's officer.

c. To ensure the integrity of the telephone hotline and to encourage officers to utilize it, the commissioner shall provide for the confidentiality of the names of the officers calling, the information discussed by that officer and the operator, and any referrals for further debriefing or counseling; provided, however, the commissioner may, by rule and regulation, (1) es-

tablish guidelines providing for the tracking of any officer who exhibits a severe emotional or psychological disorder or condition which the operator handling the call reasonably believes might result in harm to the officer or others and (2) establish a confidential registry of wounded New Jersey law enforcement officers.

C.26:2NN-2 List of counseling resources available to law enforcement, sheriff's officers.

116. The Commissioner of Health and Senior Services shall prepare a list of appropriately licensed or certified psychiatrists, psychologists, and social workers; other appropriately trained and qualified counselors; and experienced former law enforcement officers who are willing to accept referrals and to participate in the debriefing and counseling offered law enforcement officers and sheriff's officers under the provisions of sections 115 to 116 of P.L.2008, c.29 (C.26:2NN-1 to C.26:2NN-2).

C.11A:6-25.1 Programs to improve efficiency, effectiveness of public service.

117. The State Treasurer shall develop programs to improve efficiency and effectiveness of the public service, including, but not limited to, employee training, development, assistance and incentives; may establish an internship program; and assist the Governor in general work force planning, personnel matters and labor relations.

118. a. There is established a Civil Service Reform Task Force within the Department of the Treasury. The task force shall be comprised of the following members: the Chair of the Civil Service Commission, or his designee, who shall serve ex officio; the State Treasurer, or his designee, who shall serve ex officio; and seven public members to be appointed by the Governor.

The majority of the public members shall, to the extent practicable, have expertise in civil service or public sector personnel management matters.

Vacancies in the membership of the task force shall be filled in the same manner as the original appointments were made.

The task force shall organize as soon as may be practicable, but no later than the 30th day after the appointment of its members, and shall select a chairperson from among the public members. The chairperson shall appoint a secretary who need not be a member of the task force. The public members shall serve without compensation, but may be reimbursed for necessary expenses incurred in the performance of their duties.

The Department of the Treasury shall provide such staff and resources as the task force requires to carry out its duties.

The task force is entitled to the assistance and services of the employees of any State department, board, bureau, commission or agency as it may require and as may be available to it for its purposes, and to incur traveling and other miscellaneous expenses necessary to perform its duties, within the limits of funds appropriated or otherwise made available to it for its purpose.

The task force may meet and hold hearings at such places as it shall designate.

b. The task force shall study and evaluate the current civil service system and develop recommendations with regard to its reform.

c. The task force shall report to the Governor, the Civil Service Commission, and the Legislature on its findings and recommendations within 12 months following its organizational meeting. The task force shall expire 30 days after the submission of its report.

Repealer.

119. The following statutes are repealed:

N.J.S.11A:2-8
N.J.S.11A:2-9
N.J.S.11A:2-10
N.J.S.11A:12-4
N.J.S.11A:12-5
Sections 1, 2, and 3 of P.L.1998, c.149 (C.11A:2-25 through 11A:2-27).

120. This act shall take effect immediately and any actions necessary to implement this act may be taken any time thereafter. General implementation shall be completed no later than 12 months following enactment.

Approved June 30, 2008.

CHAPTER 30

AN ACT concerning the Intensive Supervision Program and amending P.L.1993, c.123.

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

1. Section 2 of P.L.1993, c.123 (C.2C:43-11) is amended to read as follows:

C.2C:43-11 Program of intensive supervision, eligibility.

2. a. No custodial sentence imposed pursuant to Chapter 43, 44 or 45 of Title 2C shall be changed to permit entry into any program of intensive supervision established pursuant to the Rules Governing the Courts of the State of New Jersey if the inmate:

(1) Is serving a sentence for a conviction of any crime of the first degree; or

(2) Is serving a sentence for a conviction of any offense in which the sentencing court found that there is a substantial likelihood that the defendant is involved in organized criminal activity pursuant to N.J.S.2C:44-1a.(5); or

(3) Is serving any statutorily mandated parole ineligibility, or any parole ineligibility imposed by the court pursuant to subsection b. of N.J.S.2C:43-6 or section 6 of P.L.2007, c.49 (C.2C:43-6.5); or

(4) (Deleted by amendment, P.L.2008, c.30)

(5) Has previously been convicted of a crime of the first degree, or of any offense in any other jurisdiction which, if committed in New Jersey, would constitute a crime of the first degree and the inmate was released from incarceration on the first degree offense within five years of the commission of the offense for which the inmate is applying for intensive supervision.

Nothing in this subsection shall be construed to preclude the program of intensive supervision from imposing more restrictive standards for admission.

b. Unless the inmate is within nine months of parole eligibility and has served at least six months of the sentence, no custodial sentence of an inmate serving a sentence for conviction of any crime of the second degree shall be changed to permit entry into any program of intensive supervision established pursuant to the Rules Governing the Courts of the State of New Jersey, if, within 20 days of receipt of notice of the inmate's application, the county prosecutor or Attorney General objects in writing.

c. If an inmate's application for a change of custodial sentence to permit entry into any program of intensive supervision established pursuant to the Rules Governing the Courts of the State of New Jersey is granted over the objection of the county prosecutor or the Attorney General, the order shall not become final for 20 days or until reconsideration by the Intensive Supervision Resentencing Panel in order to permit the county prosecutor or the Attorney General to appear personally or in writing, with notice to defense counsel, to request reconsideration of the application approval.

d. A victim of the offense for which the inmate was sentenced shall have the right to make a written statement or to appear at a proceeding regarding the application for a change of custodial sentence imposed pursuant to Chapter 43, 44 or 45 of Title 2C for entry into any program of intensive

supervision established pursuant to the Rules Governing the Courts of the State of New Jersey.

2. This act shall take effect immediately.

Approved June 30, 2008.

CHAPTER 31

AN ACT concerning State parks and forests, amending various parts of the statutory law, and supplementing P.L.1992, c.148 (C.13:19-16.1 et al.).

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

1. Section 1 of P.L.1992, c.148 (C.13:19-16.1) is amended to read as follows:

C.13:19-16.1 "Shore Protection Fund" created.

1. a. There is created in the Department of the Treasury a special non-lapsing fund to be known as the "Shore Protection Fund." The monies in the fund are dedicated and shall only be used to carry out the purposes enumerated in subsection b. of this section. The fund shall be credited with all revenues collected and deposited in the fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8), all interest received from the investment of monies in the fund, and any monies which, from time to time, may otherwise become available for the purposes of the fund. Pending the use thereof pursuant to the provisions of subsection b. of this section, the monies deposited in the fund shall be held in interest-bearing accounts in public depositories, as defined pursuant to section 1 of P.L.1970, c.236 (C.17:9-41), and may be invested or reinvested in such securities as are approved by the State Treasurer. Interest or other income earned on monies deposited into the fund shall be credited to the fund for use as set forth in this act for other monies in the fund.

b. (1) Monies deposited in the "Shore Protection Fund" shall be used, in accordance with the priority list approved by the Legislature pursuant to section 1 of P.L.1997, c.384 (C.13:19-16.2), for shore protection projects associated with the protection, stabilization, restoration or maintenance of the shore, including monitoring studies and land acquisition, consistent

with the current New Jersey Shore Protection Master Plan prepared pursuant to section 5 of P.L.1978, c.157, and may include the nonfederal share of any State-federal project. The requirements of subsection c. of section 1 of P.L.1997, c.384 (C.13:19-16.2) notwithstanding, the Commissioner of Environmental Protection may, pursuant to appropriations made by law, allocate monies deposited in the fund for shore protection projects of an emergency nature, in the event of storm, stress of weather or similar act of God. Two percent of the monies annually deposited in the fund shall be allocated and annually appropriated for the purposes of funding the Coastal Protection Technical Assistance Service established pursuant to section 1 of P.L.1993, c.176 (C.18A:64L-1), of which amount up to $100,000 annually may be utilized for funding coastal engineering research and development to be conducted by Stevens Institute of Technology in response to requests therefor made by State or local governmental entities.

(2) (a) Notwithstanding the provisions of paragraph (1) of this subsection, in State Fiscal Year 2009 up to $9,000,000 of the monies deposited in the Shore Protection Fund may be used to help defray the cost of operation and maintenance of State parks and forests as defined in subsection e. of section 3 of P.L.1983, c.324 (C.13:1L-3).

(b) (i) If the unobligated balance of the monies in the Shore Protection Fund on June 30, 2009 is less than $20,000,000, as certified by the State Treasurer, the sum of $9,000,000 shall be appropriated and credited to the Shore Protection Fund, to be used solely for the purposes prescribed in paragraph (1) of this subsection, from the proceeds of the State portion of the basic fee, collected pursuant to P.L.1968, c.49 (C.46:15-5 et seq.) and paid to the State Treasurer pursuant to paragraph (2) of subsection b. of section 4 of P.L.1968, c.49 (C.46:15-8), excluding any amounts from those proceeds credited to the Shore Protection Fund pursuant to paragraph (1) of subsection c. of section 4 of P.L.1968, c.49 (C.46:15-8), or from such other unappropriated revenues as the State Treasurer may determine that are not otherwise dedicated by law.

(ii) If the requirements of subsubparagraph (i) of this subparagraph are not met for any reason, or any portion of the sum of $9,000,000 transferred and credited to the Shore Protection Fund pursuant to that subsubparagraph is used for any purpose other than the purposes prescribed in paragraph (1) of this subsection, the Director of the Division of Budget and Accounting in the Department of the Treasury shall, not later than five days thereafter, certify to the Director of the Division of Taxation that these requirements have not been met.

2. Section 3 of P.L.1968, c.49 (C.46:15-7) is amended to read as follows:

C.46:15-7 Realty transfer fees.

3. a. In addition to the recording fees imposed by section 2 of P.L.1965, c.123 (C.22A:4-4.1), a grantor shall pay to the county recording officer at the time the deed is offered for recording the following fees:

(1) A basic fee, which basic fee shall consist of (a) a State portion at the rate of $1.25 for each $500.00 of consideration or fractional part thereof recited in the deed, and (b) a county portion at the rate of $0.50 for each $500.00 of consideration or fractional part thereof so recited; provided however, that on and after the tenth day following a certification by the Director of the Division of Budget and Accounting in the Department of the Treasury pursuant to subsection b. of section 2 of P.L.1992, c.148 (C.46:15-10.2) or subsubparagraph (ii) of subparagraph (b) of paragraph (2) of subsection b. of section 1 of P.L.1992, c.148 (C.13:19-16.1) as amended, the State portion of the basic fee shall not be imposed;

(2) An additional fee at the rate of $0.75 for each $500.00 of consideration or fractional part thereof recited in the deed in excess of $150,000.00; provided however, that on and after the tenth day following a certification by the Director of the Division of Budget and Accounting in the Department of the Treasury pursuant to subsection b. of section 2 of P.L.1992, c.148 (C.46:15-10.2) or subsubparagraph (ii) of subparagraph (b) of paragraph (2) of subsection b. of section 1 of P.L.1992, c.148 (C.13:19-16.1) as amended, the additional fee shall not be imposed; and

(3) A general purpose fee at the rate of:

(a) $0.90 for each $500.00 of consideration or fractional part thereof recited in the deed that is not in excess of $550,000.00, except that in the case of a conveyance or transfer of property for which the total consideration recited in the deed does not exceed $350,000.00, no general purpose fee shall be imposed;

(b) $1.40 for each $500.00 of consideration or fractional part thereof in excess of $550,000.00 but not in excess of $850,000.00 recited in the deed;

(c) $1.90 for each $500.00 of consideration or fractional part thereof in excess of $850,000.00 but not in excess of $1,000,000.00 recited in the deed; and

(d) $2.15 for each $500.00 of consideration or fractional part thereof in excess of $1,000,000.00 recited in the deed.

b. A deed subject to any of the fees established by this section, which is in fact recorded, shall be deemed to have been entitled to recording, not-

withstanding that the amount of the consideration shall have been incorrectly stated or that the correct amount of such fee shall not have been paid. No such defect shall in any way affect or impair the validity of the title conveyed or render the same unmarketable; but the person or persons required to pay said additional fee at the time of recording shall be and remain liable to the county recording officer for the payment of the proper amount thereof.

3. Section 4 of P.L.1975, c.176 (C.46:15-10.1) is amended to read as follows:

C.46:15-10.1 Partial fee exemptions.

4. a. The following transfers of title to real property shall be exempt from payment of the State portion of the basic fee:

(1) The sale of any one- or two-family residential premises which are owned and occupied by a senior citizen, blind person or disabled person who is the seller in such transaction; provided, however, that except in the instance of a husband and wife no exemption shall be allowed if the property being sold is jointly owned and one or more of the owners is not a senior citizen, blind person or disabled person.

(2) The sale of low and moderate income housing.

b. Transfers of title to real property upon which there is new construction shall be exempt from payment, with respect to all consideration therefor up to $150,000.00, of 80% of the State portion of the basic fee.

c. (1) The director shall promulgate rules, regulations and forms of certification otherwise necessary to carry out the provisions of this section.

(2) No transfer shall be eligible for more than one exemption under this section.

d. The balance of the State portion of the basic fee and the additional fee collected on transfers subject to exemption under subsection b. of this section shall be remitted to the State Treasurer and shall be credited to the Neighborhood Preservation Nonlapsing Revolving Fund established pursuant to P.L.1985, c.222 (C.52:27D-301 et al.), to be spent in the manner established under section 20 thereof (C.52:27D-320).

e. Subsections a. through d. of this section shall be without effect on and after the tenth day following a certification by the Director of the Division of Budget and Accounting in the Department of the Treasury pursuant to subsection b. of section 2 of P.L.1992, c.148 (C.46:15-10.2) or subsubparagraph (ii) of subparagraph (b) of paragraph (2) of subsection b. of section 1 of P.L.1992, c.148 (C.13:19-16.1 as amended).

4. a. The Department of Environmental Protection shall conduct, within six months after the effective date of this act, a study of the facilities, services, resources, activities, and amenities provided, or which reasonably could be provided, at each State park or forest as defined in subsection e. of section 3 of P.L.1983, c.324 (C.13:1L-3). As part of the study, the department shall:

(1) examine opportunities for increasing revenue realized from State parks and forests through (a) concessions, (b) marketing of products with State park or forest, New Jersey history, or other New Jerseyana or Garden State themes, (c) marketing of other products such as camping and outdoor recreational supplies and equipment, and (d) leases and rentals for events and other one-time or short-term uses;

(2) conduct a re-appraisal of the rents and fees charged for all residences and other buildings and structures, and for utility easements and right-of-ways, located on State park or forest lands to ensure they reflect current fair market values and will continue to do so;

(3) research fee structure strategies such as per person pricing compared to per vehicle charges and non-uniform pricing based upon intensity or frequency of use, location of the State park or forest, season, time of day, age of the visitor, and other similar factors;

(4) determine whether the fees it charges or will charge at State parks and forests are competitively priced when compared to similar facilities, services, resources, activities, and amenities offered in the private sector or by other states; and

(5) determine whether the fees it charges or will charge are causing or will cause any significant decrease in visitation to State parks and forests or a decrease in the use of certain facilities, services, resources, or amenities or in participation in certain activities.

b. The department, within 60 days after completion of the study required pursuant to subsection a. of this section, shall submit, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature and to the State Treasurer a report of its findings and conclusions from the study.

c. Based upon the results of the study, the department shall, by July 1, 2009, (1) modify the fees it charges for facilities, services, resources, activities, and amenities at State parks and forests to ensure as much as practicable that the fee structure established properly reflects the availability of those facilities, services, resources, activities, and amenities and that the fee revenues realized therefrom are making an appropriate and reasonable contribution toward defraying the cost of operating and maintaining State parks and forests, and (2) implement other measures deemed in the study to be

appropriate and beneficial with respect to increasing revenues realized from State parks and forests.

5. This act shall take effect July 1, 2008.

Approved June 30, 2008.

CHAPTER 32

AN ACT delaying the phase-out schedule of the transitional energy facility assessment (TEFA) unit rate surcharges on certain energy sales and amending P.L.1997, c.162 and concerning the proceeds therefrom.

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

1. Section 67 of P.L.1997, c.162 (C.48:2-21.34) is amended to read as follows:

C.48:2-21.34 Definitions relative to phase out schedule of transitional energy facility assessment unit rate surcharges; formulas; adjustments to rates.

67. a. As used in this section:

"Base rates" means the rates, including minimum bills, charged for utility commodities or service subject to the board's jurisdiction, other than the rates charged under a utility's levelized energy adjustment clause, hereinafter "LEAC," or levelized gas adjustment clause, hereinafter "LGAC," or equivalent rate provision;

"Base year" means the calendar year 1996;

"Board" means the Board of Public Utilities;

"Manufacturing facility" means a facility:

(1) with respect to which the owner of the facility shall have entered into an off-tariff rate agreement with an electric public utility, pursuant to the provisions of P.L.1995, c.180 (C.48:2-21.24 et seq.);

(2) that manufactures products made from using "postconsumer material," as that term is defined in section 247.3 of title 40, Code of Federal Regulations, and other recovered material feedstocks that meet the requirements of the Comprehensive Procurement Guideline For Products Containing Recovered Materials as promulgated by the United States Environmental Protection Agency in section 247.1 et seq. of title 40, Code of

Federal Regulations, pursuant to the "Resource Conservation and Recovery Act," Pub.L.94-580 (42 U.S.C. s.6901 et seq.) and Executive Order No. 13101, issued by the President of the United States on September 14, 1998, provided that at least 75 percent of the manufacturing facility's total annual sales dollar volume of such products that are produced in New Jersey meet the recycled content standards within such guidelines;

(3) for which a "comprehensive energy audit," as that term is defined in section 2 of P.L.1995, c.180 (C.48:2-21.25), shall have been undertaken within 90 days after the effective date of P.L.2007, c.94 (C.48:2-21.36 et al.), which audit shall have evaluated cost-effective energy efficiency and conservation measures as part of the efforts to reduce energy costs;

(4) that has been in operation in this State for at least 25 years as of the effective date of P.L.2007, c.94 (C.48:2-21.36 et al.); and

(5) at which at least 800 employees are employed on the first business or work day after the expiration of such off-tariff rate agreement.

"Sales and use tax" means the sales and use tax liability computed on sales and use of energy and utility service as defined in section 2 of P.L.1966, c.30 (C.54:32B-2);

"Utility" means a public utility subject to regulation by the board pursuant to Title 48 of the Revised Statutes; and

"Utility service" means the supply, transmission, distribution or transportation of electricity, natural gas or telecommunications services or any combination of such commodities, processes or services.

b. No later than 60 days after the date this act is enacted, each electric, gas and telecommunications utility subject to the provisions of this act shall file with the board, and shall simultaneously provide copies to the Director of the Division of the Ratepayer Advocate, revised tariffs and such other supporting schedules, narrative and documentation required by this act, as set forth in this section, to reflect in the utility's rates the changes in tax liability effected pursuant to this act. No later than 90 days after the date of the utility's filing, and after determining that the filing and the rate changes provided for therein are in compliance with the provisions of this act, the board shall approve the utility's filing and associated rates for billing to the utility's customers, effective for utility service rendered on and after January 1, 1998. If the board determines that the utility's filing and the associated rate changes provided for therein are not in compliance with the provisions of this act, the board shall require the utility to amend or otherwise modify its filing to render it in compliance. The board may also permit the rates provided for in the utility's filing to be implemented on an interim basis pending the board's final determination in the event the board, in its dis-

cretion, determines that due to the filing's complexity, or for other valid reasons, including but not limited to the enactment of this act after June 30, 1997, additional time is needed for the board to complete its review of the filing. If the rates approved by the board upon its final determination are less than the rates implemented on an interim basis, the difference shall be refunded to the utility's customers with interest computed in accordance with N.J.A.C.14:3-7.5(c). The rate adjustments implemented pursuant to this act shall not constitute a fixing of rates pursuant to R.S.48:2-21 and shall not be subject to the hearing requirements set forth in that section.

c. As of the effective date of the rate changes implemented pursuant to this act, and except for rates applicable to sales that were or are currently exempt from the unit-based energy taxes formerly imposed pursuant to P.L.1940, c.5 (C.54:30A-49 et seq.) and rates applicable to sales to which section 59 of P.L.1997, c.162 (C.48:2-21.31) applies, the board shall remove from the base rates of each electric public utility and gas public utility the unit tax rates included therein for the recovery of those unit-based energy taxes, and include therein provision for the recovery of corporation business tax imposed pursuant to P.L.1945, c.162 (C.54:10A-1 et seq.), and additionally shall authorize the collection of the sales and use tax imposed pursuant to P.L.1966, c.30 (C.54:32B-1 et seq.), as follows:

(1) The base rates of each gas and electric utility shall be reduced by the amount of the unit-based energy taxes per kilowatthour or per therm included therein.

(2) The provision for corporation business tax initially included in the base rates of each gas and electric utility shall be based on the utility's after-tax net income earned in the base year as booked, unless the board determines, in its discretion, that such income as booked is unusually high or low or otherwise unrepresentative of the utility's prospective net income, in which case the utility's base year net income shall be adjusted as determined by the board.

To permit the board to make this determination, in addition to including in its filing schedules showing its net income earned in the base year as booked, the utility shall include adjustments to such booked income to eliminate the effect of revenues, expenses and extraordinary or other charges that are non-recurring, atypical, or both, including, but not limited to an adjustment to eliminate the effect of unusually hot or cold weather, and that would otherwise make the utility's base year net income unusually high or low or otherwise unrepresentative of the utility's prospective net income. If the adjustment is being made to eliminate the effect of unusually hot or cold weather, associated revenue and expense adjustments shall

also be made. Subject to the board's approval, such adjusted income shall be the basis for the calculation of the initial provision for corporation business tax to be included in the utility's base rates.

The utility shall also include a calculation of its rate of return on common equity achieved in the base year, both as booked and as adjusted in accordance with the foregoing. The calculation shall be made employing the methodology set forth in N.J.A.C.14:12-4.2(b)1, and shall separately show the effect of reflecting adjustments to the calculation, if any, that may have been employed historically in establishing the utility's rate of return on common equity allowed for ratemaking purposes. The utility's filing shall also include copies of its audited financial statements for the base year and associated quarterly and other reports filed with the Securities and Exchange Commission.

To reflect the provision for corporation business tax in base rates, the demand charges, or charges per kilowatt, decatherm or million cubic feet; the energy charges, or charges per kilowatthour or per therm; and the customer charges, or charges other than demand and energy charges, set forth in each base rate schedule, and the floor price employed in parity rate schedules, included in the utility's tariff filed with and approved by the board shall be increased by amounts determined by multiplying such charges by the adjustment factor, "A e, g" derived below:

$$A\ e, g = \frac{((I\ e, g) \times (Rs/(1-Re))}{(Br\ e, g)}$$

where:

"A e, g" means the adjustment factor applicable to electric base rates (e), gas base rates (g), or both, other than rates applicable to sales that were exempt from unit-based energy taxes formerly imposed pursuant to P.L.1940, c.5 (C.54:30A-49 et seq.) or to which section 59 of P.L.1997, c.162 (C.48:2-21.31) applies;

"I e, g" means the utility's base year after-tax net income from electric or gas sales, or both, and transportation service subject to the board's jurisdiction and other operating revenue if such revenue is reflected in the utility's cost of service for ratemaking purposes, adjusted as approved by the board;

"Br e, g" means the utility's base year revenue from base rates applicable to electric or gas sales, or both, and transportation service subject to the board's jurisdiction, but excluding sales that were exempt from unit-based energy taxes formerly imposed pursuant to P.L.1940, c.5 (C.54:30A-49 et seq.) or to which section 59 of P.L.1997, c.162 (C.48:2-21.31) applies;

"Rs" means the corporation business tax rate, expressed as a decimal;

"Rf" means the applicable federal corporation income tax rate expressed as a decimal; and

"Re" equals Rs + Rf(1-Rs).

The utility shall account for the changes in tax liability provided for by this act effective January 1, 1998. Such accounting shall include the recording on the utility's income statement and balance sheet of deferred corporation business tax defined, for book accounting purposes, as differences in corporation business tax expense arising from timing differences in the recognition of revenue and expenses for book and tax purposes.

(3) When billed to the utility's customers, the adjusted base rate charges determined pursuant to paragraphs (1), (2), and (4) of this subsection, and the charges determined pursuant to the utility's levelized energy adjustment clause, levelized gas adjustment clause, or both, as determined both upon the effective date of the rate changes authorized by this act and as revised prospectively in accordance with the utility's tariff filed with and approved by the board, and the transitional energy facility assessment unit rate surcharges, hereinafter, "TEFA unit rate surcharges," determined in accordance with subsection d. of this section, shall be increased by an amount determined by multiplying such charges by the sales and use tax rate imposed under P.L.1966, c.30 (C.54:32B-1 et seq.). In addition to the utility's rates for service included in its tariff, for informational purposes the tariff shall include such rates after application of the sales and use tax authorized by this section.

(4) The utility's filing with the board to implement the rate changes provided for by this act shall include an analysis, description, and quantification of the effect of the changes in rates and tax payments implemented pursuant to this act on the utility's requirement for cash working capital, and if such requirement is less than the cash working capital allowed for the collection and payment of unit-based energy taxes formerly imposed pursuant to P.L.1940, c.5 (C.54:30A-49 et seq.) in determining the utility's base rates in effect prior to the rate changes implemented pursuant to this act, and to the extent the working capital reduction is not offset by a reduction in net deferred taxes as provided for below, such base rates shall be reduced by the reduction in the utility's revenue requirement associated with the remaining reduction in the working capital requirement not so offset, if any. The reduction in working capital shall be determined by using the same methodology employed in establishing the working capital allowance related to unit-based energy taxes reflected in the utility's base rates in effect prior to the rate changes implemented pursuant to this act. The reduction in

the utility's revenue requirement associated with the reduced working capital requirement shall be calculated using the utility's last overall rate of return allowed by the board, including provision for federal income taxes and the corporation business tax implemented pursuant to this act payable on the equity portion of the return, and shall be implemented on the effective date of the rate changes provided for, and in the manner set forth in paragraph (2) of this subsection.

If the utility's requirement for cash working capital is increased as a result of the changes in rates and tax payments implemented pursuant to this act, the utility may accrue carrying costs, calculated at its last overall rate of return allowed by the board and applied on a simple annual interest basis without compounding, on the increased working capital requirement and request recovery of such carrying costs in a rate proceeding before the board.

The working capital-related base rate changes and carrying cost accruals shall be subject to the board's approval, and shall not be included in the determination of the TEFA unit tax surcharges provided for in subsection d. of this section.

The utility's filing with the board to implement the rate changes provided for by this act shall also include an analysis, description and quantification of net deferred taxes. For the purposes of this section, "net deferred taxes" means deferred corporation business taxes, net of federal deferred income taxes, associated with the tax and rate changes implemented pursuant to this act, including deferred corporation business tax recorded in accordance with section 4 of P.L.1945, c.162 (C.54:10A-4), projected for the calendar year in which this act takes effect and for each year of the tax life of the asset giving rise to the deferred corporation business taxes pursuant to section 4 of P.L.1945, c.162 (C.54:10A-4).

If the change in such net deferred taxes projected for the calendar year in which the rate changes implemented pursuant to this act take effect is negative and if the utility's requirement for working capital is reduced as a result of the changes in rates and tax payments implemented pursuant to this act, the working capital-related rate reduction that otherwise would have been implemented pursuant to this subsection shall be treated as set forth in subparagraph (a) or (b) of this paragraph. For the purposes of this act, a change in net deferred taxes is considered negative when it reduces an existing deferred tax liability or creates a deferred tax asset on the utility's balance sheet. An appropriate rate adjustment for the working capital impacts of this act, reflecting all relevant facts and circumstances at the time of the adjustment, shall be made in the year when the earlier of the following events occur:

(a) The year in which the reduction in carrying costs assumed for the rate reduction for working capital that would have been made but for this paragraph is no longer required to offset, on a present value basis, the annual carrying costs calculated on the accumulated balance of negative net deferred taxes projected to be recorded by the utility, its successors and assigns, over the tax life of the single asset account giving rise to such net deferred taxes pursuant to section 4 of P.L.1945, c.162 (C.54:10A-4). For the purposes of this subparagraph (a):

(i) Carrying costs and present values are to be computed using the weighted average after-tax rate of return approved by the board in the utility's last base rate proceeding.

(ii) The accumulated balance of such negative net deferred taxes shall include net deferred taxes associated with all assets and liabilities originally placed in service by the utility and held by the utility or a company affiliated with the utility regardless of whether or not such assets continue to be subject to regulation by the New Jersey Board of Public Utilities.

(b) The year in which both an appropriate working capital adjustment and the accumulated balance of negative deferred taxes, as described in (ii) of subparagraph (a) of this paragraph (4), are reflected in the utility's rate base in a rate proceeding before the board. It is the intent of this section to fully compensate utilities on a present value basis, for the carrying costs associated with negative net deferred taxes arising as a result of this act, and to remit to ratepayers any credit due them as a result of any overcompensation as may have occurred due to the treatment of working capital and deferred taxes as set forth herein or in subparagraph (a) of this paragraph (4). At the time the above base rate adjustment is made, an analysis shall be made to determine if such carrying costs have been or will be fully recovered pursuant to the intent of this provision and any additional credit or charge to ratepayers to adjust for ratepayer overpayments or underpayments, if any shall be addressed.

If the change in net deferred taxes is positive, the increase shall be added to, or increase, the reduction in the utility's requirement for working capital if the requirement is reduced as a result of the rate and tax payment changes implemented pursuant to this act, or subtracted from the working capital requirement if it is increased, and the resultant net working capital requirement shall be reflected in rates or accrue carrying costs in the same manner as prescribed for changes in the utility's requirement for working capital above.

The deferred tax-related rate changes or carrying cost accruals shall be subject to the board's approval and shall not be included in the determination of the TEFA unit rate surcharges provided for in subsection d. of this section.

d. (1) Electric and gas utilities shall file, for the board's review and approval, initial TEFA unit rate surcharges determined by deducting from each unit-based energy tax unit tax rate effective January 1, 1997 the following:

(a) An amount per kilowatthour or per therm determined by multiplying the total revenue received in the base year from sales to which that unit tax rate would have been applicable by the factor Ru/(1 + Ru), where Ru is the sales and use tax rate imposed under P.L.1966, c.30 (C.54:32B-1 et seq.) expressed as a decimal, and dividing the result by the kilowatthours or therms billed in that unit tax rate class in the base year; and

(b) An amount per kilowatthour or per therm determined by dividing the revenue that would have been received in the base year from the inclusion, in the manner prescribed in paragraph (2) of subsection c. of this section, of the corporation business tax in the rates applicable to sales billed in that unit tax rate class by the kilowatthours or therms billed in that rate class. In each case, the determination shall reflect the effect of adjustments that affect the level of sales and revenue, if any, as provided in subsection c. of this section. Of the resultant rate per kilowatthour or per therm, the portion for recovery of the utility's transitional energy facilities assessment liability shall be determined by multiplying such rate by the factor (1 - Rs), where Rs is the corporation business tax rate expressed as a decimal.

The TEFA unit rate surcharges shall constitute non-bypassable wires and/or mains charges of the utility, and shall be applied to all sales within the customer classes to which they apply, regardless of whether such customers are purchasing bundled or unbundled services from the utility, but shall not be applied to sales:

(i) that were or are currently exempt from unit-based energy taxes formerly imposed pursuant to P.L.1940, c.5 (C.54:30A-49 et seq.) or to which section 59 of P.L.1997, c.162 (C.48:2-21.31) applies, and

(ii) for a period of seven years commencing on the first day after the expiration of an off-tariff rate agreement, entered into or negotiated pursuant to the provisions of P.L.1995, c.180 (C.48:2-21.24 et seq.), to a manufacturing facility for use or consumption directly and primarily in the production of tangible personal property, other than energy.

Notwithstanding the provisions of the exemption provided in this subsubparagraph (ii) of subparagraph (b) of paragraph (1) of subsection d. of this section, the TEFA unit rate surcharge shall be applied to the sales to the owner of the manufacturing facility and the owner shall be refunded an amount equal to the TEFA unit rate surcharge paid by the filing, within 30 days following the close of a calendar quarter in which the exemption applies, of a claim with the New Jersey Division of Taxation for a refund of

the TEFA unit rate surcharge paid, which refund shall be paid within 30 days of the refund claim being filed. Proof of claim for refund shall be made by the submission of such records and other documentation as the Director of the Division of Taxation may require. If the owner of the manufacturing facility at any time during the exemption period relocates the manufacturing facility to a location outside of this State, the owner shall pay to the Director of the Division of Taxation the amount of TEFA unit rate surcharge for which an exemption shall have been allowed and refund obtained under this section. The State Treasurer shall notify the director of the relocation of a manufacturing facility to a location outside of this State, and the director shall issue a tax assessment for the recapture of tax, equal to the amount of TEFA unit rate surcharge for which an exemption shall have been allowed and refund obtained under this section. The recapture of tax shall be a State tax subject to the State Uniform Tax Procedure Law, R.S.54:48-1 et seq., and shall be deposited in the General Fund.

If, following the effective date of this act, a customer taking bundled service from the utility shall elect to obtain its requirements from another supplier and take transportation or wheeling service from the utility, the TEFA unit rate surcharge applicable to the bundled service shall continue to apply to the transportation or wheeling service. The TEFA components of the unit rate surcharges determined pursuant to this subsection (the components of the surcharges remaining after deducting the provision for corporation business tax included therein) shall be used to determine the transitional energy facility assessment liability pursuant to sections 36 through 49 of P.L.1997, c.162 (C.54:30A-100 through C.54:30A-113).

(2) Unless reduced pursuant to paragraphs (3) and (4) of this subsection, the initial TEFA unit rate surcharges are to be reduced annually on January 1, 1999 through January 1, 2001 by the following percentages:

January 1, 1999,	20%
January 1, 2000,	40%
January 1, 2001,	60%

(3) For each year beginning with calendar year 1998 and ending with calendar year 2001, the TEFA surcharge adjustment shall be determined as the difference between:

(a) The sum of the estimated, or actual when known, (i) TEFA liabilities, as defined in section 43 of P.L.1997, c.162 (C.54:30A-107), and sales and use taxes collected and corporation business taxes booked for the year 1998 by the gas and electric utilities and other entities subject to the TEFA provisions of this act (the year 1998 liability), and (ii) the TEFA liabilities of those utilities and entities in all years following the year 1998 through

the year in which a determination is being made pursuant to this subsection (the determination year); and

(b) The sum of (i) the total of each remitter's base year liability, as defined in section 37 of P.L.1997, c.162 (C.54:30A-101), and (ii) the cumulative TEFA obligation, defined as the sum through the determination year of the amounts calculated by multiplying, for the applicable year, the percentage in the second column of the following table:

Determination Year	% of Year 1998 TEFA
1999	80%
2000	60%

by the Year 1998 TEFA,

where the Year 1998 TEFA is calculated as the total of each remitter's base year liability less the sales and use taxes collected and the corporation business taxes booked for the privilege period ending in calendar year 1998 by the gas and electric utilities and other entities subject to the TEFA provisions of this act. For purposes of this subsection, the amounts assumed for the determination year, including the year 1998 liability when first determined for the purposes of this subsection, shall be estimates based on nine months of actual data through and including the month of September, and three months of data forecast for the months of October through December.

(4) If the TEFA surcharge adjustment determined for the determination year is positive (that is, if the amount determined pursuant to subparagraph (a) of paragraph (3) of this subsection is greater than the amount determined pursuant to subparagraph (b) of paragraph (3) of this subsection), no reduction shall be made in the reduction in the TEFA unit rate surcharges provided for in paragraph (2) of this subsection for the year following the determination year. If the TEFA surcharge adjustment is negative, the reduction in the TEFA unit rate surcharges that otherwise would have been implemented on January 1 of the year following the determination year pursuant to paragraph (2) of this subsection shall be reduced by an amount (by percentage points) equal to the percentage the TEFA surcharge adjustment is of the total of the base year transitional energy facility assessment of all remitters, as defined in section 37 of P.L.1997, c.162 (C.54:30A-101), provided however, that such reduction in the reduction in the TEFA unit rate surcharges shall not exceed the percentage shown in paragraph (2) of

this subsection for that year; and provided further that in the first two years, that such reduction shall not exceed 10 percentage points for each year.

(5) (a) The TEFA unit rate surcharges for calendar years 2002 through 2011 shall be the same as the TEFA unit rate surcharges in effect for calendar year 2001.

(b) The TEFA unit rate surcharges in effect for calendar year 2011 shall be reduced on January 1, 2012 and January 1, 2013 by the following percentages:

January 1, 2012	25%
January 1, 2013	50%

e. The utility's filing with the board to implement the rate changes provided for by this act shall include proof of revenue schedules that show for each rate schedule included in the utility's tariff, aggregated by unit-based energy tax unit tax classes, the number of customers billed under the rate schedule, the billing determinants of such customers (i.e. the kilowatts of billing demand and kilowatthours of electric energy consumed, and the million cubic feet/decatherm subject to gas capacity-related charges and decatherm of gas consumed) and the associated revenue, both as booked in the base year and on a pro forma basis reflecting the rate changes implemented pursuant to this act. The proof of revenue shall additionally show the amount of unit-based energy taxes included in the base year revenue as booked, the unit-based energy taxes that would have been collected at the unit-based energy tax unit tax rates effective January 1, 1997, if different, as well as the corporation business tax, sales and use tax and transitional energy facility assessment revenue that would have been collected or received on a pro forma basis if the rates implemented pursuant to this act had been in effect in the base year.

f. The board may, in its discretion, permit the rate changes provided for in this act to be implemented as part of a pending base rate case or other proceeding in which the utility's rates are to be changed, provided that the effective date of the changes is not delayed beyond the date on which the changes would have been implemented under subsection c. of this section. The board may also, pursuant to its powers provided by law, permit or require further modifications in the implementation of this section to address unforeseen consequences arising out of the implementation of this act.

g. Customers of the utility who are exempt from the sales and use tax imposed on sales of gas and/or electricity or as a result of rate changes occurring prior to the effective date of this act or for other valid reasons are due a refund of sales or use tax inadvertently imposed on such customers as a result of implementing the rate changes provided for by this act shall file

with the State Treasurer to obtain such refunds. The State Treasurer shall promptly notify the utility of customers granted refunds under this provision in order to prevent additional collections of the sales and use tax from such customers.

h. Public utilities providing telecommunications service regulated by the board shall file for the board's review and approval revised tariffs that eliminate from the rates applicable to such service the excise tax liability included therein pursuant to P.L.1940, c.4 (C.54:30A-16 et seq.), and shall include therein the corporation business tax calculated using the methodology used in calculating the adjustment factor set forth in paragraph (2) of subsection c. of this section. Subsection d. of this section shall not apply to telecommunication utilities, and telecommunication utilities subject to a plan of regulation other than rate base/rate of return shall additionally not be required to file the rate of return information required by paragraph (2) of subsection c. Such utilities shall, however, include a narrative and/or other documentation as required by the board to support the reasonableness of the after-tax income, which may be adjusted to eliminate the effect of non-recurring or other atypical events, on which the corporate business tax inclusion in rates is based. Telecommunications utilities shall comply with all other applicable provisions of this section.

i. (1) The board shall not adjust the rates of a public utility, as provided in subsections c. and d. of this section, for a purchase by a cogenerator of natural gas and the transportation of that gas, that is exempt from sales and use tax pursuant to paragraph (2) of subsection b. of section 26 of P.L.1997, c.162 (C.54:32B-8.46). The board shall not allocate, in any future rate case, any sales and use tax, corporation business tax, or transitional energy facility assessment to rates for this purpose.

(2) The board shall adjust the rates, as provided in subsection c. of this section, for a purchase by a cogenerator of any quantity of natural gas and the transportation of that gas that is not exempt from sales and use tax pursuant to paragraph (2) of subsection b. of section 26 of P.L.1997, c.162 (C.54:32B-8.46).

(3) For the purposes of this section, "cogenerator" means a person or business entity that owns or operates a cogeneration facility in the State of New Jersey, which facility is a plant, installation or other structure whose primary purpose is the sequential production of electricity and steam or other forms of useful energy which are used for industrial, commercial, heating or cooling purposes, and which is designated by the Federal Energy Regulatory Commission, or its successor, as a "qualifying facility" pursuant to the provisions of the "Public Utility Regulatory Policies Act of 1978," Pub.L.95-617.

2. Section 38 of P.L.1997, c.162 (C.54:30A-102) is amended to read as follows:

C.54:30A-102 Establishment of remitter's transitional energy facility assessment.

38. Each remitter's transitional energy facility assessment shall be established pursuant to section 67 of P.L.1997, c.162 (C.48:2-21.34). Under no circumstances shall an assessment be made under this act for any year commencing after December 31, 2013.

3. The TEFA unit rate surcharge revenue realized during the 2009 State fiscal year attributable to the amendment made to section 67 of P.L.1997, c.162 (C.48:2-21.34) in section 1 of P.L.2008, c.32, is dedicated during that fiscal year to support State funds provided to hospitals in this State and to support State funds provided for Medicaid funding for nursing homes in this State.

4. This act shall take effect immediately.

Approved June 30, 2008.

CHAPTER 33

AN ACT concerning health care facilities and supplementing P.L.1971, c.136 (C.26:2H-1 et seq.).

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

C.26:2H-18.74 Short title.

1. This act shall be known and may be cited as the "Health Care Stabilization Fund Act."

C.26:2H-18.75 Findings, declarations relative to health care facilities.

2. The Legislature finds and declares that:

a. The final report of the New Jersey Commission on Rationalizing Health Care Resources, issued on January 24, 2008, demonstrated that a large number of New Jersey general hospitals are in poor financial health and in financial distress due to a number of causes, including lack of universal coverage, underpayment by public payers, misaligned incentives and

interests between physicians and hospitals, lack of transparency of performance or cost, a need for more responsible governance at certain hospitals, and excessive geographic hospital density;

b. The financial challenges faced by general hospitals in New Jersey have caused many to close in recent years, and additional hospitals may close in the future;

c. A general hospital's sudden closure or significant reduction in services can threaten access to health care providers and specialized health care services in the hospital's primary service area;

d. It is vitally important to the residents of this State that continuity and stability be maintained when a general hospital closes or reduces services in order to assure access to high-quality and cost-effective health care services and referrals to residents of the affected community;

e. It is fitting and appropriate that the State of New Jersey provide temporary funding to continue access to and availability of health care services in time of emergent need and to condition that funding on adherence to requirements to ensure efficient and effective delivery of health care services; and

f. To that end, the Health Care Stabilization Fund is established for the purpose of providing emergency grants to general hospitals and other licensed health care facilities to ensure continuation of access and availability of necessary health care services to residents in a community served by a hospital facing closure or significantly reducing services due to financial distress.

C.26:2H-18.76 Health Care Stabilization Fund.

3. a. The Health Care Stabilization Fund is established as a nonlapsing, revolving fund in the Department of Health and Senior Services. The fund shall be administered by the Department of Health and Senior Services in consultation with the Department of the Treasury. The fund shall be comprised of such revenues as are appropriated by the Legislature from time to time, along with any interest earned on monies in the fund.

b. Monies from the fund shall be disbursed solely as grants to qualifying licensed health care facilities pursuant to eligibility criteria, and subject to conditions, prescribed by the Commissioner of Health and Senior Services in accordance with the requirements of this act.

C.26:2H-18.77 Awarding of grant to health care facility; factors considered.

4. The Commissioner of Health and Senior Services, in consultation with the State Treasurer and the New Jersey Health Care Facilities Financing Authority, may award a grant to a hospital or other licensed health care

facility from the fund if the commissioner determines that, due to extraordinary circumstances, the grant is necessary to maintain access to essential health care services or referral sources, as appropriate. In determining whether to award a grant to a licensed health care facility, the commissioner shall consider whether, at a minimum, the following factors are present:

a. Extraordinary circumstances threaten access to essential health services for residents in a community;

b. Persons in a community will be without ready access to essential health care services in the absence of the award of a grant from the fund;

c. Funding is unavailable from other sources to preserve or provide essential health care services;

d. A grant from the fund is likely to stabilize access to the essential health care services;

e. There is a reasonable likelihood that the essential health care services will be sustainable upon the termination of the grant;

f. The proposed recipient of the grant agrees to conditions established by the commissioner for receipt of a grant; and

g. The hospital or other licensed health care facility serves a significant number of uninsured and underinsured persons.

C.26:2H-18.78 Conditions for receipt of grant; rules, regulations; annual report.

5. a. The Commissioner of Health and Senior Services shall set reasonable conditions for the receipt of a grant by a general hospital or other licensed health care facility, which conditions may include, but need not be limited to, requirements to assure the efficient and effective delivery of health care services.

The facility shall agree to: the provision of essential health care services to the community as determined by the commissioner; facilitating the enrollment of individuals in appropriate government insurance programs; and providing the Department of Health and Senior Services with such quality of care, utilization, and financial information as determined by the commissioner to be reasonable and necessary. In the case of a facility whose financial condition created or contributed to the extraordinary circumstances necessitating the award of the grant, the facility shall agree to such corrective steps to its governance, management, and business operations as the commissioner deems reasonable and appropriate in light of the facility's circumstances and the health care needs of the community.

b. Within one year of the award of a grant from the fund, the commissioner, in consultation with the State Comptroller, shall cause to be conducted an audit to evaluate:

(1) whether a grantee's use of the funds was consistent with the provisions of this act, the commissioner's regulations, and any conditions imposed upon the award of the grant; and

(2) whether a grantee's use of the funds furthered the purposes of this act.

c. The commissioner, 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 effectuate the purposes of this act. The regulations shall specify eligibility criteria for, and conditions that must be met by, a health care facility to receive a grant from the fund.

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 this act, which shall be effective for a period not to exceed 270 days following enactment of this act and may thereafter be amended, adopted, or readopted by the department in accordance with the requirements of P.L.1968, c.410.

d. The commissioner shall annually, by March 1 of each year, submit a report on the Health Care Stabilization Fund to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1). The commissioner shall include a copy of the report on the department's website.

The report shall identify the health care facilities that received grants during the reporting period, the purpose for which the grant was allocated to the facility, and the extent to which the awarding of the grant furthered the purposes of this act. The report shall include a copy of any audits conducted pursuant to subsection b. of this section.

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

Approved June 30, 2008.

CHAPTER 34

AN ACT abolishing certain commissions, and repealing P.L.1993, c.57 (C.32:34-1 et seq.) and P.L.1979, c.69 (C.52:9T-1 et seq.).

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

Repealer.

1. P.L.1993, c.57 (C.32:34-1 through C.32:34-5) is repealed.

Repealer.

2. P.L.1979, c.69 (C.52:9T-1 through C.52:9T-6) is repealed.

3. This act shall take effect immediately.

Approved June 30, 2008.

CHAPTER 35

Note: In approving the following act, certain items were deleted or reduced by the Governor. For a statement of those items, see the Governor's statement appended to Assembly Bill No. 2800, dated June 30, 2008.

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 2009 and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR THE FISCAL YEAR 2008-2009

GENERAL FUND

Undesignated Fund Balance, July 1, 2008	$400,447,000

Major Taxes

Sales	$9,136,000,000
Less: Sales Tax Dedication	**(683,000,000)**
Corporation Business	2,811,600,000
Transfer Inheritance	671,870,000
Motor Fuels	557,830,000
Insurance Premium	446,640,000
Motor Vehicle Fees	391,725,000
Realty Transfer	352,740,000
Petroleum Products Gross Receipts	229,800,000
Cigarette	234,404,000
Corporation Banks and Financial Institutions	86,350,000
Alcoholic Beverage Excise	93,320,000
Tobacco Products Wholesale Sales	16,860,000
Public Utility Excise (Reform)	10,751,000
Total -- Major Taxes	$14,356,890,000

Miscellaneous Taxes, Fees, and Revenues

Executive Branch --	
Department of Agriculture:	
Fertilizer Inspection Fees	$366,000
Miscellaneous Revenue	7,000
Subtotal, Department of Agriculture	$373,000
Department of Banking and Insurance:	
Actuarial Services	$55,000
Bank Assessments	9,800,000
Banking -- Licenses and Other Fees	3,250,000
FAIR Act Administration	19,000,000
Fraud Fines	2,000,000
HMO Covered Lives	1,595,000
Insurance -- Examination Billings	2,500,000
Insurance -- Special Purpose Assessment	14,000,000
Insurance Fraud Prevention	33,000,000

Matter within summary of appropriations is not enacted as part of the law and is intended to be for the purpose of displaying summaries of the items of appropriations set forth elsewhere.

Insurance Licenses and Other Fees	25,480,000
Real Estate Commission	10,000,000
Subtotal, Department of Banking and Insurance	$120,680,000
Department of Children and Families:	
Child Care Licensing/Adoption Law	$350,000
Marriage License Fees	1,309,000
Subtotal, Department of Children and Families	$1,659,000
Department of Community Affairs:	
Affordable Housing and Neighborhood Preservation -- Fair Housing	$20,975,000
Construction Fees	15,954,000
Divorce Filing Fees	1,500,000
Fire Safety	16,067,000
Housing Inspection Fees	8,927,000
Planned Real Estate Development Fees	828,000
Subtotal, Department of Community Affairs	$64,251,000
Department of Education:	
Audit Recoveries	$425,000
Audit of Enrollments	205,000
Local School District Loan Recoveries -- New Jersey Economic Development Authority	6,130,000
Nonpublic Schools Handicapped and Auxiliary Recoveries	6,000,000
Nonpublic Schools Textbook Recoveries	1,200,000
School Construction Inspection Fees	530,000
State Board of Examiners	4,800,000
Subtotal, Department of Education	$19,290,000
Department of Environmental Protection:	
Air Pollution Fees -- Minor Sources	$6,300,000
Air Pollution Fees -- Title V Operating Permits	10,700,000
Air Pollution Fines	2,800,000
Clean Water Enforcement Act	2,000,000
Coastal Area Facility Review Act	2,100,000
Endangered Species Tax Check-off	158,000
Environmental Infrastructure Financing Program -- Administrative Fee	5,000,000
Excess Diversion	230,000
Freshwater Wetlands Fees	4,258,000
Freshwater Wetlands Fines	300,000
Hazardous Waste Fees	3,949,000
Hazardous Waste Fines	700,000
Highlands Permitting	426,000
Hunters' and Anglers' Licenses	11,000,000
Industrial Site Recovery Act	1,045,000
Laboratory Certification Fees	2,400,000
Laboratory Certification Fines	80,000
Marina Rentals	885,000
Marine Lands -- Preparation and Filing Fees	159,000
Medical Waste	4,400,000
New Jersey Pollutant Discharge Elimination System/ Stormwater Permits	16,700,000
Parks Management Fees and Permits	4,300,000
Parks Management Fines	140,000
Pesticide Control Fees	4,400,000

Pesticide Control Fines	80,000
Radiation Protection Fees	6,104,000
Radiation Protection Fines	90,000
Radon Testers Certification	280,000
Shellfish and Marine Fisheries	7,000
Solid Waste – Utility Regulation Assessments	3,100,000
Solid Waste Fines	650,000
Solid Waste Management Fees	9,900,000
Spring Meadow Golf Course	250,000
Stream Encroachment	3,710,000
Toxic Catastrophe Prevention Fees	1,615,000
Toxic Catastrophe Prevention Fines	50,000
Treatment Works Approval	1,780,000
Underground Storage Tanks Fees	1,200,000
Water Allocation	2,050,000
Water Supply Management Regulations	1,700,000
Water/Wastewater Operators Licenses	210,000
Waterfront Development Fees	2,931,000
Waterfront Development Fines	10,000
Well Permits/Well Drillers/Pump Installers Licenses	1,100,000
Wetlands	44,000
Worker Community Right to Know – Fines	60,000
Subtotal, Department of Environmental Protection	$121,351,000
Department of Health and Senior Services:	
Admission Charge Hospital Assessment	$6,000,000
Health Care Reform	1,200,000
Licenses, Fines, Permits, Penalties and Fees	790,000
Miscellaneous Revenue	400,000
Subtotal, Department of Health and Senior Services	$8,390,000
Department of Human Services:	
Medicaid Uncompensated Care – Acute	$239,059,000
Medicaid Uncompensated Care – Mental Health	37,075,000
Medicaid Uncompensated Care – Psychiatric	178,685,000
Miscellaneous Revenue	1,500,000
Patients' and Residents' Cost Recoveries:	
Developmental Disability	18,412,000
Psychiatric Hospitals	78,444,000
Subtotal, Department of Human Services	$553,175,000
Department of Labor and Workforce Development:	
Miscellaneous Revenue	$155,000
Special Compensation Fund	1,778,000
Workers' Compensation Assessment	13,009,000
Workplace Standards – Licenses, Permits and Fines	4,720,000
Subtotal, Department of Labor and Workforce Development	$19,662,000
Department of Law and Public Safety:	
Beverage Licenses	$3,960,000
Charities Registration Section	695,000
Controlled Dangerous Substances	100,000
EDA School Construction Recoveries	166,000
Legalized Games of Chance Control	1,200,000
Miscellaneous Revenue	55,000
New Jersey Cemetery Board	22,000

Pleasure Boat Licenses	2,102,000
Private Employment Agencies	258,000
Securities Enforcement	8,994,000
State Board of Architects	360,000
State Board of Audiology and Speech-Language Pathology Advisory	14,000
State Board of Certified Public Accountants	850,000
State Board of Chiropractors	72,000
State Board of Cosmetology and Hairstyling	2,398,000
State Board of Court Reporting	5,000
State Board of Dentistry	180,000
State Board of Electrical Contractors	684,000
State Board of Marriage Counselor Examiners	362,000
State Board of Master Plumbers	283,000
State Board of Medical Examiners	4,403,000
State Board of Mortuary Science	191,000
State Board of Nursing	4,114,000
State Board of Occupational Therapists and Assistants	13,000
State Board of Ophthalmic Dispensers and Ophthalmic Technicians	11,000
State Board of Optometrists	239,000
State Board of Orthotics and Prosthetics	33,000
State Board of Pharmacy	1,195,000
State Board of Physical Therapy	20,000
State Board of Polysomnography	50,000
State Board of Professional Engineers and Land Surveyors	225,000
State Board of Professional Planners	117,000
State Board of Psychological Examiners	256,000
State Board of Real Estate Appraisers	78,000
State Board of Respiratory Care	22,000
State Board of Social Workers	633,000
State Board of Veterinary Medical Examiners	211,000
State Police -- Fingerprint Fees	3,694,000
State Police -- Nuclear Facilities Security Detail	1,600,000
State Police -- Other Licenses	250,000
State Police -- Private Detective Licenses	220,000
Victims of Violent Crime Compensation	430,000
Weights and Measures -- General	2,612,000
Subtotal, Department of Law and Public Safety	$43,377,000
Department of Military and Veterans' Affairs:	
Nuclear Facilities Security Detail	$8,790,000
Soldiers' Homes	38,962,000
Subtotal, Department of Military and Veterans' Affairs	$47,752,000
Department of the Public Advocate:	
Office of Dispute Settlement Mediation	$50,000
Rate Counsel	6,749,000
Subtotal, Department of the Public Advocate	$6,799,000
Department of State:	
Governor's Teaching Scholars Program Loan Repayment	$50,000
Miscellaneous Revenue	9,000
Subtotal, Department of State	$59,000
Department of Transportation:	
Air Safety Fund	$965,000

Applications and Highway Permits	1,300,000
Autonomous Transportation Authorities	24,500,000
Good Driver	79,000,000
Interest on Purchase of Right-of-Way	5,000
Logo Sign Program Fees	300,000
Outdoor Advertising	740,000
Subtotal, Department of Transportation	$106,810,000
Department of the Treasury:	
Assessment on Real Property Greater Than $1 Million	$122,460,000
Assessments -- Cable TV	4,809,000
Assessments -- Public Utility	31,200,000
Coin Operated Telephones	3,800,000
Commercial Recording -- Expedited	2,153,000
Commissions (Notary)	1,700,000
Domestic Security	34,500,000
Dormitory Safety Trust Fund -- Debt Service Recovery	5,694,000
Enhanced Debt Collection	72,500,000
Equipment Leasing Fund -- Debt Service Recovery	2,289,000
Escrow Interest -- Construction Accounts	69,000
Fur Clothing Tax	2,000,000
General Revenue -- Fees (Commercial Recording and UCC)	51,500,000
Higher Education Capital Improvement Fund -- Debt Service Recovery	15,298,000
Hotel/Motel Occupancy Tax	90,000,000
Investment Earnings	18,000,000
Miscellaneous Revenue	2,200,000
NJ Public Records Preservation	28,300,000
Nuclear Emergency Response Assessment	4,346,000
Public Defender Client Receipts	4,900,000
Public Utility Fines	1,000,000
Public Utility Gross Receipts and Franchise Taxes (Water/Sewer)	87,225,000
Railroad Tax -- Class II	4,000,000
Railroad Tax -- Franchise	1,000,000
Surplus Property	1,500,000
Tax Referral Cost Recovery Fee	5,500,000
Telephone Assessment	129,000,000
Tire Clean-Up Surcharge	10,000,000
Transitional Energy Facilities Assessment	245,653,000
Subtotal, Department of the Treasury	$982,596,000
Other Sources:	
Miscellaneous Revenue	$500,000
Subtotal, Other Sources	$500,000
Interdepartmental Accounts:	
Administration and Investment of Pension and Health Benefit Funds -- Recoveries	$3,114,000
Employee Maintenance Deductions	300,000
Fringe Benefit Recoveries from Colleges and Universities	170,120,000
Fringe Benefit Recoveries from Federal and Other Funds	257,145,000
Fringe Benefit Recoveries from School Districts	46,900,000
Indirect Cost Recoveries -- DEP Other Funds	8,100,000
MTF Revenue Fund	46,500,000

Rent of State Building Space	2,534,000
Social Security Recoveries from Federal and Other Funds	64,480,000
Subtotal, Interdepartmental Accounts	$599,193,000
The Judiciary:	
Court Fees	$64,090,000
Subtotal, Judicial Branch	$64,090,000
Total -- Miscellaneous Taxes, Fees, and Revenues	$2,760,007,000

Interfund Transfers

Beaches and Harbor Fund	$86,000
Clean Energy Fund	10,000,000
Clean Waters Fund	36,000
Correctional Facilities Construction Fund	15,000
Correctional Facilities Construction Fund of 1987	13,000
Cultural Centers and Historic Preservation Fund	125,000
Dam, Lake, Stream and Flood Control Project Fund -- 2003	300,000
Developmental Disabilities Waiting List Reduction Fund	235,000
Dredging and Containment Facility Fund	390,000
Emergency Flood Control Fund	13,000
Energy Conservation Fund	15,000
Enterprise Zone Assistance Fund	8,958,000
Fund for the Support of Free Public Schools	3,600,000
Garden State Farmland Preservation Trust Fund	1,795,000
Garden State Green Acres Preservation Trust Fund	5,249,000
Garden State Historic Preservation Trust Fund	616,000
Hazardous Discharge Fund	8,000
Hazardous Discharge Site Cleanup Fund	16,931,000
Housing Assistance Fund	160,000
Jobs, Education and Competitiveness Fund	43,000
Judiciary Bail Fund	1,095,000
Judiciary Child Support and Paternity Fund	265,000
Judiciary Probation Fund	305,000
Judiciary Special Civil Fund	65,000
Judiciary Superior Court Miscellaneous Fund	170,000
Legal Services Fund	10,410,000
Mortgage Assistance Fund	725,000
Motor Vehicle Security Responsibility Fund	13,000
New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-Way Preservation Fund	185,000
Natural Resources Fund	125,000
New Jersey Green Acres Fund -- 1983	1,070,000
New Jersey Spill Compensation Fund	15,783,000
New Jersey Workforce Development Partnership Fund	17,567,000
Pollution Prevention Fund	1,549,000
Public Purpose Buildings Construction Fund	8,000
Public Purpose Buildings and Community-Based Facilities Construction Fund	60,000
Safe Drinking Water Fund	2,433,000
School Fund Investment Account	4,030,000
Shore Protection Fund	295,000
Solid Waste Service Tax Fund	12,000
State Disability Benefit Fund	29,243,000

State Lottery Fund	888,000,000
State Lottery Fund Administration	22,118,000
State Recreation and Conservation Land Acquisition and Development Fund	25,000
State of New Jersey Cash Management Fund	2,796,000
Statewide Transportation and Local Bridge Fund	1,556,000
Supplemental Workforce Fund for Basic Skills	2,000,000
Tobacco Settlement Fund	62,068,000
Unclaimed Personal Property Trust Fund	158,000,000
Unclaimed Utility Deposits Trust Fund	225,000
Unemployment Compensation Auxiliary Fund	26,357,000
Universal Services Fund	72,616,000
Wage and Hour Trust Fund	75,000
Water Conservation Fund	40,000
Water Supply Fund	4,321,000
Worker and Community Right to Know Fund	3,783,000
Total – Interfund Transfers	$1,377,976,000
Total State Revenues, General Fund	$18,494,873,000
Adjustments:	
Transfer to Gubernatorial Elections Fund	***($3,127,000)***
Transfer from Surplus Revenue Fund	***214,800,000***
Total Resources, General Fund	$19,106,993,000

Property Tax Relief Fund

Gross Income Tax	$12,700,000,000
Sales Tax Dedication	683,000,000
Total Resources, Property Tax Relief Fund	$13,383,000,000

Surplus Revenue Fund

Undesignated Fund Balance, July 1, 2008	$698,000,000
Transfer to General Fund	(214,800,000)
Total Resources, Surplus Revenue Fund	$483,200,000

Casino Control Fund

Undesignated Fund Balance, July 1, 2008	$300,000
Investment Earnings	500,000
License Fees	74,639,000
Total Resources, Casino Control Fund	$75,439,000

Casino Revenue Fund

Casino Simulcasting Fund	$500,000
Gross Revenue Tax	389,963,000
Investment Earnings	1,500,000
Other Casino Taxes and Fees	22,796,000
Total Resources, Casino Revenue Fund	$414,759,000

Gubernatorial Elections Fund

Undesignated Fund Balance, July 1, 2008	$1,253,000
Taxpayers' Designations	700,000
Transfer from General Fund	3,127,000
Total Resources, Gubernatorial Elections Fund	$5,080,000
Total Resources, All State Funds	$33,468,471,000

Federal Revenue

Executive Branch –
- Department of Agriculture:
  - Agricultural Mediation Grant – USDA $25,000
  - Asian Longhorned Beetle Monitoring 3,000,000
  - Child Care 70,825,000
  - Child Nutrition – School Breakfast 45,000,000
  - Child Nutrition – School Lunch 180,000,000
  - Child Nutrition – Special Milk 1,200,000
  - Child Nutrition – Summer Programs 10,422,000
  - Child Nutrition Administration 4,670,000
  - Cooperative Gypsy Moth Suppression 1,450,000
  - Farm Risk Management Education Program 272,000
  - Farmland Preservation 4,500,000
  - Fish Inspection Service 160,000
  - Food Stamp – Temporary Emergency Food Assistance Program (TEFAP) 2,250,000
  - Indemnities – Avian Influenza 575,000
  - National Animal Identification Infrastructure 100,000
  - Team Nutrition Training 200,000
  - Various Federal Programs and Accruals 1,551,000
  - Subtotal, Department of Agriculture $326,200,000
- Department of Children and Families:
  - Restricted Federal Grants $9,671,000
  - Title IV-B Child Welfare Services 5,500,000
  - Title IV-E Foster Care 93,947,000
  - Subtotal, Department of Children and Families $109,118,000
- Department of Community Affairs:
  - Brownfields Training, Research, and Technical Assistance $300,000
  - Community Services Block Grant 17,825,000
  - Emergency Shelter Grants Program 1,650,000
  - Fair Housing Initiatives Grant 100,000
  - Low Income Home Energy Assistance Program 94,306,000
  - Moderate Rehabilitation Housing Assistance 11,679,000
  - National Affordable Housing – HOME Investment Partnerships 7,611,000
  - National Field-Generated Training, Technical Assistance and Demonstration 125,000
  - National Fire Academy Training Program 28,000
  - Section 8 Housing Voucher Program 292,600,000
  - Shelter Plus Care Program 6,961,000
  - Small Cities Block Grant Program 8,360,000
  - Transitional Housing – Homeless 136,000
  - Weatherization Assistance Program 5,169,000
  - Subtotal, Department of Community Affairs $446,850,000
- Department of Corrections:
  - Counterterrorism Prison Intelligence $400,000
  - National Institute of Justice Grant for Corrections Research –Escape Study 383,000
  - Project In-Side 608,000
  - Promoting Responsible Fatherhood 407,000
  - State Criminal Alien Assistance Program 5,500,000

Various Federal Programs and Accruals	60,000
Subtotal, Department of Corrections	$7,358,000
Department of Education:	
21st Century Schools	$20,175,000
AIDS Prevention Education	700,000
Adult Basic Education -- Administration/Discretionary	1,085,000
Bilingual and Compensatory Education -- Homeless Children and Youth	1,321,000
Byrd Scholarship Program	1,135,000
Character Education Partnership	725,000
Drug-Free Schools and Communities -- Administration	1,390,000
Drug-Free Schools and Communities -- Discretionary	5,560,000
Enhancing Education Thru Technology	5,293,000
Even Start Family Literacy Grant -- Discretionary	1,250,000
Improving America's Schools Act -- Consolidated Administration	5,428,000
Individuals with Disabilities Education Act Basic State Grant	343,600,000
Individuals with Disabilities Education Act Preschool Grants	11,198,000
Language Acquisition State Grants	18,603,000
Mathematics and Science Partnership Grants	3,020,000
Migrant Education -- Administration/Discretionary	1,964,000
Public Charter Schools	3,960,000
School Improvement Grants	9,585,000
State Assessments	9,791,000
State Grants for Improving Teacher Quality	65,410,000
Title I -- Grants to Local Educational Agencies	290,000,000
Title I -- Part D, Neglected and Delinquent	2,729,000
Title I -- Reading First State Grant	6,750,000
Vocational Education -- Basic Grants, Administration	24,260,000
Vocational Education Technical Preparation	2,263,000
Various Federal Programs and Accruals	1,255,000
Subtotal, Department of Education	$838,450,000
Department of Environmental Protection:	
Air Pollution Maintenance Program	$6,500,000
Artificial Reef Program -- PSE&G/NJPDES Permit Fees	925,000
Asian Longhorned Beetle Project	2,300,000
Assistance to Firefighters -- Wildfire and Arson Prevention	200,000
Atlantic Coastal Fisheries	300,000
Avian Influenza	110,000
Beach Monitoring and Notification	600,000
Benthic Indicators for Nearshore Coastal Waters	400,000
BioWatch Monitoring	750,000
Boat Access (Fish and Wildlife)	1,000,000
Brownfields	2,000,000
Chronic Wasting Disease	150,000
Clean Vessels	1,000,000
Coastal Estuarine Land Program	4,000,000
Coastal Zone Management Implementation	3,400,000
Community Assistance Program	250,000
Consolidated Forest Management	1,080,000
Construction Grants Program	28,000,000

Defensible Space	400,000
Electronic Vessel Trip Reporting	170,000
Endangered Species	85,000
Endangered and Nongame Species Program	
State Wildlife Grants	1,065,000
Firewise in the Pines	200,000
Fish and Wildlife Health	150,000
Forest Legacy	5,040,000
Forest Resource Management --	
Cooperative Forest Fire Control	1,700,000
Grassland Habitat Project	200,000
Gypsy Moth Suppression	350,000
Hazardous Waste -- Resource Conservation Recovery Act	4,895,000
Historic Preservation Survey and Planning	950,000
Hunters' and Anglers' License Fund	6,680,000
Land and Water Conservation Fund	3,000,000
Marine Fisheries Investigation and Management	1,365,000
Multimedia ..	750,000
NJ Landowner Incentive	1,480,000
National Coastal Wetlands Conservation	2,000,000
National Dam Safety Program (FEMA)	90,000
National Geologic Mapping Program	200,000
National Recreational Trails	1,900,000
Non-Point Source Implementation (319H)	4,000,000
Offshore Beach Replenishment	150,000
Particulate Monitoring Grant	1,000,000
Pesticide Technology	550,000
Pinelands Grant -- Acquisition	1,000,000
Preliminary Assessments/Site Inspections	1,500,000
Radon Program	500,000
Rare Wildlife Strategy Implementation	1,500,000
Safe Drinking Water Act	22,200,000
Shortnose Sturgeon Research	200,000
Southern Pine Beetle	100,000
State Recreational Trails	8,725,000
State Wetlands Conservation Plan	250,000
State Wildlife Grant Projects	1,000,000
State and EPA Data Management Grant	2,300,000
Superfund Grants	30,450,000
Underground Storage Tanks	2,055,000
Urban Community Air Toxics Program	800,000
Water Monitoring and Planning	550,000
Water Pollution Control Program	4,025,000
Water Pollution S106 Enhancements	250,000
Wildland and Urban Interface II	100,000
Wildlife Habitat Incentives (WHIP)	150,000
Wildlife Management Area Planning	300,000
Various Federal Programs and Accruals	911,000
Subtotal, Department of Environmental Protection.	$170,201,000
Department of Health and Senior Services:	
Adult Viral Hepatitis Prevention	$200,000
Asthma Surveillance and Coalition Building	457,000
Bioterrorism Hospital Emergency Preparedness	11,576,000

Birth Defects Surveillance Program	250,000
Breastfeeding Peer Counseling	300,000
CDC Nutrition -- Physical Activity and Obesity (NPAO)	923,000
Childhood Lead Poisoning	1,400,000
Chronic Disease Prevention and Health Promotion Programs --Public Health	1,900,000
Clinical Laboratory Improvement Amendments Program	490,000
Comprehensive AIDS Resources Grant	50,000,000
Core Injury Prevention and Control Program	300,000
Demonstration Program to Conduct Health Assessments	627,000
Early Hearing Detection and Intervention (EHDI) Tracking, Research	334,000
Early Intervention for Infants and Toddlers with Disabilities (Part H)	13,000,000
Eliminating Disparities in Perinatal Health	500,000
Emergency Medical Services for Children (EMSC) Partnership Grants	214,000
Emergency Preparedness for Bioterrorism	30,886,000
Enhanced HIV/AIDS Surveillance -- Perinatal	218,000
Environmental Tools for Dementia Care	150,000
Family Planning Program -- Title X	4,200,000
Federal Lead Abatement Program	454,000
Food Emergency Response Network - E. Coli in Ground Beef	165,000
Food Inspection	438,000
Fundamental and Expanded Occupational Health	674,000
HIV/AIDS Events without Care in New Jersey	380,000
HIV/AIDS Prevention and Education Grant	18,000,000
HIV/AIDS Surveillance Grant	3,461,000
Housing Opportunities for Persons with AIDS	2,150,000
Housing Opportunities for Incarcerated Persons with AIDS	1,763,000
Immunization Project	7,786,000
Lead Training and Certification Enforcement Program	82,000
Maternal and Child Health (MCH) Early Childhood Comprehensive System	140,000
Maternal and Child Health Block Grant	13,000,000
Medicare/Medicaid Inspections of Nursing Facilities	6,672,000
Minority AIDS Demo	67,000
Morbidity and Mortality Review Program	150,000
Morbidity and Risk Behavior Surveillance	512,000
National Cancer Prevention and Control -- Public Health	7,271,000
National Family Caregiver Program	5,200,000
New Jersey's Reducing Health Disparities Initiative	160,000
Nurse Aide Certification Program	1,000,000
Nursing Facilities Transition Grant	600,000
Older Americans Act -- Title III	34,547,000
Pandemic Influenza	880,000
Pediatric AIDS Health Care Demonstration Project	2,850,000
Pregnancy Risk Assessment Monitoring System	750,000
Preventative Health and Health Services Block Grant	4,351,000
Public Employees Occupational Safety and Health -- State Plan	900,000
Rape Prevention and Education Program	1,616,000
Research on Ecology of Lyme Disease in US	295,000

Senior Farmers Market Nutrition Program	1,000,000
Supplemental Food Program -- Women, Infants, and Children (WIC)	135,000,000
Surveillance, Epidemiology and End Results (SEER)	1,319,000
Traumatic Brain Injury Surveillance	105,000
Tuberculosis Control Program	6,095,000
United States Department of Agriculture (USDA) Older Americans Act -- Title III	4,000,000
Universal Newborn Hearing Screening	250,000
Venereal Disease Project	3,882,000
Vital Statistics Component	1,100,000
WISEWoman -- Well Integrated Screening and Evaluation	774,000
West Nile Virus -- Laboratory	200,000
West Nile Virus -- Public Health	1,942,000
Women, Infants, and Children (WIC) Farmer's Market Nutrition Program	2,600,000
Various Federal Programs and Accruals	11,373,000
Subtotal, Department of Health and Senior Services	$413,879,000
Department of Human Services:	
Block Grant Mental Health Services	$11,505,000
Child Care Block Grant.	115,280,000
Child Support Enforcement Program	179,145,000
Developmental Disabilities Council	1,610,000
Federal Independent Living	1,069,000
Food Stamp Program	91,598,000
Foster Grandparents Program	1,128,000
Projects for Assistance in Transition from Homelessness (PATH)	1,922,000
Refugee Resettlement Program	5,615,000
Social Service Block Grant	51,207,000
Strategic Prevention Framework	2,093,000
Substance Abuse Block Grant	51,882,000
Temporary Assistance to Needy Families Block Grant	444,315,000
Title XIX Child Residential	85,073,000
Title XIX Community Care Waiver	303,766,000
Title XIX ICF/MR	324,994,000
Title XIX Medical Assistance	3,695,191,000
Title XXI Children's Health Insurance Program	342,370,000
Vocational Rehabilitation Act -- Section 120	11,718,000
Various Federal Programs and Accruals	5,073,000
Subtotal, Department of Human Services	$5,726,554,000
Department of Labor and Workforce Development:	
Adult and Continuing Education -- Workforce Investment Act	$20,071,000
Comprehensive Services for Independent Living	600,000
Current Employment Statistics	2,978,000
Disability Determination Services	54,100,000
Disabled Veterans' Outreach Program	2,900,000
Employment Services	26,100,000
Employment Services -- One-Stop Shopping	350,000
Employment Services Cost Reimbursable Grants -- Migrant Housing	50,000
Employment Services Grants -- Alien Labor Certification	2,403,000

Employment Services Reemployment Services	1,100,000
Federal Public Employees Occupational Safety and Health Act	2,250,000
Local Veterans' Employment Representatives	1,700,000
National Council on Aging -- Senior Community Services Employment Project	3,020,000
Occupational Informational Coordinating Program	175,000
Occupational Safety Health Act -- On-Site Consultation	2,800,000
Occupational Safety and Health Administration Data Collection Survey	74,000
Old Age and Survivor Insurance Disability Determination Services	1,000,000
One Stop Labor Market Information	1,068,000
Redesigned Occupational Safety and Health (ROSH)	269,000
Rehabilitation of Supplemental Security Income Beneficiaries	2,000,000
Supported Employment	975,000
Technical Assistance Training	1,700,000
Technology Related Assistance Project	400,000
Trade Adjustment Assistance Project	4,200,000
Unemployment Insurance	148,637,000
Vocational Rehabilitation Act of 1973	48,825,000
Work Opportunity Tax Credit	750,000
Workforce Investment Act	72,643,000
Workforce Investment Act -- Title IIID Discretionary Funding	4,000,000
Various Federal Programs and Accruals	280,000
Subtotal, Department of Labor and Workforce Development	$407,418,000
Department of Law and Public Safety:	
Anti-Trafficking Task Force	$600,000
Anti-Gang Initiative	1,000,000
Buffer Zone Protection Program	1,000,000
Bulletproof Vest Partnership	850,000
Byrne Discretionary Grant -- Statewide Response to Violent Crime Reduction	750,000
Child Safety/Child Booster Seats	4,000,000
Citizen Corps Program	360,000
Community Oriented Policing Services (Competitive)	1,000,000
Convicted Offender In-House (DNA)	1,400,000
DNA Capacity Enhancement Program Formula Grant	614,000
Domestic Marijuana Eradication Suppression Program	125,000
Drunk Driver Prevention	7,972,000
Emergency Management Performance Grant -- Non-Terrorism.	7,500,000
Enforcing Underage Drinking Laws	350,000
Equal Employment Opportunity Commission	400,000
Fatality Analysis Reporting System (FARS)	225,000
Flood Mitigation Assistance	3,500,000
Forensic Casework DNA Backlog Reduction	1,100,000
Gang Prevention Coordination Assistance	350,000
Hazardous Materials Transportation	300,000
High Intensity Drug Trafficking Area (HIDTA)	50,000

High Risk Youth Offender Re-entry Initiative	1,000,000
Highway Traffic Safety	8,380,000
Homeland Security Grant Program	25,670,000
Incident Command	1,500,000
Internet Crimes Against Children	700,000
Justice Assistance Grant (JAG)	10,000,000
Juvenile Accountability Incentive Block Grant (JAIBG)	1,230,000
Juvenile Justice Delinquency Prevention	2,333,000
Medicaid Fraud Unit	4,745,000
Metropolitan Medical Response System	642,000
Motorcycle Safety	1,010,000
National Criminal History Program -- Office of the Attorney General	1,100,000
Northeast Hazardous Waste Project -- Resource Conservation and Recovery Act	128,000
Occupant Protection Grant	4,500,000
Paul Coverdell National Forensic Science Improvement	331,000
Port Security Grant Program -- Delaware Bay Sector	3,000,000
Port Security Grant Program -- NY/NJ Sector	8,000,000
Pre-Disaster Mitigation Grant (Competitive)	3,000,000
Project Safe Neighborhoods	1,060,000
Public Safety Interoperability Communications Grant Program	1,600,000
Racial Profiling Prevention	3,000,000
Recreational Boating Safety	3,000,000
Regional Catastrophic Preparedness Grant	2,000,000
Repetitive Flood Claim Program -- FEMA	2,000,000
Residential Treatment for Substance Abuse	1,000,000
Safety Belt Performance Grants	10,492,000
Severe Repetitive Loss -- FEMA	4,000,000
Solving Cold Cases Using DNA	345,000
State Traffic Safety Information System	5,500,000
State Victim Assistance Academy Initiative	100,000
Title V Funding	1,500,000
UASI Nonprofit Security Grant Program (NSGP)	1,100,000
Urban Area Security Initiative	38,000,000
Victim Assistance Grants	12,000,000
Victim Compensation Award	6,000,000
Violence Against Women Act -- Criminal Justice	4,000,000
Various Federal Programs and Accruals	494,000
Subtotal, Department of Law and Public Safety	$207,906,000
Department of Military and Veterans' Affairs:	
Administrative Services Activities	$60,000
Antiterrorism Program Manager	110,000
Armory Renovations and Improvements	3,900,000
Army Facilities Service Contracts	2,695,000
Army National Guard Electronic Security System	300,000
Army National Guard Statewide Security Agreement	550,000
Army National Guard Sustainable Range Program	150,000
Army Training and Technology Lab	920,000
Atlantic City Air Base -- Service Contracts	3,159,000
Atlantic City Environmental	116,000
Atlantic City Operations and Maintenance	130,000

Atlantic City Sustainment, Restoration and Modernization	580,000
Brigadier General Doyle Memorial Cemetery Building Project	7,500,000
Coyle Field Atlantic City	26,000
Dining Facility Operations	150,000
Facilities Support Contract	6,625,000
Federal Distance Learning Program	150,000
Fire Fighter/Crash Rescue Service Cooperative Funding Agreement	1,686,000
Hazardous Waste Environmental Protection Program	800,000
McGuire Air Force Base Environmental	70,000
McGuire Air Force Base -- Service Contracts	2,438,000
McGuire Operations and Maintenance	105,000
Medicare Part A Receipts for Resident Care and Operational Costs	6,300,000
National Guard Communications Agreement	900,000
Natural and Cultural Resources Management	5,000
New Jersey National Guard Challenge Youth Program	3,250,000
Training and Equipment -- Pool Sites	450,000
Transitional Housing	860,000
Veterans' Education Monitoring	690,000
Warren Grove Sustainment Restoration and Modernization	6,000
Warren Grove/Coyle Field	65,000
Various Federal Programs and Accruals	70,000
Subtotal, Department of Military and Veterans' Affairs	$44,816,000
Department of the Public Advocate:	
Guardianship Program	$223,000
Subtotal, Department of the Public Advocate	$223,000
Department of State:	
American Indian Programs	$150,000
Americorps Grant	4,680,000
Election Assistance for Persons with Disabilities	315,000
Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)	3,500,000
Institute of Museum Services -- General Support Grant	125,000
Leveraging Educational Assistance Partnership	1,828,000
National Endowment for the Arts Partnership	891,000
National Historical Publications and Records Commission Grants	57,000
National Telecommunications Information Agency	600,000
Student Loan Administrative Cost Deduction and Allowance	22,918,000
Subtotal, Department of State	$35,064,000
Department of Transportation:	
Airport Fund	$2,000,000
Boating Safety (New Jersey Maritime Program)	1,600,000
Commercial Drivers' License Information System Modernization	300,000
Commercial Drivers' License Program	1,445,000
Commercial Vehicle Information Systems and Networks	1,000,000
Federal Rail Administration	500,000
Motor Carrier Safety Assistance Program	15,666,000
New Jersey Transportation Planning Assistance	5,100,000

Odometer Fraud Grant	38,000
Performance and Registration Information Systems Management	500,000
Real ID Demonstration Grant	1,600,000
Subtotal, Department of Transportation	$29,749,000
Department of the Treasury:	
Diamond Shamrock Oil Overcharge Settlement	$717,000
Division of Gas Expansion	600,000
State Energy Conservation Program	2,675,000
Various Federal Programs and Accruals	200,000
Subtotal, Department of the Treasury	$4,192,000
The Judiciary:	
Drug Court Grant	$2,200,000
Family Safe Havens Grant	400,000
Various Federal Programs and Accruals	2,535,000
Subtotal, The Judiciary	$5,135,000
Special Transportation Trust Fund – Federal	
Department of Transportation:	
Federal Highway Administration	$1,092,381,125
Federal Transit Administration	$461,438,000
Subtotal, Special Transportation Trust Fund – Federal	$1,553,819,125
Total – Federal Revenue	$10,326,932,125
Grand Total Resources, All Funds	$33,468,471,000

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

1. The appropriations herein or so much thereof as may be necessary are hereby appropriated out of the General Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and spending agencies and for the several purposes herein specified for the fiscal year ending on June 30, 2009. Unless otherwise provided, the appropriations herein made shall be available during said fiscal year and for a period of one month thereafter for expenditures applicable to said fiscal year. Unless otherwise provided, at the expiration of said one-month period, all unexpended balances shall lapse into the State Treasury or to the credit of trust, dedicated or non-State funds as applicable, except those balances held by encumbrances on file as of June 30, 2009 with the Director of the Division of Budget and Accounting or held by pre-encumbrances on file as of June 30, 2009 as determined by the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with a listing of all pre-encumbrances outstanding as of July 31, 2009 together with an explanation of their status. Nothing contained in this section or in this act shall be construed to prohibit the payment due upon any encumbrance or pre-encumbrance made under any appropriation contained in any appropriation act of the previous year or years. Furthermore, balances held by pre-encumbrances as of June 30, 2008 are available for payments applicable to fiscal year 2008 as determined by the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with a listing of all pre-encumbrances outstanding as of July 31, 2008 together with an explanation of their status. On or before December 1, 2008, the State Treasurer, in accordance with the provisions of section 37 of article 3 of P.L.1944, c.112 (C.52:27B-46), shall transmit to the

Legislature the Annual Financial Report of the State of New Jersey for the fiscal year ending June 30, 2008, depicting the financial condition of the State and the results of operation for the fiscal year ending June 30, 2008.

01 LEGISLATURE
70 Government Direction, Management, and Control
71 Legislative Activities
0001 Senate
DIRECT STATE SERVICES

01-0001 Senate	$11,459,000
Total Direct State Services Appropriation, Senate	$11,459,000

Direct State Services:

Personal Services:	
Senators (40)	($1,990,000)
Salaries and Wages	(4,349,000)
Members' Staff Services	(4,400,000)
Materials and Supplies	(135,000)
Services Other Than Personal	(486,000)
Maintenance and Fixed Charges	(72,000)
Additions, Improvements and Equipment	(27,000)

The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

0002 General Assembly
DIRECT STATE SERVICES

02-0002 General Assembly	$17,902,000
Total Direct State Services Appropriation, General Assembly	$17,902,000

Direct State Services:

Personal Services:	
Assemblypersons (80)	($3,937,000)
Salaries and Wages	(4,387,000)
Members' Staff Services	(8,800,000)
Materials and Supplies	(108,000)
Services Other Than Personal	(576,000)
Maintenance and Fixed Charges	(90,000)
Additions, Improvements and Equipment	(4,000)

The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

0003 Office of Legislative Services
DIRECT STATE SERVICES

03-0003 Legislative Support Services	$28,958,000
Total Direct State Services Appropriation, Office of Legislative Services	$28,958,000

Direct State Services:

Personal Services:	
Salaries and Wages	($21,701,000)
Materials and Supplies	(1,065,000)
Services Other Than Personal	(2,527,000)
Maintenance and Fixed Charges	(3,181,000)

Special Purpose:
03 State House Express Civics Education Program ..... (30,000)
03 Affirmative Action and Equal Employment Opportunity ..... (29,000)
03 Senator Wynona Lipman Chair in Women's Political Leadership at the Eagleton Institute ..... (100,000)
03 Henry J. Raimondo New Jersey Legislative Fellows Program ..... (69,000)
Additions, Improvements and Equipment ..... (256,000)

Such sums as may be required for the cost of information system audits performed by the State Auditor are funded from the departmental data processing accounts of the department in which the audits are performed.

Such sums as are required, as determined by the Technology Executive Group of the Legislative Information Systems Committee of the Legislative Services Commission, for the continuation and expansion of existing and emerging computer and information technologies for the Legislature including but not limited to interactive video conferencing, telecommunication capabilities, electronic copying and facsimile transmissions, training and such other technologies in order to sustain a coordinated and comprehensive legislative technology infrastructure that the Legislature deems necessary are appropriated. No amounts so determined shall be obligated, expended or otherwise made available without the written prior authorization of the Senate President and the Speaker of the General Assembly.

Such sums as are required for Master Lease payments are appropriated, subject to the approval of the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer.

Receipts derived from fees and charges for public access to legislative information systems and the unexpended balance at the end of the preceding fiscal year of such receipts are appropriated and shall be credited to a non-lapsing revolving fund established in and administered by the Office of Legislative Services for the purpose of continuing to modernize, maintain, and expand the dissemination and availability of legislative information.

The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

77 Legislative Commissions and Committees
DIRECT STATE SERVICES

09-0010	Intergovernmental Relations Commission	$400,000
09-0014	Joint Committee on Public Schools	335,000
09-0018	State Commission of Investigation	4,539,000
09-0053	New Jersey Law Revision Commission	321,000
09-0058	State Capitol Joint Management Commission	9,001,000
	Total Direct State Services Appropriation, Legislative Commissions and Committees	$14,596,000

Direct State Services:
Intergovernmental Relations Commission:
09 The Council of State Governments ..... ($155,000)
09 National Conference of State Legislatures ..... (184,000)
09 Eastern Trade Council - The Council of State Governments ..... (36,000)

09 Northeast States Association for Agriculture Stewardship - The Council of State Governments ..... (25,000)
Joint Committee on Public Schools:
09 Expenses of Commission ..... (335,000)
State Commission of Investigation:
09 Expenses of Commission ..... (4,539,000)
New Jersey Law Revision Commission:
09 Expenses of Commission ..... (321,000)
State Capitol Joint Management Commission:
09 Expenses of Commission ..... (9,001,000)

The unexpended balances at the end of the preceding fiscal year in these accounts are appropriated.

From the unexpended balance at the end of the preceding fiscal year in the Clean Ocean and Shore Trust Committee account, $54,000 is transferred to the Council of State Governments account and $26,000 is transferred to the National Conference of State Legislatures account, and any remaining balances are transferred to the Office of Legislative Services. In addition, $750,000 of the unexpended balance at the end of the preceding fiscal year in the Joint Committee on Public Schools account is transferred to the Office of Legislative Services.

Receipts from the rental of the Cafeteria and the Welcome Center and any other facility under the jurisdiction of the State Capitol Joint Management Commission are appropriated to defray custodial, security, maintenance and other related costs of these facilities.

Legislature, Total State Appropriation $72,915,000

Summary of Legislature Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $72,915,000
Appropriations by Fund:
General Fund $72,915,000

06 OFFICE OF THE CHIEF EXECUTIVE
70 Government Direction, Management, and Control
76 Management and Administration
DIRECT STATE SERVICES

01-0300 Chief Executive's Office:
Executive Management $5,293,000
Total Direct State Services Appropriation, The Office of the Chief Executive $5,293,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($4,365,000)
Special Purpose:
01 National Governors' Association ..... (158,000)
01 Coalition of Northeastern Governors ..... (37,000)
01 Education Commission of the States .... (108,000)
01 National Conference of Commissioners on Uniform State Laws ..... (42,000)
01 Brian Stack Intern Program ..... (10,000)

01 Allowance to the Governor of Funds Not Otherwise Appropriated, For Official Reception on Behalf of the State, Operation of an Official Residence and Other Expenses ..... (95,000)
Materials and Supplies ..... (89,000)
Services Other Than Personal ..... (284,000)
Maintenance and Fixed Charges ..... (85,000)
Additions, Improvements and Equipment ..... (20,000)
The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

Office of the Chief Executive, Total State Appropriation $5,293,000

Summary of The Office of the Chief Executive Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $5,293,000
Appropriations by Fund:
General Fund $5,293,000

10 DEPARTMENT OF AGRICULTURE

40 Community Development and Environmental Management

49 Agricultural Resources, Planning, and Regulation

DIRECT STATE SERVICES

01-3310 Animal Disease Control $1,255,000
02-3320 Plant Pest and Disease Control 1,864,000
03-3330 Agriculture and Natural Resources 1,101,000
05-3350 Food and Nutrition Services 343,000
06-3360 Marketing and Development Services 1,624,000
08-3380 Farmland Preservation 1,771,000
99-3370 Administration and Support Services 497,000
Total Direct State Services Appropriation $8,455,000
Less:
Savings from Departmental Efficiencies .... (525,000)
Total Direct State Services Appropriation, Agricultural Resources, Planning, and Regulation $7,930,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($5,406,000)
Materials and Supplies ..... (128,000)
Services Other Than Personal ..... (159,000)
Maintenance and Fixed Charges ..... (195,000)
Special Purpose:
05 Temporary Emergency Food Assistance Program ..... (343,000)
06 Promotion/Market Development ..... (400,000)
08 Agricultural Right-to-Farm Program ..... (90,000)
08 Open Space Administrative Costs ..... (1,681,000)
99 Expenses of State Board of Agriculture .... (18,000)
99 Affirmative Action and Equal Employment Opportunity ..... (28,000)
Additions, Improvements and Equipment ..... (7,000)

Less:

Savings from Departmental Efficiencies 525,000

Receipts from laboratory test fees are appropriated to support the Animal Health Laboratory program. The unexpended balance at the end of the preceding fiscal year in the Animal Health Laboratory receipt account is appropriated for the same purpose.

Receipts from the seed laboratory testing and certification programs are appropriated for the cost of these programs. The unexpended balance at the end of the preceding fiscal year in the seed laboratory testing and certification receipt account is appropriated for the same purpose.

Receipts from Nursery Inspection fees are appropriated for the cost of that program. The unexpended balance at the end of the preceding fiscal year in the Nursery Inspection program is appropriated for the same purpose.

Receipts from the sale or studies of beneficial insects are appropriated to support the Beneficial Insect Laboratory. The unexpended balance at the end of the preceding fiscal year in the Sale of Insects account is appropriated for the same purpose.

Receipts from Stormwater Discharge Permit program fees are appropriated for the cost of that program. The unexpended balance at the end of the preceding fiscal year in the Stormwater Discharge Permit program account is appropriated for the same purpose.

Receipts from dairy licenses and inspections are appropriated for the cost of that program.

Receipts in excess of the amount anticipated from feed, fertilizer, and liming material registrations and inspections are appropriated for the cost of that program.

Receipts from agriculture chemistry fees not to exceed $75,000 are appropriated to support the organic certification program.

Receipts from organic certification program fees are appropriated for the cost of that program.

Receipts from inspection fees derived from fruit, vegetable, fish, red meat, and poultry inspections are appropriated for the cost of conducting fruit, vegetable, fish, red meat, and poultry inspections.

An amount equal to receipts generated at the rate of $0.47 per gallon of wine, vermouth, and sparkling wine sold by plenary winery and farm winery licensees licensed pursuant to R.S.33:1-10, and certified by the Director of the Division of Taxation, are appropriated to the Department of Agriculture or any entity succeeding to the duties and functions of the Department of Agriculture, pursuant to separate legislation, from the alcoholic beverage excise tax for expenses of the Wine Promotion Program.

Receipts derived from the distribution of commodities, sale of containers, and salvage of commodities, in accordance with applicable federal regulations, are appropriated for Commodity Distribution expenses.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Open Space Administrative Costs account is transferred from the Garden State Farmland Preservation Trust Fund to the General Fund, together with an amount not to exceed $1,029,000, and is appropriated to the Department of Agriculture or any entity succeeding to the duties and functions of the Department of Agriculture, pursuant to separate legislation, for the State Agriculture Development Committee's administration of the Farmland Preservation program subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Promotion/Market Development account is appropriated for the same purpose.

Receipts derived from the surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed $278,000, are appropriated to support the Agro-Terrorism program within the Department of Agriculture or any entity succeeding to the duties and functions of the Department of Agriculture, pursuant to separate legislation.

Notwithstanding the provisions of any law or regulation to the contrary, an amount not to exceed $200,000 shall be transferred from the appropriate funds established in the Open Space Preservation Bond Act of 1989, P.L.1989, c.183, to the State Transfer of Development Rights Bank account and is appropriated to the State Agriculture Development Committee for Transfer of Development Rights administrative costs.

GRANTS-IN-AID

05-3350 Food and Nutrition Services	$4,000,000
06-3360 Marketing and Development Services	75,000
Total Grants-in-Aid Appropriation, Agricultural Resources, Planning, and Regulation	$4,075,000

Grants-in-Aid:

05 Hunger Initiative/Food Assistance Program	($4,000,000)
06 Promotion/Market Development	(75,000)

The expenditure of funds for the Conservation Cost Share program shall be based upon an expenditure plan subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, $540,000 shall be transferred from the Department of Environmental Protection's Water Resources Monitoring and Planning - Constitutional Dedication special purpose account and is appropriated to support the Conservation Cost Share program in the Department of Agriculture or any entity succeeding to the duties and functions of the Department of Agriculture, pursuant to separate legislation, on or before September 1, 2008. Further additional sums may be transferred pursuant to a Memorandum of Understanding between the Department of Environmental Protection and the Department of Agriculture or any entity succeeding to the duties and functions of the Department of Agriculture, pursuant to separate legislation, from the Department of Environmental Protection's Water Resources Monitoring and Planning - Constitutional Dedication account to support non-point source pollution control programs in the Department of Agriculture or any entity succeeding to the duties and functions of the Department of Agriculture, pursuant to separate legislation, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance of this program at the end of the preceding fiscal year is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year in the Conservation Assistance Program are appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, $250,000 shall be transferred from the Department of Environmental Protection's Water Resources Monitoring and Planning - Constitutional Dedication special purpose account and is appropriated for the Animal Waste Management portion of the Conservation Assistance Program in the Division of Agricultural and Natural Resources in the Department of Agriculture or any entity succeeding to the duties and functions of the Department of Agriculture, pursuant to separate legislation.

The unexpended balances at the end of the preceding fiscal year in the Capital Improvements for Storing Food for Food Banks account are appropriated for the same purpose.

STATE AID

05-3350 Food and Nutrition Services	$10,823,000
08-3380 Farmland Preservation	50,000
Total State Aid Appropriation, Agricultural Resources, Planning, and Regulation	$10,873,000

State Aid:
05 School Breakfast Program - State Aid Grants ..... ($3,000,000)
05 Non-Public Nutrition Aid - State Aid Grants ..... (439,000)
05 School Lunch Aid - State Aid Grants .... .(7,384,000)
08 Payments in Lieu of Taxes ..... (50,000)

The unexpended balances at the end of the preceding fiscal year in the School Breakfast - State Aid Grants account are appropriated for the same purpose.

Of the amounts hereinabove appropriated for the Department of Agriculture or any entity succeeding to the duties and functions of the Department of Agriculture, pursuant to separate legislation, such sums as the Director of the Division of Budget and Accounting shall determine from the amount listed under School Nutrition in the Department of Agriculture schedule included in the Governor's Budget Message and Recommendations shall first be charged to the State Lottery Fund.

The unexpended balances at the end of the preceding fiscal year in the School Lunch and Non-Public Nutrition Aid - State Aid Grants accounts are appropriated for the same purpose.

Department of Agriculture, Total State Appropriation $22,878,000

Summary of Department of Agriculture Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $7,930,000
Grants-in-Aid 4,075,000
State Aid 10,873,000
Appropriations by Fund:
General Fund $22,878,000

14 DEPARTMENT OF BANKING AND INSURANCE
50 Economic Planning, Development, and Security
52 Economic Regulation
DIRECT STATE SERVICES

01-3110 Consumer Protection Services and Solvency Regulation $19,012,000
02-3120 Actuarial Services 6,404,000
03-3130 Regulation of the Real Estate Industry 3,163,000
04-3110 Public Affairs, Legislative and Regulatory Services 2,458,000
06-3110 Insurance Fraud Prevention 32,038,000
07-3170 Supervision and Examination of Financial Institutions ... 3,221,000
99-3150 Administration and Support Services 4,044,000
Total Direct State Services Appropriation, Economic Regulation $70,340,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($33,745,000)
Materials and Supplies ..... (306,000)
Services Other Than Personal ..... (5,322,000)
Maintenance and Fixed Charges ..... (211,000)
Special Purpose:
01 Rate Counsel -- Insurance ..... (149,000)
02 Actuarial Services ..... (600,000)

06 Insurance Fraud Prosecution Services . (29,877,000)
99 Affirmative Action and Equal
Employment Opportunity ..... (30,000)
Additions, Improvements and Equipment ..... .(100,000)

Receipts derived from extraordinary financial condition examinations or actuarial certifications of loss reserves are appropriated for the conduct of such examinations or certifications, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Public Adjusters' Licensing account, together with receipts derived from the "Public Adjusters' Licensing Act," P.L.1993, c.66 (C.17:22B-1 et seq.), are appropriated for the administration of the act, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the investigation of out-of-State land sales are appropriated for the conduct of those investigations.

There are appropriated from the Real Estate Guaranty Fund such sums as may be necessary to pay claims.

There are appropriated from the assessments imposed by the New Jersey Individual Health Coverage Program Board, created pursuant to P.L.1992, c.161 (C.17B:27A-2 et seq.), and by the New Jersey Small Employer Health Benefits Program Board, created pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.), those sums as may be necessary to carry out the provisions of those acts, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of anticipated revenues from examination and licensing fees, bank assessments, fines and penalties, and the unexpended balances at the end of the preceding fiscal year, not to exceed $400,000, are appropriated to the Division of Banking, subject to the approval of the Director of the Division of Budget and Accounting.

Proceeds from the sale of credits by the Pinelands Development Credit Bank pursuant to P.L.1985, c.310 (C.13:18A-30 et seq.) are appropriated to the Pinelands Development Credit Bank for the same purpose.

The unexpended balance at the end of the preceding fiscal year in the Pinelands Development Credit Bank account is appropriated for the same purpose.

In addition to the amounts hereinabove appropriated, such other sums as the Director of the Division of Budget and Accounting shall determine, are appropriated from the assessments of the insurance industry pursuant to P.L.1995, c.156 (C.17:1C-19 et seq.) and from the assessments of the banking and consumer finance industries pursuant to P.L.2005, c.199 (C.17:1C-33 et seq.) for the purpose of implementing the requirements of those statutes.

The amount hereinabove appropriated for the Division of Insurance accounts is payable from receipts received from the Special Purpose Assessment of insurance companies pursuant to section 2 of P.L.1995, c.156 (C.17:1C-20). If the Special Purpose Assessment cap calculation is less than the amount hereinabove appropriated for this purpose for the Division of Insurance, the appropriation shall be reduced to the level of funding supported by the Special Purpose Assessment cap calculation.

All monies deposited in the Division of Motor Vehicles Surcharge Fund are appropriated to the Market Transition Facility Revenue Fund in accordance with the provisions of P.L.1994, c.57 (C.34:1B-21.1 et seq.).

The amount hereinabove appropriated for FAIR Act Administration shall be funded from the additional taxes on the taxable premiums of insurers for the payment of Department of Banking and Insurance administrative costs related to its statutory duties, pursuant to P.L.1990, c.8 (C.17:33B-1 et al.).

There is appropriated such sums as are necessary to fund the administrative costs of the New Jersey Hospital Care Payment Commission pursuant to P.L.2003, c.112, (C.17B:30-41 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, such sums as the Director of the Division of Budget and Accounting determines are necessary for the administrative costs associated with the "New Jersey Medical Care Access and Responsibility and Patients First Act," P.L.2004, c.17 (C.2A:53A-37 et al.), are appropriated from the Medical Malpractice Liability Insurance Premium Assistance Fund. Such other sums, as the Director of the Division of Budget and Accounting shall determine as necessary on behalf of State employees, are appropriated to the Interdepartmental, Unemployment Insurance Liability account for deposit into the Medical Malpractice Liability Insurance Premium Assistance Fund. If annual receipts deposited in the Medical Malpractice Liability Insurance Premium Assistance Fund are higher or lower than the amounts projected for specific spending categories in the "New Jersey Medical Care Access and Responsibility and Patients First Act," the difference shall be pro-rated among those categories in the same proportion as established in section 27 of P.L.2004, c.17 (C.17:30D-29).

Department of Banking and Insurance,
Total State Appropriation $70,340,000

Summary of Department of Banking and Insurance Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $70,340,000
Appropriations by Fund:
General Fund $70,340,000

16 DEPARTMENT OF CHILDREN AND FAMILIES
50 Economic Planning, Development, and Security
55 Social Services Programs
DIRECT STATE SERVICES

01-1610	Child Protective and Permanency Services	$403,775,000
	(From General Fund	***$246,106,000)***
	(From Federal Funds	***157,257,000)***
	(From All Other Funds	***412,000)***
02-1620	Child Behavioral Health Services	1,915,000
	(From General Fund	***1,669,000)***
	(From Federal Funds	***246,000)***
03-1630	Prevention and Community Partnership Services	2,099,000
04-1600	Education Services	38,950,000
	(From General Fund	***10,514,000)***
	(From Federal Funds	***2,046,000)***
	(From All Other Funds	***26,390,000)***
05-1600	Child Welfare Training Academy Services and Operations	12,095,000
	(From General Fund	***9,155,000)***
	(From Federal Funds	***2,940,000)***
06-1600	Safety and Security Services	4,575,000
99-1600	Administration and Support Services	66,274,000
	(From General Fund	***46,518,000)***
	(From Federal Funds	***19,756,000)***
	Total Appropriation, State, Federal and All Other Funds	$529,683,000

(From General Fund ..... *$320,636,000)*
(From Federal Funds ..... *182,245,000)*
(From All Other Funds ..... *26,802,000)*
Less:
Federal Funds *$182,245,000*
All Other Funds *26,802,000*
Total Deductions *$209,047,000*
Total Direct State Services Appropriation, Social Services Programs $320,636,000

Direct State Services:

Personal Services:	
Salaries and Wages	($427,677,000)
Materials and Supplies	(5,354,000)
Services Other Than Personal	(27,230,000)
Maintenance and Fixed Charges	(36,868,000)
Special Purpose:	
01 Child Protective and Permanency Services	(1,835,000)
03 New Jersey Safe Haven Infant Protection Act	(538,000)
05 NJ Partnership for Public Child Welfare	(3,500,000)
05 Rutgers MSW Program	(1,649,000)
06 Safety and Security Services	(4,575,000)
99 Information Technology	(1,524,000)
99 Safety and Permanency in the Courts	(9,188,000)
Additions, Improvements and Equipment	(9,745,000)

Less:
Federal Funds *182,245,000*
All Other Funds *26,802,000*

Of the amount hereinabove appropriated for Safety and Permanency in the Courts, an amount not to exceed $8,688,000 shall be transferred to the Department of Law and Public Safety and is appropriated for legal services implementing the approved child welfare settlement with the federal court, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for Salaries and Wages for the Child Welfare Training Academy Services and Operations, such sums as may be necessary shall be used to train the Department of Children and Families staff who serve children and families in the field, who have not already received training in cultural competence, in cultural competency. The Department of Children and Families shall also offer training opportunities in cultural competence to staff of community-based organizations serving children and families under contract to the Department of Children and Families.

GRANTS-IN-AID

01-1610 Child Protective and Permanency Services $472,671,000
(From General Fund ..... *$417,103,000)*
(From Federal Funds ..... *52,314,000)*
(From All Other Funds ..... *3,254,000)*
02-1620 Child Behavioral Health Services 407,051,000
(From General Fund ..... *276,792,000)*
(From Federal Funds ..... *130,259,000)*
03-1630 Prevention and Community Partnership Services 70,431,000
(From General Fund ..... *61,172,000)*
(From Federal Funds ..... *9,259,000)*

04-1600 Education Services	27,488,000
(From All Other Funds 27,488,000)	
99-1610 Administration and Support Services	1,239,000
(From Federal Funds 1,239,000)	
Total Appropriation, State, Federal and All Other Funds	$978,880,000
(From General Fund $755,067,000)	
(From Federal Funds 193,071,000)	
(From All Other Funds 30,742,000)	
Less:	
Federal Funds $193,071,000	
All Other Funds 30,742,000	
Total Deductions	***$223,813,000***
Total Grants-in-Aid Appropriation, Social Services Programs	$755,067,000
Grants-in-Aid:	
01 Substance Abuse Services	($15,000,000)
01 Court Appointed Special Advocates	(1,150,000)
01 Group Homes	(10,931,000)
01 Treatment Homes	(3,428,000)
01 Public Awareness for Child Abuse Prevention Program	(297,000)
01 Community Provider Cost of Living Adjustment	(6,013,000)
01 Independent Living and Shelter Care	(29,171,000)
01 Residential Placements	(17,043,000)
01 Family Support Services	(69,649,000)
01 Child Abuse Prevention	(12,119,000)
01 Foster Care	(104,193,000)
01 Subsidized Adoption	(92,490,000)
01 Recruitment of Adoptive Parents	(703,000)
01 Foster Care and Permanency Initiative	(8,174,000)
01 County Human Services Advisory Board – Formula Funding	(7,865,000)
01 New Jersey Homeless Youth Act	(1,596,000)
01 Wynona M. Lipman Child Advocacy Center, Essex County	(529,000)
01 Purchase of Social Services	(59,688,000)
01 Child Health Units	(19,016,000)
01 Restricted Federal Grants	(8,847,000)
01 State Match	(4,769,000)
02 Care Management Organizations	(40,530,000)
02 Treatment Homes and Emergency Behavioral Health Services	(243,309,000)
02 Youth Case Managers	(17,828,000)
02 Family Support Organizations	(7,291,000)
02 Mobile Response	(11,682,000)
02 Intensive In-Home Behavioral Assistance	(37,788,000)
02 Youth Incentive Program	(8,051,000)
02 Outpatient	(5,734,000)
02 Partial Care	(6,890,000)
02 Contracted Systems Administrator	(10,026,000)

02 State Children's Health Insurance Program for Care Management Organizations ..... (3,000,000)
02 State Children's Health Insurance Program for Residential Services ..... (3,300,000)
02 State Children's Health Insurance Program for Youth Case Management .. .(431,000)
02 State Children's Health Insurance Program for Mobile Response ..... (1,200,000)
02 State Children's Health Insurance Program for Behavioral Assistance .... (5,800,000)
02 Community Provider Cost of Living Adjustment ..... (4,191,000)
03 Early Childhood Services ..... (6,736,000)
03 School Linked Services Program ..... (31,541,000)
03 Family Support Services ..... (16,800,000)
03 Domestic Violence Prevention Services ..... (14,598,000)
03 Community Based Child Abuse Prevention ..... (756,000)
04 Educational Program Services ..... (27,488,000)
99 Children's Justice Act ..... (483,000)
99 National Center for Child Abuse and Neglect ..... (756,000)

Less:
Federal Funds 193,071,000
All Other Funds 30,742,000

The sums hereinabove appropriated for the Residential Placements, Group Homes, Treatment Homes, Other Residential Services, Foster Care, Subsidized Adoption, and Family Support Services accounts are available for the payment of obligations applicable to prior fiscal years.

Any change by the Department of Children and Families in the rates paid for foster care and adoption subsidy programs from the sums hereinabove appropriated for Foster Care and Subsidized Adoption, other than an adjustment based on Cost of Living, shall be approved by the Director of the Division of Budget and Accounting.

Receipts in the Marriage and Civil Union License Fee Fund in excess of the amount anticipated are appropriated.

Of the amount hereinabove appropriated for the Domestic Violence Prevention Services, $1,309,000 is payable out of the Marriage and Civil Union License Fee Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced by the amount of the shortfall.

Funds recovered under P.L.1951, c.138 (C.30:4C-1 et seq.) during the current fiscal year are appropriated for resource families and other out-of-home placements.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated in the Residential Placements account is subject to the following condition: amounts that become available as a result of the return of persons from in-State and out-of-State residential placements to community programs within the State may be transferred from the Residential Placements account to the appropriate Child Protective and Permanency Services account, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from counties for persons under the care and supervision of the Division of Youth and Family Services are appropriated for the purpose of providing State Aid to the

counties, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Purchase of Social Services account, $1,000,000 is appropriated for the programs administered under the "New Jersey Homeless Youth Act," P.L.1999, c.224 (C.9:12A-2 et seq.), and the Division of Youth and Family Services shall prioritize the expenditure of this allocation to address transitional living services in the division's region that is experiencing the most severe over-capacity.

Notwithstanding the provisions of any law or regulation to the contrary, no funds hereinabove appropriated for Treatment Homes and Emergency Behavioral Health Services, Youth Case Managers, Care Management Organizations, Youth Incentive Program, and Mobile Response shall be expended for any individual served by the Division of Child Behavioral Health Services, with the exception of court-ordered placements or to ensure services necessary to prevent risk of harm to the individual or others, unless that individual makes a full and complete application for Medicaid or NJ FamilyCare, as applicable. Individuals receiving services from appropriations covered by the exceptions above shall apply for Medicaid or NJ FamilyCare, as applicable, in a timely manner, as shall be defined by the Commissioner of Children and Families, after receiving services.

Of the amounts hereinabove appropriated for the School Linked Services Program, there shall be available $400,000 for the After School Reading Initiative, $200,000 for the After School Start-Up Fund, $400,000 for School Health Clinics, and $530,000 for Positive Youth Development.

The amounts hereinabove appropriated for Family Support Services for county-based Differential Response programs, funded by the Department of Children and Families to prevent child abuse and neglect, shall be used to provide services to families and follow intervention strategies that are defined with the participation of local community-based organizations and shall assure cultural competency to serve families within their respective counties.

CAPITAL CONSTRUCTION

In reference to the State appropriation provided in prior fiscal years for the State Automated Child Welfare Information System (SACWIS) program, the Commissioner of Children and Families shall provide the Office of Management and Budget, the Office of Legislative Services, and the Commission on Capital Budgeting and Planning with two written reports, due on September 15, 2008 and March 15, 2009, containing the details of the status of project deliverables, the description of problems encountered and proposed solutions, details of any required change orders, and operating cost estimates for the NJ Spirit System.

Department of Children and Families,
Total State Appropriation $1,075,703,000

To ensure the proper reallocation of funds in connection with the creation of the Department of Children and Families, of the amounts hereinabove appropriated, the Department of Children and Families may transfer appropriations to the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated for the Department of Children and Families no such grant monies shall be paid to the grantee for the costs of any efforts by the grantee or on behalf of the grantee for lobbying activities.

Summary of Department of Children and Families Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $320,636,000
Grants-in-Aid 755,067,000
Appropriations by Fund:
General Fund $1,075,703,000

22 DEPARTMENT OF COMMUNITY AFFAIRS
40 Community Development and Environmental Management
41 Community Development Management
DIRECT STATE SERVICES

01-8010	Housing Code Enforcement	$6,898,000
02-8020	Housing Services	5,066,000
06-8015	Uniform Construction Code	9,906,000
13-8027	Codes and Standards	349,000
18-8017	Uniform Fire Code	6,620,000
	Total Direct State Services Appropriation, Community Development Management	$28,839,000

Direct State Services:

Personal Services:	
Salaries and Wages	($22,220,000)
Materials and Supplies	(86,000)
Services Other Than Personal	(723,000)
Maintenance and Fixed Charges	(442,000)
Special Purpose:	
02 Prevention of Homelessness	(243,000)
02 Neighborhood Preservation -- Fair Housing (P.L.1985, c.222)	(2,393,000)
02 Council on Affordable Housing	(2,357,000)
18 Local Fire Fighters' Training	(375,000)

The amount hereinabove appropriated for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance at the end of the preceding fiscal year in the Housing Code Enforcement program classification, together with any receipts in excess of the amount anticipated, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year, in the several Uniform Construction Code program classification fee accounts, together with any receipts in excess of the amounts anticipated, are appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Planned Real Estate Development Full Disclosure Act fees account, together with any receipts in excess of the amount anticipated, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts received by the Uniform Construction Code Revolving Fund attributable to that portion of the surcharge fee in excess of $0.0006, and to surcharges on other construction, shall be dedicated to the general support of the Uniform Construction Code Program and, notwithstanding the provisions of section 2 of P.L.1979, c.121 (C.52:27D-124.1), shall be available for training and non-training purposes, except that the amounts attributable to $0.00075 per cubic foot of new construction and $0.39 per $1,000 of other construc-

tion shall be dedicated to the Smart Future Planning Grant-in-Aid program. Notwithstanding the provision of law to the contrary, unexpended balances at the end of the preceding fiscal year in the Uniform Construction Code Revolving Fund are appropriated.

Such sums as may be required for the registration of builders and reviewing and paying claims under the "New Home Warranty and Builders' Registration Act," P.L.1977, c.467 (C.46:3B-1 et seq.), are appropriated from the New Home Warranty Security Fund in accordance with section 7 of P.L.1977, c.467 (C.46:3B-7), subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Uniform Fire Code program classification, together with any receipts in excess of the amount anticipated, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Uniform Fire Code program classification are payable out of the fees and penalties derived from code enforcement activities. If these receipts are less than anticipated, the appropriations shall be reduced proportionately.

Notwithstanding the provisions of any law or regulation to the contrary, receipts derived from fees associated with the Fire Protection Contractor's Certification program pursuant to P.L.2001, c.289 (C.52:27D-25n et seq.), are appropriated to the Department of Community Affairs Division of Fire Safety, in such sums as are necessary to operate the program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Council on Affordable Housing and Neighborhood Preservation-Fair Housing accounts shall be payable from the receipts of the portion of the realty transfer fee directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer fee directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). Any receipts in excess of the amount anticipated, and any unexpended balance at the end of the preceding fiscal year are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Pursuant to section 15 of P.L.1983, c.530 (C.55:14K-15), the Commissioner of the Department of Community Affairs shall determine, at least annually, the eligibility of each boarding house resident for rental assistance payments; and notwithstanding the provisions of P.L.1983, c.530 (C.55:14K-1 et seq.) to the contrary, moneys held in the Boarding House Rental Assistance Fund that were originally appropriated from the General Fund may be used by the Commissioner for the purpose of providing life safety improvement loans, and any moneys held in the Boarding House Rental Assistance Fund may be used for the purpose of providing rental assistance for repayment of such loans. Notwithstanding any provision of P.L.1983, c.530 (C.55:14K-1 et seq.), the Commissioner shall have authority to disburse funds from the Boarding House Rental Assistance Fund established pursuant to section 14 of P.L.1983, c.530 (C.55:14K-14) for the purpose of repaying, through rental assistance or otherwise, loans made to the boarding house owners for the purpose of rehabilitating boarding houses.

The unexpended balance at the end of the preceding fiscal year in the Truth in Renting account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from the Petroleum Overcharge Reimbursement Fund the sum of $300,000 for the expenses of the Green Homes Office in the Division of Housing, subject to the approval of the Director of the Division of Budget and Accounting.

Any receipts from the sale of truth in renting statements, including fees, fines, and penalties, are appropriated for the Truth In Renting program.

Any receipts from the Boarding Home Regulation and Assistance program, including fees, fines, and penalties, are appropriated for the Boarding Home Regulation and Assistance program.

GRANTS-IN-AID

01-8010	Housing Code Enforcement	$919,000
02-8020	Housing Services	39,160,000
18-8017	Uniform Fire Code	8,571,000
	Total Grants-in-Aid Appropriation, Community Development Management	$48,650,000

Grants-in-Aid:

01	Cooperative Housing Inspection	($919,000)
02	Shelter Assistance	(2,300,000)
02	Prevention of Homelessness	(4,360,000)
02	State Rental Assistance Program	(32,500,000)
18	Uniform Fire Code – Local Enforcement Agency Rebates	(8,425,000)
18	Uniform Fire Code – Continuing Education	(146,000)

The amount hereinabove appropriated for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. If these receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance at the end of the preceding fiscal year, in the Housing Code Enforcement program classification, together with any receipts in excess of the amount anticipated, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Uniform Fire Code program classification is payable out of the fees and penalties derived from inspection and enforcement activities. If these receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance at the end of the preceding fiscal year in the Uniform Fire Code program classification together with any receipts in excess of the amount anticipated is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the State Rental Assistance Program (SRAP), an amount not less than $20,000,000 is appropriated from the Neighborhood Preservation Nonlapsing Revolving Fund to SRAP for the purposes of subsections a. and c. of section 1 of P.L.2004, c.140 (C.52:27D-287.1).

The unexpended balance at the end of the preceding fiscal year in the State Rental Assistance Program account is appropriated.

The amount hereinabove appropriated for Shelter Assistance is payable from the receipts of the portion of the realty transfer fee directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer fee directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance at the end of the preceding fiscal year in the Shelter Assistance account is appropriated.

Upon determination by the Commissioner that all eligible shelter assistance projects have received funding from the amount appropriated for Shelter Assistance from receipts of the portions of the realty transfer fee dedicated to the Neighborhood Preservation

Nonlapsing Revolving Fund, any available balance in the Shelter Assistance account may be transferred to the Neighborhood Preservation-Fair Housing account, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Revolving Housing Development and Demonstration Grant Fund an amount not to exceed 50% of the penalties derived from bureau activities in the Housing Code Enforcement program classification, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from repayment of loans from the Downtown Business Improvement Loan Fund, together with the unexpended balance at the end of the preceding fiscal year of such loan fund and any interest thereon, are appropriated for the purposes of P.L.1998, c.115 (C.40:56-71.1 et seq.).

Notwithstanding the provisions of section 35 of P.L.1975, c.326 (C.13:17-10.1), sections 10 and 11 of P.L.1981, c.306 (C.13:1E-109 and C.13:1E-110), section 8 of P.L.1985, c.368 (C.13:1E-176), or any rules and regulations adopted pursuant thereto, or any order issued by the Board of Public Utilities to the contrary, an amount equal to $125,000 shall be withdrawn from the escrow accounts by the New Jersey Meadowlands Commission and paid to the State Treasurer for deposit in the General Fund and the amount so deposited shall be appropriated to the New Jersey Meadowlands Commission to cover operational costs of the Hackensack Meadowlands Municipal Committee.

Notwithstanding the provisions of any law or regulation to the contrary, Revolving Housing Development and Demonstration Grant funds are appropriated to support loans and grants to non-profit entities for the purpose of economic development and historic preservation.

Notwithstanding the provisions of any law or regulation to the contrary, such sums as are necessary shall be available from the Homelessness Prevention Program grants-in-aid appropriation for program administrative expenses, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Capital Improvements for Homeless Shelters account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

02-8020 Housing Services	$14,175,000
Total State Aid Appropriation, Community Development Management	$14,175,000
State Aid:	
02 Relocation Assistance	($250,000)
02 Neighborhood Preservation – Fair Housing (P.L.1985, c.222)	(13,925,000)

In addition to the sum hereinabove for Relocation Assistance, such amounts as may be required to fund relocation costs of boarding home residents are appropriated from the Boarding Home Rental Assistance Fund.

The unexpended balance at the end of the preceding fiscal year in the Relocation Assistance account, not to exceed $250,000, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Of the sum hereinabove appropriated for Neighborhood Preservation-Fair Housing, a sum not to exceed $300,000 may be used for matching on a 50/50 basis for the administrative costs of the Federal Small Cities Block Grant.

Any receipts in excess of the amount anticipated in the Neighborhood Preservation-Fair Housing account are appropriated.

The amount hereinabove appropriated for Neighborhood Preservation-Fair Housing is payable from the receipts of the portion of the realty transfer fee directed to be credited

to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8), and from the receipts of the portion of the realty transfer fee directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Neighborhood Preservation-Fair Housing, an amount not to exceed $7,000,000 may be used to provide technical assistance grants to non-profit housing organizations and authorities for creating and supporting affordable housing and community development opportunities.

The unexpended balance at the end of the preceding fiscal year in the Neighborhood Preservation-Fair Housing account is appropriated.

Notwithstanding the provisions of any law or regulation to the contrary, funds appropriated for Neighborhood Preservation-Fair Housing may be provided directly to the housing project being assisted; provided however, that any such project have the support by resolution of the governing body of the municipality in which it is located.

50 Economic Planning, Development, and Security
51 Economic Planning and Development
DIRECT STATE SERVICES

49-8049 Office of Smart Growth	$2,217,000
Total Direct State Services Appropriation, Economic Planning and Development	$2,217,000

Direct State Services:

Personal Services:	
Salaries and Wages	($1,403,000)
Materials and Supplies	(41,000)
Services Other Than Personal	(189,000)
Maintenance and Fixed Charges	(6,000)
Special Purpose:	
49 Historic Trust/Open Space Administrative Costs	(578,000)

The Office of Smart Growth is authorized to collect reasonable fees for the distribution of its publications, and receipts derived from such fees are appropriated for the Office of Smart Growth.

Moneys appropriated to the State Planning Commission pursuant to P.L. 2004, c.71, which were not expended pursuant to the contract entered into by the Office of Smart Growth for the State Plan Impact Assessment Study are hereby appropriated to the Office of Smart Growth for the completion of the State Plan Impact Assessment Study, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Historic Trust/Open Space Administrative Costs program is appropriated for all administrative costs and expenses pursuant to the "New Jersey Cultural Trust Act," P.L.2000, c.76 (C.52:16A-72 et seq.); the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.); the "Historic Preservation Revolving Loan Fund," P.L.1991, c.41 (C.13:1B-15.115a et seq.); the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88; and the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any provisions of any law or regulation to the contrary, an amount not to exceed $578,000 shall be transferred from the Garden State Historic Preservation Trust

Fund to the General Fund and is appropriated to the Department of Community Affairs for Historic Trust/Open Space Administrative Costs.

GRANTS-IN-AID

49-8049 Office of Smart Growth $2,295,000
Total Grants-in-Aid Appropriation, Economic Planning and Development $2,295,000

Grants-in-Aid:

49 Smart Future Planning Grants ..... ($2,295,000)

55 Social Services Programs

DIRECT STATE SERVICES

05-8050 Community Resources $492,000
15-8051 Women's Programs 961,000
Total Direct State Services Appropriation, Social Services Programs $1,453,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($732,000)
Materials and Supplies ..... (62,000)
Services Other Than Personal ..... (148,000)
Maintenance and Fixed Charges ..... (5,000)
Special Purpose:
05 Center for Hispanic Policy, Research and Development ..... (75,000)
15 Address Confidentiality Program ..... (93,000)
15 Expenses of the New Jersey Commission on Women ..... (7,000)
15 Office on the Prevention of Violence Against Women ..... (331,000)

Notwithstanding the provisions of any law or regulation to the contrary, receipts derived from the increases in divorce filing fees enacted in the amendment to N.J.S.22A:2-12 by section 41 of P.L.2003, c.117, are appropriated for transfer to the General Fund as general State revenue, subject to the approval of the Director of the Division of Budget and Accounting.

Additional funds as may be allocated by the federal government for New Jersey's Low Income Home Energy Assistance Block Grant Program (LIHEAP) are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

05-8050 Community Resources $11,300,000
15-8051 Women's Programs 3,115,000
Total Grants-in-Aid Appropriation, Social Services Programs $14,415,000

Grants-in-Aid:

05 Center for Hispanic Policy, Research and Development ..... ($4,100,000)
05 Recreation for the Handicapped ..... (650,000)
05 Special Olympics ..... (450,000)
05 Grant to ASPIRA ..... (100,000)
05 Lead Hazard Control Assistance Fund .. (6,000,000)
15 Grants to Hispanic Women's Resource Centers ..... (500,000)

15 Women's Referral Central ..... (25,000)
15 Rape Prevention ..... (1,000,000)
15 Job Training Center for Urban Women Act ..... (315,000)
15 Grants to Women's Shelters ..... (25,000)
15 Grants to Displaced Homemaker Centers ..... (1,250,000)

Notwithstanding the provisions of P.L.2003, c.311 (C.52:27D-437.1 et seq.), or any law or regulation to the contrary, the amount hereinabove appropriated for the Lead Hazard Control Assistance Fund is payable from receipts of the portion of the sales tax directed to be credited to the Lead Hazard Control Assistance Fund pursuant to section 11 of P.L.2003, c.311 (C.52:27D-437.11), and there is further appropriated from such receipts an amount not to exceed $8,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 4 of the "Lead Hazard Control Assistance Act," P.L.2003, c.311 (C.52:27D-437.4), such sums as are necessary are appropriated from the Lead Hazard Control Assistance Fund for administrative costs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 4 of the "Lead Hazard Control Assistance Act," P.L.2003, c.311 (C.52:27D-437.4), from the Lead Hazard Control Assistance Fund a sum not to exceed $1,000,000 is appropriated for the purchase of updated lead analysis and information technology equipment for distribution to local health departments and other health agencies, and $500,000 is appropriated for use by the Bureau of Housing Inspection to locate and register one- and two-family rental properties requiring lead inspection in accordance with section 1 of P.L.2007, c.251 (C.55:13A-12.2).

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

DIRECT STATE SERVICES

04-8030 Local Government Services $3,664,000
Total Direct State Services Appropriation, State Subsidies and Financial Aid $3,664,000

Direct State Services:

Personal Services:
Local Finance Board Members ..... ($84,000)
Salaries and Wages ..... (3,343,000)
Materials and Supplies ..... (40,000)
Services Other Than Personal ..... (162,000)
Maintenance and Fixed Charges ..... (35,000)

Receipts from the Division of Local Government Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Local Unit Alignment, Reorganization, and Consolidation Commission account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

04-8030 Local Government Services $1,033,274,000
(From General Fund ..... $185,781,000)
(From Property Tax Relief Fund ..... 847,493,000)
Total State Aid Appropriation, State Subsidies and Financial Aid $1,033,274,000
(From General Fund ..... $185,781,000)

(From Property Tax Relief Fund ..... 847,493,000)
State Aid:
04 Consolidation Fund (PTRF) ..... ($3,000,000)
04 Extraordinary Aid (C.52:27D-118.35) . (25,000,000)
04 Consolidated Municipal Property Tax Relief Aid (PTRF) ..... (808,868,000)
04 County Prosecutors and Officials Salary Increase (P.L.2007, c.350) ..... (1,181,000)
04 County Prosecutor Funding Initiative Pilot Program ..... (8,000,000)
04 Domestic Violence Training Cost Reimbursement -- Local Law Enforcement Agencies ..... (250,000)
04 Regional Efficiency Aid Program ..... (6,000,000)
04 Trenton Capital City Aid (PTRF) ..... (35,625,000)
04 Special Municipal Aid Act ..... (145,350,000)

The amount hereinabove appropriated for Extraordinary Aid shall first be charged to receipts of the supplemental fee established pursuant to section 2 of P.L.2003, c.113 (C.46:15-7.1), credited to the Extraordinary Aid account. Notwithstanding the provisions of any law or regulation to the contrary, the amount appropriated for municipal aid from receipts deposited in the Extraordinary Aid account shall not exceed the amount hereinabove appropriated.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Extraordinary Aid shall be distributed subject to the determination of the Director of the Division of Local Government Services.

The amount hereinabove appropriated for the County Prosecutor Funding Initiative Pilot Program shall be distributed as follows: Camden County, $1,790,000; Essex County, $3,622,000; Hudson County, $1,605,000; and Mercer County, $983,000.

Loan repayments received in the Regional Efficiency Development Incentive Grant Program account, established pursuant to P.L.2003, c.122, are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Regional Efficiency Development Incentive Grant Program account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, municipal appropriations for "Reserve for Tax Appeals" may be made in exception to spending limitations pursuant to section 3 of P.L.1976, c.68 (C.40A:4-45.3).

Notwithstanding the provisions of any law or regulation to the contrary, any qualified municipality, as defined in section 1 of P.L.1978, c.14 (C.52:27D-178) for the previous fiscal year, shall continue to be a qualified municipality thereunder during the current fiscal year.

Municipalities that received Municipal Revitalization Program aid in fiscal year 1995 pursuant to the provisions of P.L.1994, c.67 shall continue to be subject to the provisions of the "Special Municipal Aid Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.), and the Director of the Division of Local Government Services may withhold aid payments or portions thereof from any municipality that fails to comply with those provisions, until such time as the director determines the municipality to be in compliance.

Of the amount appropriated hereinabove for the Special Municipal Aid Act program, an amount not to exceed 3% is allocated for administrative costs for the purpose of monitoring and auditing the municipalities participating in the program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.2002, c.43 as amended (C.52:27BBB-1 et seq.) to the contrary, any municipality receiving State Aid provided through the "Special Municipal Aid Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.) appropriation shall be subject to the provisions of the Special Municipal Aid Act and subject to entering into an agreement with the Department of Community Affairs to provide, among other things, for financial oversight, and subject to an audit by the State Comptroller to be initiated within six months of receipt of such State aid.

Notwithstanding the provisions of P.L.1999, c.61 (C.54:4-8.76 et. seq.) to the contrary, the amount appropriated hereinabove for the Regional Efficiency Aid Program (REAP) shall be distributed to the same municipalities and in the same proportion as was distributed in the previous fiscal year.

The amount hereinabove appropriated for the Consolidation Fund is appropriated for the purposes that shall be set forth in a spending plan jointly established by the Departments of Community Affairs, Education, and Treasury, which shall give primary consideration to municipalities below 10,000 in population, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Consolidation Fund, an amount may be used to contract with State institutions of higher education to assist with the consolidation of local units of government and for the operating expenses of the Local Unit Alignment, Reorganization and Consolidation Commission, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Consolidation Fund account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Consolidated Municipal Property Tax Relief Aid shall be distributed on the following schedule: on or before August 1, 45% of the total amount due; September 1, 30% of the total amount due; October 1, 15% of the total amount due; November 1, 5% of the total amount due; and December 1, 5% of the total amount due.

Notwithstanding the provisions of any law or regulation to the contrary, from the amount received from the appropriation to the Consolidated Municipal Property Tax Relief Aid program, each municipality shall be required to distribute to each fire district within its boundaries the amount received by the fire district from the Supplementary Aid for Fire Services program pursuant to the provisions of the fiscal year 1995 annual appropriations act, P.L.1994, c.67.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Consolidated Municipal Property Tax Relief Aid shall be distributed in the same amounts, and to the same municipalities which received funding pursuant to the previous fiscal year's annual appropriations act, provided further, however, that from the amount hereinabove appropriated there is transferred to the Energy Tax Receipts Property Tax Relief Fund account such sums as were determined for fiscal year 2003, fiscal year 2006, fiscal year 2007, fiscal year 2008, and fiscal year 2009 pursuant to subsection e. of section 2 of P.L.1997, c.167 (C.52:27D-439) as amended by P.L.1999, c.168; and except that, using the Department of Labor and Workforce Development New Jersey 2006 Municipal Population estimates, the amount received by municipalities below 10,000 in population shall be reduced by 25% , and the amount received by municipalities above 10,000 in population shall be reduced by 2.42%, provided further, however, that as a result of the above aid reduction calculation for such municipalities, an additional amount shall be provided to any municipality below 10,000 in population to ensure that the aid reduction itself does not result in more than a $100 increase over 2007 average residential property taxes as calculated by the Division of Local Government Services; and the amount received by the City of Newark shall be

further reduced by an amount certified by the Division of Taxation and appropriated to the Division of Taxation for any aspect of the revaluation of real property in Newark, subject to the approval of the Director of the Division of Budget and Accounting. The Director of the Division of Local Government Services shall further take such actions as may be necessary to ensure that the Consolidated Municipal Property Tax Relief Aid appropriated to offset losses from business personal property tax that would have otherwise been used for the support of public schools will be used to reduce the school property tax levy for those affected school districts with the remaining State Aid used as municipal property tax relief. The chief financial officer of the municipality shall pay to the school districts such amounts as may be due by December 31, 2008.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for municipal aid for the municipality of Haledon, $72,809.48 shall be deducted for repayment to the State of State Aid funds used to offset the increase in the 2007-08 school tax levy required under the applicable regional school funding requirements.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for municipal aid for the municipality of Prospect Park, $137,219.20 shall be deducted for repayment to the State of State Aid funds used to offset the increase in the 2007-08 school tax levy required under the applicable regional school funding requirements.

The amount hereinabove appropriated for Trenton Capital City Aid is made pursuant to the provisions of the "Special Municipal Aid Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.) and, in addition, is subject to the City of Trenton entering into an agreement with the Department of Community Affairs providing for the terms and conditions of such aid, which shall include, among other things, financial oversight by the Department of Community Affairs.

Loan repayments received in the Sharing Available Resources Efficiently Program account, established pursuant to P.L.2007, c.63, are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Sharing Available Resources Efficiently Program account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Sharing Available Resources Efficiently Program, not more than 5% may be used to finance the development of performance measures and training modules and to employ staff as authorized by sections 4 and 9 of P.L.2007, c.54 (C.52:27D-504 and C.52:27D-18.2). The Local Finance Board shall provide a report to the Senate Budget and Appropriations Committee and the Assembly Budget Committee on or before December 31, 2008 on the status of the development of performance measures and training modules as required by section 9 of P.L.2007, c.54.

Of the amount hereinabove appropriated for the Sharing Available Resources Efficiently Program, an amount may be used to provide technical support programs to assist local units in applying for grants or aid for studying shared services as authorized by P.L.2007, c.63 (C.40A:65-30 et al.), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, whenever funds appropriated as State Aid and payable to any municipality, which municipality requests and receives the approval of the Local Finance Board, such funds may be pledged as a guarantee for payment of principal and interest on any bond anticipation notes issued pursuant to section 11 of P.L.2003, c.15 (C.40A:2-8.1) and any tax anticipation notes issued pursuant to N.J.S.40A:4-64 by such municipality. Such funds, if so pledged, shall be made available by the State Treasurer upon receipt of a written notification by the Director of the Division of Local Government Services that the municipality does not

have sufficient funds available for prompt payment of principal and interest on such notes, and shall be paid by the State Treasurer directly to the holders of such notes at such time and in such amounts as specified by the Director, notwithstanding that payment of such funds does not coincide with any date for payment otherwise fixed by law.

The State Treasurer, in consultation with the Commissioner of the Department of Community Affairs, is empowered to direct the Director of the Division of Budget and Accounting to transfer appropriations from any State department to any other State department as may be necessary to provide a loan for a term not to exceed 30 days to a municipality faced with a fiscal crisis, including but not limited to a potential default on tax anticipation notes. Extension of the term of the loan shall be conditioned on the municipality being an "eligible municipality" pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.).

Of the amount hereinabove appropriated for the Consolidation Fund and the Sharing Available Resources Efficiently Program accounts, an amount not to exceed $5,000,000 is appropriated to municipalities that receive rural patrol services pursuant to R.S.53:2-1 and that enter into or are deemed to enter into cost sharing agreements with the State Treasurer as provided herein. Such monies shall be held in a special account by the State Treasurer and shall be used to satisfy in part the payments due from those municipalities under the cost sharing agreements, in accordance with a formula set by the State Treasurer, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, funds appropriated by a municipality for a given fiscal year to pay for the cost of a cost sharing agreement concerning State Police rural patrol services with the State Treasurer may include costs of services for the current and the previous fiscal year.

The Commissioner of the Department of Community Affairs shall have the discretion to reduce the amount of any fiscal year 2009 Consolidated Municipal Property Tax Relief Aid deductions or implement a revised payment schedule related to overpayments of State aid funds derived from regional school funding requirements. Such a reduction shall be based on the potential impact of these deductions on: the affected municipality's tax rate, the affected municipality's capacity to maintain municipal services or the combination of this deduction with the loss of other forms of State aid.

76 Management and Administration

DIRECT STATE SERVICES

99-8070 Administration and Support Services	$3,401,000
Total Direct State Services Appropriation, Management and Administration	$3,401,000

Direct State Services:

Personal Services:	
Salaries and Wages	($2,644,000)
Materials and Supplies	(8,000)
Services Other Than Personal	(4,000)
Maintenance and Fixed Charges	(21,000)
Special Purpose:	
99 Government Records Council	(664,000)
99 Affirmative Action and Equal Employment Opportunity	(60,000)

Notwithstanding the provisions of any law or regulation to the contrary, from the amount appropriated hereinabove for the Government Records Council, the Council shall expend such amount as is necessary to employ staff legal counsel other than counsel provided by the Office of the Attorney General.

Department of Community Affairs,
Total State Appropriation $1,152,383,000

All moneys comprising repayment of loans or advances from the Mortgage Assistance Fund established under the "New Jersey Mortgage Assistance Bond Act of 1976," P.L.1976, c.94, are appropriated in accordance with the purposes set forth in section 5 of that act.

Notwithstanding the provisions of any law or regulation to the contrary, deposits of any funds into the Revolving Housing Development and Demonstration Grant Fund are subject to prior approval of the Director of the Division of Budget and Accounting.

Summary of Department of Community Affairs Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $39,574,000
Grants-in-Aid 65,360,000
State Aid 1,047,449,000
Appropriations by Fund:
General Fund $304,890,000
Property Tax Relief Fund 847,493,000

26 DEPARTMENT OF CORRECTIONS
10 Public Safety and Criminal Justice
16 Detention and Rehabilitation
DIRECT STATE SERVICES

07-7025 Institutional Control and Supervision $521,900,000
08-7025 Institutional Care and Treatment 261,964,000
99-7025 Administration and Support Services 86,681,000
Total Direct State Services Appropriation,
Detention and Rehabilitation $870,545,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($581,995,000)
Food in Lieu of Cash ..... (2,353,000)
Materials and Supplies ..... (74,290,000)
Services Other Than Personal ..... (168,591,000)
Maintenance and Fixed Charges ..... (12,094,000)
Special Purpose:
07 Stabilization and Reintegration Unit at Albert C. Wagner ..... (2,800,000)
07 Gang Management Unit ..... (868,000)
07 Civilly Committed Sexual Offender Facility ..... (9,235,000)
07 Civilly Committed Sexual Offender Facility - Annex ..... (15,123,000)
08 State Match - Residential Substance Abuse Treatment Grant ..... (26,000)
08 State Match - Social Services Block Grant . (33,000)
08 State Match - Violence Against Women Grant ..... (26,000)
Additions, Improvements and Equipment ..... (3,111,000)

In order to permit flexibility and ensure the appropriate levels of services to the civilly committed, appropriated amounts may be transferred between the Civilly Committed Sexual Offender Facility and the Civilly Committed Sexual Offender Facility - Annex

accounts, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year in the Civilly Committed Sexual Offender Facility and the Civilly Committed Sexual Offender Facility - Annex accounts are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the Upholstery Program at the Albert C. Wagner Youth Correctional Facility, and any unexpended balance at the end of the preceding fiscal year are appropriated for the operation of the program with surplus funds being credited to the institution's Inmate Welfare Fund, subject to the approval of the Director of the Division of Budget and Accounting.

7025 System-Wide Program Support

DIRECT STATE SERVICES

07-7025 Institutional Control and Supervision $26,747,000
13-7025 Institutional Program Support 38,314,000
Total Direct State Services Appropriation, System-Wide Program Support $65,061,000

Direct State Services: .....
Personal Services:
Salaries and Wages ..... ($43,408,000)
Materials and Supplies ..... (1,130,000)
Services Other Than Personal ..... (9,041,000)
Special Purpose:
13 Integrated Information Systems ..... (7,966,000)
13 State Match - Prison Rape Elimination Grant ..... (200,000)
13 Offender Reentry Program ..... (1,000,000)
13 Mutual Agreement Program ..... (1,162,000)
13 DOC/DOT Work Details ..... (537,000)
13 Video Teleconferencing ..... (300,000)
Additions, Improvements and Equipment ..... (317,000)

The unexpended balance at the end of the preceding fiscal year in the Integrated Information Systems account is appropriated to provide funding for the cost of upgrading the Department of Corrections' Correctional Management Information System, subject to the approval of the Director of the Division of Budget and Accounting, the expenditures of which shall directly improve the Department's ability to collect fines, restitutions, penalties, surcharges, or other debts owed by inmates.

Of the sums hereinabove appropriated for Video Teleconferencing, an amount shall be transferred to the Judiciary and the Office of the Public Defender for telephone line charges, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

13-7025 Institutional Program Support $82,951,000
Total Grants-in-Aid Appropriation, System-Wide Program Support $82,951,000

Grants-in-Aid:
13 Purchase of Service for Inmates Incarcerated in County Penal Facilities ..... ($21,376,000)
13 Purchase of Service for Inmates Incarcerated in Out-of-State Facilities ..... (80,000)
13 Purchase of Community Services .... (61,495,000)

A portion of the total amount appropriated in the Purchase of Service for Inmates Incarcerated in County Penal Facilities account is available for operational costs of additional State facilities for inmate housing, which become ready for occupancy and other programs which reduce the number of State inmates in county facilities, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Purchase of Service for Inmates Incarcerated in County Penal Facilities account is appropriated for the same purpose.

Any change by the Department of Corrections in the per diem rates paid for Inmates Incarcerated in County Penal Facilities and for Community Services shall first be approved by the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Purchase of Community Services account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

10 Public Safety and Criminal Justice
17 Parole

DIRECT STATE SERVICES

03-7010 Parole	$51,787,000
05-7280 State Parole Board	12,681,000
99-7280 Administration and Support Services	3,847,000
Total Direct State Services Appropriation, Parole	$68,315,000

Direct State Services:

Personal Services:	
Salaries and Wages	($39,801,000)
Materials and Supplies	(811,000)
Services Other Than Personal	(2,051,000)
Maintenance and Fixed Charges	(1,140,000)
Special Purpose:	
03 Payments to Inmates Discharged from Facilities	(182,000)
03 Parolee Electronic Monitoring Program	(5,138,000)
03 SPB Training Academy	(620,000)
03 Supervision, Surveillance and Gang Suppression Program	(2,377,000)
03 Sex Offender Management Unit	(9,011,000)
03 Satellite-based Monitoring of Sex Offenders	(2,643,000)
03 Parole Violator Assessment and Treatment Program	(4,510,000)
Additions, Improvements and Equipment	(31,000)

From the appropriations hereinabove, the Executive Director shall make payment to the Interstate Commission for Adult Offender Supervision in the amount required for the New Jersey state assessment in the current fiscal year.

GRANTS-IN-AID

03-7010 Parole	$37,082,000
Total Grants-in-Aid Appropriation, Parole	$37,082,000

Grants-in-Aid:

03 Re-Entry Substance Abuse Program	($3,997,000)
03 Mutual Agreement Program (MAP)	(2,690,000)
03 Day Reporting Program	(11,902,000)
03 Re-Entry Case Management Services	(400,000)

03 Halfway Back Program ..... (18,093,000)

Any change by the Division of Parole in the per diem rates affecting Special Caseload accounts shall first be approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the New Jersey State Parole Board is authorized to expend the amounts appropriated for Re-Entry Substance Abuse Program, Halfway Back Program, Mutual Agreement Program and Day Reporting Program to provide services to ex-offenders who are age 18 or older and under juvenile or adult parole supervision, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for Re-Entry Case Management Services shall be expended consistent with the recommendations in the final report of the Governor's Task Force on Mental Health.

10 Public Safety and Criminal Justice
19 Central Planning, Direction and Management
DIRECT STATE SERVICES

99-7000 Administration and Support Services $17,907,000
Total Direct State Services Appropriation, Central Planning, Direction and Management $17,907,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($14,815,000)
Materials and Supplies ..... (612,000)
Services Other Than Personal ..... (997,000)
Maintenance and Fixed Charges ..... (701,000)
Special Purpose:
99 DOC State Match Account ..... (50,000)
99 Affirmative Action and Equal Employment Opportunity ..... (655,000)
Additions, Improvements and Equipment ..... (77,000)

Receipts derived from the Culinary Arts Vocational Program, and any unexpended balance at the end of the preceding fiscal year in that account, are appropriated for the operation of the program, subject to the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

Receipts from the sale of real property in the amount of $5,440,000 are appropriated for the purpose of Modular Unit Replacement.

Department of Corrections, Total State Appropriation $1,141,861,000

The unexpended balance at the end of the preceding fiscal year of funds held for the benefit of inmates in the several institutions, and such funds as may be received, are appropriated for the benefit of such inmates.

Payments received by the State from employers of prisoners on their behalf, as part of any work release program, are appropriated for the purposes provided under P.L.1969, c. 22 (C.30:4-91.4 et seq.).

Summary of Department of Corrections Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $1,021,828,000

Grants-in-Aid 120,033,000
Appropriations by Fund:
General Fund $1,141,861,000

34 DEPARTMENT OF EDUCATION
30 Educational, Cultural, and Intellectual Development
31 Direct Educational Services and Assistance
STATE AID

01-5120 General Formula Aid $7,298,955,000
(From General Fund . . . . . $308,513,000)
(From Property Tax Relief Fund . . . . . 6,990,442,000)
02-5120 Nonpublic School Aid 104,664,000
03-5120 Miscellaneous Grants-In-Aid 84,097,000
(From General Fund . . . . . 5,530,000)
(From Property Tax Relief Fund . . . . . 78,567,000)
07-5120 Special Education 770,131,000
(From General Fund . . . . . 52,000,000)
(From Property Tax Relief Fund . . . . . 718,131,000)
Total State Aid Appropriation, Direct Educational Services and Assistance $8,257,847,000
(From General Fund . . . . . $470,707,000)
(From Property Tax Relief Fund . . . . . 7,787,140,000)
Less:
Growth Savings – Payment Changes $46,960,000
Total Deductions $46,960,000
Total State Aid Appropriation, Direct Educational Services and Assistance $8,210,887,000
(From General Fund . . . . . $470,707,000)
(From Property Tax Relief Fund . . . . . 7,740,180,000)
State Aid:
01 Equalization Aid . . . . . ($308,513,000)
01 Equalization Aid (PTRF) . . . . . (5,357,678,000)
01 Educational Adequacy Aid (PTRF) . . . . (8,167,000)
01 Security Aid (PTRF) . . . . . (223,792,000)
01 Adjustment Aid (PTRF) . . . . . (849,115,000)
01 Preschool Education Aid (PTRF) . . . . (543,839,000)
01 School Choice (PTRF) . . . . . (7,851,000)
02 Nonpublic Textbook Aid . . . . . (10,084,000)
02 Nonpublic Handicapped Aid . . . . . (31,325,000)
02 Nonpublic Auxiliary Services Aid . . . . (37,116,000)
02 Nonpublic Auxiliary/Handicapped Transportation Aid . . . . . (5,239,000)
02 Nonpublic Nursing Services Aid . . . . . (13,767,000)
02 Nonpublic Technology Initiative . . . . . (7,133,000)
03 Charter School Aid (PTRF) . . . . . (35,271,000)
03 Educational Information and Resource Center . . . . . (450,000)
03 Bridge Loan Interest and Approved Borrowing Cost . . . . . (50,000)
03 Payments for Institutionalized Children – Unknown District of Residence (PTRF) . . . . . (33,296,000)

03	Community Relations Committee of the United Jewish Federation of Metrowest	(30,000)
03	Adult Education (PTRF)	(10,000,000)
03	Integration Assistance Aid	(5,000,000)
07	Special Education Categorical Aid (PTRF)	(718,131,000)
07	Extraordinary Special Education Costs Aid	(52,000,000)
Less:		
	Deductions	***46,960,000***

Receipts from nonpublic schools handicapped and auxiliary recoveries are appropriated for the payment of additional aid in accordance with section 17 of P.L.1977, c.192 (C.18A:46A-14) and section 14 of P.L.1977, c.193 (C.18A:46-19.8).

Notwithstanding the provisions of section 14 of P.L.1977, c.193 (C.18A:46-19.8) for the purpose of computing Nonpublic Handicapped Aid for pupils requiring the following services, the per pupil amounts for the 2008-2009 school year shall be: $1,326.17 for an initial evaluation or reevaluation for examination and classification; $380 for an annual review for examination and classification; $930 for speech correction; and $826 for supplementary instruction services, provided however, that the commissioner may adjust the per pupil amounts based upon the nonpublic pupil population and the need for services.

Notwithstanding the provisions of section 9 of P.L.1977, c.192 (C.18A:46A-9), the per pupil amount for compensatory education for the 2008- 2009 school year for the purposes of computing Nonpublic Auxiliary Services Aid shall equal $995.33 and the per pupil amount for providing the equivalent service to children of limited English-speaking ability shall be $1,015, provided however, that the commissioner may adjust the per pupil amounts based upon the nonpublic pupil population and the need for services.

Notwithstanding the provisions of section 9 of P.L.1991, c.226 (C.18A:40-31), the amount hereinabove appropriated for Nonpublic Nursing Services Aid shall be made available to local school districts based upon the number of pupils enrolled in each nonpublic school on the last day prior to October 16, 2007 and the rate per pupil shall be $77.20.

Nonpublic Technology Initiative aid shall be paid to school districts and allocated for nonpublic school pupils at the rate of $40 per pupil in a manner that is consistent with the provisions of the federal and State constitutions.

Such sums received in the "School District Deficit Relief Account," established pursuant to section 5 of P.L.2006, c.15 (C.18A:7A-58), including loan repayments, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount hereinabove appropriated for Integration Assistance Aid, there is appropriated $4,000,000 for Englewood City School District, $500,000 for Teaneck Township School District, and $500,000 for Montclair Town School District to assist with the implementation of integration programs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1999, c.12 (C.54A:9-25.12 et seq.), there is appropriated from the Drug Abuse Education Fund, the sum of $50,000, to be used for the NJSIAA Steroid Testing program.

The amount hereinabove appropriated for Extraordinary Special Education Costs Aid shall be charged first to receipts of the supplemental fee established pursuant to section 2 of P.L.2003, c.113 (C.46:15-7.1) credited to the Extraordinary Aid Account. Notwithstanding the provisions of that law to the contrary, the amount appropriated for Extraordinary Special Education Costs Aid from receipts deposited in the Extraordinary Aid Account shall not exceed the amount hereinabove appropriated.

Notwithstanding the provisions of section 13 of P.L.2007, c.260 (C.18A:7F-55) to the contrary, for the purposes of approving an 2008-2009 application for reimbursement of extraordinary special education costs, an individual classified pupil shall be reimbursed: pursuant to paragraph (1) of subsection b. of that section at 95% of the direct instructional and support services costs in excess of $40,000; pursuant to paragraph (2) of that subsection at 85% of the direct instructional and support services costs in excess of $40,000; and pursuant to paragraph (3) of that subsection at 85% for tuition costs in excess of $55,000. The reimbursement will occur in 2009-2010, subject to appropriation.

Notwithstanding the provisions of any law or regulation to the contrary, amounts hereinabove appropriated for Extraordinary Special Education Costs Aid shall be used for payment to a district of amounts approved by the commissioner based on review and approval of a 2007-2008 Extraordinary Aid application filed with the department for reimbursement of expenses in excess of $40,000 incurred on behalf of a classified pupil in that school year. State aid awarded for this purpose shall be recorded by the district as revenue in 2007-2008 and paid to the district in 2008-2009.

Notwithstanding the provisions of any law or regulation to the contrary, the allocation of the amount hereinabove appropriated for Equalization Aid to an "SDA district" shall be reduced by the amount of proceeds received by the district from the sale of district surplus property, which shall be appropriated by the district for regular education operations. Surplus property means that property which is not being replaced by other property under a grant agreement with the New Jersey Schools Development Authority.

Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, the Commissioner of Education, in consultation with the Commissioner of Human Services, shall adopt immediately upon filing with the Office of Administrative Law such regulations as the commissioner deems necessary to ensure that funds appropriated to the Department of Human Services for before- and after-school and summer "wrap around" child care are expended in accordance with this act.

Notwithstanding the provisions of any law or regulation to the contrary, amounts hereinabove appropriated for Charter School aid shall be used for such sums as are necessary: 1) to provide that in the 2008-2009 school year, a charter school receives no less total support from the State and the resident district than the sum of the total 2007-2008 payments from the resident district and the 2007-2008 payments of Charter School aid and Charter Schools - Council on Local Mandates aid and to ensure that such total payments provide a 2008-2009 per pupil amount that is no less than the 2007-2008 per pupil amount based on average daily enrollment; 2) to provide that a resident district will receive State support in the amount of any increase in the required payments to charter schools from 2007-2008 to 2008-2009 in excess of the 2008-2009 increase reflected in the revised 2008-09 District State Aid Profile; and 3) to provide amounts pursuant to section 12 of P.L.1995, c.426 (C.18A:36A-12).

The amount hereinabove appropriated as Adult Education Aid shall be distributed at a rate of $1,116 per pupil for pupils enrolled in approved adult high schools and post- graduate programs as of October, 2007 as reported in the Application for State School Aid.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated as SDA New Facilities Transition Aid such additional sums as may be required, not to exceed $15,000,000, to be distributed at a rate of $9.00 per square foot based on the gross square footage of new facilities construction as determined by the Schools Development Authority subject to the approval of the Director of the Division of Budget and Accounting. The Commissioner of Education shall notify the Joint Budget Oversight Committee of all sums paid as SDA New Facilities Transition Aid.

Notwithstanding the provisions of any law or regulation to the contrary, the preschool per pupil amounts set forth in subsection d. of section 12 of P.L.2007, c.260 (C.18A:7F- 54)

shall be adjusted by the geographic cost adjustment developed by the commissioner pursuant to P.L.2007, c.260.

Notwithstanding the provisions of section 3 of P.L.1971, c.271 (C.18A:46-31), a portion of the district tuition amounts payable to a county special services school district operating an extended school year program may be transferred to the county special services school district prior to the first of September in the event the board shall file a written request with the Commissioner of Education stating the need for the funds. The commissioner shall review the board's request and determine whether to grant the request after an assessment of whether the district needs to spend the funds prior to September and after considering the availability of district surplus. The commissioner shall transfer the payment for the portion of the tuition payable for which need has been demonstrated.

32 Operation and Support of Educational Institutions

DIRECT STATE SERVICES

12-5011 Marie H. Katzenbach School for the Deaf	$15,084,000
(From General Fund	***$3,590,000)***
(From All Other Funds	***11,494,000)***
13-5011 Positive Learning Understanding Support Program	638,000
(From All Other Funds	***638,000)***
Total Appropriation, State and All Other Funds	$15,722,000
(From General Fund	***$3,590,000)***
(From All Other Funds	***12,132,000)***
Less:	
All Other Funds	***$12,132,000***
Total Deductions	***$12,132,000***
Total Direct State Services Appropriation, Operation and Support of Educational Institutions	$3,590,000

Direct State Services:

Personal Services:	
Salaries and Wages	($12,682,000)
Materials and Supplies	(1,815,000)
Services Other Than Personal	(453,000)
Maintenance and Fixed Charges	(601,000)
Special Purpose:	
12 Transportation Expenses for Students	40,000)
Additions, Improvements and Equipment	(131,000)
Less:	
All Other Funds	***12,132,000***

Notwithstanding the provisions of N.J.S.18A:61-1 and N.J.S.18A:46-13, or any law or regulation to the contrary, in addition to the amount hereinabove appropriated to the Marie H. Katzenbach School for the Deaf for the 2008-2009 academic year, payments from local boards of education to the school at an annual rate and payment schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting are appropriated.

Any income from the rental of vacant space at the Marie H. Katzenbach School for the Deaf is appropriated for the operation and maintenance cost of the facility and for capital costs at the school, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year, in the receipt account of the Marie H. Katzenbach School for the Deaf is appropriated for expenses of operating the school.

The unexpended balance at the end of the preceding fiscal year, in the receipt account of the Positive Learning Understanding Support (PLUS) program is appropriated for the expenses of operating the Marie H. Katzenbach School for the Deaf.

CAPITAL CONSTRUCTION

Notwithstanding the provisions of any law or regulation to the contrary, accumulated and current year interest earnings in the State Facilities for Handicapped Fund established pursuant to section 12 of P.L.1973, c.149 are appropriated for capital improvements and maintenance of facilities for the eleven regional day schools throughout the State and the Marie H. Katzenbach School for the Deaf as authorized in the State Facilities for Handicapped Bond Act, P.L.1973, c.149, subject to the approval of the Director of the Division of Budget and Accounting.

33 Supplemental Education and Training Programs

DIRECT STATE SERVICES

20-5062 General Vocational Education	$294,000
Total Direct State Services Appropriation, Supplemental Education and Training Programs	$294,000

Direct State Services:

Personal Services:	
Salaries and Wages	($243,000)
Materials and Supplies	(26,000)
Services Other Than Personal	(25,000)

STATE AID

20-5062 General Vocational Education	$4,860,000
Total State Aid Appropriation, Supplemental Education and Training Programs	$4,860,000

State Aid:

20 Vocational Education	($4,860,000)

34 Educational Support Services

DIRECT STATE SERVICES

30-5063 Educational Programs and Assessment	$26,615,000
31-5060 Grants Management	371,000
32-5061 Professional Development and Licensure	2,966,000
33-5067 Service to Local Districts	6,963,000
35-5069 Early Childhood Education	2,406,000
36-5120 Student Transportation	491,000
37-5069 District and School Improvement	8,512,000
38-5120 Facilities Planning and School Building Aid	2,484,000
40-5064 Student Services	1,539,000
Total Direct State Services Appropriation, Educational Support Services	$52,347,000

Direct State Services:

Personal Services:	
Salaries and Wages	($20,775,000)
Materials and Supplies	(552,000)
Services Other Than Personal	(3,687,000)
Maintenance and Fixed Charges	(95,000)
Special Purpose:	
30 Statewide Assessment Program	(20,725,000)
30 Continuing Education	(52,000)

30 Governor's Literacy Initiative ..... (2,566,000)
30 General Education Development ..... (386,000)
37 District and School Improvement ..... (3,130,000)
40 New Jersey Commission on Holocaust Education ..... (244,000)
40 Commission on Italian American Heritage Cultural and Educational Programs ..... (135,000)

From the amount hereinabove appropriated for the Governor's Literacy Initiative, the sum of $900,000 may be transferred to the Commission for the Blind and Visually Impaired for increased Braille lessons for blind children, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount hereinabove appropriated for the Governor's Literacy Initiative, there is appropriated $300,000 for a grant for the Learning Through Listening program at the New Jersey Unit of the Recording for the Blind and Dyslexic.

Receipts from the State Board of Examiners' fees in excess of those anticipated and the unexpended program balances at the end of the preceding fiscal year, are appropriated for the operation of the Professional Development and Licensure programs.

GRANTS-IN-AID

30-5063 Educational Programs and Assessment $3,853,000
40-5064 Student Services 14,500,000
Total Grants-in-Aid Appropriation, Educational Support Services $18,353,000

Grants-in-Aid:
30 Liberty Science Center – Educational Services ..... ($3,000,000)
30 Governor's Literacy Initiative ..... (750,000)
30 Teacher Preparation ..... (103,000)
40 New Jersey After 3 ..... (14,500,000)

The amount hereinabove appropriated for the Liberty Science Center—Educational Services shall be used to provide educational services to districts with high concentrations of at-risk students in the science education component of the core curriculum content standards as established by law.

The amount hereinabove appropriated for the Governor's Literacy Initiative shall be used to provide grants to districts to improve instruction in language arts literacy, science, and mathematics. In awarding such grants, the Commissioner of Education shall use criteria including the School Improvement Status based upon the federal No Child Left Behind Act and student performance on the New Jersey Assessment of Skills and Knowledge.

The sums provided hereinabove for New Jersey After 3 shall be conditioned upon the State Treasurer and the grant recipient entering into a grant agreement; shall be available for grants and reasonable administrative costs of New Jersey After 3, Inc.; and shall be available for funding programs, activities, functions and facilities consistent with recommendations and proposals of the New Jersey After 3 Advisory Committee.

STATE AID

36-5120 Student Transportation $296,774,000
(From Property Tax Relief Fund ..... $296,774,000)
38-5120 Facilities Planning and School Building Aid 662,581,000
(From General Fund ..... 501,394,000)
(From Property Tax Relief Fund ..... 161,187,000)
39-5095 Teachers' Pension and Annuity Assistance 2,285,460,000
(From Property Tax Relief Fund ..... 2,285,460,000)

Total State Aid Appropriation, Educational Support Services $3,244,815,000
(From General Fund ..... $501,394,000)
(From Property Tax Relief Fund ..... 2,743,421,000)

State Aid:

36	Transportation Aid (PTRF)	($296,774,000)
38	School Building Aid (PTRF)	(103,050,000)
38	School Construction Debt Service Aid (PTRF)	(58,137,000)
38	School Construction and Renovation Fund	(501,394,000)
39	Teachers' Pension and Annuity Fund – Post Retirement Medical (PTRF)	(638,219,000)
39	Teachers' Pension and Annuity Fund (PTRF)	(661,383,000)
39	Social Security Tax (PTRF)	(729,550,000)
39	Teachers' Pension and Annuity Fund – Non-contributory Insurance (PTRF) ...	(31,888,000)
39	Post Retirement Medical Other Than TPAF (PTRF)	(111,910,000)
39	Debt Service on Pension Obligation Bonds (PTRF)	(112,510,000)

Of the amount hereinabove appropriated for the School Construction and Renovation Fund, an amount equal to the total earnings of investments of the Fund for the Support of Free Public Schools shall first be charged to such fund.

In addition to the sum hereinabove appropriated for the School Construction and Renovation Fund account to make payments under the contracts authorized pursuant to section 18 of P.L.2000, c.72 (C.18A:7G-18), there are hereby appropriated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

The unexpended balance at the end of the preceding fiscal year in the School Construction and Renovation Fund account is appropriated for the same purpose.

Notwithstanding the provisions of section 1 of P.L.1997, c.53 (C.18A:39-11.1) districts shall not be reimbursed for administrative fees paid to Cooperative Transportation Service Agencies.

For any school district receiving amounts from the amount hereinabove appropriated for Pupil Transportation, and notwithstanding the provisions of N.J.S.18A:39-1 to the contrary, if the school district is located in a county of the third class or a county of the second class with a population of less than 235,000, according to the 1990 federal decennial census, transportation shall be provided to school pupils residing in this school district in going to and from any remote school other than a public school, not operated for profit in whole or in part, located within the State not more than 30 miles from the residence of the pupil.

Of the amount hereinabove appropriated for School Building Aid, the calculation of each eligible district's allocation shall include the amount based on school bond and lease purchase agreement payments for interest and principal payable during the 2008- 2009 school year pursuant to section 10 of P.L.2000, c.72 (C.18A:7G-10) and the adjustments required based on the difference between the amounts calculated using actual 2006-2007 principal and interest amounts and the amounts allocated and paid in 2006-2007.

Such additional sums as may be required for Teachers' Pension and Annuity Fund - Post Retirement Medical are appropriated, as the Director of the Division of Budget and Accounting shall determine.

In addition to the amounts hereinabove for Social Security Tax, there are appropriated such sums as are required for payment of Social Security Tax on behalf of members of the Teachers' Pension and Annuity Fund.

Such additional sums as may be required for the Teachers' Pension and Annuity Fund - Non-contributory Insurance and Post Retirement Medical Other Than TPAF are appropriated, as the Director of the Division of Budget and Accounting shall determine.

35 Education Administration and Management

DIRECT STATE SERVICES

42-5120 School Finance	$4,478,000
43-5092 Compliance and Auditing	3,007,000
99-5095 Administration and Support Services	11,282,000
Total Direct State Services Appropriation, Education Administration and Management	$18,767,000

Direct State Services:

Personal Services:	
Salaries and Wages	($16,714,000)
Materials and Supplies	(285,000)
Services Other Than Personal	(972,000)
Maintenance and Fixed Charges	(63,000)
Special Purpose:	
43 Internal Auditing	(600,000)
99 State Board of Education Expenses	(65,000)
99 Affirmative Action and Equal Employment Opportunity Program	(68,000)

Receipts derived from fees for school district personnel background checks and unexpended balances at the end of the preceding fiscal year of such receipts are appropriated for the operation of the criminal history review program.

The unexpended balance at the end of the preceding fiscal year in the Student Registration and Record System account are appropriated for the same purpose.

Costs attributable to EdSmart and EasyIEP shall be paid from revenue received from the Special Education Medicaid Initiative (SEMI) and the Medicaid Administrative Claiming (MAC) programs and are appropriated for these purposes to the Student Registration and Record System account upon recommendation from the Commissioner of Education, subject to the approval of the Director of the Division of Budget and Accounting.

In the event that revenues received from the Special Education Medicaid Initiative (SEMI) and the Medicaid Administrative Claiming (MAC) programs are insufficient to satisfy costs attributable to EdSmart and EasyIEP, there are appropriated to the Student Registration and Record System account such sums as may be required as the Director of the Division of Budget and Accounting shall determine.

Department of Education, Total State Appropriation $11,553,913,000

Of the amount hereinabove appropriated from the General Fund for the Department of Education, or otherwise available from federal sources, there are appropriated funds to establish a School Security Planning and Assurance Unit within the Department of Education, staffed to plan, coordinate, and conduct an on-going comprehensive security assessment and vulnerability reduction program for school sites Statewide, in collaboration with schools and law enforcement, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Message and Recommendations shall first be charged to the State Lottery Fund.

Notwithstanding the provisions of any law or regulation to the contrary, monies directed to be paid to the Department of Education as a result of settlement of litigation by the Board of Public Utilities or to be paid to the Department of Education in connection with a stipulation of settlement in a merger approved by the Board of Public Utilities are appropriated for the purposes specified in the settlement agreement or stipulation, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year in the State Aid accounts, not to exceed $650,000, are appropriated to the State Aid Supplemental Funding account.

In the event that sufficient funds are not appropriated to fully fund any State Aid item, the Commissioner of Education shall apportion such appropriation among the districts in proportion to the State Aid each district would have been apportioned had the full amount of State Aid been appropriated.

Notwithstanding the provisions of any law or regulation to the contrary, should appropriations in the Property Tax Relief Fund exceed available revenues, the Director of the Division of Budget and Accounting is authorized to transfer General Fund revenues into the Property Tax Relief Fund, provided that unrestricted balances are available from the General Fund, as determined by the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting may transfer from one State Aid appropriations account for the Department of Education in the General Fund to another appropriations account in the same department in the Property Tax Relief Fund such funds as are necessary to effect the intent of the provisions of the appropriations act governing the allocation of State Aid to local school districts and to effect the intent of legislation enacted subsequent to the enactment of the appropriations act, provided that sufficient funds are available in the appropriations for that department.

Notwithstanding the provisions of section 8 of P.L.1996, c.138 (C.18A:7F-8), the June 22nd school aid payment is subject to the approval of the State Treasurer.

From the amounts hereinabove appropriated, such sums as are required to satisfy delayed June 2008 school aid payments are appropriated and the State Treasurer is hereby authorized to make such payment in July 2008.

Notwithstanding the provisions of any law or regulation to the contrary, any school district receiving a final judgment or order against the State to assume the fiscal responsibility for the residential placement of a special education student shall have the amount of the judgment or order deducted from the State aid to be allocated to that district.

Notwithstanding the provisions of any law or regulation to the contrary, the Commissioner of Education may reduce the total State Aid amount payable for the 2008-2009 school year for a district in which an independent audit of the 2007-2008 school year conducted pursuant to N.J.S.18A:23-1 identifies any deviation from the Uniform Minimum Chart of Accounts after the recalculation of the district's actual "Total Administrative Costs" pursuant to N.J.A.C.6A:23-8.2.

Notwithstanding the provisions of any law or regulation to the contrary, the Commissioner of Education may withhold State aid payments to a school district that has not submitted in final form the data elements requested for inclusion in a Statewide data warehouse within 60 days of the department's initial request or its request for additional information, whichever is later.

In the event sufficient balances are not available in the "School District Deficit Relief Account" for amounts recommended by the Commissioner of Education to the State Treasurer for advance State Aid payments in accordance with P.L.2006, c.15 (C.18A:7A-58 et seq.), the Director of the Division of Budget and Accounting is

authorized to transfer such sums as required from available balances in State Aid accounts.

Notwithstanding the provisions of section 5 of P.L.1996, c.138 (C.18A:7F-5), where the 2008-09 District State Aid Profile differs from a district's State Aid amounts payable in the December 12, 2007 report of the commissioner, the 2008-09 District State Aid Profile shall govern the State Aid amounts payable to the district, except as otherwise provided in P.L.2007, c.260.

Notwithstanding the provisions of "The State Facilities Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et al.) and section 24 of P.L.1996, c.138 (C.18A:7F-24), or any law or regulation to the contrary, the amount of Department of Education State aid appropriations made available to the Department of Human Services, the Department of Children and Families, the Department of Corrections or the Juvenile Justice Commission pursuant to P.L.1979, c.207 (C.18A:7B-1 et al.) to defray the costs of educating eligible children in approved facilities under contract with the applicable department shall be made at annual rate and payment schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, tuition for pupils under contract for services at the Marie H. Katzenbach School for the Deaf, the Commission for the Blind and Visually Impaired, or in a regional day school operated by or under contract with the Department of Human Services or the Department of Children and Families shall be withheld from State Aid and paid to the respective department.

Notwithstanding the provisions of any law or regulation to the contrary, as a condition of payment of amounts hereinabove appropriated for State Aid, districts that meet the eligibility criteria for Educational Adequacy Aid pursuant to the provisions of subsection b. of section 16 of P.L.2007, c.260 (C.18A:7F-58), shall be required to raise a local levy in the budget year in an amount that equals the lesser of the applicable required percentage increase and the amount necessary to meet adequacy.

The Director of the Division of Budget and Accounting may transfer from one appropriations account for the Department of Education in the Property Tax Relief Fund to another account in the same department and fund such funds as are necessary to effect the intent of the provisions of the appropriations act governing the allocation of State Aid to local school districts, provided that sufficient funds are available in the appropriations for that department.

Summary of Department of Education Appropriations
(For Display Purposes Only)

Appropriations by Category:	
Direct State Services	$74,998,000
Grants-in-Aid	18,353,000
State Aid	11,460,562,000
Appropriations by Fund:	
General Fund	$1,070,312,000
Property Tax Relief Fund	10,483,601,000

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
40 Community Development and Environmental Management
42 Natural Resource Management
DIRECT STATE SERVICES

11-4870	Forest Resource Management	$7,740,000
12-4875	Parks Management	31,658,000
13-4880	Hunters' and Anglers' License Fund	14,669,000
14-4885	Shellfish and Marine Fisheries Management	1,971,000

20-4880 Wildlife Management	1,218,000
21-4895 Natural Resources Engineering	1,375,000
24-4876 Palisades Interstate Park Commission	2,728,000
Total Direct State Services Appropriation, Natural Resource Management	$61,359,000

Direct State Services:

Personal Services:	
Salaries and Wages	($36,991,000)
Employee Benefits	(2,832,000)
Materials and Supplies	(5,109,000)
Services Other Than Personal	(2,872,000)
Maintenance and Fixed Charges	(3,278,000)
Special Purpose:	
11 Fire Fighting Costs	(2,759,000)
12 Green Acres/Open Space Administration	(4,925,000)
20 Matching Grant for Wildlife Habitat Federal Grants	(382,000)
20 Endangered Species Tax Check-Off Donations	(158,000)
20 Black Bear Management	(678,000)
21 Dam Safety	(1,375,000)

In addition to the amount hereinabove appropriated for Forest Resource Management, an amount not to exceed $500,000 shall be made available from the Water Resources Monitoring and Planning-Constitutional Dedication special purpose account to support nonpoint source pollution and watershed management programs in the Bureau of Forestry.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove for the Green Acres/Open Space Administration account is transferred from the Garden State Preservation Trust to the General Fund, together with an amount not to exceed $419,000, and is appropriated to the Department of Environmental Protection for Green Acres/Open Space Administration, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from fees and permit receipts from the use of State park and marina facilities, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated for Parks Management, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from police court, stands, concessions, and self-sustaining activities operated or supervised by the Palisades Interstate Park Commission, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated.

Of the amount hereinabove for the Hunters' and Anglers' License Fund, the first $11,000,000 is payable out of that fund and any amount remaining therein and the unexpended balance at the end of the preceding fiscal year of the receipts in the Hunters' and Anglers' License Fund, together with any receipts in excess of the amount anticipated, are appropriated. If receipts to that fund are less than anticipated, the appropriation from the fund shall be reduced proportionately.

Pursuant to section 2 of P.L.1993, c.303 (C.23:3-1f), there are appropriated such sums as may be necessary to offset revenue losses associated with the issuance of free waterfowl stamps and hunting and fishing licenses to active members of the New Jersey State National Guard and disabled veterans. The amount to be appropriated shall be certified by the Division of Fish and Wildlife and is subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Endangered Species Tax Check-Off Donations account is payable out of receipts, and the unexpended balances in the Endangered Species Tax Check-Off Donations account at the end of the preceding fiscal year, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

An amount not to exceed $3,166,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for costs attributable to planning, operation, and administration of the shore protection program, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed $1,158,000 is allocated from the capital construction appropriation for HR-6 Flood Control for costs attributable to the operation and administration of the State Flood Control Program, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed $440,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for the operation and maintenance of the Bayshore Flood Control facility.

In accordance with the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003," P.L.2003, c.162, an amount not to exceed $68,000 is appropriated from the 2003 Dam, Lake, Stream and Flood Control Project Fund-Flood Control account for administrative costs attributable to flood control and an amount not to exceed $255,000 is appropriated from the 2003 Dam, Lake and Stream Project Revolving Loan Fund-Dam Safety account for administrative costs attributable to dam safety, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Recreational Land Development and Conservation - Constitutional Dedication account, an amount not to exceed five percent of the appropriation shall be allocated for costs associated with the administration of the program pursuant to the amendments effective December 7, 2006 to Article VIII, Section II, paragraph 6 of the State Constitution.

The unexpended balance at the end of the preceding fiscal year in the Recreational Land Development and Conservation - Constitutional Dedication administrative account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Delaware and Raritan Canal Commission such sums as may be collected from permit review fees pursuant to P.L.2007, c.142, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Department of Environmental Protection from penalties collected under the "Safe Dam Act," P.L.1981, c.249 (C.58:4-8.1 et al.) and R.S.58:4-1 et seq., such sums as may be necessary to remove dams that may be abandoned, have disputed ownership or are not in compliance with current inspection requirements or repair.

In addition to the amount hereinabove appropriated for Forest Resource Management, there is appropriated $800,000 from the Motor Vehicle Commission.

GRANTS-IN-AID

Loan repayments received from dam rehabilitation projects pursuant to P.L.1999, c.347, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

21-4895 Natural Resources Engineering $25,000,000
29-4875 Environmental Management – CBT Dedication 19,554,000

Total Capital Construction Appropriation, Natural Resource Management $44,554,000

Capital Projects:

Bureau of Parks:

29 Recreational Land Development and Conservation - Constitutional Dedication ..... ($19,554,000)

Natural Resources Engineering:

21 Shore Protection Fund Projects ..... (25,000,000)

The amount hereinabove appropriated for Shore Protection Fund Projects is payable from the receipts of the portion of the realty transfer fee directed to be credited to the Shore and Recreation Resource Protection Fund pursuant to section 1 of P.L.1992, c.148 (C.13:19-16.1).

An amount not to exceed $500,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for repairs to the Bayshore Flood Control facility.

The amounts hereinabove appropriated for Recreational Land Development and Conservation - Constitutional Dedication shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution.

An amount not to exceed $9,000,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for costs attributable to the operation and maintenance of State parks and forests.

43 Science and Technical Programs

DIRECT STATE SERVICES

05-4840 Water Supply $8,521,000
15-4890 Land Use Regulation 12,973,000
18-4810 Science, Research and Technology 2,549,000
29-4850 Environmental Management – CBT Dedication 19,554,000
Total Direct State Services Appropriation, Science and Technical Programs $43,597,000

Direct State Services:

Personal Services:

Salaries and Wages ..... ($10,035,000)
Materials and Supplies ..... (65,000)
Services Other Than Personal ..... (1,521,000)
Maintenance and Fixed Charges ..... (109,000)
Special Purpose:

05 Administrative Costs Water Supply Bond Act of 1981 – Management ..... (2,269,000)
05 Administrative Costs Water Supply Bond Act of 1981 – Watershed and Aquifer .. (1,728,000)
05 Administrative Costs Water Supply Bond Act of 1981 – Planning and Standards ... (324,000)
05 Water/Wastewater Operators Licenses .... (43,000)
05 Safe Drinking Water Fund ..... (2,433,000)
15 Tidelands Peak Demands ..... (3,002,000)
15 Highlands Permitting ..... (2,264,000)
18 Hazardous Waste Research ..... (250,000)
29 Water Resources Monitoring and Planning – Constitutional Dedication .. (19,554,000)

The amounts hereinabove appropriated for the Administrative Costs Water Supply Bond Act of 1981 - Management, Watershed and Aquifer, and Planning and Standards accounts are appropriated from the "Water Supply Bond Act of 1981," P.L.1981, c.261, together with an amount not to exceed $149,000, for costs attributable to administration of water supply programs, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Safe Drinking Water Fund account is appropriated from receipts received pursuant to the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), together with an amount not to exceed $1,279,000, for administration of the Safe Drinking Water program, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Hazardous Waste Research account is appropriated from interest earned by the New Jersey Spill Compensation Fund for research on the prevention and the effects of discharges of hazardous substances on the environment and organisms, on methods of pollution prevention and recycling of hazardous substances, and on the development of improved cleanup, removal and disposal operations, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Environmental Management - CBT Dedication program classification shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Water Resources Monitoring and Planning-Constitutional Dedication special purpose account is appropriated to be used in a manner consistent with the requirements of the constitutional dedication.

Notwithstanding the provisions of any law or regulation to the contrary, funds appropriated in the Water Resources Monitoring and Planning - Constitutional Dedication special purpose account shall be made available to support nonpoint source pollution and watershed management programs, consistent with the constitutional dedication, within the Department of Environmental Protection in the amounts of $1,536,000 for Water Monitoring and Standards, $1,392,000 for New Jersey Geological Survey, $157,000 for Watershed Management, $500,000 for Forest Resource Management, and $790,000 transferred to the Department of Agriculture or any entity succeeding to the duties and functions of the Department of Agriculture, pursuant to separate legislation, to support the Conservation Cost Share program, at a level of $540,000, and the Conservation Assistance Program, at a level of $250,000, on or before September 1, 2008.

Notwithstanding the provisions of the "Spill Compensation and Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.) and the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), the Commissioner of the Department of Environmental Protection may utilize from the funds appropriated from those sources hereinabove such sums as the Commissioner may determine as necessary to broaden the department's research efforts to address emerging environmental issues.

In addition to the federal funds amount hereinabove appropriated for the Water Supply program classification, such additional sums that may be received from the federal government for the Drinking Water State Revolving Fund program are appropriated.

Receipts in excess of those anticipated for Water Allocation Fees, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection to offset the costs of the Water Supply program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the individual amounts anticipated for Coastal Area Facility Review Act, Freshwater Wetlands, Stream Encroachment, Waterfront Development, and

Wetlands fees, and the unexpended balance at the end of the preceding year of such receipts, are appropriated for administrative costs associated with Land Use Regulation, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year, of the amounts appropriated pursuant to P.L.2004, c.71 from the Water Supply Fund established in Section 14 of the "Water Supply Bond Act of 1981," P.L.1981, c.261, is appropriated to the Department of Environmental Protection to be used for water supply demonstration projects consistent with the "Water Supply Bond Act of 1981," P.L.1981, c.261, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amounts anticipated for Well Permits/Well Drillers/Pump Installers Licenses, and the unexpended balances at the end of the preceding year of such receipts, are appropriated to the Department of Environmental Protection for the Water Supply Program and for the Private Well Testing Program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from fees from the Water and Wastewater Operators Licensing Program are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated pursuant to section 9 of P.L.2007, c.340 (C.26:2C-53), from the Global Warming Solutions Fund, established pursuant to section 6 of P.L.2007, c.340 (C.26:2C-50), such sums as may be deposited to the fund to carry out the provisions of the Global Warming Solutions Fund and the "Global Warming Response Act," P.L.2007, c.112, (C.26:2C-37 et seq.).

All receipts from any voluntary greenhouse gas offsets program implemented by the Department of Environmental Protection are appropriated to the Department of Environmental Protection for the costs of administering the program.

GRANTS-IN-AID

The unexpended balance at the end of the preceding fiscal year in the Stormwater Management Grants account is appropriated.

The unexpended balance at the end of the preceding fiscal year in the Watershed Restoration Projects account is appropriated.

There is appropriated to the Lake Hopatcong Commission such sums as may be collected from a boat registration surcharge, or other fee as may be authorized pursuant to separate legislation, for the purposes of continuing operations of the Commission.

44 Site Remediation and Waste Management

DIRECT STATE SERVICES

23-4910	Solid and Hazardous Waste Management	$6,308,000
27-4815	Remediation Management and Response	30,769,000
29-4815	Environmental Management – CBT Dedication	11,732,000
	Total Direct State Services Appropriation, Site Remediation and Waste Management	$48,809,000

Direct State Services:

Personal Services:	
Salaries and Wages	($15,075,000)
Materials and Supplies	(219,000)
Services Other Than Personal	(2,512,000)
Maintenance and Fixed Charges	(592,000)
Special Purpose:	
23 Office of Dredging and Sediment Technology	(390,000)

27 Hazardous Discharge Site Cleanup
Fund – Responsible Party ..... (16,931,000)
27 Underground Storage Tanks ..... (953,000)
29 Cleanup Projects Administrative Costs –
Constitutional Dedication ..... (11,732,000)
Additions, Improvements and Equipment ..... (405,000)

The amount hereinabove appropriated for the Office of Dredging and Sediment Technology is appropriated from the 1996 Dredging and Containment Facility Fund, created pursuant to section 18 of P.L.1996, c.70, the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996," together with an amount not to exceed $241,000 for the administration of the Dredging and Sediment Technology program, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from the Sanitary Landfill Facility Contingency Fund such sums as may be required to carry out the provisions of the "Sanitary Landfill Facility Closure and Contingency Fund Act," P.L.1981, c.306 (C.13:1E-100 et seq.).

In addition to site specific charges, the amounts hereinabove for the Remediation Management and Response program classification, excluding the Hazardous Discharge Site Cleanup Fund - Responsible Party and the Underground Storage Tanks accounts, are appropriated from the New Jersey Spill Compensation Fund, in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), together with an amount not to exceed $6,161,000 for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Hazardous Discharge Site Cleanup Fund - Responsible Party account is appropriated from responsible party cost recoveries deposited in the Hazardous Discharge Site Cleanup Fund, together with an amount not to exceed $10,970,000 for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the federal funds amount for the Publicly-Funded Site Remediation program classification and the Remediation Management and Response program classification, such additional sums that may be received from the federal government for the Superfund Grants program are hereby appropriated.

The amount hereinabove appropriated for the Environmental Management - CBT Dedication program classification shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Cleanup Projects Administrative Costs - Constitutional Dedication account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from Solid Waste Utility Regulation, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Solid and Hazardous Waste Management program classification for costs incurred to oversee the State's recycling efforts and other solid waste program activities.

Receipts derived from the sale of salvaged materials are appropriated to offset costs incurred in the cleanup and removal of hazardous substances.

There are appropriated from the New Jersey Spill Compensation Fund such sums as may be required for cleanup operations, adjusters, and paying approved claims for damages in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), monies hereinabove appropriated to the Department of Environmental Protection from the Clean Communities Program Fund shall be provided by the Department to the Clean Communities Council pursuant to a contract between the Department and the Clean Communities Council to implement the requirements of the Clean Communities Program pursuant to subsection d. of section 6 of P.L.2002, c.128 (C.13:1E-218).

There is hereby appropriated from the Petroleum Underground Storage Tank Remediation, Upgrade, and Closure Fund an amount not to exceed $1,000,000 for costs associated with the Department's administration of the loan and grant program for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances pursuant to the amendments effective December 8, 2005 to Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Private Underground Tank Administrative Costs - Constitutional Dedication account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Passaic River Cleanup Litigation account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Department of Environmental Protection from those facilities submitting environmental assessments required for licensing pursuant to subsection f. of section 7 of P.L.2006, c.47 (C.9:3A-7) and section 5 of P.L.1983, c.492 (C.30:5B-5) such sums as may be collected to offset the Department's cost related to the environmental inspection of day care facilities.

Notwithstanding the provisions of any other law or regulation to the contrary, there is appropriated from the New Jersey Spill Compensation Fund an amount of $6,000,000 for the direct and indirect costs of legal and consulting services associated with litigation related to the Passaic River Cleanup. Future cost recoveries from this litigation, not to exceed $6,000,000, shall be reimbursed to the New Jersey Spill Compensation Fund, subject to the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

29-4815 Environmental Management -- CBT Dedication $57,359,000

Total Capital Construction Appropriation, Site Remediation and Waste Management $57,359,000

Capital Projects:

29 Hazardous Substance Discharge Remediation - Constitutional Dedication ..... ($24,769,000)

29 Hazardous Substance Discharge Remediation Loans and Grants -- Constitutional Dedication ..... (32,590,000)

The amounts hereinabove appropriated for Hazardous Substance Discharge Remediation - Constitutional Dedication and Hazardous Substance Discharge Remediation Loans and Grants - Constitutional Dedication shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution.

Of the amount hereinabove appropriated for Hazardous Substance Discharge Remediation - Constitutional Dedication, such sums as necessary, as determined by the Director of the Division of Budget and Accounting, shall be made available for site remediation costs associated with State-owned properties and State-owned underground storage tanks.

All natural resource and other associated damages recovered by the State shall be deposited in the Hazardous Discharge Site Cleanup Fund established pursuant to section 1 of P.L.1985, c.247 (C.58:10-23.34), and are appropriated for: direct and indirect costs of remediation, restoration, and clean up; costs for consulting, expert, and legal services incurred in pursuing claims for damages; and grants to local governments and nonprofit organizations to further implement restoration activities of the Office of Natural Resource Restoration.

Funds made available for the remediation of the discharges of hazardous substances pursuant to the amendments effective December 4, 2003, to Article VIII, Section II, paragraph 6 of the State Constitution and hereinabove appropriated, shall be allocated to the Economic Development Authority's Hazardous Discharge Site Remediation Fund and the Department of the Treasury's Brownfield Site Reimbursement Fund, subject to the approval of the Director of the Division of Budget and Accounting.

45 Environmental Regulation
DIRECT STATE SERVICES

01-4820	Radiation Protection	$7,347,000
02-4892	Air Pollution Control	16,936,000
08-4891	Water Pollution Control	8,651,000
09-4860	Public Wastewater Facilities	3,318,000
	Total Direct State Services Appropriation, Environmental Regulation	$36,252,000

Direct State Services:

Personal Services:		
	Salaries and Wages	($21,103,000)
Materials and Supplies		(232,000)
Services Other Than Personal		(3,827,000)
Maintenance and Fixed Charges		(276,000)
Special Purpose:		
01	Nuclear Emergency Response	(2,490,000)
01	Quality Assurance -- Lab Certification Programs	(1,817,000)
02	Pollution Prevention	(1,549,000)
02	Toxic Catastrophe Prevention	(1,213,000)
02	Worker and Community Right to Know Act	(1,097,000)
02	Oil Spill Prevention	(2,648,000)

The amount hereinabove appropriated for the Nuclear Emergency Response account is payable from receipts received pursuant to the assessments of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.), and the unexpended balances at the end of the preceding fiscal year in the Nuclear Emergency Response account, together with receipts in excess of the amount anticipated, not to exceed $1,078,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from the Commercial Vehicle Enforcement Fund, established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75), such sums as may be necessary to fund the costs of the regulation of the Diesel Exhaust Emissions program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Pollution Prevention account is payable from receipts received pursuant to the "Pollution Prevention Act," P.L.1991, c.235 (C.13:1D-35 et seq.), together with an amount not to exceed $630,000, for administration of the Pollution Prevention program, subject to the approval of the Director of the

Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove appropriated for the Worker and Community Right to Know Act account is payable out of the Worker and Community Right to Know Fund, and the receipts in excess of the amount anticipated, not to exceed $548,000, are appropriated. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove appropriated for the Oil Spill Prevention account is payable out of the New Jersey Spill Compensation Fund, and the receipts in excess of those anticipated, not to exceed $1,147,000, from the New Jersey Spill Compensation Fund for the Oil Spill Prevention program are appropriated, in accordance with the provisions of P.L.1990, c.76 (C.58:10-23.11f2 et seq.), P.L.1990, c.78 (C.58:10-23.11d1 et seq.), and P.L.1990, c.80 (C.58:10-23.11f1), subject to the approval of the Director of the Division of Budget and Accounting.

Any funds received by the New Jersey Environmental Infrastructure Trust from any State agency to offset the Trust's annual operating expenses are appropriated.

In addition to the federal funds amount for the Public Wastewater Facilities program classification, such additional sums that may be received from the federal government for the Clean Water State Revolving Fund program are appropriated.

Receipts in excess of those anticipated from Air Permitting Minor Source Fees, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection for expansion of the Air Pollution Control program, and for County Environmental Health Act agencies to inspect non-major source facilities, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provision of subsection b. of section 1 of P.L.2005, c.202 (C.58:11B-10.2) or any law or regulation to the contrary, in addition to the amount anticipated to the General Fund from the Environmental Infrastructure Financing Program Administrative Fee, there is appropriated $1,592,000 to the Department of Environmental Protection for associated administrative and operating expenses, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Diesel Risk Mitigation Fund - Constitutional Dedication, an amount not to exceed $1,150,000 shall be appropriated for costs associated with the administration of the program pursuant to the amendments effective December 8, 2005, to Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Diesel Risk Mitigation Fund Administrative Costs - Constitutional Dedication account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

29-4892 Environmental Management -- CBT Dedication $22,161,000

Total Grants-in-Aid Appropriation,
Environmental Regulation $22,161,000

Grants-in-Aid:

29 Diesel Risk Mitigation Fund --
Constitutional Dedication ..... ($22,161,000)

The amount hereinabove appropriated for the Diesel Risk Mitigation Fund - Constitutional Dedication shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution. The

unexpended balance at the end of the preceding fiscal year in the Diesel Risk Mitigation Fund - Constitutional Dedication account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, funds hereinabove appropriated from the Diesel Risk Mitigation Fund - Constitutional Dedication account may be used to reimburse the owner of a regulated vehicle or regulated equipment as defined by section 2 of P.L.2005, c.219 (C.26:2C-8.27) for the cost of repowering or rebuilding a diesel engine if repowering or rebuilding results in a reduction of fine particle diesel emissions from that engine as approved by the Department of Environmental Protection and in accordance with rules adopted pursuant thereto. Any reimbursement shall be subject to conditions and limitations provided in P.L.2005, c.219 (C.26:2C-8.26 et seq.) and rules adopted pursuant thereto and shall not exceed the amount of the lowest priced retrofit device on the State Contract at the prescribed best available retrofit technology level for the subject vehicle or equipment type.

Funds appropriated from the Diesel Risk Mitigation Fund - Constitutional Dedication account, not to exceed a total of $5,000,000, may be used to reimburse the owner of a regulated school bus as defined by section 2 of P.L.2005, c.219 (C.26:2C-8.27) for the cost of installing Best Available Retrofit Technology, as approved by the Department of Environmental Protection and in advance of regulations requiring Best Available Retrofit Technology on school buses, in accordance with reimbursement conditions and limitations provided in P.L.2005, c.219 (C.26:2C-8.26 et seq.) and rules adopted pursuant thereto.

46 Environmental Planning and Administration

DIRECT STATE SERVICES

26-4805	Regulatory and Governmental Affairs	$1,595,000
99-4800	Administration and Support Services	18,587,000
	Total Direct State Services Appropriation, Environmental Planning and Administration	$20,182,000
Direct State Services:		
Personal Services:		
	Salaries and Wages	($17,447,000)
Materials and Supplies		(104,000)
Services Other Than Personal		(905,000)
Maintenance and Fixed Charges		(228,000)
Special Purpose:		
99	New Jersey Environmental Management System	(1,400,000)
99	Affirmative Action and Equal Employment Opportunity	(98,000)

STATE AID

99-4800	Administration and Support Services	$16,536,000
	(From General Fund 6,536,000)	
	(From Property Tax Relief Fund 10,000,000)	
	Total State Aid Appropriation, Environmental Planning and Administration	$16,536,000
	(From General Fund $6,536,000)	
	(From Property Tax Relief Fund 10,000,000)	
State Aid:		
99	Mosquito Control, Research, Administration and Operations	($1,518,000)
99	Payment in Lieu of Taxes (PTRF)	(10,000,000)

99 Administration and Operations of the Highlands Council ..... (2,400,000)
99 Administration, Planning and Development Activities of the Pinelands Commission ..... (2,618,000)

Receipts derived from permit fees issued by the Pinelands Commission on behalf of the Department of Environmental Protection, pursuant to a memorandum of agreement between the Pinelands Commission and the Department of Environmental Protection, are hereby appropriated to the Pinelands Commission.

The unexpended balance at the end of the preceding fiscal year in the Mosquito Control, Research, Administration and Operations account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

If the amount hereinabove appropriated for Payment in Lieu of Taxes is insufficient to compensate municipalities for land owned by the State for recreation and conservation purposes, as determined according to the formula for payments in lieu of taxes in the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.), such additional sums as are necessary are appropriated for the program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of subsection d. of section 29 of P.L.1999, c.152 (C.13:8C-29) or subsection d. of section 30 of P.L.1999, c.152 (C.13:8C-30), or any law or regulation to the contrary, all payments to municipalities in lieu of taxes for lands acquired by the State for recreation and conservation purposes shall be retained by the municipality and not apportioned in the same manner as the general tax rate of the municipality.

47 Compliance and Enforcement
DIRECT STATE SERVICES

02-4855	Air Pollution Control	$4,812,000
04-4835	Pesticide Control	2,586,000
08-4855	Water Pollution Control	6,433,000
15-4855	Land Use Regulation	2,103,000
23-4855	Solid and Hazardous Waste Management	6,531,000
	Total Direct State Services Appropriation, Compliance and Enforcement	$22,465,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($17,843,000)
Materials and Supplies ..... (73,000)
Services Other Than Personal ..... (2,688,000)
Maintenance and Fixed Charges ..... (833,000)
Special Purpose:
15 Tidelands Peak Demands ..... (1,028,000)

Receipts deposited into the Coastal Protection Trust Fund pursuant to P.L.1993, c.168 (C.39:3-27.47 et seq.) are appropriated in an amount not to exceed $540,000 for the cleanup or maintenance of beaches or shores, an amount not to exceed $180,000 for the cost of providing monitoring, surveillance and enforcement activities for the Cooperative Coastal Monitoring Program, an amount not to exceed $45,000 for the implementation of the "New Jersey Adopt a Beach Act," P.L.1992, c.213 (C.13:19-22 et seq.), and an amount not to exceed $135,000 for a program of grants for the operation of a sewage pump-out boat and the construction of sewage pump-out devices for marine sanitation devices and portable toilet emptying receptacles at public and private marinas and boatyards in furtherance of the provisions of P.L.1988, c.117 (C.58:10A-56 et seq.).

Receipts collected in excess of $900,000 up to $1,000,000 are also appropriated and distributed proportionately pursuant to P.L.1993, c.168 (C.39:3-27.47 et seq.). Receipts deposited into the Coastal Protection Trust Fund in excess of $1,000,000 are appropriated to finance emergency shore protection projects and the cleanup of discharges into the ocean.

Receipts in excess of the amount anticipated for Pesticide Fees are appropriated to the Department of Environmental Protection, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

08-4855 Water Pollution Control $2,700,000
Total State Aid Appropriation, Compliance and Enforcement ... $2,700,000

State Aid:

08 County Environmental Health Act .... ($2,700,000)

Department of Environmental Protection,
Total State Appropriation $375,974,000

The amounts hereinabove appropriated for the Tidelands Peak Demands accounts are payable from receipts derived from the sales, grants, leases, licensing, and rentals of State riparian lands. If receipts are less than anticipated, the appropriation shall be reduced proportionately. In addition, there is appropriated an amount not to exceed $3,626,000 from the same source for other administrative costs, including legal services, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, with regard to the fee-related appropriations provided hereinabove, the Commissioner of the Department of Environmental Protection shall obtain concurrence from the Director of the Division of Budget and Accounting before altering fee schedules or any other revenue-generating mechanism under the Department's purview.

Notwithstanding the provisions of the "Environmental Fee Accountability Act of 1991," P.L.1991, c.426 (C.52:27B-20.1 et seq.) and P.L.1991, c.427 (C.13:1D-9.1 et seq.), all revenues from fees and fines collected by the Department of Environmental Protection, unless otherwise herein dedicated, shall be deposited into the State General Fund without regard to their specific dedication.

Notwithstanding the provisions of any law or regulation to the contrary, of the Federal Fund amounts hereinabove appropriated for the programs included in the Performance Partnership Grant Agreement with the United States Environmental Protection Agency, the Department of Environmental Protection is authorized to reallocate the appropriations, in accordance with the Grant Agreement and subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any law or regulation to the contrary, of the amounts appropriated for site remediation, the Department of Environmental Protection may enter into a contract with the United States Environmental Protection Agency (EPA) to provide the State's statutory matching share for EPA-led Superfund remedial actions pursuant to the State Superfund Contract.

Receipts in excess of $7,210,000 anticipated for Air Pollution, Clean Water Enforcement, Land Use, Solid Waste, and Hazardous Waste fines, not to exceed $1,500,000, and the unexpended balance at the end of the preceding fiscal year are appropriated for the expansion of compliance, enforcement, and permitting efforts in the Department, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from New Jersey Pollutant Discharge Elimination System/Stormwater Permits, and the unexpended balance at the end of the

preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection to offset the costs of the Water Pollution Control Program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any law or regulation to the contrary, of the amounts hereinabove appropriated for water resource evaluation studies and monitoring, the Department of Environmental Protection may enter into contracts with the United States Geological Survey to provide the State's match to joint funding agreements for water resource evaluation studies and monitoring analyses.

Of the amount hereinabove appropriated for the Hazardous Substance Discharge Remediation Loans and Grants-Constitutional Dedication account, an amount not to exceed $2,000,000 shall be allocated for costs associated with the State Underground Storage Tank Inspection Program, pursuant to the amendments effective December 4, 2003, to Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Underground Storage Tank Inspection Program account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any other law to the contrary, of the amounts hereinabove appropriated for environmental restoration and mitigation, the Department of Environmental Protection may enter into agreements with the United States Army Corps of Engineers to provide the State's matching share to any federally authorized restoration or mitigation project.

Summary of Department of Environmental Protection Appropriations
(For Display Purposes Only)

Appropriations by Category:	
Direct State Services	$232,664,000
Grants-in-Aid	22,161,000
State Aid	19,236,000
Capital Construction	101,913,000
Appropriations by Fund:	
General Fund	$365,974,000
Property Tax Relief Fund	10,000,000

46 DEPARTMENT OF HEALTH AND SENIOR SERVICES
20 Physical and Mental Health
21 Health Services
DIRECT STATE SERVICES

01-4215	Vital Statistics	$1,678,000
02-4220	Family Health Services	3,178,000
03-4230	Public Health Protection Services	23,593,000
08-4280	Laboratory Services	7,927,000
12-4245	AIDS Services	1,991,000
	Total Direct State Services Appropriation, Health Services	$38,367,000

Direct State Services:

Personal Services:	
Salaries and Wages	($16,554,000)
Materials and Supplies	(2,229,000)
Services Other Than Personal	(937,000)
Maintenance and Fixed Charges	(153,000)
Special Purpose:	
02 WIC Farmers Market Program	(87,000)
02 Breast Cancer Public Awareness Campaign	(90,000)

02	Identification System for Children's Health and Disabilities	(300,000)
02	Autism Registry	(500,000)
02	Governor's Council for Medical Research and Treatment of Autism	(500,000)
02	Public Awareness Campaign for Black Infant Mortality	(500,000)
03	New Jersey Domestic Security Preparedness	(1,450,000)
03	Cancer Registry	(400,000)
03	Cancer Investigation and Education	(500,000)
03	Emergency Medical Services for Children	(50,000)
03	School Based Programs and Youth Anti-Smoking	(6,600,000)
03	Anti-Smoking Programs	(2,000,000)
03	New Jersey State Commission on Cancer Research	(1,000,000)
03	Animal Welfare	(150,000)
03	Worker and Community Right to Know	(2,367,000)
03	New Jersey Coalition to Promote Cancer Prevention, Early Detection and Treatment	(200,000)
08	New Jersey Domestic Security Preparedness	(1,800,000)

The unexpended balance at the end of the preceding fiscal year in the New Jersey Emergency Medical Service Helicopter Response Program account is appropriated.

In addition to the amounts appropriated hereinabove, notwithstanding the provisions of any law or regulation to the contrary, there is appropriated $150,000 from the "Emergency Medical Technician Training Fund" to fund the Emergency Medical Services for Children program.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the "Emergency Medical Technician Training Fund" $79,000 for Emergency Medical Services and $125,000 for the First Response EMT Cardiac Training Program.

Receipts deposited in the Autism Medical Research and Treatment Fund are appropriated for the Governor's Council for Medical Research and Treatment of Infantile Autism, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the New Jersey State Commission on Cancer Research is charged to the Cancer Research Fund pursuant to section 5 of P.L.1982, c.40 (C.54:40A-37.1).

The unexpended balance at the end of the preceding fiscal year in the New Jersey State Commission on Cancer Research account is appropriated.

Amounts deposited in the "New Jersey Breast Cancer Research Fund" from the gross income tax check-offs pursuant to the provisions of P.L.1995, c.26 (C.54A:9-25.7 et al.) are appropriated to the New Jersey State Commission on Cancer Research for breast cancer research projects, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove appropriated for the Worker and Community Right to Know account is payable from the "Worker and Community Right to Know Fund," and the receipts in excess of the amount anticipated, not to exceed $764,000, are appropriated. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Receipts derived from the agency surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed $4,722,000, are appropriated for the Medical Emergency Disaster Preparedness for Bioterrorism program and shall be deposited into a dedicated account, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

In order to permit flexibility in the handling of the various appropriations for anti--tobacco initiative accounts hereinabove, funds may be transferred to and from the following items of appropriations: School Based Programs and Youth Anti-Smoking, and Anti-Smoking Programs. Such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to the Department of Health and Senior Services for diagnostic laboratory services provided to any other agency or department, provided that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

Receipts from fees established by the Commissioner of Health and Senior Services for licensing of clinical laboratories, pursuant to P.L.1975, c.166 (C.45:9-42.26 et seq.), and blood banks, pursuant to P.L.1963, c.33 (C.26:2A-2 et seq.), are appropriated.

Receipts from licenses, permits, fines, penalties and fees collected by the Department of Health and Senior Services in Health Services, in excess of those anticipated, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

02-4220 Family Health Services	$142,709,000
(From General Fund $142,180,000)	
(From Casino Revenue Fund 529,000)	
03-4230 Public Health Protection Services	60,544,000
12-4245 AIDS Services	30,816,000
Total Grants-in-Aid Appropriation, Health Services	$234,069,000
(From General Fund $233,540,000)	
(From Casino Revenue Fund 529,000)	

Grants-in-Aid:

Special Purpose:

02 Family Planning Services	($7,749,000)
02 Hemophilia Services	(1,208,000)
02 Special Health Services for Handicapped Children	(2,441,000)
02 Chronic Renal Disease Services	(498,000)
02 Pharmaceutical Services for Adults with Cystic Fibrosis	(368,000)
02 Birth Defects Registry	(34,000)
02 Statewide Birth Defects Registry (CRF)	(529,000)
02 Community Provider Cost of Living Adjustment, Family Health Services	(3,925,000)
02 Maternal and Child Health Services	(5,930,000)
02 Lead Poisoning Program	(957,000)
02 Poison Control Center	(569,000)
02 Early Childhood Intervention Program	(100,104,000)
02 Cleft Palate Programs	(707,000)

02 Tourette Syndrome Association of New Jersey ..... (1,250,000)
02 Cancer Screening -- Early Detection and Education Program ..... (5,853,000)
02 SIDS Assistance Act ..... (214,000)
02 Services to Victims of Huntington's Disease ..... (323,000)
02 Postpartum Education Campaign ..... (2,500,000)
02 Postpartum Screening ..... (2,000,000)
02 New Jersey Council on Physical Fitness and Sports ..... (50,000)
02 Federally Qualified Health Centers -- Services to Family Care Clients ..... (5,000,000)
02 Federally Qualified Health Centers-- Services to the Homeless ..... (500,000)
03 Tuberculosis Services ..... (1,707,000)
03 Implementation of Comprehensive Cancer Control Program ..... (1,500,000)
03 Community Provider Cost of Living Adjustment, Public Health Protection .... (141,000)
03 Immunization Services ..... (922,000)
03 Hospital Asset Transformation Program -- Debt Service ..... (12,500,000)
03 AIDS Communicable Disease Control ... (493,000)
03 Cancer Institute of New Jersey ..... (20,000,000)
03 Cancer Institute of New Jersey, South Jersey Program -- Debt Service ..... (6,000,000)
03 Cancer Research ..... (17,000,000)
03 Worker and Community Right to Know .. (281,000)
12 Community Provider Cost of Living Adjustment, AIDS Services ..... (1,609,000)
12 AIDS Grants ..... (20,307,000)
12 Rapid AIDS Testing ..... (4,200,000)
12 AIDS Drug Distribution Program ..... (4,700,000)

Of the amounts hereinabove appropriated for Family Planning Services, $2,500,000 shall be appropriated to the Office of Maternal and Child Health in the Department of Health and Senior Services for family planning.

Receipts from the federal Medicaid (Title XIX) program for handicapped infants are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Cancer Screening - Early Detection and Education Program, an amount may be transferred to Direct State Services in the Department of Health and Senior Services to cover administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated $570,000 from the Alcohol Education, Rehabilitation and Enforcement Fund to fund the Fetal Alcohol Syndrome Program.

Of the amount hereinabove appropriated for the Implementation of Comprehensive Cancer Control Program, an amount may be transferred to Direct State Services in the Department of Health and Senior Services to cover administrative costs of the program and to the corresponding program in Family Health Services in the Department of Health and Senior Services for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount hereinabove appropriated for the Cancer Institute of New Jersey, $250,000 is appropriated to the Ovarian Cancer Research Fund.

There are appropriated from the New Jersey Emergency Medical Service Helicopter Response Program Fund, established pursuant to section 2 of P.L.1992, c.87 (C.26:2K-36.1), such sums as are necessary to pay the reasonable and necessary expenses of the operation of the New Jersey Emergency Medical Service Helicopter Response Program, established pursuant to P.L.1986, c.106 (C.26:2K-35 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in order to maximize prescription drug coverage under the Medicare Part D program established pursuant to the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," the amount hereinabove appropriated for the AIDS Drug Distribution Program (ADDP) shall be designated as the authorized representative for the purposes of coordinating benefits with the Medicare Part D program, including enrollment and appeals of coverage determinations. ADDP is authorized to represent program beneficiaries in the pursuit of such coverage. ADDP representation shall not result in any additional financial liability on behalf of such program beneficiaries and shall include, but need not be limited to, the following actions: application for the premium and cost-sharing subsidies on behalf of eligible program beneficiaries; pursuit of appeals, grievances, or coverage determinations; and facilitated enrollment in a prescription drug plan or Medicare Advantage Prescription Drug plan. If any beneficiary declines enrollment in any Medicare Part D plan, that beneficiary shall be barred from all benefits of the ADDP Program.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated to the AIDS Drug Distribution Program (ADDP) is conditioned upon the Department of Health and Senior Services coordinating the benefits of ADDP with the prescription drug benefits of the Medicare Part D program established pursuant to the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" as the primary payer. The ADDP benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs, as determined by the Commissioner of Health and Senior Services, associated with enrollment in Medicare Part D for ADDP beneficiaries, and for Medicare Part D premium costs for ADDP beneficiaries.

Notwithstanding the provisions of any law or regulation to the contrary, effective January 1, 2006, no funds appropriated in the AIDS Drug Distribution Program (ADDP) account shall be available as payment as an ADDP benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under the Medicare Part D program established pursuant to the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003."

Commencing with the start of the fiscal year, and consistent with the requirements of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" (MMA), no funds hereinabove appropriated from the AIDS Drug Distribution Program (ADDP) account shall be expended for any individual enrolled in the ADDP program unless the individual provides all data necessary to enroll the individual in the Medicare Part D program established pursuant to the MMA, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.

In order to permit flexibility in the handling of appropriations, amounts may be transferred to and from the various items of appropriation within the AIDS Services program classification in the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Early Childhood Intervention Program shall be conditioned on the Early Childhood Intervention Program's family cost sharing program involving a progressive charge for each hour of direct services provided to the child and/or the child's family in accordance with the child's Individualized Family Service Plan, based upon household size and gross income as set forth in the New Jersey Early Intervention System Family Cost Participation Handbook (June 2008).

There are appropriated such additional sums as are required to pay all amounts due from the State pursuant to any contract entered into between the State Treasurer and the New Jersey Health Care Facilities Financing Authority pursuant to section 6 of P.L.2000, c.98 (C.26:2I-7.1) in connection with the Hospital Asset Transformation Program.

The unexpended balance at the end of the preceding fiscal year in the AIDS Drug Distribution Program account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, any additional federal disproportionate share hospital matching funds received as a result of the conversion to a municipal hospital known as Hoboken University Medical Center are appropriated for the Hoboken University Medical Center in an amount to be determined by the Division of Medical Assistance and Health Services, subject to the approval of the Director of the Division of Budget and Accounting.

The Commissioner shall allocate the amount hereinabove appropriated for Federally Qualified Health Care Centers - Services to the Homeless to provide not less than $50,000 to each of the five centers that received State funds in the preceding fiscal year for serving the homeless, and in allocating funds in excess of that amount to each center shall consider factors including, but not limited to, the number, type and location of available services, the growth in health care visits, and the availability of extended hours and specialty care services.

From the amount hereinabove appropriated to Cancer Research, an amount up to $17,000,000 is appropriated for competitive grants to be made by the New Jersey Commission on Cancer Research, for cancer research, treatment and prevention, provided that the award of such grant funds are: 1) made in consultation with the New Jersey Department of Health and Senior Services; 2) the notice of grant availability is published in the New Jersey Register; 3) not more than 5% of the total amount hereinabove appropriated may be transferred to various accounts as required, including Direct State Services accounts, and is appropriated for a comprehensive scientific peer review process, subject to the Director of the Division of Budget and Accounting; and 4) expended within this State and benefit New Jersey residents, and 5) the Department of Health and Senior Services shall execute the grant agreements and the New Jersey Commission on Cancer Research shall oversee and administer the grant agreements.

No funds hereinabove appropriated to the Department of Health and Senior Services shall be used for the Medical Waste Management Program. The Department of Health and Senior Services and the Department of Environmental Protection shall establish a transition plan to ensure provisions of the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et al.) are met.

The unexpended balance at the end of the preceding fiscal year in the Cancer Research account is appropriated.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Cancer Institute of New Jersey (CINJ) shall be conditioned upon the following provision: no funds shall be expended except to support CINJ's infrastructure necessary to support cancer research, prevention and treatment.

The unexpended balance at the end of the preceding fiscal year in the Cancer Institute of New Jersey Research, South Jersey Program - Debt Service account and any unexpended

balance from preceding fiscal years that are transferred to the program are appropriated to the program for cancer–related capital equipment, design, engineering and construction expenses.

STATE AID

03-4230 Public Health Protection Services $2,400,000
Total State Aid Appropriation, Health Services $2,400,000

State Aid:

03 Public Health Priority Funding ..... ($2,400,000)

The capitation for Public Health Priority Funding is set not to exceed $0.40 for the fiscal year ending June 30, 2009 for the purposes prescribed in P.L.1966, c.36 (C.26:2F-1 et seq.).

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Public Health Priority Funding shall not be allocated to county health departments.

22 Health Planning and Evaluation

DIRECT STATE SERVICES

06-4260 Long Term Care Systems $5,562,000
07-4270 Health Care Systems Analysis 2,682,000
Total Direct State Services Appropriation, Health Planning and Evaluation $8,244,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($6,049,000)
Materials and Supplies ..... (73,000)
Services Other Than Personal ..... (506,000)
Maintenance and Fixed Charges ..... (200,000)
Special Purpose:
06 Nursing Home Background Checks/ Nursing Aide Certification Program ..... (979,000)
06 Implement Patient Safety Act ..... (400,000)
Additions, Improvements and Equipment ..... (37,000)

There are appropriated such sums as are required to the "Health Care Facilities Improvement Fund" to provide available resources in an emergency situation at a health care facility, as defined by the Commissioner of Health and Senior Services, or for closure of a health care facility, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from fees charged for processing Certificate of Need applications and the unexpended balances at the end of the preceding fiscal year of such receipts are appropriated for the cost of this program, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

07-4270 Health Care Systems Analysis $129,962,000
Total Grants-in-Aid Appropriation, Health Planning and Evaluation $129,962,000

Grants-in-Aid:

07 Health Care Subsidy Fund Payments ($129,962,000)

There are appropriated such sums as are necessary to pay prior-year obligations of programs within the Health Care Subsidy Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, $6,000,000 of the amount hereinabove for the Health Care Subsidy Fund Payments account is appropriated from the Admission Charge Hospital Assessment revenue item.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Health Care Subsidy Fund Payments shall be charged to the revenues derived from the $0.35 increase in the cigarette tax rate imposed pursuant to P.L.2004, c.67.

In addition to the amounts hereinabove appropriated for Health Care Subsidy Fund Payments, $1,000,000 is appropriated to the Health Care Subsidy Fund Payments account from the hospital and other health care initiatives account, established pursuant to section 12 of P.L.1992, c.160 (C.26:2H-18.62).

Of the amounts hereinabove appropriated for Health Care Subsidy Fund Payments, $5,000,000 shall be appropriated to the NJ FamilyCare program in the Department of Human Services to provide health care for uninsured children.

Notwithstanding the provisions of any law or regulation to the contrary, all revenues collected from the tax on cosmetic medical procedures pursuant to P.L.2004, c.53 (C.54:32E-1) shall be deposited in the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58).

An amount not to exceed $2,000,000 is appropriated to the Department of Health and Senior Services from the Health Care Subsidy Fund Payments account to fund the Infant Mortality Reduction Program and an amount not to exceed $2,000,000 is appropriated to the Department of Health and Senior Services from the Health Care Subsidy Fund Payments account to fund the Primary Care Physician and Dentist Loan Redemption Program.

Notwithstanding the provisions of any law or regulation to the contrary, as a condition of the receipt of any monies hereunder by an acute care hospital that is requesting an advance of Charity Care subsidy or Medicaid payments from the "Health Care Facilities Improvement Fund," or any payments over and above this Act, the hospital shall comply with a request by the Commissioner of the Department of Health and Senior Services for a review of its finances and operations to ensure that access to health care is maintained and public funds are utilized for their intended purpose, the cost of such review to be borne by the acute care hospital, and shall comply with any financial and operational performance requirements imposed by the Commissioner as deemed necessary as a result of the review.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriation for Health Care Subsidy Fund Payments shall be conditioned upon the following provisions: (1) in State Fiscal Year (SFY) 2009, Charity Care subsidies shall be calculated pursuant to section 3 of P.L.2004, c.113 (C.26:2H-18.59i), except that: (2) in paragraph (1) of subsection b., source data used shall be from calendar year 2007 for Charity Care Claims data and total revenue, and for Acute Care Hospital Cost Report total revenue as defined by Form E4, Line 1, Column E data according to Department of Health and Senior Services (DHSS) advance submission request dated March 14, 2008, and source data used shall be from calendar year 2006 for Medicare Cost Report data; (3) for eligible hospitals that failed to submit Acute Care Hospital Cost Report total revenue as defined by Form E4, Line 1, Column E data according to DHSS advance submission request dated March 14, 2008, in paragraph (1) of subsection b. source data from calendar year 2006 shall be used for Charity Care Claims total revenue and for Acute Care Hospital Cost Report total revenue as defined by Form E4, Line 1, Column E; (4) each eligible hospital shall be assigned to one of three groups or tiers based on their initial RCCP as calculated in paragraph (1) of subsection b. with Tier 1 hospitals having an initial RCCP greater than 8%, Tier 2 hospitals having an initial RCCP less than Tier 1 and greater than 3.6% and Tier 3 hospitals having an initial RCCP less than Tier 2; (5) the hospi-

tal-specific subsidy initially calculated in accordance of subsections a. and b. for each eligible hospital shall be reduced by 5% for Tier 1 hospitals, 37% for Tier 2 hospitals and 100% for Tier 3 hospitals; (6) for each eligible hospital the difference shall be calculated between its initial calculated SFY 2009 charity care subsidy and its total SFY 2008 charity care allocation; (7) if an eligible hospital's initial calculated SFY 2009 charity care subsidy is more than its total State fiscal year 2008 amount and it has been assigned to Tier 1 or Tier 2, the hospital-specific subsidy calculation for each eligible hospital shall be its total State fiscal year 2008 amount plus 20% of the difference calculated above; (8) if an eligible hospital's initial calculated SFY 2009 charity care subsidy is less than its total SFY 2008 amount and it has been assigned to Tier 1 or Tier 2, the hospital-specific subsidy calculation for each eligible hospital shall be its total SFY 2008 amount minus 40% of the difference calculated above; (9) if an eligible hospital's initial calculated SFY 2009 charity care subsidy is more than its total SFY 2008 amount and it has been assigned to Tier 1 or Tier 2, an amount equal to 4% of the difference calculated above for each eligible hospital shall be assigned to a redistribution pool designated for Tier 1 hospitals; (10) if the hospital-specific SFY 2009 subsidy calculated thus far for an eligible hospital assigned to Tier 2 is calculated to be more than 50 percent of its documented charity care for calendar year 2007, the hospital-specific subsidy for each hospital shall be reduced to 50 percent of its documented charity care and the total amount reduced shall be assigned to a redistribution pool designated for Tier 1 hospitals; (11) if an eligible hospital's SFY 2009 subsidy calculated thus far is less than its total SFY 2008 amount and it has been assigned to Tier 1, that hospital shall participate in the redistribution pool designated for Tier 1 hospitals; (12) the total of all amounts assigned to the redistribution pool designated for Tier 1hospitals shall be distributed to Tier 1 hospitals identified as participating in the redistribution pool; (13) the amount redistributed to each participating Tier 1 hospital shall be equal to the percentage calculated as the difference calculated above for that hospital divided by the total of all the differences calculated above for all Tier 1 hospitals participating in the redistribution pool, and multiplied by the total of all amounts assigned to the redistribution pool designated for Tier 1hospitals; (14) the amount redistributed to each hospital identified as participating in the redistribution pool designated for Tier 1 shall be added to each hospital's hospital-specific subsidy calculation; (15) if the hospital-specific subsidy calculated thus far for an eligible hospital assigned to Tier 1 is calculated to be less than 60 percent of its documented charity care for calendar year 2007, the hospital-specific subsidy for each hospital shall be increased to 60 percent of its documented charity care; (16) if the hospital-specific subsidy calculated thus far for an eligible hospital assigned to Tier 1 is calculated to be more than 100 percent of its documented charity care for calendar year 2007, the hospital-specific subsidy for each hospital shall be reduced to 100 percent of its documented charity care; (17) if the hospital-specific subsidy calculated thus far for an eligible hospital assigned to Tier 3 is calculated to be less than 10 percent of its documented charity care for calendar year 2007, the hospital-specific subsidy for each hospital shall be increased to 10 percent of its documented charity care. The resulting number will constitute each eligible hospital's SFY 2009 Charity Care subsidy allocation. A proportionate reduction will be applied to all hospitals if necessary such that the SFY 2009 Charity Care subsidy allocation for all hospitals totaled shall not exceed $605,000,000.

Of the amount hereinabove appropriated for Health Care Subsidy Fund Payments, any amounts not allocated to a hospital-specific SFY 2009 Charity Care subsidy shall be assigned to the Health Care Stabilization Fund to be established within the Department of Health and Senior Services for the purpose of maintaining access to essential health care services in the community. The eligibility and participation requirements shall be developed by the Commissioner of the Department of Health and Senior Services and set forth in separate legislation. Combined funding for Charity Care and the Health Care

Stabilization Fund shall not exceed $649,000,000. The commissioner shall provide notice to the Joint Budget Oversight Committee of each distribution made from the Health Care Stabilization Fund within 5 business days of the distribution. Each facility that receives funding from the Health Care Stabilization Fund shall be subject to an audit by the State Comptroller to be initiated 12 months after the date of payment.

Notwithstanding the provisions of any law or regulation to the contrary, any funds remaining as the result of closure of a hospital, eligible to receive Disproportionate Share Hospital (DSH) funds, shall be redistributed at the discretion of the Commissioner of the Department of Health and Senior Services. Factors the Commissioner will consider shall include but are not limited to 1) maintenance of continued timely access to essential health services for persons eligible to participate in the New Jersey Hospital Care Payment Assistance Program (Charity Care) or 2) continued operation in the same or adjoining municipality as the closed hospital of an acute care hospital, eligible to receive DSH funds, and serving substantially the same eligible population, with notice of such redistribution provided to the Joint Budget Oversight Committee within 5 business days of each redistribution.

The amounts hereinabove appropriated for Health Care Subsidy Fund Payments are conditioned upon the following provision: the Department of Health and Senior Services shall review, examine and/or audit any and all financial information maintained by acute care hospitals to ensure appropriate use of public funds.

25 Health Administration

DIRECT STATE SERVICES

99-4210 Administration and Support Services	$3,498,000
Total Direct State Services Appropriation, Health Administration	$3,498,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($1,377,000)
Materials and Supplies	(49,000)
Services Other Than Personal	(488,000)
Special Purpose:	
99 Office of Minority and Multicultural Health	(1,500,000)
99 Affirmative Action and Equal Employment Opportunity	(84,000)

26 Senior Services

DIRECT STATE SERVICES

22-4275 Medical Services for the Aged	$4,737,000
24-4275 Pharmaceutical Assistance to the Aged and Disabled	8,655,000
55-4275 Programs for the Aged	1,333,000
(From General Fund	***$462,000)***
(From Casino Revenue Fund	***871,000)***
57-4275 Office of the Public Guardian	850,000
Total Direct State Services Appropriation, Senior Services	$15,575,000
(From General Fund	***$14,704,000)***
(From Casino Revenue Fund	***871,000)***
Direct State Services:	
Personal Services:	
Salaries and Wages	($8,756,000)
Salaries and Wages (CRF)	(658,000)
Employee Benefits (CRF)	(138,000)

(From General Fund ..... $8,756,000)
(From Casino Revenue Fund ..... 796,000)
Materials and Supplies ..... (163,000)
Materials and Supplies (CRF) ..... (14,000)
Services Other Than Personal ..... (2,904,000)
Services Other Than Personal (CRF) ..... (47,000)
Maintenance and Fixed Charges ..... (437,000)
Maintenance and Fixed Charges (CRF) ..... (2,000)
Special Purpose:
22 Fiscal Agent -- Medical Services for the Aged ..... (550,000)
24 Payments to Fiscal Agent -- PAA ..... (1,723,000)
55 Federal Programs for the Aged (State Share) ..... (143,000)
Additions, Improvements and Equipment ..... (28,000)
Additions, Improvements and Equipment (CRF) . (12,000)

When any action by a county welfare agency, whether alone or in combination with the Division of Medical Assistance and Health Services in the Department of Human Services or the Department of Health and Senior Services, results in a recovery of improperly granted medical assistance, the Division of Medical Assistance and Health Services or the Department of Health and Senior Services may reimburse the county welfare agency in the amount of 25% of the gross recovery.

Notwithstanding the provisions of any law or regulation to the contrary, any third party, as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), writing health, casualty, or malpractice insurance policies in the State or covering residents of this State, shall enter into an agreement with the Department of Health and Senior Services to permit and assist the matching of the Department of Health and Senior Services' program eligibility and/or adjudication claims files against that third party's eligibility and/or adjudicated claims files for the purpose of the coordination of benefits, utilizing, if necessary, social security numbers as common identifiers.

The unexpended balance at the end of the preceding fiscal year in the Payments to Fiscal Agent - PAA account are appropriated.

Such sums as may be necessary, not to exceed $1,860,000, may be credited from the Energy Assistance program account in the Board of Public Utilities to the Lifeline program account and shall be applied in accordance with a Memorandum of Understanding between the President of the Board of Public Utilities and the Commissioner of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the Office of the Public Guardian for Elderly Adults are appropriated.

GRANTS-IN-AID

22-4275 Medical Services for the Aged $870,588,000
(From General Fund ..... $842,758,000)
(From Casino Revenue Fund ..... 27,830,000)
24-4275 Pharmaceutical Assistance to the Aged and Disabled ... 256,228,000
(From General Fund ..... 51,383,000)
(From Casino Revenue Fund ..... 204,845,000)
55-4275 Programs for the Aged 30,245,000
(From General Fund ..... 15,568,000)
(From Casino Revenue Fund ..... 14,677,000)
Total Grants-in-Aid Appropriation, Senior Services $1,157,061,000
(From General Fund ..... $909,709,000)
(From Casino Revenue Fund ..... 247,352,000)

Grants-in-Aid:

22	Global Budget for Long Term Care (CRF)	($27,559,000)
22	Global Budget for Long Term Care	(47,258,000)
22	Payments for Medical Assistance Recipients -- Nursing Homes	(682,672,000)
22	Medical Day Care Services	(88,951,000)
22	Medicaid High Occupancy -- Nursing Homes	(9,000,000)
22	ElderCare Initiatives	(14,877,000)
22	Home Care Expansion (CRF)	(71,000)
22	Hearing Aid Assistance for the Aged and Disabled (CRF)	(200,000)
24	Pharmaceutical Assistance to the Aged -- Claims	(6,403,000)
24	Pharmaceutical Assistance to the Aged and Disabled -- Claims	(30,640,000)
24	Pharmaceutical Assistance to the Aged and Disabled -- Claims (CRF)	(204,845,000)
24	Senior Gold Prescription Discount Program	(14,340,000)
55	Demonstration Adult Day Care Center Program -- Alzheimer's Disease	(500,000)
55	Purchase of Social Services	(10,104,000)
55	ElderCare Advisory Commission Initiatives	(2,500,000)
55	Community Provider Cost of Living Adjustment	(565,000)
55	Alzheimer's Disease Program	(910,000)
55	Demonstration Adult Day Care Center Program -- Alzheimer's Disease (CRF)	(2,724,000)
55	Adult Protective Services	(989,000)
55	Adult Protective Services (CRF)	(1,842,000)
55	Senior Citizen Housing -- Safe Housing and Transportation (CRF)	(1,726,000)
55	Respite Care for the Elderly (CRF)	(5,359,000)
55	Congregate Housing Support Services (CRF)	(2,006,000)
55	Home Delivered Meals Expansion (CRF)	(1,020,000)

The amounts hereinabove appropriated for Payments for Medical Assistance Recipients-Nursing Homes are available for the payment of obligations applicable to prior fiscal years.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification in the Division of Medical Assistance and Health Services in the Department of Human Services and the Medical Services for the Aged program classification in Senior Services in the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

All funds recovered pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the fiscal year ending June 30, 2008 are appropriated for payments to providers in the same program class from which the recovery originated.

Subject to federal approval, the appropriations for those programs within the Medical Services for the Aged program classification are conditioned upon the Division of Medical Assistance and Health Services in the Department of Human Services and the Department of Health and Senior Services implementing policies that would limit the ability of persons who have the financial ability to provide for their own long-term care needs to manipulate current Medicaid rules to avoid payment for that care. The Division of Medical Assistance and Health Services and the Department of Health and Senior Services shall require, in the case of a married individual requiring long-term care services, that the portion of the couple's resources which are not protected for the needs of the community spouse be used solely for the purchase of long-term care services.

Notwithstanding the provisions of any law or regulation to the contrary, a sufficient portion of receipts generated or savings realized in the Medical Services for the Aged or Pharmaceutical Assistance to the Aged and Disabled Grants-In-Aid accounts from initiatives included in the current fiscal year appropriations act may be transferred to administration accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

Such sums as may be necessary are appropriated from enhanced audit recoveries obtained by the Department of Health and Senior Services to fund the costs of enhanced audit recovery efforts of the Department within the Medical Services for the Aged program classification, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, payments from the Payments for Medical Assistance Recipients-Nursing Homes account shall be made at 50% only for bedhold days at facilities with total occupancy rates at 90% or higher based on the occupancy percentage reported on each facility's latest cost report; however, nursing homes shall hold a bed for a Medicaid beneficiary who is hospitalized for up to ten days.

The funds hereinabove appropriated for Medicaid High Occupancy-Nursing Homes shall be distributed for patient services among those nursing homes where the Medicaid patient day occupancy level is at or above 75%. Each such facility shall receive its distribution through a prospective per diem adjustment using actual days reported on the most recent cost report.

The amounts hereinabove appropriated for payments for the Pharmaceutical Assistance to the Aged and Disabled program, P.L.1975, c.194 (C.30:4D-20 et seq.), and the Senior Gold Prescription Discount Program, P.L.2001, c.96 (C.30:4D-43 et seq.), are available for the payment of obligations applicable to prior fiscal years.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.), and the Senior Gold Prescription Discount Program, P.L.2001, c.96 (C.30:4D-43 et seq.), shall be the last resource benefits, notwithstanding any provisions contained in contracts, wills, agreements, or other instruments. Any provision in a contract of insurance, will, trust agreement, or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for, or receipt of, PAAD or Senior Gold Prescription Discount Program benefits shall be void, and no PAAD and Senior Gold Prescription Discount Program payments shall be made as a result of any such provision.

Of the amount hereinabove appropriated in the Pharmaceutical Assistance to the Aged and Disabled-Claims program, notwithstanding the provisions of section 3 of P.L.1975, c.194 (C.30:4D-22) to the contrary, the copayment in the Pharmaceutical Assistance to the

Aged and Disabled program shall be $6.00 for generic drugs and $7.00 for brand name drugs.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), and the Senior Gold Prescription Discount Program, pursuant to P.L.2001, c.96 (C.30:4D-43 et seq.), shall be expended unless participating pharmaceutical manufacturing companies execute contracts with the Department of Health and Senior Services, through the Department of Human Services, providing for the payment of rebates to the State. Furthermore, rebates from pharmaceutical manufacturing companies for prescriptions purchased by the PAAD program and the Senior Gold Prescription Discount Program shall continue during the current fiscal year, provided that the manufacturer's rebates for PAAD claims paid as secondary to Medicare Part D and for the Senior Gold Prescription Discount Program shall apply only to the amount paid by the State under the PAAD and Senior Gold Prescription Discount Program. All revenues from such rebates during the current fiscal year are appropriated for the PAAD program and the Senior Gold Prescription Discount Program.

Notwithstanding the provisions of any other law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification and the Senior Gold Prescription Discount Program account shall be expended for prescription claims with no Medicare Part D coverage except under the following conditions: (a) reimbursement for the cost of single source brand name legend drugs and non-legend drugs shall be on the basis of Average Wholesale Price less a 15% discount and reimbursement for the cost of multisource generic drugs shall be in accordance with the federal Deficit Reduction Act of 2005 upon final adoption of regulations by the Department of Health and Human Services; (b) the current prescription drug dispensing fee structure set as a variable rate of $3.73 to $3.99 shall remain in effect through the current fiscal year, including the current increments for impact allowances, as determined by revised qualifying requirements, and allowances for 24-hour emergency services; and (c) multisource generic and single source brand name drugs shall be dispensed without prior authorization but multisource brand name drugs shall require prior authorization issued by the Department of Health and Senior Services or its authorizing agent, however, a 10-day supply of the multisource brand name drug shall be dispensed pending receipt of prior authorization. Certain multisource brand name drugs with a narrow therapeutic index, other drugs recommended by the Drug Utilization Review Board, or brand name drugs with a lower cost per unit than the generic may be excluded from prior authorization by the Department of Health and Senior Services. Further, not later than April 1, 2009 the State Treasurer in consultation with the Commissioner of Health and Senior Services shall review whether the utilization of generic pharmaceuticals exceeds the level anticipated and the effect of such enhanced utilization of generic drugs on disbursements from these accounts, net of manufacturers rebates and adjusted for utilization shifts resulting from patent expirations or other one time factors, and to the extent possible within the limits of the funds appropriated and federal regulations herein above shall modify the average wholesale price discount rate to not less than 12.5%, the upper limit of the prescription drug dispensing fee structure to not greater than $4.07, or both, retroactive to July 1, 2008.

In addition to the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled program and the Senior Gold Prescription Discount Program, there are appropriated from the General Fund and available federal matching funds such additional sums as may be required for the payment of claims, credits, and rebates, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and

the Senior Gold Prescription Discount Program are available to pharmacies that have not submitted an application to enroll as an approved medical supplier in the Medicare program, unless they already are an approved Medicare medical supplier. Pharmacies shall not be required to bill Medicare directly for Medicare Part B drugs and supplies, but must agree to allow PAAD to bill Medicare on their behalf by completing and submitting an electronic data interchange (EDI) form to PAAD. Beneficiaries are responsible for the applicable PAAD or Senior Gold Prescription Discount Program copayment.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled program and the Senior Gold Prescription Discount Program shall be used to pay for quantities of erectile dysfunction therapy medication in excess of four dosage units (tablets/injections/suppositories) per month. Moreover, payment will only be provided if the diagnosis of erectile dysfunction is written on the prescription form and the treatment is provided to males over the age of 18 years. Furthermore, no payments for erectile dysfunction therapy will be made on behalf of sex offenders.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriations for the Pharmaceutical Assistance to the Aged and Disabled program and the Senior Gold Prescription Discount Program are conditioned upon the Department of Health and Senior Services coordinating benefits with any voluntary prescription drug mail-order or specialty pharmacy in a Medicare Part D provider network or private third party liability plan network for beneficiaries enrolled in a Medicare Part D program or beneficiaries with primary prescription coverage that requires use of mail order. The mail-order program may waive, discount, or rebate the beneficiary copayment and mail-order pharmacy providers may dispense up to a 90-day supply on prescription refills with the voluntary participation of the beneficiary, subject to the approval of the Commissioner of Health and Senior Services and the Director of the Division of Budget and Accounting.

At any point during the year, and notwithstanding the provisions of any law or regulation to the contrary, subject to the approval of a plan by the Commissioner of Health and Senior Services, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), or the Senior Gold Prescription Discount Program, pursuant to P.L.2001, c.96 (C.30:4D-43 et seq.), shall be expended, when PAAD or Senior Gold is the primary payer, unless participating pharmaceutical manufacturing companies execute contracts with the Department of Health and Senior Services, through the Department of Human Services. Name brand manufacturers must provide for the payment of rebates to the State on the same basis as provided for in section 1927 (a) through (c) of the federal Social Security Act, 42 U.S.C. s.1396r-8(a)-(c). Generic manufacturers shall be required to provide rebates equal to 15.1% of the Average Manufacturer's Price for all drugs, with the exception that any branded generic pharmaceutical shall generate rebates on the same basis as provided for in section 1927 (a) through (c) of the federal Social Security Act, 42 U.S.C. s.1396r-8(a)-(c).

From the amount hereinabove appropriated for the Senior Gold Prescription Discount Program, an amount not to exceed $3,850,000 may be transferred to various accounts as required, including Direct State Services accounts, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 CFR 447.205, for rates implemented on or after July 1, 2000, target occupancy as determined pursuant to N.J.A.C.8:85-3.16 shall not apply to those facilities receiving enhanced rates of reimbursement pursuant to N.J.A.C.8:85-2.21. The per diem amounts for all other expenses of the enhanced rates shall be based upon reasonable base period costs divided by actual base period patient days, but no less than 85% of licensed bed days shall be used.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred between the various items of appropriation within the Medical Services for the Aged and Programs for the Aged program classifications to ensure the continuity of long--term care support services for beneficiaries receiving services within the Medical Services for the Aged program classification in the Division of Senior Services in the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, effective January 1, 2005, no payment for Medicaid Adult or Pediatric Medical Day Care services, as hereinabove appropriated in the Medical Day Care Services account, shall be provided unless the services are prior authorized by professional staff designated by the Department of Health and Senior Services.

From the amount hereinabove appropriated for Payments for Medical Assistance Recipients-Nursing Homes, the Commissioner of Health and Senior Services shall increase the reasonableness limit for total nursing care up to 120% of the median costs in the Medicaid nursing home rate-setting system during the current fiscal year.

Such sums as may be necessary, not to exceed $70,840,000, for payments for the Lifeline Credit and Tenants' Lifeline Assistance programs, may be credited from the Energy Assistance program account in the Board of Public Utilities to the Lifeline program account and shall be applied in accordance with a Memorandum of Understanding between the President of the Board of Public Utilities and the Commissioner of Health and Senior Services, subject to the approval of the Director of the Division of Budgeting and Accounting.

Such sums as may be necessary are appropriated from the General Fund for the payment of increased nursing home rates to reflect the costs incurred due to the payment of a nursing home provider assessment, pursuant to the "Nursing Home Quality of Care Improvement Fund Act," P.L.2003, c.105 (C.26:2H-92 et seq.) and P.L.2004, c.41, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Medical Day Care Services is conditioned upon rate increases for the nursing home provider assessment not being included in the calculation of the Adult/Pediatric Day Care payment rates.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled (PAA/D) programs are conditioned upon the Department of Health and Senior Services coordinating the benefits of the PAA/D programs with the prescription drug benefits of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003 as the primary payer due to the current federal prohibition against State automatic enrollment of PAA/D recipients in the new federal program. The PAA/D benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs (as determined by the Commissioner of Health and Senior Services) associated with enrollment in Medicare Part D for beneficiaries of the PAA/D and Senior Gold Prescription Discount programs, and for Medicare Part D premium costs for PAA/D beneficiaries.

Notwithstanding the provisions of any law or regulation to the contrary, effective January 1, 2006, no funds appropriated in the Pharmaceutical Assistance to the Aged or Pharmaceutical Assistance to the Aged and Disabled (PAA/D) programs and Senior Gold Prescription Discount Program accounts shall be available as payment as a PAA/D or

Senior Gold Prescription Discount Program benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under Medicare Part D.

Consistent with the requirements of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" and the current federal prohibition against State automatic enrollment of Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled (PAA/D) program and Senior Gold Prescription Discount Program recipients, no funds hereinabove appropriated to the PAA/D or Senior Gold accounts shall be expended for any individual unless the individual enrolled in the PAA/D program or Senior Gold Prescription Discount Program provides all data necessary to enroll the individual in Medicare Part D, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged, Pharmaceutical Assistance to the Aged and Disabled, and Senior Gold Prescription Discount programs shall be conditioned upon the following provision: no funds shall be appropriated for the refilling of a prescription drug until such time as the original prescription is 85% finished.

Notwithstanding the provisions of any law or regulation to the contrary, in order to maximize prescription drug coverage under Medicare Part D, the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be designated the authorized representative for the purposes of coordinating benefits with Medicare Part D, including enrollment and appeals of coverage determinations. PAAD is authorized to represent program beneficiaries in the pursuit of such coverage. PAAD representation shall not result in any additional financial liability on behalf of such program beneficiaries and shall include, but need not be limited to, the following actions: application for the premium and cost-sharing subsidies on behalf of eligible program beneficiaries; pursuit of appeals, grievances, or coverage determinations; facilitated enrollment in a prescription drug plan or Medicare Advantage Prescription Drug plan. If the beneficiary declines enrollment in any Medicare Part D plan, the beneficiary shall be barred from all benefits of the PAAD program.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the ElderCare Initiatives program shall be conditioned upon the following provision: State-funded home and community care (Jersey Assistance for Community Caregiving (JACC)) benefits paid incorrectly on behalf of JACC beneficiaries may be recovered from individuals found ineligible.

The amounts hereinabove appropriated for Global Budget for Long Term Care shall only be expended if federal approvals are received for such a program and only if federal Medicaid reimbursement or other federal matching funds are available to support the State appropriation.

The amounts hereinabove appropriated for Payments for Medical Assistance Recipients-Nursing Homes, Medical Day Care Services, Global Budget for Long Term Care, and Medicaid High Occupancy-Nursing Homes are conditioned upon the Commissioner of Health and Senior Services making changes to such programs to make them consistent with the federal Deficit Reduction Act of 2005.

Notwithstanding the provisions of any law or regulation to the contrary, in order to maximize drug coverage under Medicare Part D, the appropriation for the Senior Gold Prescription Discount Program is conditioned on the Senior Gold Prescription Discount Program being designated the authorized representative for the purpose of coordinating benefits with the Medicare drug program, including appeals of coverage determinations. Senior Gold is authorized to represent program beneficiaries in the pursuit of such coverage. Senior Gold representation shall include, but not to be limited to, the following actions: pursuit of appeals, grievances, or coverage determinations.

Notwithstanding the provisions of any law or regulation to the contrary, all financial recoveries obtained through the efforts of any entity authorized to undertake the prevention and detection of Medicaid fraud, waste, and abuse, are appropriated to Medical Services for the Aged in the Division of Senior Services.

Notwithstanding the provisions of any law or regulation to the contrary, resources in the Global Budget for Long Term Care line item may be supplemented with transfers from the Medical Services for the Aged Program accounts, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, persons receiving services through the Demonstration Adult Day Care Center Program - Alzheimer's Disease may receive services if appropriate medical documentation is provided to the Department of Health and Senior Services to justify those expenditures. A medical day services provider that is providing services through the Demonstration Adult Day Care Center Program - Alzheimer's Disease shall be reimbursed at not less than 85% of the free-standing Adult Day Medical Medicaid day rate. A social day services provider that is providing services through the program shall be reimbursed at not less than 70% of the free-standing Adult Day Medical Medicaid day rate. A medical or social day services provider that is providing services through the program shall not be subject to the 25% matching requirement set forth in section 3 of P.L.1988, c.114 (C.26:2M-11) or the requirement to submit a cost proposal to the Department of Health and Senior Services as set forth in N.J.A.C.8:92-3.2. The Demonstration Adult Day Care Center Program - Alzheimer's Disease shall reimburse the agency the difference between the client co-pay and the agreed upon rate. The Department of Health and Senior Services shall authorize enrollment of persons in the Demonstration Adult Day Care Center Program - Alzheimer's Disease for a maximum of three days per week. The Department shall not require participants in the program to pay for services provided through the program in excess of the amounts currently required under N.J.A.C.8:92-1.1 et seq.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program or the Senior Gold Prescription Discount Program shall be expended for diabetic testing materials and supplies which are covered under the federal Medicare Part B program.

Notwithstanding the provisions of N.J.A.C.8:85-3.19 or any other law to the contrary, the amounts hereinabove appropriated for Payments for Medical Assistance Recipients - Nursing Homes shall be conditioned upon the following provisions: no facility shall receive a per diem rate increase as the result of the annual rebasing of facility submitted costs. In addition, only those facilities with greater than 75% Medicaid occupancy shall receive the full inflation adjustment as defined in N.J.A.C. 8:85-3.19 to their per diem reimbursement rate, all other facilities shall receive half of their calculated inflation adjustment.

In addition to the amounts hereinabove appropriated, there are appropriated from the Casino Revenue Fund and available federal matching funds such additional sums as may be required for the payment of claims, credits, and rebates, subject to the approval of the Director of the Division of Budget and Accounting.

All funds recovered under P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.), during the current fiscal year are appropriated for payments to providers in the same program class from which the recovery originated.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the Medical Services for the Aged program classification, subject to the approval of the Director of the Division of Budget and

Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

For the purposes of account balance maintenance, all object accounts in the Medical Services for the Aged program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services, but ensure that no overspending will occur in the program classification.

Notwithstanding the provisions of P.L.1988, c.92 (C.30:4E-5 et seq.) to the contrary, funds appropriated for the Home Care Expansion Program (HCEP) shall be paid only for individuals enrolled in the program as of June 30, 1996 who are not eligible for the Community Care Program for the Elderly and Disabled or alternative programs, and only for so long as those individuals require services covered by the HCEP. Individuals enrolled in the HCEP as of June 30, 1996 and eligible for the Community Care Program for the Elderly and Disabled may apply to be enrolled in that program.

Notwithstanding the provisions of any law or regulation to the contrary, a sufficient portion of receipts generated or savings realized in Casino Revenue Fund, Medical Services for the Aged, or Pharmaceutical Assistance to the Aged and Disabled Grants-In-Aid accounts from initiatives included in the current fiscal year's annual appropriations act may be transferred to administration accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for payments for the Pharmaceutical Assistance to the Aged and Disabled program, P.L.1975, c.194 (C.30:4D-20 et seq.), are available for the payment of obligations applicable to prior fiscal years.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.), shall be the last resource benefits, notwithstanding any provision contained in contracts, wills, agreements, or other instruments. Any provision in a contract of insurance, will, trust agreement, or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for or receipt of PAAD benefits shall be void, and no PAAD payments shall be made as a result of any such provision.

Of the amount hereinabove appropriated in the Pharmaceutical Assistance to the Aged and Disabled-Claims program, notwithstanding the provisions of section 3 of P.L.1975, c.194 (C.30:4D-22) to the contrary, the copayment in the Pharmaceutical Assistance to the Aged and Disabled program shall be $6.00 for generic drugs and $7.00 for brand name drugs.

Notwithstanding the provisions of any law or regulation to the contrary, effective July 1, 2003, no State funds are appropriated for a Drug Utilization Review Council in the Department of Health and Senior Services, and therefore, the functions of the Council shall cease.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), shall be expended unless participating pharmaceutical manufacturing companies execute contracts with the Department of Health and Senior Services, through the Department of Human Services, providing for the payment of rebates to the State. Furthermore, rebates from pharmaceutical manufacturing companies for prescriptions purchased by the PAAD program and the Senior Gold Prescription Discount Program shall continue during the current fiscal year, provided that the manufacturers' rebates for PAAD claims paid as secondary to Medicare Part D and for the Senior Gold Prescription Discount Program shall apply only to the amount paid by the State under the PAAD and Senior Gold Prescription Discount Program. All revenues from such rebates during the current fiscal year are appropriated for the PAAD program and the Senior Gold Prescription Discount Program.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program are available to pharmacies that have not submitted an application to enroll as an approved medical supplier in the Medicare program, unless they already are an approved Medicare medical supplier. Pharmacies shall not be required to bill Medicare directly for Medicare Part B drugs and supplies, but must agree to allow PAAD to bill Medicare on their behalf by completing and submitting an electronic data interchange (EDI) form to PAAD. Beneficiaries are responsible for the applicable PAAD copayment.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and the Disabled program shall be used to pay for quantities of erectile dysfunction therapy medication in excess of four dosage units (tablets/injections/suppositories) per month. Moreover, payment shall only be provided if the diagnosis of erectile dysfunction is written on the prescription form and the treatment is provided to males over the age of 18 years. Furthermore, no payments for erectile dysfunction therapy will be made on behalf of sex offenders.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification and the Senior Gold Prescription Drug Discount Program account shall be expended for prescription claims with no Medicare Part D coverage except under the following conditions: (a) reimbursement for the cost of single source brand name legend drugs and non-legend drugs shall be on the basis of Average Wholesale Price less a 15% discount and reimbursement for the cost of multisource generic drugs shall be in accordance with the federal Deficit Reduction Act of 2005 upon final adoption of regulations by the Department of Health and Human Services; (b) the current prescription drug dispensing fee structure set as a variable rate of $3.73 to $3.99 shall remain in effect through the current fiscal year, including the current increments for impact allowances, as determined by revised qualifying requirements, and allowances for 24-hour emergency services; and (c) multisource generic and single source brand name drugs shall be dispensed without prior authorization but multisource brand name drugs shall require prior authorization issued by the Department of Health and Senior Services or its authorizing agent, however, a 10-day supply of the multisource brand name drug shall be dispensed pending receipt of prior authorization. Certain multisource brand name drugs with a narrow therapeutic index, other drugs recommended by the Drug Utilization Review Board, or brand name drugs with a lower cost per unit than the generic may be excluded from prior authorization by the Department of Health and Senior Services. Further, not later than April 1, 2009 the State Treasurer in consultation with the Commissioner of Health and Senior Services shall review whether the utilization of generic pharmaceuticals exceeds the level anticipated and the effect of such enhanced utilization of generic drugs on disbursements from these accounts, net of manufacturers rebates and adjusted for utilization shifts resulting from patent expirations or other one time factors, and to the extent possible within the limits of the funds appropriated and federal regulations herein above shall modify the average wholesale price discount rate to not less than 12.5%, the upper limit of the prescription drug dispensing fee structure to not greater than $4.07, or both, retroactive to July 1, 2008.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriations for the Pharmaceutical Assistance to the Aged and Disabled and Senior Gold Prescription Discount Program are conditioned upon the Department of Health and Senior Services coordinating benefits with any voluntary prescription drug mail-order or specialty pharmacy in a Medicare Part D provider network or private third party liability plan network for beneficiaries enrolled in a Medicare Part D program or beneficiaries with primary prescription coverage that requires use of mail order. The mail-order program may waive, discount, or rebate the beneficiary copayment and mail-order pharmacy

providers may dispense up to a 90--day supply on prescription refills with the voluntary participation of the beneficiary, subject to the approval of the Commissioner of Health and Senior Services and the Director of the Division of Budget and Accounting.

At any point during the year, and notwithstanding the provisions of any law or regulation to the contrary, subject to the approval of a plan by the Commissioner of Health and Senior Services, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), or the Senior Gold Prescription Discount Program, pursuant to P.L.2001, c.96 (C.30:4D-43 et seq.), shall be expended, when PAAD or Senior Gold is the primary payer, unless participating pharmaceutical manufacturing companies execute contracts with the Department of Health and Senior Services, through the Department of Human Services. Name brand manufacturers must provide for the payment of rebates to the State on the same basis as provided for in section 1927 (a) through (c) of the federal Social Security Act, 42 U.S.C. s.1396r-8(a)-(c). Generic manufacturers shall be required to provide rebates equal to 15.1% of the Average Manufacturers Price for all drugs, with the exception that any branded generic pharmaceutical shall generate rebates on the same basis as provided for in section 1927 (a) through (c) of the federal Social Security Act, 42 U.S.C. s.1396r-8(a)-(c).

Notwithstanding the provisions of section 2 of P.L.1988, c.114 (C.26:2M-10) to the contrary, private for-profit agencies shall be eligible grantees for funding from the Demonstration Adult Day Care Center Program-Alzheimer's Disease account.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for the Respite Care for the Elderly (CRF) account, $600,000 shall be charged to the Casino Simulcasting Fund.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated to the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program is conditioned upon the Department of Health and Senior Services coordinating the benefits of the PAAD program with the prescription drug benefits of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" as the primary payer due to the current federal prohibition against State automatic enrollment of PAAD recipients in the new federal program. The PAAD benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs (as determined by the Commissioner of Health and Senior Services) associated with enrollment in Medicare Part D for beneficiaries of the PAAD and Senior Gold programs, and for Medicare Part D premium costs for PAAD beneficiaries.

Notwithstanding the provisions of any law or regulation to the contrary, effective January 1, 2006, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled (PAAD) and Senior Gold program accounts shall be available as payment as a PAAD or Senior Gold benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under Medicare Part D.

Consistent with the requirements of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" and the current federal prohibition against State automatic enrollment of Pharmaceutical Assistance to the Aged and Disabled (PAAD) recipients, no funds hereinabove appropriated from the PAAD account shall be expended for any individual enrolled in the PAAD program unless the individual provides all data that may be necessary to enroll the individual in Medicare Part D, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.

Notwithstanding the provisions of any law or regulation to the contrary, in order to maximize prescription drug coverage under Medicare Part D, the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be designated the authorized representative for the purposes of coordinating benefits with Medicare Part D, including enrollment and

appeals of coverage determinations. PAAD is authorized to represent program beneficiaries in the pursuit of such coverage. PAAD representation shall not result in any additional financial liability on behalf of such program beneficiaries and shall include, but need not be limited to, the following actions: application for the premium and cost-sharing subsidies on behalf of eligible program beneficiaries; pursuit of appeals, grievances, or coverage determinations; facilitated enrollment in a prescription drug plan or Medicare Advantage Prescription Drug plan. If any beneficiary declines enrollment in any Medicare Part D plan, that beneficiary shall be barred from all benefits of the PAAD program.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and the Senior Gold Prescription Discount Program shall be conditioned upon the following provision: no funds shall be appropriated for the refilling of a prescription drug until such time as the original prescription is 85% finished.

The amounts hereinabove appropriated for Global Budget for Long Term Care are conditioned upon the Commissioner of Health and Senior Services making changes to such program to make it consistent with the federal Deficit Reduction Act of 2005.

Notwithstanding the provisions of any other law or regulation to the contrary, persons receiving services through the Demonstration Adult Day Care Center Program - Alzheimer's Disease may receive services if appropriate medical documentation is provided to the Department of Health and Senior Services to justify those expenditures. A medical day services provider that is providing services through the Demonstration Adult Day Care Center Program - Alzheimer's Disease shall be reimbursed at not less than 85% of the free-standing Adult Day Medical Medicaid day rate. A social day services provider that is providing services through the program shall be reimbursed at not less than 70% of the free-standing Adult Day Medical Medicaid day rate. A medical or social day services provider that is providing services through the program shall not be subject to the 25% matching requirement set forth in section 3 of P.L.1988, c.114 (C.26:2M-11) or the requirement to submit a cost proposal to the Department of Health and Senior Services as set forth in N.J.A.C.8:92-3.2. The Demonstration Adult Day Care Center Program - Alzheimer's Disease shall reimburse the agency the difference between the client co-pay and the agreed upon rate. The Department of Health and Senior Services shall authorize enrollment of persons in the Demonstration Adult Day Care Center Program - Alzheimer's Disease for a maximum of three days per week. The Department shall not require participants in the program to pay for services provided through the program in excess of the amounts currently required under N.J.A.C.8:92-1.1 et seq.

The amounts hereinabove appropriated for Global Budget for Long Term Care shall only be expended if federal approvals are received for such a program and only if federal Medicaid reimbursement or other federal matching funds are available to support the State appropriation.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be expended for diabetic testing materials and supplies which are covered under the federal Medicare Part B program.

STATE AID

55-4275 Programs for the Aged $7,152,000
Total State Aid Appropriation, Senior Services $7,152,000

State Aid:

55 County Offices on Aging ..... ($2,498,000)
55 Older Americans Act – State Share .... (4,654,000)

Department of Health and Senior Services,
Total State Appropriation $1,596,328,000

Consistent with the provisions of P.L.2005, c.237, $40,000,000 from the surcharge on each general hospital and each specialty heart hospital is appropriated to fund federally qualified health centers. Any unexpended balance at the end of the preceding fiscal year in the Health Care Subsidy Fund received through the hospital and other health care initiatives account during fiscal year 2008 is appropriated, and notwithstanding the provision of P.L.2005, c.237 or any law or regulation to the contrary, an amount not to exceed $3,000,000 is appropriated from the unexpended balance of such funds, subject to the approval of the Director of the Division of Budget and Accounting, to provide one time grants to federally qualified health centers in financial distress, as shall be determined by the Commissioner of Health and Senior Services, for the purpose of maintaining adequate access to healthcare within the State; provided further, however, that such one time grants shall only be awarded pursuant to procedure for applications, criteria for eligibility, qualifications of applicants and any other relevant information as shall be established by the commissioner. The qualifications shall include an agreement by a recipient that the recipient shall allow the commissioner to review its finances and operational performance to ensure that access to health care is maintained and public funds are utilized for their intended purpose.

Such sums as may be necessary are appropriated or transferred from existing appropriations within the Department of Health and Senior Services for the purpose of promoting awareness to increase participation in programs that are administered by the Department, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from licenses, permits, fines, penalties and fees collected by the Department of Health and Senior Services, in excess of those anticipated, are appropriated, subject to a plan prepared by the Department and approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 7 of P.L.1992, c.160 (C.26:2H-18.57) or any law or regulation to the contrary, the first $1,200,000 in per adjusted admission charge assessment revenues, attributable to $10.00 per adjusted admission charge assessments made by the Department of Health and Senior Services, shall be anticipated as revenue in the General Fund available for health-related purposes. Furthermore, it is recommended that the remaining revenue attributable to this fee shall be available to carry out the provisions of section 7 of P.L.1992, c.160 (C.26:2H-18.57), as determined by the Commissioner of Health and Senior Services, and subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the State Treasurer shall transfer to the Health Care Subsidy Fund, established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58), only those additional revenues generated from third party liability recoveries, excluding Medicaid, by the State arising from a review by the Director of the Division of Budget and Accounting of hospital payments reimbursed from the Health Care Subsidy Fund with service dates that are after the date of enactment of P.L.1996, c.29.

Notwithstanding the provisions of any law or regulation to the contrary, the Commissioner of Health and Senior Services shall devise, at the commissioner's discretion, rules or guidelines that allocate reductions in health service grants to the extent possible toward administration, and not client services.

Any change in program eligibility criteria and increases in the types of services or rates paid for services to or on behalf of clients for all programs under the purview of the Department of Health and Senior Services, not mandated by federal law, shall first be approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, fees, fines, penalties and assessments owed to the Department of Health and Senior Services shall be offset against payments due and owing from other appropriated funds.

In addition to the amount hereinabove appropriated, receipts from the federal Medicaid (Title XIX) program for health services-related programs throughout the Department of Health and Senior Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

On or before April 1, 2009, the Commissioner of the Department of Health and Senior Services shall report to the Governor, the State Treasurer, the President of the Senate and the Speaker of the General Assembly, the department's plan for the conversion of the Medicaid fee for service long term care benefit to managed care. The report shall include but not be limited to timeframes for implementation per county, plan design, included and excluded populations, and projected savings in related Medicaid expenditures relative to fee-for-service projections for Fiscal Year 2010 through 2014.

In order to permit flexibility in implementing ElderCare Initiatives and the Global Budget for Long Term Care within the Medical Services for the Aged program classification, amounts may be transferred between Direct State Services and Grants-In-Aid accounts, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

In order to permit flexibility in implementing the ElderCare Advisory Commission Initiatives within the Programs for the Aged program classification, amounts may be transferred between Direct State Services and Grants-In-Aid accounts, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Summary of Department of Health and Senior Services Appropriations
(For Display Purposes Only)

Appropriations by Category:	
Direct State Services	$65,684,000
Grants-in-Aid	1,521,092,000
State Aid	9,552,000
Appropriations by Fund:	
General Fund	$1,347,576,000
Casino Revenue Fund	248,752,000

54 DEPARTMENT OF HUMAN SERVICES
20 Physical and Mental Health
23 Mental Health Services
DIRECT STATE SERVICES

10-7710 Patient Care and Health Services	$242,305,000
99-7710 Administration and Support Services	41,309,000
Total Direct State Services Appropriation, Mental Health Services	$283,614,000

Direct State Services:

Personal Services:	
Salaries and Wages	($256,875,000)
Materials and Supplies	(13,025,000)
Services Other Than Personal	(8,229,000)
Maintenance and Fixed Charges	(3,138,000)
Special Purpose:	
10 Interim Assistance	(334,000)

Additions, Improvements and Equipment ..... (2,013,000)

Receipts recovered from advances made under the Interim Assistance program in the mental health institutions are appropriated for the same purpose.

The unexpended balances at the end of the preceding fiscal year in the Interim Assistance program accounts in the mental health institutions are appropriated for the same purpose.

The amount appropriated for the Division of Mental Health Services for State facility operations and the amount appropriated as State Aid for the costs of county facility operations are first charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid uncompensated care.

7700 Division of Mental Health Services

DIRECT STATE SERVICES

99-7700 Administration and Support Services $12,225,000
Total Direct State Services Appropriation, Division of Mental Health Services $12,225,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($10,945,000)
Materials and Supplies ..... (79,000)
Services Other Than Personal ..... (429,000)
Maintenance and Fixed Charges ..... (155,000)
Special Purpose:
99 Governor's Council on Mental Health Stigma ..... (240,000)
Additions, Improvements and Equipment ..... (377,000)

GRANTS-IN-AID

08-7700 Community Services $323,537,000
Total Grants-in-Aid Appropriation, Division of Mental Health Services $323,537,000

Grants-in-Aid:

08 Olmstead Support Services ..... ($40,383,000)
08 Community Care ..... (265,089,000)
08 Community Mental Health Center -- University of Medicine and Dentistry -- Newark ..... (6,205,000)
08 Community Mental Health Center -- University of Medicine and Dentistry -- Piscataway ..... (11,860,000)

The amount hereinabove appropriated for the Community Mental Health Centers and the amount appropriated to the University of Medicine and Dentistry of New Jersey are first charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid uncompensated care, and, as a condition for such appropriation, the University of Medicine and Dentistry of New Jersey shall be required to provide fiscal reports to the Division of Mental Health Services and the Office of State Comptroller, including all applicable expenses incurred for programs supported in whole or in part with the above appropriations, as well as all applicable revenues generated from the provision of such program services, as well as any other revenues used to support such services, in such a format and frequency as required by the Division of Mental Health Services.

With the exception of disproportionate share hospital revenues that may be received, federal and other funds received for the operation of community mental health centers at the New Jersey Medical School and the Robert Wood Johnson Medical School shall be available

to the University of Medicine and Dentistry of New Jersey for the operation of the centers.

Revenues that may be received from fees derived from the licensing of all community mental health programs as specified in N.J.A.C.10:190-1.1 et seq. are appropriated to the Division of Mental Health Services to offset the costs of performing the required reviews.

Of the amounts hereinabove appropriated for Community Care, $39,212,000 shall be expended consistent with the recommendations in the final report of the Governor's Task Force on Mental Health as follows: $14,803,000 for Mental Health Screening Centers; $2,637,000 for Self-Help Centers; $5,359,000 for psychiatric services; $5,125,000 for support services for permanent supportive housing; $1,000,000 for supported employment services; $600,000 for jail diversion in Atlantic County; $600,000 for jail diversion in Essex County; $600,000 for jail diversion in Union County; $924,000 for additional jail diversion programs; $2,868,000 for bilingual and culturally competent services; $1,346,000 for treatment of co-occurring disorders; $1,000,000 for Short-Term Care Facilities; $850,000 for Community Health Law Project; and $1,500,000 for Special Case Management services.

An amount not to exceed $2,327,000 may be transferred from the Community Care and Olmstead Support Services accounts in the Division of Mental Health Services, to the Health Care Subsidy Fund Payments account in the Department of Health and Senior Services, to increase the Mental Health Subsidy Fund portion of this account in order to maintain the FY 2008 per bed allocation for Short-Term Care Facility (STCF) beds, for new STCF beds which opened between January 1, 2008 and June 30, 2009, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

08-7700 Community Services	$123,816,000
Total State Aid Appropriation, Division of Mental Health Services	$123,816,000

State Aid:

08 Support of Patients in County Psychiatric Hospitals	($123,816,000)

The amount hereinabove appropriated for the Support of Patients in County Psychiatric Hospitals account is available to pay liabilities applicable to prior fiscal years, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Support of Patients in County Psychiatric Hospitals account is appropriated.

Notwithstanding the provisions of R.S.30:4-78, or any law or regulation to the contrary, during the period of July 1 through December 31 of each year, commencing July 1, 2009, the State shall pay to each county an amount equal to 37.5% of the total per capita costs for the reasonable cost of maintenance and clothing of county patients in State psychiatric facilities for the period January 1 through December 31 of that year.

Notwithstanding the provisions of R.S.30:4-78, or any law or regulation to the contrary, as of January 1, 2009, the State share of payments from the Support of Patients in County Psychiatric Hospitals account to the several county psychiatric facilities on behalf of the reasonable cost of maintenance of patients deemed to be county indigents shall be at the rate of 47.5% of the established State House Commission rate during the period January 1 through June 30 of each year. For all calendar years beginning January 1, 2009, the total amount to be paid by the State on behalf of county indigent patients shall not exceed 87.5% of the total reasonable per capita cost.

With the exception of all past, present, and future revenues representing federal financial participation received by the State from the United States that is based on payments to hospitals that serve a disproportionate share of low-income patients, which shall be

retained by the State, the sharing of revenues received to defray the State Aid appropriation for the costs of maintaining patients in State and county psychiatric hospitals shall be based on the same percent as costs are shared between the State and counties.

The amount hereinabove appropriated for State Aid reimbursement payments for maintenance of patients in county psychiatric facilities shall be limited to inpatient services only, except that such reimbursement shall be paid to a county for outpatient and partial hospitalization services as defined by the Department of Human Services, if outpatient and/or partial hospitalization services had been previously provided at the county psychiatric facility prior to January 1, 1998. These outpatient and partial hospitalization payments shall not exceed the amount of State Aid funds paid to reimburse outpatient and partial hospitalization services provided during calendar year 1997. In addition, any revision or expansion to the number of inpatient beds or inpatient services provided at such hospitals which will have a material impact on the amount of State Aid payments made for such services, must first be approved by the Department of Human Services before such change is implemented.

The amount hereinabove appropriated for the Division of Mental Health Services for State facility operations and the amount appropriated as State Aid for the costs of county facility operations are first charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid uncompensated care.

In addition to the amounts hereinabove appropriated for the Support of Patients in County Psychiatric Hospitals, in the event that the Assistant Commissioner of the Division of Mental Health Services determines that in order to provide the least restrictive setting appropriate a patient should be admitted to a county psychiatric hospital in a county other than the one in which the patient is domiciled rather than to a State psychiatric hospital, there are hereby appropriated such additional sums as may be required, as determined by the Assistant Commissioner of the Division of Mental Health Services, to reimburse a county for the extra costs, if any, which were incurred in connection with the care of such patient in a county psychiatric hospital which exceeded the cost of care which would have been incurred had the patient been placed in a State psychiatric hospital, subject to the approval of the Director of Budget and Accounting.

24 Special Health Services
7540 Division of Medical Assistance and Health Services
DIRECT STATE SERVICES

21-7540 Health Services Administration and Management	$23,896,000
Total Direct State Services Appropriation, Division of Medical Assistance and Health Services	$23,896,000

Direct State Services:

Personal Services:	
Salaries and Wages	($14,296,000)
Materials and Supplies	(180,000)
Services Other Than Personal	(4,155,000)
Maintenance and Fixed Charges	(308,000)
Special Purpose:	
21 Payments to Fiscal Agents	(4,588,000)
21 Professional Standards Review Organization -- Utilization Review	(329,000)
21 Drug Utilization Review Board -- Administrative Costs	(40,000)

The unexpended balances at the end of the preceding fiscal year, in the Payments to Fiscal Agent account are appropriated.

Sufficient funds from the Health Care Subsidy Fund are appropriated to the Division of Medical Assistance and Health Services for payment to disproportionate share hospitals for uncompensated care costs as defined in P.L.1991, c.187 (C.26:2H-18.24 et seq.), and for subsidized children's health insurance in the NJ FamilyCare program established in P.L.2005, c.156 (C.30:4J-8 et al.) to maximize federal Title XXI funding.

Additional federal Title XIX revenue generated from the claiming of uncompensated care payments made to disproportionate share hospitals shall be deposited in the General Fund as anticipated revenue.

Notwithstanding the provisions of any law or regulation to the contrary, any third party as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), writing health, casualty, workers' compensation or malpractice insurance policies in the State or covering residents of this State, shall enter into an agreement with the Division of Medical Assistance and Health Services to permit and assist the matching no less frequently than on a monthly basis of the Medicaid, NJ FamilyCare, Charity Care, and Work First New Jersey General Assistance eligibility files and/or adjudicated claims files against that third party's eligibility file, including indication of coverage derived from the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, and/or adjudicated claims file for the purpose of coordination of benefits, utilizing, if necessary, social security numbers as common identifiers.

Notwithstanding the provisions of any law or regulation to the contrary, all past, present and future revenues representing federal financial participation received by the State from the United States and that are based on payments made by the State to hospitals that serve a disproportionate share of low-income patients shall be deposited in the General Fund and may be expended only upon appropriation by law.

Notwithstanding the provisions of any law or regulation to the contrary, all revenues received from health maintenance organizations shall be deposited in the General Fund.

Additional federal Title XIX revenue generated from the claiming of medical service payments on behalf of individuals enrolled in the second year of Medicaid Extension is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law or regulation to the contrary, the appropriation to the Division of Medical Assistance and Health Services is conditioned upon the Division of Medical Assistance and Health Services continuing to be responsible for third party liability and the prevention and detection of fraud, waste and abuse in the Medicaid, NJ FamilyCare and Work First New Jersey General Assistance Medical programs and shall refer those matters, as appropriate, to the Office of the Insurance Fraud Prosecutor, Division of Criminal Justice for enforcement pursuant to 42 U.S.C. s.1396a(a) and P.L.1968, c.413 (C.30:4D-7 et seq.). This provision shall remain in effect until the Medicaid Inspector General is appointed and the Medicaid Inspector General's office becomes operational pursuant to the "Medicaid Program Integrity and Protection Act," P.L.2007, c.58 (C.30:4D-53 et seq.).

The Commissioner of the Department of Human Services shall submit a report to the Assembly and Senate Budget Committees, by December 31, 2008, on any efforts the department is currently undertaking related to disease and/or health management programs in the Medicaid program. The report shall include a summary of efforts in other states and on the federal level and whether or not they could be applicable to New Jersey's program. Finally, the report shall include any recommendations the department has for legislative action on this issue.

GRANTS-IN-AID

22-7540 General Medical Services $2,514,778,000

Total Grants-in-Aid Appropriation, Division of Medical Assistance and Health Services $2,514,778,000

Grants-in-Aid:

22 Payments for Medical Assistance Recipients -- Adult Mental Health Residential ..... ($25,381,000)
22 Managed Care Initiative ..... (835,852,000)
22 Hospital Relief Offset Payments ..... (65,845,000)
22 Payments for Medical Assistance Recipients -- ICF/MR ..... (5,652,000)
22 Payments for Medical Assistance Recipients -- Inpatient Hospital ..... (333,818,000)
22 Payments for Medical Assistance Recipients -- Prescription Drugs ..... (508,015,000)
22 Payments for Medical Assistance Recipients -- Outpatient Hospital .... (146,042,000)
22 Payments for Medical Assistance Recipients -- Physician Services ..... (38,674,000)
22 Payments for Medical Assistance Recipients -- Home Health Care ..... (12,075,000)
22 Payments for Medical Assistance Recipients -- Medicare Premiums ... (122,129,000)
22 Payments for Medical Assistance Recipients -- Dental Services ..... (11,325,000)
22 Payments for Medical Assistance Recipients -- Psychiatric Hospital ..... (8,642,000)
22 Payments for Medical Assistance Recipients -- Medical Supplies ..... (13,754,000)
22 Payments for Medical Assistance Recipients -- Clinic Services ..... (77,174,000)
22 Payments for Medical Assistance Recipients -- Transportation Services .. (56,986,000)
22 Payments for Medical Assistance Recipients -- Other Services ..... (7,143,000)
22 Eligibility Determination Services ..... (4,710,000)
22 Health Benefit Coordination Services ... (9,000,000)
22 General Assistance Medical Services . (133,799,000)
22 NJ FamilyCare -- Affordable and Accessible Health Coverage Benefits .. (91,811,000)
22 Programs for Assertive Community Treatment ..... (6,951,000)

The amounts hereinabove appropriated for Payments for Medical Assistance Recipients are available for the payment of obligations applicable to prior fiscal years.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from Payments for Medical Assistance Recipients-Adult Mental Health Residential and Payments for Medical Assistance Recipients-Other Services accounts within the General Medical Services program classification in the Division of Medical Assistance and Health Services and the Payments for Medical Assistance Recipients-Personal Care and the Payments for Medical Assistance Recipients-Other Services accounts in the Division of Disability Services in the Department of Human Services. Amounts may also be transferred to and from various items of appropriation within the General Medical Services program classification of the Division of Medical Assistance and Health

Services in the Department of Human Services and the Medical Services for the Aged program classification in the Division of Aging and Community Services in the Department of Health and Senior Services. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

For the purposes of account balance maintenance, all object accounts appropriated in the General Medical Services program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services but ensure that no overspending will occur in the program classification.

Notwithstanding the provisions of any law or regulation to the contrary, all object accounts appropriated in the General Medical Services program classification shall be conditioned upon the following provision: the Commissioner of Human Services shall have the authority to convert individuals enrolled in a State-funded program who are also eligible for a federally matchable program, to the federally matchable program without the need for regulations.

In addition to the amounts hereinabove appropriated for payments to providers on behalf of medical assistance recipients, such additional sums as may be required are appropriated from the General Fund to cover costs consequent to the establishment of presumptive eligibility for children and pregnant women in the Medicaid (Title XIX) program and the NJ FamilyCare program as defined in P.L.2005, c.156 (C.30:4J-8 et al.).

Notwithstanding the provisions of P.L.1962, c.222 (C.44:7-76 et seq.), the Medical Assistance for the Aged program is eliminated.

Notwithstanding the provisions of any law or regulation to the contrary, all object accounts appropriated in the General Medical Services program classification shall be conditioned upon the following provision: when any action by a county welfare agency, whether alone or in combination with the Division of Medical Assistance and Health Services, results in a recovery of improperly granted medical assistance, the Division of Medical Assistance and Health Services may reimburse the county welfare agency in the amount of 25% of the gross recovery.

All funds recovered pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the current fiscal year are appropriated for payments to providers in the same program class from which the recovery originated.

The amount hereinabove appropriated for the Division of Medical Assistance and Health Services first is to be charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid uncompensated care.

Notwithstanding the provisions of any law or regulation to the contrary, a sufficient portion of receipts generated or savings realized in Medical Assistance Grants-in-Aid accounts from initiatives may be transferred to the Health Services Administration and Management accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to federal approval, the Commissioner of Human Services is authorized to develop and introduce Optional Service Plan Innovations to enhance client choice for users of Medicaid optional services, while containing expenditures.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 CFR 447.205, of the amount hereinabove appropriated for Payments for Medical Assistance Recipients-Adult Mental Health Residential, personal care assistant services shall be limited to no more than 25 hours per week, per recipient.

The Division of Medical Assistance and Health Services, subject to federal approval, shall implement policies that would limit the ability of persons who have the financial ability to provide for their own long-term care needs to manipulate current Medicaid rules to

avoid payment for that care. The Division shall require, in the case of a married individual requiring long-term care services, that the portion of the couple's resources that is not protected for the needs of the community spouse be used solely for the purchase of long-term care services.

Such sums as may be necessary are appropriated from the General Fund for the payment of any provider assessments to Intermediate Care Facilities/Mental Retardation facilities, subject to the approval of the Director of the Division of Budget and Accounting of a plan as shall be submitted by the Commissioner of Human Services.

The Division of Medical Assistance and Health Services is empowered to competitively bid and contract for performance of federally mandated inpatient hospital utilization reviews, and the funds necessary for the contracted utilization review of these hospital services are made available from the Payments for Medical Assistance Recipients-Inpatient Hospital account, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, State funding for the New Jersey Health ACCESS program shall cease, and all enrollment shall be terminated as of July 1, 2001, or at such later date as shall be established by the Commissioner of Human Services.

Notwithstanding the provisions of any law or regulation to the contrary, the NJ FamilyCare program benefit service packages, premium contributions, co-payment levels, enrollment levels, and any other program features or operations may be modified as the Commissioner of Human Services deems necessary based upon a plan approved by the Director of the Division of Budget and Accounting to ensure that monies expended for the NJ FamilyCare program do not exceed the amount hereinabove appropriated.

Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, the Commissioner of Human Services shall adopt immediately upon filing with the Office of Administrative Law such regulations as the Commissioner deems necessary to ensure that monies expended for the NJ FamilyCare program do not exceed the amount hereinabove appropriated. Such regulation may change or adjust the financial and non-financial eligibility requirements for some or all of the applicants or beneficiaries in the program, the benefits provided, cost-sharing amounts, or may suspend in whole or in part the processing of applications for any or all categories of individuals covered by the program.

Notwithstanding the provisions of any law or regulation to the contrary, those hospitals that are eligible to receive a Hospital Relief Subsidy Fund (HRSF) payment as hereinabove appropriated in the Payments for Medical Assistance Recipients-Inpatient Hospital program shall receive enhanced payments from the Medicaid program for providing services to Medicaid and NJ FamilyCare beneficiaries. The total payments shall not exceed the amount appropriated and shall be allocated among hospitals proportionately based on the amount of HRSF payments (excluding any adjustments to the HRSF for other Medicaid payment increases). Interim payments shall be made from the Hospital Relief Offset Payment account, based on an estimate of the total enhanced amount payable to a qualifying hospital, and subject to cost settlement. The enhanced payment, determined at cost settlement, shall be an amount approved by the Director of the Division of Budget and Accounting per Medicaid patient day, adjusted by a volume variance factor (the ratio of expected Medicaid inpatient days to actual Medicaid inpatient days for the rate year) and an HRSF factor (the ratio of the hospital's HRSF payments to total HRSF payments) and subject to a pro rata adjustment so that the total enhanced per diem amounts are equivalent to the total State and federal funds appropriated not to exceed an amount to be approved by the Director of the Division of Budget and Accounting. The total of these payments shall be reduced by an amount equal to any

increase in Medicaid and NJ FamilyCare fee-for-service payments to New Jersey hospitals enacted herein or subsequent to this legislation.

Notwithstanding the provisions of any law or regulation to the contrary, for those hospitals that qualify for a Hospital Relief Subsidy Fund payment the State Medicaid program shall reimburse those hospitals Graduate Medical Education outpatient payments up to the amount the hospital would have received under Medicare principles of reimbursement for Medicaid and NJ FamilyCare fee-for-service beneficiaries. Payments shall be made from and are hereinabove appropriated in the Hospital Relief Offset Payment account, and shall be based on the qualifying hospitals' first finalized 1996 cost reports. The amount that the qualifying hospital would otherwise be eligible to receive from the Hospital Relief Subsidy Fund shall be reduced by the amount of this Graduate Medical Education outpatient payment. The total amount of these payments shall not exceed an amount approved by the Director of the Division of Budget and Accounting in combined State and federal funds. In no case shall these payments and all other enhanced payments related to those services primarily used by Medicaid and NJ FamilyCare beneficiaries that the hospital receives exceed the amount the hospital would otherwise have been eligible to receive from the Hospital Relief Subsidy Fund in the State fiscal year.

Of the amounts hereinabove appropriated in State and federal funds in the Hospital Relief Offset Payment accounts in the Department of Human Services, Division of Medical Assistance and Health Services, such sums as may be necessary shall be transferred to the Hospital Relief Subsidy Fund within the Health Care Subsidy Fund established pursuant to P.L.1992, c.160 (C26:2H-18.51 et seq.) to maximize federal revenues related to these accounts and maintain an appropriate level of hospital payments, subject to the approval of the Director of the Division of Budget and Accounting.

Rebates from pharmaceutical manufacturing companies during the current fiscal year for prescription expenditures made to providers on behalf of Medicaid clients are appropriated for the Payments for Medical Assistance Recipients-Prescription Drugs account.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 CFR 447.205 where applicable, no funds appropriated for prescription drugs in the Payments for Medical Assistance Recipients-Prescription Drugs or General Assistance Medical Services account shall be expended except under the following conditions: (a) reimbursement for the cost of single source brand name legend and non-legend drugs shall be on the basis of Average Wholesale Price less a 15% discount and reimbursement for the cost of multisource generic drugs shall be in accordance with the federal Deficit Reduction Act of 2005 upon final adoption of regulations by the Department of Health and Human Services; (b) the current prescription drug dispensing fee structure set as a variable rate of $3.73 to $3.99 shall remain in effect through the current fiscal year, including the current increments for impact allowances as determined by revised qualifying requirements and allowances for 24-hour emergency services; and (c) multisource generic and single source brand name drugs shall be dispensed without prior authorization but multisource brand name drugs shall require prior authorization issued by the Division of Medical Assistance and Health Services or its authorizing agent; however, a 10-day supply of the multisource brand name drug shall be dispensed pending receipt of prior authorization. Certain multi-source brand name drugs with a narrow therapeutic index, other drugs recommended by the Drug Utilization Board or brand name drugs with lower cost per unit than the generic, may be excluded from prior authorization by the Division of Medical Assistance and Health Services. Further, not later than April 1, 2009 the State Treasurer in consultation with the Commissioner of Human Services shall review whether the utilization of generic pharmaceuticals exceeds the level anticipated and the effect of such enhanced utilization of generic drugs on disbursements from these accounts, net of manufacturers rebates and adjusted for utilization shifts resulting from patent expirations or other one time factors,

and to the extent possible within the limits of the funds appropriated and federal regulations herein above shall modify the average wholesale price discount rate to not less than 12.5%, the upper limit of the prescription drug dispensing fee structure to not greater than $4.07, or both, retroactive to July 1, 2008.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 CFR 447.205, approved nutritional supplements which are funded hereinabove in the Payments for Medical Assistance Recipients-Prescription Drugs account shall be reimbursed in accordance with a fee schedule set by the Director of the Division of Medical Assistance and Health Services.

No funding shall be provided from the General Assistance Medical Services or NJ FamilyCare programs for anti-retroviral drugs for the treatment of HIV/AIDS, as specified in the Department of Health and Senior Services' formulary for the AIDS Drugs Distribution Program (ADDP).

Notwithstanding the provisions of any law or regulation to the contrary, the appropriation in the General Assistance Medical Services account hereinabove shall be conditioned upon the following provisions which shall apply to the dispensing of prescription drugs through that account: (a) all Maximum Allowable Cost (MAC) drugs dispensed shall state "Brand Medically Necessary" in the prescriber's own handwriting if the prescriber determines that it is necessary to override generic substitution of drugs; and (b) each prescription order shall follow the requirements of P.L.1977, c.240 (C.24:6E-1 et seq.). The list of drugs substituted shall conform to all requirements pertaining to drug substitution and federal upper limits for MAC drugs as administered by the State Medicaid Program.

Such sums as may be necessary are appropriated from enhanced audit recoveries obtained by the Division of Medical Assistance and Health Services to fund the costs of enhanced audit recovery efforts of the division within the General Medical Services program classification, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriations in the Payments for Medical Assistance Recipients-Prescription Drugs, General Assistance Medical Services, and NJ FamilyCare accounts shall be conditioned upon the following provision: each prescription order for protein nutritional supplements and specialized infant formulas dispensed shall be filled with the generic equivalent unless the prescription order states "Brand Medically Necessary" in the prescriber's own handwriting.

Of the amount hereinabove appropriated for Payments for Medical Assistance Recipients-Outpatient Hospital, an amount not to exceed $1,900,000 is allocated for limited prenatal medical care for New Jersey pregnant women who, except for financial requirements, are not eligible for any other State or federal health insurance program.

Of the amount hereinabove appropriated for Payments for Medical Assistance Recipients-Clinic Services, an amount not to exceed $1,900,000 is allocated for limited prenatal medical care provided by clinics, or in the case of radiology and clinical laboratory services ordered by a clinic, for New Jersey pregnant women who, except for financial requirements, are not eligible for any other State or federal health insurance program.

Of the revenues received as a result of sanctions to health maintenance organizations participating in Medicaid Managed Care, an amount not to exceed $500,000 is appropriated to the NJ KidCare A - Administration account to improve access to medical services and quality care through such activities as outreach, education, and awareness, subject to the approval of the Director of the Division of Budget and Accounting.

Non-contracted hospitals providing emergency services to Medicaid or NJ FamilyCare members enrolled in the managed care program shall accept, as payment in full, the amounts that the non-contracted hospital would receive from Medicaid for the emergency

services and/or any related hospitalization if the beneficiary were enrolled in Medicaid fee-for-service.

Notwithstanding the provisions of subsection (b) of N.J.A.C.10:60-5.3 and subsection (a) of N.J.A.C.10:60-5.4 to the contrary, a person receiving the maximum number of Early and Periodic Screening, Diagnosis and Treatment/Private Duty Nursing (EPSDT/PDN) services, that is, 16 hours in any 24-hour period, may be authorized to receive additional PDN hours if private health insurance is available to cover the cost of the additional hours and appropriate medical documentation is provided that indicates that additional PDN hours are required and that the primary caregiver is not qualified to provide the additional PDN hours.

Additional federal Title XIX revenue generated from the claiming of family planning services payments on behalf of individuals enrolled in the Medicaid managed care program is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The Division of Medical Assistance and Health Services (DMAHS), in coordination with the county welfare agencies, shall continue a program to outstation eligibility workers in disproportionate share hospitals and federally qualified health centers.

The amount hereinabove appropriated for Payments for Medical Assistance Recipients-Other Services, NJ FamilyCare, and NJ KidCare may be used to pay financial rewards to individuals or entities who report instances of health care-related fraud and/or abuse involving the programs administered by DMAHS (including, but not limited to, the New Jersey Medicaid and NJ FamilyCare programs), or the Pharmaceutical Assistance to the Aged and Disabled (PAAD) or Work First New Jersey General Public Assistance programs. Rewards may be paid only when the reports result in a recovery by DMAHS, and only if other conditions established by DMAHS are met, and shall be limited to 10% of the recovery or $1,000, whichever is less. Notwithstanding the provisions of any law or regulation to the contrary, but subject to any necessary federal approval and/or change in federal law, receipt of such rewards shall not affect an applicant's individual financial eligibility for the programs administered by DMAHS, or for PAAD or Work First New Jersey General Public Assistance programs.

Of the amount hereinabove appropriated for Eligibility Determination, an amount not to exceed $630,000 is allocated for increased eligibility determination costs related to immigrant services.

Premiums received from families enrolled in the NJ FamilyCare program established pursuant to P.L.2005, c.156 (C.30:4J-8 et al.) are appropriated for NJ FamilyCare payments.

Of the amount hereinabove appropriated for the NJ FamilyCare program, there shall be transferred to various accounts, including Direct State Services and State Aid accounts, such amounts, not to exceed $6,000,000, as are necessary to pay for the administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

The Commissioners of Human Services and Health and Senior Services shall establish a system to utilize unopened prescription drugs at nursing facilities issued to patients at such facilities and which have not exceeded their expiration date.

Notwithstanding the provisions of any law or regulation to the contrary, from the amount hereinabove appropriated for the Payments for Medical Assistance Recipients-Inpatient Hospital account, the Commissioner of Human Services shall establish a disease management program to improve the quality of care for beneficiaries of the Division of Medical Assistance and Health Services and reduce costs in the General Medical Services program.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated for the Medicaid program as hereinabove appropriated in the Payments for Medical

Assistance Recipients-Prescription Drugs account are available to any pharmacy that does not agree to allow Medicaid to bill on its behalf any third party, as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), by participating in a billing agreement executed between the State and the pharmacy.

Notwithstanding the provisions of any law or regulation to the contrary, effective January 1, 2005, inpatient hospital reimbursements for Medical Assistance services for dually eligible individuals shall exclude Medicare Part A crossover payments according to a plan designed by the Commissioner of Human Services and approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of N.J.A.C.10:49-7.1 et seq. to the contrary, and subject to approval by the federal government, the Division of Medical Assistance and Health Services shall increase reimbursement for ambulance services, including BLS emergency and nonemergency ambulance services and specialty care transport services, provided to Medicaid recipients who are also Medicare eligible to the applicable Medicare rate.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 CFR 447.205 where applicable, the appropriation in the Payments for Medical Assistance Recipients-Physician Services account shall be conditioned upon the following provisions: (a) reimbursement for the cost of physician-administered drugs shall be consistent with reimbursement for legend and non-legend drugs; and (b) reimbursement for selected high cost physician-administered drugs shall be limited to those drugs supplied by manufacturers who have entered into the federal Medicaid Drug Rebate Agreement and are subject to drug rebate rules and regulations consistent with this agreement. The Division of Medical Assistance and Health Services shall collect and submit utilization and coding information to the Secretary of the United States Department of Health and Human Services for all single source drugs administered by physicians.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriation in the Payments for Medical Assistance Recipients-Clinic Services, Payments for Medical Assistance Recipients-Physician Services, Payments for Medical Assistance Recipients-Medical Supplies and Payments for Medical Assistance Recipients-Other Services shall be conditioned upon the following provision: no funds shall be expended for partial care services, chiropractic services, medical supplies except those sold in a pharmacy, or podiatry services to any provider who was not a Medicaid/NJ FamilyCare approved provider of partial care services, chiropractic services, medical supples except those sold in a pharmacy, or podiatry services, respectively, prior to July 1, 2006 with the exception of new providers whose services are deemed necessary to meet special needs by the Division of Medical Assistance and Health Services.

Notwithstanding the provisions of any law or regulation to the contrary, the hereinabove appropriation for Payments for Medical Assistance Recipients-Prescription Drugs shall be conditioned upon the following provision: no funds shall be appropriated for the refilling of a prescription drug until such time as the original prescription is 85% finished.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriation hereinabove for Payments for Medical Assistance Recipients-Outpatient Hospital shall be conditioned upon the following provision: certifications shall not be granted for new or re-locating off-site hospital-based entities in accordance with N.J.A.C.10:52-1.3 with the exception of providers whose services are deemed necessary to meet special needs by the Division of Medical Assistance and Health Services.

Of the amount hereinabove appropriated for Payments for Medical Assistance Recipients-Prescription Drugs, such sums as are necessary are available for payment of Medicare Part D copayments and for certain pharmaceuticals not included in the Part D provider formularies for those individuals who are dually eligible for Medicaid and Medicare. These funds shall only be available to cover copayments and non-formulary

drugs to pharmacies participating in the federal Medicare Part D program. Payments for pharmaceuticals not included in the Part D formularies may be subject to prior authorization. The Department of Human Services may require proof of appeal or may appeal the Medicare Part D formulary decision on behalf of a dual-eligible client.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Payments for Medical Assistance Recipients-Prescription Drugs line item shall be expended for the payment of claims for pharmaceuticals not included in the Part D provider formularies of Medicare Part D eligibles unless participating pharmaceutical manufacturing companies execute contracts with the Department of Human Services providing for the payment of rebates to the State on the same basis as provided for in section 1927 (a) through (c) of the federal Social Security Act, 42 U.S.C. s.1396r-8(a) - (c). All rebates received are appropriated for the Medical Assistance Recipients-Prescription Drugs account.

Notwithstanding the provisions of any law or regulation to the contrary, commencing at the beginning of the current fiscal year, of the amounts hereinabove appropriated to Payments for Medical Assistance Recipients - Inpatient Hospital, distribution of the Graduate Medical Education (GME) Medicaid payment to eligible acute care teaching hospitals shall not include federal funds without federal approval. GME shall be distributed using the same methodology as was used in State fiscal year 2008.

The amounts hereinabove appropriated for Adult Mental Health Residential, Managed Care, Hospital Relief Offset Payments, ICF/MR, Inpatient Hospital, Prescription Drugs, Outpatient Hospital, Physician Services, Home Health Care, Medicare Premiums, Dental Services, Psychiatric Hospital, Medical Supplies, Clinic Services, Transportation Services, Other Services, Eligibility Determination Services, and Health Benefit Coordination Services are conditioned upon the Commissioner of Human Services making changes to such programs to make them consistent with the federal Deficit Reduction Act of 2005.

The unexpended balance at the end of the preceding fiscal year in the NJ FamilyCare-Affordable and Accessible Health Coverage Benefits account is appropriated for the same purpose and may also be transferred to any appropriation in the General Medical Services program classification for payment for services to NJ FamilyCare clients. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

In accordance with the "Family Health Care Coverage Act," P.L.2005, c.156 (C.30:4J-8 et al.), rebates collected during the current fiscal year from the pharmaceutical manufacturing companies for prescription expenditures made to providers on behalf of General Assistance Medical Services clients are appropriated to NJ FamilyCare - Affordable and Accessible Health Coverage Benefits.

Notwithstanding the provisions of any law or regulation to the contrary, all financial recoveries obtained through the efforts of any entity authorized to undertake the prevention and detection of Medicaid fraud, waste and abuse, are appropriated to General Medical Services in the Division of Medical Assistance and Health Services.

Notwithstanding the provisions of any law or regulation to the contrary, effective January 1, 2009, payments for the Payments of Medical Assistance Recipients - Outpatient Hospital account for outpatient hospital reimbursement for all psychiatric services provided as an outpatient hospital service to all eligible individuals regardless of age, shall be paid at the lower of charges or the prospective hourly rates as listed in N.J.A.C.10:52-4.3. Cost related to such services shall be excluded from outpatient hospital cost settlements. Hospitals may provide continued services to all eligible individuals in partial hospitalization programs in need of additional care beyond the 24 month limit and shall bill for these extended services at the community partial care rate of $77 per day.

Notwithstanding the provisions of any law or regulation to the contrary, the Commissioner of Human Services is authorized to utilize savings not to exceed $8,000,000 in the Payments for Medical Assistance Recipients-Outpatient Hospital account that materialize as a result of the annualization of the February 5, 2007 Outpatient Hospital Psychiatric Reimbursement changes for individuals age 22 and older. Utilization of the savings not to exceed $8,000,000 shall be for outpatient hospital psychiatric service rate adjustments in the Medicaid program and/or reinvestment into community based psychiatric services for individuals age 22 and older. An amount not to exceed $8,000,000 may be transferred to the Community Care appropriation within the Division of Mental Health Services to support outpatient hospital and community based psychiatric services for individuals age 22 and older, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Payments for Medical Assistance Recipients - Clinic Services, may be used to reimburse Federally Qualified Health Centers (FQHCs) the higher of their Medicaid PPS encounter rate or the fee-for-service rate for specified deliveries and ob/ gyn surgeries for clients not enrolled in managed care. Reimbursement for surgical assistants shall be at the fee-for-service rate for clients not enrolled in managed care. Managed care organizations shall reimburse FQHCs for these services and the FQHCs shall be carved out of wraparound reimbursement for these services.

Notwithstanding the provisions of any other law or regulation to the contrary, effective commencing at the beginning of the current fiscal year, the appropriation hereinabove for Payments for Medical Assistance Recipients - Prescription Drugs, as well as Prescription Drugs for recipients of the NJ FamilyCare and General Assistance Medical Services programs for fee-for-services claims shall be conditioned upon the following provision: the frequency of pricing updates to the reimbursement rates paid for Medicaid prescription drugs shall be limited to once per month.

Notwithstanding the provisions of any other law or regulation to the contrary, effective commencing at the beginning of the current fiscal year and subject to federal approval, of the amounts hereinabove appropriated to Payments of Medical Assistance Recipients - Inpatient Hospital, inpatient medical services provided through the Division of Medical Assistance and Health Services shall be conditioned upon the following provision: No funds shall be expended for hospital services during which a preventable hospital error occurred or for hospital services provided for the necessary inpatient treatment arising from a preventable hospital error, as shall be defined by the Commissioner of the Department of Human Services.

Notwithstanding the provisions of any other law or regulation to the contrary, the amounts expended from Payments for Medical Assistance Recipients - Medical Supplies shall be conditioned upon the following: reimbursement for adult incontinence briefs and oxygen concentrators shall be set at 70% of reasonable and customary charges.

Notwithstanding the provisions of subsection (a) of N.J.A.C.10:60-5.7 and subsection (e) of N.J.A.C.10:60-11.2 to the contrary, the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Clinic Services is conditioned upon the Commissioner of Human Services increasing the hourly nursing rates for Early and Periodic Screening, Diagnosis and Treatment/Private Duty Nursing (EPSDT/PDN) services by $10 per hour.

Of the amounts hereinabove appropriated to NJ FamilyCare-Affordable and Accessible Health Coverage Benefits, upon the enactment of P.L.2008, c. (pending as Senate Bill No.1557 of 2008) authorizing the expansion of health care coverage to certain low income parents, $8,000,000 is appropriated to fund the increase in coverage provided for in that act.

27 Disability Services
7545 Division of Disability Services
DIRECT STATE SERVICES

27-7545 Disability Services	$1,274,000
Total Direct State Services Appropriation, Division of Disability Services	$1,274,000

Direct State Services:

Personal Services:	
Salaries and Wages	($1,101,000)
Materials and Supplies	(4,000)
Services Other Than Personal	(160,000)
Maintenance and Fixed Charges	(9,000)

GRANTS-IN-AID

27-7545 Disability Services	$173,230,000
(From General Fund	***$75,289,000)***
(From Casino Revenue Fund	***97,941,000)***
Total Grants-in-Aid Appropriation, Division of Disability Services	$173,230,000
(From General Fund	***$75,289,000)***
(From Casino Revenue Fund	***97,941,000)***

Grants-in-Aid:

27 Personal Assistance Services Program	($7,277,000)
27 Personal Assistance Services Program (CRF)	(3,734,000)
27 Community Supports to Allow Discharge from Nursing Homes	(2,000,000)
27 Payments for Medical Assistance Recipients -- Personal Care	(59,371,000)
27 Payments for Medical Assistance Recipients -- Personal Care (CRF)	(77,705,000)
27 Payments for Medical Assistance Recipients -- Waiver Initiatives	(4,941,000)
27 Payments for Medical Assistance Recipients -- Waiver Initiatives (CRF)	(16,502,000)
27 Payments for Medical Assistance Recipients -- Other Services	(1,700,000)

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from Payments for Medical Assistance Recipients-Adult Mental Health Residential and Payments for Medical Assistance Recipients-Other Services accounts within the General Medical Services program classification in the Division of Medical Assistance and Health Services and the Payments for Medical Assistance Recipients-Personal Care and the Payments for Medical Assistance Recipients-Other Services accounts in the Division of Disability Services in the Department of Human Services. Amounts may also be transferred to and from various items of appropriations within the General Medical Services program classification of the Division of Medical Assistance and Health Services in the Department of Human Services and the Medical Services for the Aged program classification in the Division of Aging and Community Services in the Department of Health and Senior Services. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 CFR 447.205, of the amount hereinabove appropriated for Payments for Medical Assistance Recipients-Personal Care, personal care assistant services shall be authorized prior to the beginning of services by the Director of the Division of Disability Services. The hourly rate for personal care services shall not exceed $16.15.

30 Educational, Cultural, and Intellectual Development
32 Operation and Support of Educational Institutions
DIRECT STATE SERVICES

05-7610 Residential Care and Habilitation Services $312,802,000
(From General Fund ..... $56,740,000)
(From Federal Funds ..... 256,062,000)
99-7610 Administration and Support Services 71,641,000
(From General Fund ..... 47,598,000)
(From Federal Funds ..... 24,043,000)
Total Appropriation, State and Federal Funds $384,443,000
(From General Fund ..... $104,338,000)
(From Federal Funds ..... 280,105,000)
Less:
Federal Funds $280,105,000
Total Deductions $280,105,000
Total Direct State Services Appropriation, Operation and Support of Educational Institutions $104,338,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($333,043,000)
Materials and Supplies ..... (27,055,000)
Services Other Than Personal ..... (17,519,000)
Maintenance and Fixed Charges ..... (3,895,000)
Special Purpose:
05 Family Care ..... (6,000)
Additions, Improvements and Equipment ..... (2,925,000)
Less:
Federal Funds 280,105,000

The State appropriation for the State's developmental centers is based on ICF/MR revenues of $324,994,000 provided that if the ICF/MR revenues exceed $324,994,000 there will be placed in reserve a portion of the State appropriation equal to the excess amount of ICF/MR revenues, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Operation and Support of Educational Institutions of the Division of Developmental Disabilities, such other sums provided in Inter-Departmental Accounts for Employee Benefits, as the Director of the Division of Budget and Accounting shall determine, are considered as appropriated on behalf of the Developmental Centers and are available for matching federal funds.

7600 Division of Developmental Disabilities
DIRECT STATE SERVICES

99-7600 Administration and Support Services $10,961,000
(From General Fund ..... $3,310,000)
(From Federal Funds ..... 7,651,000)
Total Appropriation, State and Federal Funds $10,961,000

(From General Fund ..... $3,310,000)
(From Federal Funds ..... 7,651,000)
Less:
Federal Funds $7,651,000
Total Deductions **$7,651,000**
Total Direct State Services Appropriation,
Division of Developmental Disabilities $3,310,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($10,217,000)
Materials and Supplies ..... (64,000)
Services Other Than Personal ..... (250,000)
Maintenance and Fixed Charges ..... (99,000)
Special Purpose:
99 Developmental Disabilities Council ..... (306,000)
Additions, Improvements and Equipment ..... (25,000)
Less:
Federal Funds 7,651,000

An amount not to exceed $223,000 from receipts from individuals for whom the Division of Developmental Disabilities in the Department of Human Services collects contribution to care reimbursements is appropriated for participation in the Foster Grandparents and Senior Companions programs.

7601 Community Programs
DIRECT STATE SERVICES

01-7601 Purchased Residential Care $4,575,000
(From General Fund ..... $1,595,000)
(From Federal Funds ..... 2,980,000)
02-7601 Social Supervision and Consultation 36,466,000
(From General Fund ..... 4,794,000)
(From Federal Funds ..... 31,672,000)
03-7601 Adult Activities 2,550,000
(From General Fund ..... 1,468,000)
(From Federal Funds ..... 1,082,000)
Total Appropriation, State
and Federal Funds $43,591,000
(From General Fund ..... $7,857,000)
(From Federal Funds ..... 35,734,000)
Less:
Federal Funds $35,734,000
Total Deductions $35,734,000
Total Direct State Services Appropriation,
Community Programs $7,857,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($41,068,000)
Materials and Supplies ..... (76,000)
Services Other Than Personal ..... (685,000)
Maintenance and Fixed Charges ..... (491,000)
Additions, Improvements and Equipment .... (1,271,000)
Less:
Federal Funds $35,734,000

GRANTS-IN-AID

01-7601 Purchased Residential Care	$655,352,000
(From General Fund	*$380,308,000)*
(From Casino Revenue Fund	*22,934,000)*
(From Federal Funds	*206,131,000)*
(From All Other Funds	*45,979,000)*
02-7601 Social Supervision and Consultation	85,777,000
(From General Fund	*59,357,000)*
(From Casino Revenue Fund	*2,208,000)*
(From Federal Funds	*24,212,000)*
03-7601 Adult Activities	167,392,000
(From General Fund	*109,084,000)*
(From Casino Revenue Fund	*7,374,000)*
(From Federal Funds	*50,934,000)*
Total Appropriation, State, Federal and All Other Funds	$908,521,000
(From General Fund	*$548,749,000)*
(From Casino Revenue Fund	*32,516,000)*
(From Federal Funds	*281,277,000)*
(From All Other Funds	*45,979,000)*
Less:	
Federal Funds	*$281,277,000*
All Other Funds	*45,979,000*
Total Deductions	*$327,256,000*
Total Grants-in-Aid Appropriation, Community Programs.	$581,265,000

Grants-in-Aid:

01 Dental Program for Non-Institutionalized Children	($564,000)
01 Private Institutional Care	(77,426,000)
01 Private Institutional Care (CRF)	(1,311,000)
01 Skill Development Homes	(23,775,000)
01 Skill Development Homes (CRF)	(1,141,000)
01 Group Homes	(500,402,000)
01 Group Homes (CRF)	(20,354,000)
01 Olmstead Residential Services	(30,118,000)
01 Family Care	(133,000)
01 Family Care (CRF)	(128,000)
02 Addressing the Needs of the Autism Community	(4,500,000)
02 Essex ARC -- Expanded Respite Care Services for Families with Autistic Children	(75,000)
02 Autism Respite Care	(1,000,000)
02 Developmental Disabilities Council	(1,183,000)
02 Home Assistance	(47,003,000)
02 Home Assistance (CRF)	(1,657,000)
02 Purchase of After School and Camp Services	(1,339,000)
02 Purchase of After School and Camp Services (CRF)	(551,000)
02 Real Life Choices	(24,280,000)
02 Social Services	(3,718,000)
02 Case Management	(471,000)

03 Purchase of Adult Activity Services .. (160,018,000)
03 Purchase of Adult Activity Services (CRF) ..... (7,374,000)

Less:
Federal Funds 281,277,000
All Other Funds 45,979,000

The Division of Developmental Disabilities is authorized to transfer funds from the Dental Program for Non-Institutionalized Children account to the Division of Medical Assistance and Health Services, in proportion to the number of program participants who are Medicaid eligible.

Excess State funds realized by federal involvement through Medicaid in the Dental Program for Non-Institutionalized Children are committed for the program's support during the subsequent fiscal year, rather than for expansion.

Amounts that become available as a result of the return of persons from private institutional care placements, including in-State and out-of-State placements, shall be available for transfer to other Grants-in-Aid accounts within the Division of Developmental Disabilities, subject to the approval of the Director of the Division of Budget and Accounting.

Cost recoveries from skill development homes during the current fiscal year, not to exceed $12,500,000, are appropriated for the continued operation of the Skill Development Homes program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of Title 30 of the Revised Statutes or any other law or regulation to the contrary, the Assistant Commissioner of the Division of Developmental Disabilities is authorized to waive statutory, regulatory, or licensing requirements in the use of funds appropriated hereinabove for the operation of the self-determination program including participants from the Community Services Waiting List Reduction Initiatives-FY1997 through FY2002, subject to the approval of a plan by the Assistant Commissioner of the Division of Developmental Disabilities, which allowed an individual to be removed from the waiting list. This waiver also applies to those persons identified as part of the Community Transition Initiative-FY2001 and FY2002, and the Community Nursing Care Initiative-FY2002, who chose self-determination.

Cost recoveries from developmentally disabled consumers collected during the current fiscal year, not to exceed $33,479,000, are appropriated for the continued operation of the Group Homes program, subject to the approval of the Director of the Division of Budget and Accounting.

Such sums as may be necessary are appropriated from the General Fund for the payment of any provider assessments to State Intermediate Care Facilities/Mental Retardation facilities, subject to the approval of the Director of the Division of Budget and Accounting of a plan to be submitted by the Commissioner of Human Services. Notwithstanding the provisions of any law or regulation to the contrary, only the federal share of funds anticipated from these assessments shall be available to the Department of Human Services for the purposes set forth in P.L.1998, c.40 (C.30:6D-43 et seq.).

Notwithstanding the provisions of any law or regulation to the contrary, $303,766,000 of federal Community Care Waiver funds is appropriated for community-based programs in the Division of Developmental Disabilities. The appropriation of federal Community Care Waiver funds above this amount is conditional upon the approval of a plan submitted by the Department of Human Services that must be approved by the Director of the Division of Budget and Accounting.

In order to permit flexibility in the handling of appropriations and assure timely payment to service providers, funds may be transferred within the Grants-in-Aid accounts within the

Division of Developmental Disabilities, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Capital Improvements for Olmstead Group Homes account is appropriated.

The unexpended balance at the end of the preceding fiscal year in the Asperger's Syndrome Pilot Program account is appropriated.

Of the amount hereinabove appropriated for Addressing the Needs of the Autism Community, $500,000 is appropriated to the Autism Center at the University of Medicine and Dentistry of New Jersey - New Jersey Medical School.

The unexpended balance at the end of the preceding fiscal year in the Addressing the Needs of the Autism Community account is appropriated.

Notwithstanding the provisions of any law or regulation to the contrary, the unexpended balance at the end of the preceding fiscal year, not to exceed $12,500,000, in the Group Homes account, is appropriated to provide community residential placements for clients on the Division of Developmental Disabilities Community Services Waiting List with the services to be provided consistent with a needs assessment and for other community services, including but not limited to residential or other in-home supports, subject to the approval of the Director of the Division of Budget and Accounting.

Amounts required to return persons with developmental disabilities presently residing in out-of-State institutions to community residences within the State may be transferred from the Private Institutional Care account to other Casino Revenue Fund Grants-in-Aid accounts within the Division of Developmental Disabilities, subject to the approval of the Director of the Division of Budget and Accounting.

33 Supplemental Education and Training Programs
7560 Commission for the Blind and Visually Impaired
DIRECT STATE SERVICES

11-7560 Services for the Blind and Visually Impaired	$7,592,000
99-7560 Administration and Support Services	2,284,000
Total Direct State Services Appropriation, Commission for the Blind and Visually Impaired	$9,876,000

Direct State Services:

Personal Services:	
Salaries and Wages	($7,781,000)
Materials and Supplies	(123,000)
Services Other Than Personal	(1,107,000)
Maintenance and Fixed Charges	(80,000)
Special Purpose:	
11 Technology for the Visually Impaired	(765,000)
Additions, Improvements and Equipment	(20,000)

There is appropriated from funds recovered from audits or other collection activities, an amount sufficient to pay vendors' fees to compensate the recoveries and the administration of the State's vending machine program, subject to the approval of the Director of the Division of Budget and Accounting. Receipts in excess of $130,000 are appropriated for the purpose of expanding vision screening services and other prevention services, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year of such receipts is appropriated.

Notwithstanding the provisions of N.J.S.18A:61-1 and N.J.S.18A:46-13, or any law or regulation to the contrary, local boards of education shall reimburse the Commission for the Blind and Visually Impaired for the documented costs of providing services to children who are classified as "educationally handicapped," provided however, each local

board of education shall pay that portion of cost which the number of children classified "educationally handicapped" bears to the total number of such children served, provided further, however, that payments shall be made by each local board in accordance with a schedule adopted by the Commissioners of Education and Human Services, and further, the Director of the Division of Budget and Accounting is authorized to deduct such reimbursements from the State Aid payments to the local boards of education.

The unexpended balances at the end of the preceding fiscal year in the Technology for the Visually Impaired account are appropriated for the Commission for the Blind and Visually Impaired, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated, the amount of $900,000 is transferred from the Governor's Literacy Initiative to the Commission for the Blind and Visually Impaired for increased Braille lessons for blind children, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

11-7560 Services for the Blind and Visually Impaired $4,277,000
Total Grants-in-Aid Appropriation, Commission for the Blind and Visually Impaired $4,277,000

Grants-in-Aid:

11 Camp Marcella ..... ($52,000)
11 Psychological Counseling ..... (156,000)
11 State Match for Federal Grants ..... (617,000)
11 Recording for the Blind, Inc ..... (53,000)
11 Educational Services for Children ..... (1,670,000)
11 Services to Rehabilitation Clients ..... (1,729,000)

50 Economic Planning, Development, and Security
53 Economic Assistance and Security
7550 Division of Family Development
DIRECT STATE SERVICES

15-7550 Income Maintenance Management $132,626,000
(From General Fund ..... $24,171,000)
(From Federal Funds ..... 87,916,000)
(From All Other Funds ..... 20,539,000)
Total Appropriation, State, Federal and All Other Funds $132,626,000
(From General Fund ..... $24,171,000)
(From Federal Funds ..... 87,916,000)
(From All Other Funds ..... 20,539,000)
Less:
Federal Funds $87,916,000
All Other Funds 20,539,000
Total Deductions $108,455,000
Total Direct State Services Appropriation, Division of Family Development $24,171,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($31,176,000)
Materials and Supplies ..... (749,000)
Services Other Than Personal ..... (30,694,000)
Maintenance and Fixed Charges ..... (1,490,000)

Special Purpose:
15 Electronic Benefit Transfer/
Distribution System ..... (2,794,000)
15 Work First New Jersey -- Technology
Investment ..... (65,479,000)
Additions, Improvements and Equipment ..... (244,000)
Less:
Federal Funds 87,916,000
All Other Funds 20,539,000

Receipts derived from counties and local governments for data processing services and the unexpended balance at the end of the preceding fiscal year of such receipts are appropriated.

In order to permit flexibility, amounts may be transferred between various items of appropriation within the Income Maintenance Management program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

The unexpended balances at the end of the preceding fiscal year in accounts where expenditures are required to comply with Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

15-7550 Income Maintenance Management $548,759,000
(From General Fund ..... $265,281,000)
(From Federal Funds ..... 263,478,000)
(From All Other Funds ..... 20,000,000)
Total Appropriation, State, Federal and
All Other Funds $548,759,000
(From General Fund ..... $265,281,000)
(From Federal Funds ..... 263,478,000)
(From All Other Funds ..... 20,000,000)
Less:
Federal Funds $263,478,000
All Other Funds 20,000,000
Total Deductions $283,478,000
Total Grants-in-Aid Appropriation, Division of
Family Development $265,281,000
Grants-in-Aid:
15 DFD Homeless Prevention Initiative ... ($3,388,000)
15 Restricted Grants ..... (5,516,000)
15 Work First New Jersey -- Training
Related Expenses ..... (16,871,000)
15 Work First New Jersey
Support Services ..... (76,535,000)
15 Work First New Jersey -- Community
Housing for Teens ..... (244,000)
15 Work First New Jersey --
Breaking the Cycle ..... (1,055,000)
15 Work First New Jersey -- Child Care . (377,267,000)
15 Kinship Care Initiatives ..... (7,244,000)
15 Housing Diversion/Subsidy Program ..... (43,000)

15 Domestic Violence Prevention
Training and Assessment . . . . . (478,000)
15 Pre-Early Childhood Education . . . . . (1,901,000)
15 Mental Health Assessments . . . . . (3,446,000)
15 Wage Supplement Program . . . . . (1,405,000)
15 Kinship Care Guardianship and Subsidy (3,348,000)
15 Minority Male Initiative . . . . . (205,000)
15 Social Services for the Homeless . . . . . (11,997,000)
15 SSI Attorney Fees . . . . . (2,684,000)
15 Substance Abuse Initiatives . . . . . (35,132,000)

Less:
Federal Funds 263,478,000
All Other Funds 20,000,000

In order to permit flexibility, amounts may be transferred between various items of appropriation within the Income Maintenance Management program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

The unexpended balances at the end of the preceding fiscal year in accounts where expenditures are required to comply with Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193 are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts appropriated for Work First New Jersey, amounts may be transferred to the various departments in accordance with the Division of Family Development's agreements, subject to the approval of the Director of the Division of Budget and Accounting. Any unobligated balances remaining from funds transferred to the departments shall be transferred back to the Division of Family Development, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Income Maintenance Management program classification is subject to the following condition: the Commissioner of Human Services shall provide the Director of the Division of Budget and Accounting, the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with quarterly reports, due within 60 days after the end of each quarter, containing written statistical and financial information on the Work First New Jersey program and any subsequent welfare reform program the State may undertake.

Notwithstanding any law to the contrary, in addition to the amounts hereinabove for the Work First New Jersey Support Services, an amount not to exceed $20,000,000 is appropriated from the Workforce Development Partnership Fund established pursuant to section 9 of P.L.1992, c.43 (C.34:15D-9), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for Work First New Jersey Support Services, an amount not to exceed $20,000,000 may be appropriated from the Workforce Development Partnership Fund established pursuant to section 9 of P.L.1992, c.43 (C.34:15D-9) to the Division of Family Development for Work First New Jersey Support Services in the event federal funding is reduced pursuant to work participation requirements as specified in section 7102 of the federal Deficit Reduction Act of 2005 (Pub.L.109-171), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, no funds hereinabove appropriated for before-school, after-school and summer "wrap around" child care shall

be expended except in accordance with the following condition: effective September 1, 2008, families with incomes above 250% of the federal poverty level who reside in districts who received pre-school expansion aid in fiscal 2007 shall not be eligible for free "wrap around" child care.

STATE AID

15-7550 Income Maintenance Management $761,126,000
(From General Fund ..... $306,301,000)
(From Federal Funds ..... 450,848,000)
(From All Other Funds ..... 3,977,000)
Total Appropriation, State, Federal and All Other Funds $761,126,000
(From General Fund ..... $306,301,000)
(From Federal Funds ..... 450,848,000)
(From All Other Funds ..... 3,977,000)
Less:
Federal Funds $450,848,000
All Other Funds 3,977,000
Total Deductions $454,825,000
Total State Aid Appropriation, Division of Family Development $306,301,000

State Aid:
15 County Administration Funding .... ($267,725,000)
15 Work First New Jersey -- Client Benefits ..... (116,186,000)
15 Earned Income Tax Credit Program ... (18,393,000)
15 General Assistance Emergency Assistance Program ..... (69,443,000)
15 Payments for Cost of General Assistance ..... (72,658,000)
15 Work First New Jersey -- Emergency Assistance ..... (71,338,000)
15 Payments for Supplemental Security Income ..... (87,809,000)
15 State Supplemental Security Income Administrative Fee to SSA ..... (19,273,000)
15 General Assistance County Administration ..... (29,678,000)
15 Food Stamp Administration -- State .... (8,600,000)
15 Fair Labor Standards Act -- Minimum Wage Requirements (TANF) ..... (23,000)
Less:
Federal Funds 450,848,000
All Other Funds 3,977,000

The net State share of reimbursements and the net balances remaining after full payment of sums due the federal government of all funds recovered under P.L.1997, c.38 (C.44:10-55 et seq.), P.L.1950, c.166 (C.30:4B-1 et seq.), during the fiscal year ending June 30, 2008 are appropriated.

Receipts from State administered municipalities during the preceding fiscal year are appropriated.

The sum hereinabove appropriated is available for payment of obligations applicable to prior fiscal years.

Any change by the Department of Human Services in the standards upon which or from which grants of categorical public assistance are determined, shall first be approved by the Director of the Division of Budget and Accounting.

In order to permit flexibility and ensure the timely payment of benefits to welfare recipients, amounts may be transferred between the various items of appropriation within the Income Maintenance Management program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, the Director of the Division of Budget and Accounting is authorized to withhold State Aid payments to municipalities to satisfy any obligations due and owing from audits of that municipality's General Assistance program.

The unexpended balances at the end of the preceding fiscal year in accounts where expenditures are required to comply with Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193, and in the Payments for Cost of General Assistance and General Assistance-Emergency Assistance Program accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from counties for persons receiving Old Age Assistance, Disability Assistance, and Assistance for the Blind under the Supplemental Security Income (SSI) program are appropriated for the purpose of providing State Aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the provisions of section 3 of P.L.1973, c.256 (C.44:7-87), the Department of Human Services shall assess welfare boards at the beginning of each fiscal year in the same proportion that the counties currently participate in the federal categorical assistance programs, in order to obtain the amount of each county's share of the supplementary payments for eligible persons in this state, based upon the number of eligible persons in the county. Welfare boards shall pay the amount assessed.

There is appropriated an amount equal to the difference between actual revenue loss reflected in the Earned Income Tax Credit program and the amount anticipated as the revenue loss from the Earned Income Tax Credit to meet federal Maintenance of Effort requirements to allow the Department of Human Services to comply with the Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193, and as legislatively required by the Work First New Jersey program established pursuant to section 4 of P.L.1997, c.38 (C.44:10-58), subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated, to the extent that federal child support incentive earnings are available, such additional sums are appropriated from federal child support incentive earnings to pay on behalf of individuals on whom is imposed a $25 annual child support user fee, subject to the approval of the Director of the Division of Budget and Accounting.

7555 Division of Addiction Services

DIRECT STATE SERVICES

09-7555 Addiction Services	$672,000
Total Direct State Services Appropriation, Division of Addiction Services	$672,000

Direct State Services:

Personal Services:

Salaries and Wages	($585,000)
Materials and Supplies	(20,000)

Services Other Than Personal ..... (51,000)
Maintenance and Fixed Charges ..... (16,000)

The Division of Addiction Services is authorized to bill a patient, a patient's insurance carrier, a patient's estate, the person chargeable for a patient's support or the county of residence for institutional, residential and outpatient support of patients treated for alcoholism or drug abuse, or both. Receipts derived from billings or fees and unexpended balances at the end of the preceding fiscal year from these billings or fees are appropriated to the Department of Human Services for the support of the alcohol and drug abuse programs, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund such sums as may be necessary to carry out the provisions of P.L.1983, c.531 (C.26:2B-32 et al.).

There is transferred from the "Drug Enforcement and Demand Reduction Fund" $350,000 to carry out the provisions of P.L.1995, c.318 (C.26:2B-36 et seq.) to establish an "Alcohol and Drug Abuse Program for the Deaf, Hard of Hearing and Disabled" in the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

09-7555 Addiction Services $43,904,000
Total Grants-in-Aid Appropriation, Division of Addiction Services $43,904,000

Grants-in-Aid:

09 Substance Abuse Treatment for DYFS/WorkFirst Mothers -- Pilot Project ..... ($1,487,000)
09 Community Based Substance Abuse Treatment and Prevention -- State Share ..... (40,860,000)
09 Compulsive Gambling ..... (742,000)
09 Mutual Agreement Parolee Rehabilitation Project for Substance Abusers ..... (815,000)

The unexpended balance at the end of the preceding fiscal year of appropriations made to the Department of Human Services by section 20 of P.L.1989, c.51 for State-licensed or approved drug abuse prevention and treatment programs is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there is transferred $1,000,000 to the Department of Human Services from the "Drug Enforcement and Demand Reduction Fund" for drug abuse services.

In addition to the amount hereinabove appropriated for Community Based Substance Abuse Treatment and Prevention - State Share, there is appropriated $1,100,000 from the "Drug Enforcement and Demand Reduction Fund" for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, there is transferred $500,000 to the Department of Human Services from the "Drug Enforcement and Demand Reduction Fund" for the Sub-Acute Residential Detoxification Program.

An amount, not to exceed $600,000, collected by the Casino Control Commission is payable to the General Fund pursuant to section 145 of P.L.1977, c.110 (C.5:12-145).

In addition to the amount hereinabove appropriated for Compulsive Gambling, an amount not to exceed $200,000 is appropriated from the annual assessment against permit holders to the Department of Human Services for prevention, education and treatment programs

for compulsive gambling pursuant to the provisions of section 34 of P.L.2001, c.199 (C.5:5-159), subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated $420,000 from the Alcohol Education, Rehabilitation and Enforcement Fund to fund the Local Alcoholism Authorities-Expansion account.

Notwithstanding the provisions of P.L.1983, c.531 (C.26:2B-32 et al.) or any law or regulation to the contrary, the unexpended balance at the end of the preceding fiscal year in the Alcohol Education, Rehabilitation and Enforcement Fund is appropriated and shall be distributed to counties for the treatment of alcohol and drug abusers and for education purposes.

There is appropriated $1,000,000 from the "Drug Enforcement and Demand Reduction Fund" to the Department of Human Services for a grant to Partnership for a Drug-Free New Jersey.

The unexpended balances at the end of the preceding fiscal year in the Capital Improvements for Substance Abuse Treatment and Recovery Centers account are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, monies in the Alcohol Treatment Programs Fund established pursuant to section 2 of P.L.2001, c.48, (C.26:2B-9.2), not to exceed $12,531,000, and the amounts hereinabove appropriated for Community Based Substance Abuse Treatment and Prevention - State Share, not to exceed $2,200,000, are hereby appropriated, as determined by the Director of the Division of Addiction Services (DAS), subject to the approval of the Director of the Division of Budget and Accounting, for grants to providers of addiction services for capital construction projects selected and approved by the Director of DAS provided that (1) such grants are made only after the Division of Property Management and Construction (DPMC) has reviewed and approved the proposed capital projects for validity of estimated costs and scope of the project; (2) the capital projects selected by the Director of DAS shall be based upon the need to retain existing capacity, complete the construction of previously funded projects which are currently under contract and necessary for the delivery of addiction services or to relocate existing facilities to new sites; (3) the capital projects may consist of new construction and/or renovation to maintain and increase capacity at existing sites or at new sites; (4) the grant agreement entered into between the Director of DAS and the grantee, or the governmental entity, as the case may be, described below, shall follow all applicable grant procedures which shall include, in addition to all other provisions, requirements for oversight by DPMC; (5) receipt of grant monies pursuant to this appropriation shall not obligate or require DAS to provide any additional funding to the provider of addiction services to operate their existing facilities or the facility being funded through the construction grant; and (6) instead of the grant being made to the eligible provider for the approved capital project, the grant may be made to a governmental entity to undertake the approved capital project on behalf of the provider of addiction services. Prior to the end of calendar year 2008 and again prior to the end of the fiscal year, the Commissioner of the Department of Human Services shall notify the Joint Budget Oversight Committee of each grant awarded, the amount of each grant, and the recipients of the grants.

Notwithstanding any other law or regulation to the contrary, monies in the Alcohol Treatment Programs Fund established pursuant to section 2 of P.L.2001, c.48, (C.26:2B-9.2), and the amounts hereinabove appropriated for Community Based Substance Abuse Treatment and Prevention -State Share, are hereby appropriated, subject to the approval of the Director of the Division of Budget and Accounting, for the purpose of engaging the Division of Property Management and Construction (DPMC) to retain architects and consultants as deemed necessary by DPMC to review the proposed plans for capital construction projects for facilities providing addiction

treatment services submitted by providers of addiction treatment services to DAS to enable DPMC to determine the best facility layout at the lowest possible cost, to monitor the capital projects during design and construction, to provide assistance to the grantee with respect to the undertaking of the capital projects and to advise the Director of the Division of Addiction Services as may be required.

STATE AID

09-7555 Addiction Services $23,000,000
Total State Aid Appropriation, Division of Addiction Services . $23,000,000
State Aid:
09 Essex County -- County Jail
Substance Abuse Programs ..... ($19,000,000)
09 Union County Inmate
Rehabilitation Services ..... (4,000,000)

50 Economic Planning, Development, and Security
55 Social Services Programs
7580 Division of the Deaf and Hard of Hearing
DIRECT STATE SERVICES

23-7580 Services for the Deaf $807,000
Total Direct State Services Appropriation, Division of the Deaf and Hard of Hearing $807,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($387,000)
Materials and Supplies ..... (35,000)
Services Other Than Personal ..... (39,000)
Maintenance and Fixed Charges ..... (1,000)
Special Purpose:
23 Services to Deaf Clients ..... (290,000)
23 Communication Access Services ..... (55,000)

70 Government Direction, Management, and Control
76 Management and Administration
7500 Division of Management and Budget
DIRECT STATE SERVICES

96-7500 Institutional Security Services $7,592,000
99-7500 Administration and Support Services 14,934,000
Total Direct State Services Appropriation 22,526,000
Less:
Savings from Reduced Overtime at Institutions ..... (5,000,000)
Total Direct State Services Appropriation, Division of Management and Budget $17,526,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($13,412,000)
Materials and Supplies ..... (210,000)
Services Other Than Personal ..... (4,765,000)
Maintenance and Fixed Charges ..... (872,000)
Special Purpose:
99 Clinical Services Scholarships ..... (150,000)
99 Health Care Billing System ..... (95,000)

99 Affirmative Action and Equal Employment Opportunity ..... (255,000)
99 Transfer to State Police for Fingerprinting/Background Checks of Job Applicants ..... (2,360,000)
99 Institutional Staff Background Checks ... (407,000)

Less:

Savings from Reduced Overtime at Institutions 5,000,000

Notwithstanding the provisions of any law or regulation to the contrary, the Department of Human Services is authorized to identify opportunities for increased recoveries to the General Fund and to the Department. Such funds collected are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, in accordance with a plan prepared by the Department, and approved by the Director of the Division of Budget and Accounting.

Revenues representing receipts to the General Fund from charges to residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patients/residents who have no other source of funds for these purposes; except that the total amount herein for these allowances shall not exceed $1,375,000 and any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.

The Commissioner of the Department of Human Services may reallocate amounts appropriated for various institutions in an amount not to exceed $5,000,000 to reflect overtime savings.

GRANTS-IN-AID

99-7500 Administration and Support Services $34,366,000
Total Grants-in-Aid Appropriation, Division of Management and Budget $34,366,000

Grants-in-Aid:

99 United Way 2-1-1 System ..... ($250,000)
99 Office for Prevention of Mental Retardation and Developmental Disabilities ..... (742,000)
99 Community Provider Cost of Living Adjustment ..... (23,534,000)
99 Unit Dose Contracting Services ..... (5,297,000)
99 Consulting Pharmacy Services ..... (4,543,000)

Of the amounts hereinabove appropriated for Community Provider Cost of Living Adjustment, amounts may be transferred to other divisions within the Department of Human Services in order to provide a cost of living adjustment to community care providers contracting with the various divisions, subject to the approval of the Director of the Division of Budget and Accounting.

Department of Human Services, Total State Appropriation .. $4,883,321,000

Of the amount hereinabove appropriated for the Department of Human Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Message and Recommendations first shall be charged to the State Lottery Fund.

Balances on hand at the end of the preceding fiscal year of funds held for the benefit of patients in the several institutions, and such funds as may be received, are appropriated for the use of the patients.

Funds received from the sale of articles made in occupational therapy departments of the several institutions are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

Any change in program eligibility criteria and increases in the types of services or rates paid for services to or on behalf of clients for all programs under the purview of the Department of Human Services, not mandated by federal law, shall first be approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from payments collected from clients receiving services from the Department of Human Services and collected from their chargeable relatives, are appropriated to offset administrative and contract expenses related to the charging, collecting, and accounting of payments from clients receiving services from the Department and from their chargeable relatives pursuant to R.S.30:1-12, subject to the approval of the Director of the Division of Budget and Accounting.

Payment to vendors for their efforts in maximizing federal revenues is appropriated and shall be paid from the federal revenues received, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

Unexpended State balances may be transferred among Department of Human Services accounts in order to comply with the State Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193, and as legislatively required by the Work First New Jersey program established pursuant to section 4 of P.L.1997, c.38 (C.44:10-58), subject to the approval of the Director of the Division of Budget and Accounting. Notice of such transfers that would result in appropriations or expenditures exceeding the State's Maintenance of Effort requirement obligation shall be subject to the approval of the Joint Budget Oversight Committee. In addition, unobligated balances remaining from funds allocated to the Department of Labor and Workforce Development for Work First New Jersey as of June 1 of each year are to be reverted to the Work First New Jersey-Client Benefits account in order to comply with the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" and as legislatively required by the Work First New Jersey program.

To ensure the proper reallocation of funds in connection with the creation of the new Department of Children and Families, of the amounts hereinabove appropriated, the Department of Human Services may transfer appropriations to the Department of Children and Families, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year due to opportunities for increased recoveries in the Department of Human Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. These recoveries may be transferred to the Division of Developmental Disabilities as follows: $9,116,000 for residential and other support services and infrastructure for individuals transitioning from the developmental centers to the community and from the community services waiting list, and for family support services in accordance with a plan approved by the Director of the Division of Budget and Accounting and an amount for operating costs in the developmental centers, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated for the Department of Human Services no such grant monies shall be paid to the grantee for the costs of any efforts by the grantee or on behalf of the grantee for lobbying activities.

The Department of Human Services shall assure that grant-in-aid recipients demonstrate cultural competency to serve clients within their respective communities and offer training opportunities in cultural competence to staff of community-based organizations the recipients may serve.

Summary of Department of Human Services Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $489,566,000
Grants-in-Aid 3,940,638,000
State Aid 453,117,000
Appropriations by Fund:
General Fund $4,752,864,000
Casino Revenue Fund 130,457,000

62 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
50 Economic Planning, Development, and Security
51 Economic Planning and Development
DIRECT STATE SERVICES

99-4565 Administration and Support Services $827,000
Total Direct State Services Appropriation, Economic Planning and Development $827,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($557,000)
Materials and Supplies ..... (11,000)
Services Other Than Personal ..... (172,000)
Maintenance and Fixed Charges ..... (25,000)
Special Purpose:
99 Affirmative Action and Equal Employment Opportunity ..... (62,000)

In addition to the amounts hereinabove appropriated for the Administration and Support Services program, there is appropriated from the New Jersey Redevelopment Investment Fund and the Economic Development Fund an amount of $142,000 to provide for administrative costs incurred by the Department of Labor and Workforce Development for activities related to the New Jersey Redevelopment Authority and the New Jersey Economic Development Authority programs, as determined by the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Administration and Support Services program classification, $288,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

In addition to the amount hereinabove appropriated for the Administration and Support Services program, an amount not to exceed $550,000 is appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for the Administration and Support Services program, $31,000 are payable out of the State Disability Benefits Fund.

In addition to the amounts hereinabove appropriated for the Administration and Support Services program, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to administer the program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount necessary to provide administrative costs incurred by the Department of Labor and Workforce Development to meet the statutory requirements of the "New Jersey

Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) is appropriated from the Enterprise Zone Assistance Fund, subject to the approval of the Director of the Division of Budget and Accounting.

The amount necessary to provide employer rebate awards as a result of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.), is appropriated from the Enterprise Zone Assistance Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.), the Department of Labor and Workforce Development, based upon the authorization of the Chief Executive Officer and Secretary of the New Jersey Commerce Commission, or the head of any entity succeeding to the duties and functions of the New Jersey Commerce Commission, pursuant to separate legislation, shall make employer rebate awards.

53 Economic Assistance and Security
DIRECT STATE SERVICES

03-4520	State Disability Insurance Plan	$22,866,000
04-4520	Private Disability Insurance Plan	4,747,000
05-4525	Workers' Compensation	13,009,000
06-4530	Special Compensation	1,778,000
	Total Direct State Services Appropriation, Economic Assistance and Security	$42,400,000

Direct State Services:

Personal Services:		
	Salaries and Wages	($27,543,000)
Materials and Supplies		(257,000)
Services Other Than Personal		(5,340,000)
Maintenance and Fixed Charges		(3,007,000)
Special Purpose:		
03	State Disability Insurance Plan	(300,000)
03	Reimbursement to Unemployment Insurance for Joint Tax Functions	(5,500,000)
04	Private Disability Insurance Plan	(50,000)
05	Workers' Compensation	(363,000)
06	Special Compensation	(40,000)

The amounts hereinabove appropriated for the State Disability Insurance Plan and Private Disability Insurance Plan are payable out of the State Disability Benefits Fund.

In addition to the amounts hereinabove appropriated for the State Disability Insurance Plan and Private Disability Insurance Plan, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to pay disability benefits, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for administrative costs associated with the State Disability Insurance Plan, there is appropriated from the State Disability Benefits Fund an amount not to exceed $10,000,000, such amount to include $1,000,000 for a reengineering study of the business process, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated for the State Disability Insurance Plan and the Private Disability Insurance Plan, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to administer the Private Disability Insurance Plan.

In addition to the amounts hereinabove appropriated for the Workers' Compensation program, there are appropriated receipts in excess of the amount anticipated, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated for the Second Injury Fund, there are appropriated receipts in excess of the amount anticipated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Special Compensation Fund shall be payable out of the Special Compensation Fund.

Notwithstanding the $12,500 limitation set forth in R.S.34:15-95, in addition to the amounts hereinabove appropriated for the Special Compensation Fund, there are appropriated out of the Special Compensation Fund such additional sums as may be required for costs of administration and beneficiary payments.

There is appropriated out of the balance in the Second Injury Fund an amount not to exceed $1,000,000 to be deposited to the credit of the Uninsured Employer's Fund for the payment of benefits as determined in accordance with section 11 of P.L.1966, c.126 (C.34:15-120.2). Any amount so transferred shall be included in the next Uninsured Employer's Fund surcharge imposed in accordance with section 10 of P.L.1966, c.126 (C.34:15-120.1) and any amount so transferred shall be returned to the Second Injury Fund without interest and shall be included in net assets of the Second Injury Fund pursuant to paragraph (4) of subsection c. of R.S.34:15-94.

The funds appropriated for Second Injury Fund benefits are available for the payment of obligations applicable to prior fiscal years.

Amounts to administer the Uninsured Employer's Fund are appropriated from the Uninsured Employer's Fund, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed $150,000 for the cost of notifying unemployment compensation recipients of the availability of New Jersey Earned Income Tax Credit information, pursuant to P.L.2005, c.210 (C.43:21-4.2), is appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

From the funds made available to the State under section 903(d)(4) of the Social Security Act (42 U.S.C. s.1103 et seq.), as amended, the sum of $35,000,000, or so much thereof as may be necessary, is appropriated for the improvement of services to unemployment insurance claimants through the improvement and modernization of the benefit payment system and other technology improvements and to employment service clients through the continued development and maintenance of one-stop offices throughout the State and other investments in technology, processes and services that will enhance job opportunities for clients.

In addition to the amounts hereinabove appropriated, there is appropriated out of the Unemployment Compensation Auxiliary Fund, an amount not to exceed $4,000,000 to support collection activities in the program, subject to the approval of the Director of the Division of Budget and Accounting.

54 Manpower and Employment Services

DIRECT STATE SERVICES

07-4535	Vocational Rehabilitation Services	$2,446,000
09-4545	Employment Services	9,527,000
10-4545	Employment and Training Services	73,000
12-4550	Workplace Standards	5,623,000
16-4555	Public Sector Labor Relations	3,501,000
17-4560	Private Sector Labor Relations	484,000
	Total Direct State Services Appropriation, Manpower and Employment Services	$21,654,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($16,082,000)
Materials and Supplies ..... (60,000)
Services Other Than Personal ..... (304,000)
Maintenance and Fixed Charges ..... (92,000)
Special Purpose:
09 Workforce Development Partnership Program ..... (1,909,000)
09 Workforce Development Partnership – Counselors ..... (81,000)
09 Workforce Literacy and Basic Skills Program ..... (2,000,000)
10 Council on Gender Parity ..... (23,000)
10 Disadvantaged Youth Employment Opportunities Council ..... (50,000)
12 Worker and Community Right-to-Know Act ..... (38,000)
12 Public Employees Occupational Safety .. (378,000)
12 Public Works Contractor Registration .... (450,000)
12 Mine Safety Program Expansion ..... (144,000)
12 Safety Commission ..... (3,000)
Additions, Improvements and Equipment ..... (40,000)

Notwithstanding the provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), the cost of fact-finding shall be borne equally by the public employer and the exclusive employee representative.

The amount hereinabove appropriated for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

The amount hereinabove appropriated for the Vocational Rehabilitation Services program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

The amounts hereinabove appropriated for the Workforce Development Partnership Program and Workforce Development Partnership - Counselors shall be appropriated from receipts received pursuant to P.L.1992, c.44 (C.34:15D-12 et seq.), together with such additional sums as may be required to administer the Workforce Development Partnership Program, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Workforce Literacy and Basic Skills Program shall be appropriated from receipts received pursuant to P.L.2001, c.152 (C.34:15D-21 et seq.), together with such additional sums as may be required to administer the Workforce Literacy Program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Supplemental Workforce Fund for Basic Skills," P.L.2001, c.152 (C.34:15D-21 et seq.), or any law or regulation to the contrary, the unexpended balance at the end of the preceding fiscal year in the Supplemental Workforce Fund for Basic Skills is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Workforce Development Partnership Act," P.L.1992, c.44 (C.34:15D-12 et seq.), or any other law to the contrary, the unexpended balance at the end of the preceding fiscal year in the Workforce Development Partnership Fund is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

New Jersey State Library

Notwithstanding the provisions of P.L.1992, c.44 (C.34:15D-12 et seq.), or any other law to the contrary, there shall be appropriated to the Department of Labor and Workforce Development an amount not to exceed 5.5% of the total revenues collected pursuant to section 2 of P.L.1992, c.44 (C.34:15D-13) for the purpose of supporting initiatives recommended by the Commissioner in support of the Governor's Economic Growth Strategy, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for the Workplace Standards Program are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for the Public Works Contractor Registration Program and the unexpended balance at the end of the preceding fiscal year are appropriated for the Public Works Contractor Registration Program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Worker and Community Right To Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove appropriated for the Worker and Community Right To Know Act account is payable out of the Worker and Community Right To Know Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately. In addition to the amounts hereinabove appropriated, there are appropriated out of the Worker and Community Right To Know Fund such additional sums, not to exceed $8,400, to administer the Right To Know Program, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated out of the Wage and Hour Trust Fund and the Prevailing Wage Act Trust Fund such sums as may be necessary for payments.

The amount hereinabove appropriated for the Private Sector Labor Relations program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

From the appropriation provided hereinabove in support of office leases, and notwithstanding the provisions of P.L.1992, c.130 (C.52:18A-191.1 et seq.), the State Treasurer, in consultation with the Commissioner of Labor and Workforce Development, is hereby authorized to enter into cost-sharing agreements with any authorized non-State partner that offers programs and activities supported primarily by federal funds from the United States Departments of Labor and Education in the State's one-stop centers for the purpose of co-locating such partner in an office with the Department of Labor and Workforce Development providing rent costs shall be equitably shared in accordance with a cost allocation plan approved by the Commissioner of Labor and Workforce Development.

The amount hereinabove appropriated for the Disadvantaged Youth Employment Opportunities Council is appropriated from the Unemployment Compensation Auxiliary Fund.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for the Council on Gender Parity, an amount not to exceed $72,000 is appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

07-4535 Vocational Rehabilitation Services	$35,313,000
(From General Fund	***$32,873,000)***
(From Casino Revenue Fund	***2,440,000)***
10-4545 Employment and Training Services	36,651,000
Total Grants-in-Aid Appropriation, Manpower and Employment Services	$71,964,000
(From General Fund	***$69,524,000)***

(From Casino Revenue Fund ..... 2,440,000)

Grants-in-Aid:

07 Services to Clients (State Share) ..... ($4,286,000)
07 Sheltered Workshop Transportation .... (1,960,000)
07 Sheltered Workshop Transportation (CRF) ..... (2,440,000)
07 Supported Employment Services ..... (5,550,000)
07 Sheltered Workshop Support ..... (19,539,000)
07 Sheltered Workshop Employment Placement Incentive Program ..... (450,000)
07 Community Provider Cost of Living Adjustment -- Sheltered Workshops ..... (289,000)
07 Services for Deaf Individuals ..... (170,000)
07 Independent Living Centers ..... (625,000)
07 Training (State Share) ..... (4,000)
10 New Jersey Youth Corps ..... (3,048,000)
10 Work First New Jersey Work Activities ..... (33,603,000)

The amount hereinabove appropriated for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

Of the amount hereinabove appropriated for the Vocational Rehabilitation Services program classification, an amount not to exceed $22,614,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

Of the amounts hereinabove appropriated for Supported Employment Services, $1,000,000 shall be expended consistent with the recommendations in the final report of the Governor's Task Force on Mental Health.

Amounts hereinabove appropriated for the Sheltered Workshop Employment Placement Incentive Program shall be available to support expenditures under the Sheltered Workshop Support Program and Supported Employment Program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for the Work First New Jersey-Work Activities and Work First New Jersey-Training Related Expenses accounts, an amount not to exceed $25,500,000 is appropriated from the New Jersey Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated for Work First New Jersey-Work Activities and Work First New Jersey-Training Related Expenses, $8,190,000 is appropriated from the New Jersey Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9), subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for Work First New Jersey-Work Activities, an amount not to exceed 3% shall be made available for administrative costs incurred by the Department of Labor and Workforce Development.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for New Jersey Youth Corps, $1,850,000 is appropriated from the New Jersey Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9) and an amount not to exceed 10% from all funds available to the program shall be made available for administrative costs incurred by the Department of Labor and Workforce Development.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for New Jersey Youth Corps, there is appropriated an

amount not to exceed $2,200,000 from the "Supplemental Workforce Fund for Basic Skills," P.L.2001 c.152 (C.34:15D-21 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the New Jersey Youth Corps program, $475,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

Notwithstanding the provisions of any law or regulation to the contrary, up to 15% of the amount available from the Workforce Development Partnership Fund for the Supplemental Workforce Development Benefits Program shall be appropriated as necessary to fund additional administrative costs relating to the processing and payment of benefits, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

10-4545 Employment and Training Services $1,522,000
Total State Aid Appropriation, Manpower and Employment Services $1,522,000

State Aid:

10 Adult Literacy ..... ($922,000)
10 Vocational Education – Apprenticeship .. (600,000)

Of the amount hereinabove appropriated in the Adult Literacy account, such sums as are necessary may be transferred to the applicant State department.

Department of Labor and Workforce Development, Total State Appropriation $138,367,000

Summary of Department of Labor and Workforce Development Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $64,881,000
Grants-in-Aid 71,964,000
State Aid 1,522,000
Appropriations by Fund:
General Fund $135,927,000
Casino Revenue Fund 2,440,000

66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
12 Law Enforcement
DIRECT STATE SERVICES

06-1200 State Police Operations $234,113,000
09-1020 Criminal Justice 32,850,000
11-1050 State Medical Examiner 525,000
30-1460 Gaming Enforcement 45,999,000
(From Casino Control Fund ..... $45,999,000)
99-1200 Administration and Support Services 45,519,000
Total Direct State Services Appropriation, Law Enforcement . $359,006,000
(From General Fund .....$313,007,0000)
(From Casino Control Fund .....45,999,000)

Direct State Services:

Personal Services:
Salaries and Wages ..... ($237,645,000)
Salaries and Wages (CCF) ..... (32,071,000)
Cash in Lieu of Maintenance ..... (26,861,000)
Cash in Lieu of Maintenance (CCF) ..... (963,000)

Employee Benefits (CCF) ..... (6,473,000)
(From General Fund ..... $264,506,000)
(From Casino Control Fund ..... 39,507,000)
Materials and Supplies ..... (5,713,000)
Materials and Supplies (CCF) ..... (389,000)
Services Other Than Personal ..... (3,254,000)
Services Other Than Personal (CCF) ..... (1,864,000)
Maintenance and Fixed Charges ..... (4,925,000)
Maintenance and Fixed Charges (CCF) ..... (2,440,000)
Special Purpose:
06 Nuclear Emergency Response Program . (1,591,000)
06 Drunk Driver Fund Program ..... (350,000)
06 Camden Initiative ..... (1,500,000)
06 Enhanced DNA Testing ..... (450,000)
06 Megan's Law DNA Testing ..... (200,000)
06 State Police DNA Laboratory Enhancement ..... (1,150,000)
06 Urban Search and Rescue ..... (1,000,000)
06 Nuclear Facilities Security Detail ..... (1,600,000)
06 Computer Aided Dispatch Maintenance .. (600,000)
06 State Police Federal Monitor ..... (400,000)
09 Criminal Justice -- Corruption Prosecution Expansion ..... (1,700,000)
09 Division of Criminal Justice -- State Match ..... (1,000,000)
09 Fiscal Integrity Unit/OIG ..... (1,850,000)
09 Expenses of State Grand Jury ..... (356,000)
09 Medicaid Fraud Investigation -- State Match ..... (500,000)
30 Gaming Enforcement (CCF) ..... (1,368,000)
99 Consent Decree Vehicles ..... (7,274,000)
99 Hamilton TechPlex Maintenance ..... (3,278,000)
99 Central Monitoring Station ..... (654,000)
99 State Police Radio Upgrade ..... (1,552,000)
99 Affirmative Action and Equal Employment Opportunity ..... (193,000)
99 N.C.I.C. 2000 Project ..... (2,000,000)
99 State Police Information Technology Maintenance ..... (2,000,000)
99 State Police Enhanced Systems and Procedures ..... (1,900,000)
Additions, Improvements and Equipment ..... (1,511,000)
Additions, Improvements and Equipment (CCF) (431,000)

Notwithstanding the provisions of any law or regulation to the contrary, funds in excess of $250,000 obtained through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law and proceeds of the sale of any such confiscated property or goods, except for such funds as are dedicated pursuant to N.J.S.2C:64-6, are appropriated for law enforcement purposes designated by the Attorney General.

Notwithstanding the provisions of any law or regulation to the contrary, receipts derived from the recovery of costs associated with the implementation of the "Criminal Justice Act of 1970," P.L.1970, c.74 (C.52:17B-97 et seq.), are appropriated for the purpose of offsetting the costs of the Division of Criminal Justice, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Victim Witness Advocacy Fund account, together with receipts derived pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) is appropriated.

The unexpended balance at the end of the preceding fiscal year in the revolving fund established under the "New Jersey Antitrust Act," P.L.1970, c.73 (C.56:9-1 et seq.) is appropriated for the administration of the Act and any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

Such additional amounts as may be required to carry out the provisions of the "New Jersey Antitrust Act" P.L.1970, c.73 (C.56:9-1 et seq.) are appropriated from the General Fund, provided however, that any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived pursuant to the requirements to act as Joint Negotiation Representatives under P.L.2001, c.371 (C.52:17B-196 et seq.) are appropriated to the Division of Criminal Justice to offset operating costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from license fees and/or audits conducted to insure compliance with the "Private Detective Act of 1939," P.L.1939, c.369 (C. 45:19-8 et seq.), are appropriated to defray the cost of this activity.

All registration fees, tuition fees, training fees, and all other fees received for reimbursement for attendance at courses conducted by Division of State Police and Division of Criminal Justice personnel are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

All fees and receipts collected, pursuant to paragraph (7) of subsection l of N.J.S.2C:39-6, "The Retired Officer Handgun Permit Program," and the unexpended balance at the end of the preceding fiscal year, are appropriated to offset the costs of administering the application process, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Nuclear Emergency Response Program account is payable from receipts received pursuant to the assessment of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.). The unexpended balance at the end of the preceding fiscal year in the Nuclear Emergency Response Program account is appropriated.

The unexpended balance at the end of the preceding fiscal year in the Drunk Driver Fund program account, together with any receipts in excess of the amount anticipated, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Drunk Driver Fund program is payable out of the Drunk Driver Enforcement Fund established pursuant to section 1 of P.L.1984, c.4 (C.39:4-50.8) designated for this purpose and any amount remaining therein. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of section 3 of P.L.1985, c.69 (C.53:1-20.7), the unexpended balance at the end of the preceding fiscal year, in the Noncriminal Record Checks account, together with any receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for State Police Operations, such amounts as may be required for the purpose of offsetting costs of the provision of State Police services are appropriated from indirect cost recoveries received from the New Jersey Highway Authorities and other agencies, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts derived pursuant to the New Jersey Medical Service Helicopter Act, under subsection a. of Section 1 of P.L.1992, c.87 (C.39:3-8.2) are appropriated to the Division of State Police

and the Department of Health and Senior Services to defray the operating costs of the Medical Service Helicopter Response Program as authorized under P.L.1986, c.106 (C.26:2K-35 et seq.) and the general Aviation Program. The unexpended balance at the end of the preceding fiscal year, is appropriated to the special capital maintenance reserve account for capital replacement and major maintenance of medevac and general aviation helicopter equipment and any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting. Receipts derived pursuant to the New Jersey Medical Service Helicopter Response Act under section c. of section 1 of P.L.1992, c.87 (C.39:3-8.2) are appropriated to the Division of State Police to fund the costs of new State Police recruit training classes. The unexpended balance at the end of the preceding fiscal year is appropriated for this purpose subject to the Director of the Division of Budget and Accounting.

Receipts and available balances derived from the surcharge on motor vehicle registrations pursuant to subsection a. of section 1 of P.L.1992, c.87 (C.39:3-8.2), not to exceed $6,000,000 for State Police salaries, are appropriated for those purposes and shall be deposited into a dedicated account, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Receipts and available balances derived pursuant to the New Jersey Emergency Medical Service Helicopter Response Act under subsection a. of section 1 of P.L.1992, c.87 (C.39:3-8.2), not to exceed $5,600,000 for State Police vehicles, are appropriated for those purposes and shall be deposited into a dedicated account, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in the "Commercial Vehicle Enforcement Fund" established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75) are appropriated to offset all reasonable and necessary expenses of the Division of State Police and Division of Motor Vehicles in the performance of commercial truck safety and emission inspections, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts and available balances derived from the agency surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed $11,155,000 for State Police salaries related to statewide security services, are appropriated for those purposes and shall be deposited into a dedicated account, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

All fees and receipts collected, pursuant to the "Security Officer Registration Act," P.L.2004, c.134 (C.45:19A-1 et seq.) and the unexpended balance at the end of the preceding fiscal year, are appropriated to offset the costs of administering this process, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated to the Divisions of State Police and Criminal Justice and the Office of the State Medical Examiner, there are appropriated to the respective State departments and agencies such sums as may be received or receivable from any instrumentality, municipality, or public authority for direct and indirect costs of all services furnished thereto, except as to such costs for which funds have been included in appropriations otherwise made to the respective State departments and agencies as the Director of the Division of Budget and Accounting shall determine; provided however, that payments from such instrumentalities, municipalities, or authorities for employer contributions to the State Police and Public Employees' Retirement Systems shall not be appropriated and shall be paid into the General Fund.

There is appropriated, an amount up to $25,000, from the General Fund, to pay for each award or each tip for information that prevents, frustrates, or favorably resolves acts of international or domestic terrorism against New Jersey persons or property, as well as tips related to the identification of illegal guns, drugs and gangs. Rewards may also be paid for information leading to the arrest or conviction of terrorists and/or gang members attempting, committing, conspiring to commit or aiding and abetting in the commission

of such acts or to the identification or location of an individual who holds a key leadership position in a terrorist and/or gang organization, subject to the approval of the Attorney General and the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for the Unit of Fiscal Integrity in School Construction/Office of Government Integrity, there shall be credited against such amounts such monies as are received by the Unit of Fiscal Integrity/Office of Government Integrity pursuant to a Memorandum of Understanding between the Unit of Fiscal Integrity and the New Jersey Schools Development Authority for oversight services including employee benefit costs in connection with the school construction program.

Notwithstanding the provisions of any law or regulation to the contrary, none of the monies appropriated to the Division of State Police or the Department of Law and Public Safety shall be used for providing police protection to the inhabitants of rural sections pursuant to R.S.53:2-1 in any municipality that received such police protection in FY2007-08 provided, however, that such monies may be expended for providing such police protection in any municipality described above that received rural policing services pursuant to R.S.53:2-1 in FY2007-08 if the municipality enters into a cost sharing agreement by December 15, 2008 with the State Treasurer, in which the municipality agrees to provide a local share for full time police protection and such lesser amount for part time police protection, as determined by the State Treasurer; provided further that the amount of any such local share shall not result in more than a $100 increase over 2007 average residential property taxes as calculated by the Division of Local Government Services. If such a municipality has not entered an agreement for shared police services with another municipality or government agency, notified the State Treasurer in writing of such agreement, and provided an executed copy of such agreement to the Treasurer by December 15, 2008, such municipality shall be deemed to have entered into a cost sharing agreement effective July 1, 2008 with the State Treasurer as provided in this paragraph.

Notwithstanding the provisions of any law or regulation to the contrary, none of the monies appropriated to the Division of State Police or the Department of Law and Public Safety shall be used for providing police protection to the inhabitants of rural sections pursuant to R.S.53:2-1 in a municipality in which such services were not provided in FY2007-08 unless that municipality enters into a cost sharing agreement with the State Treasurer to provide the full cost of the Division of State Police for providing such services. Any amount received in accordance with the conditions hereto shall be collected by the State Treasurer and shall be deposited into a dedicated fund within the Division of State Police and are appropriated for State Police operations.

Notwithstanding the provisions of any law or regulation to the contrary, a municipality that enters into a cost sharing agreement with the State Treasurer may use monies from any grant-in-aid or State Aid appropriated pursuant to this act to meet the local share of providing such services; provided, that this paragraph shall not be construed to authorize use of constitutionally dedicated monies, bond monies, or federal funds in a manner or for a purpose inconsistent with the Constitution or federal law.

Notwithstanding the provisions of any law or regulation to the contrary, municipal appropriations made pursuant to a cost sharing agreement with the State Treasurer shall be included in the municipality's final appropriations upon which its permissible expenditures are calculated pursuant to section 2 of P.L.1976, c.68 (C.40A:4-45.2). Notwithstanding the provisions of section 10 of P.L.2007, c.62 (C.40A:4-45.45) to the contrary, amounts required by a municipality to be raised to pay for the cost of police services pursuant to a cost sharing agreement, as described hereinabove, shall be treated as an exclusion that shall be added to the calculation of the municipal adjusted tax levy.

Notwithstanding the foregoing provisions regarding cost sharing agreements or any law to the contrary, if the Superintendent of the Division of State Police, in consultation with the

Attorney General, determines that public safety requires that police protection be provided to the inhabitants of rural sections pursuant to R.S.53:2-1 despite the fact that a municipality as described above has not entered into a cost sharing agreement with the State Treasurer, monies appropriated to the Division of State Police and the Department of Law and Public Safety may be used for providing such police protection and the Director of the Division of Budget and Accounting is authorized to withhold State Aid payments to such municipalities and transfer such amounts to the Division of State Police.

Notwithstanding the provisions of any law or regulation to the contrary, municipalities shall not be allowed to apply for Extraordinary Aid for any expenses related to a cost-sharing agreement for rural policing.

In addition to the amount hereinabove appropriated for the Drunk Driver Fund Program, there is appropriated $612,000 from the Motor Vehicle Commission for the Drunk Driver Fund Program.

In addition to the amount hereinabove appropriated for Gaming Enforcement, there are appropriated from the Casino Control Fund such additional sums as may be required for gaming enforcement, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

06-1200 State Police Operations	$265,000
09-1020 Criminal Justice	2,350,000
Total Grants-in-Aid Appropriation, Law Enforcement	$2,615,000

Grants-in-Aid:

06 Nuclear Emergency Response Program	($265,000)
09 Operation CeaseFire	(850,000)
09 Addressing Violence Against Women	(1,500,000)

The unexpended balances at the end of the preceding fiscal year in the Operation CeaseFire account are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Addressing Violence Against Women account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

09-1020 Criminal Justice	$1,000,000
Total State Aid Appropriation, Law Enforcement	$1,000,000

State Aid:

09 Safe and Secure Neighborhoods Program	($1,000,000)

13 Special Law Enforcement Activities

DIRECT STATE SERVICES

03-1160 Office of Highway Traffic Safety	$600,000
17-1420 Election Law Enforcement	4,647,000
20-1450 Review and Enforcement of Ethical Standards	1,270,000
Total Direct State Services Appropriation, Special Law Enforcement Activities	$6,517,000

Direct State Services:

Personal Services:	
Salaries and Wages	($5,311,000)
Materials and Supplies	(90,000)
Services Other Than Personal	(489,000)
Maintenance and Fixed Charges	(12,000)

Special Purpose:
03 Federal Highway Safety Program –
State Match ..... (600,000)
17 Per Diem Payment to Members of
Election Law Enforcement Commission ... (15,000)

Notwithstanding the provisions of section 14 of P.L.1992, c.188 (C.33:1-4.1), in addition to the amounts hereinabove, all fees and penalties collected by the Director of Alcoholic Beverage Control in excess of $3,960,000 are appropriated for the purpose of offsetting operational costs of the Alcoholic Beverage Control Investigative Bureau and the Division of Alcoholic Beverage Control, subject to the approval of the Director of the Division of Budget and Accounting.

Registration fees, tuition fees, training fees, and other fees received for reimbursement for attendance at courses administered or conducted by the Division of Alcoholic Beverage Control are appropriated for program costs.

From the receipts derived from uncashed pari-mutuel winning tickets and the regulation, supervision, licensing, and enforcement of all New Jersey Racing Commission activities and functions, such sums as may be required are appropriated for the purpose of offsetting the costs of the administration and operation of the New Jersey Racing Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from breakage monies and uncashed pari-mutuel winning tickets resulting from off-track and account wagering and any reimbursement assessment against permit holders or successors in interest to permit holders shall be distributed to the New Jersey Racing Commission in accordance with the provisions of the "Off Track and Account Wagering Act" P.L.2001, c.199 (C.5:5-127 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

All fees, fines, and penalties collected pursuant to P.L.1973, c.83 (C.19:44A-1 et al.) and section 11 of P.L.1991, c.244 (C.52:13C-23.1) are appropriated for the purpose of offsetting additional operational costs of the Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, amounts received pursuant to P.L.1971, c.183 (C.52:13C-18 et seq.) are appropriated for the purpose of offsetting additional operational costs of the Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from the Gubernatorial Elections Fund such sums as may be required for payments to persons qualifying for additional public funds pursuant to section 5 of P.L.1974, c. 26 (C.19:44A-30); provided however, that should the amount available in the Gubernatorial Elections Fund be insufficient to support such an appropriation, there are appropriated from the General Fund to the Gubernatorial Elections Fund such sums as may be required.

Of the amount hereinabove appropriated for the Elections Law Enforcement Gubernatorial Elections Fund, an amount not to exceed $480,000 may be used for administrative purposes, subject to the approval of the Director of the Division of Budget and Accounting.

Of the receipts derived from the regulation, supervision, and licensing of all State Athletic Control Board activities and functions, an amount is appropriated for the purpose of offsetting the costs of the administration and operation of the State Athletic Control Board, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

17-1420 Election Law Enforcement $5,080,000
(From Gubernatorial Elections Fund .... $5,080,000)

Total Grants-in-Aid Appropriation, Special Law Enforcement Activities $5,080,000
(From Gubernatorial Elections Fund .... $5,080,000)
Grants-In-Aid:
Special Purpose:
17 Public Financing of the Gubernatorial Primary and General Election (GEF) .. ($5,080,000)

18 Juvenile Services
DIRECT STATE SERVICES

34-1500	Juvenile Community Programs	$27,013,000
35-1505	Institutional Control and Supervision	38,709,000
36-1505	Institutional Care and Treatment	15,666,000
40-1500	Juvenile Parole and Transitional Services	7,165,000
99-1500	Administration and Support Services	15,794,000
	Total Direct State Services Appropriation, Juvenile Services	$104,347,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($84,321,000)
Food In Lieu of Cash ..... (148,000)
Materials and Supplies ..... (7,586,000)
Services Other Than Personal ..... (7,264,000)
Maintenance and Fixed Charges ..... (1,793,000)
Special Purpose:
34 Gang Management ..... (150,000)
34 Juvenile Justice Initiatives ..... (745,000)
34 Social Services Block Grant -- State Match ..... (42,000)
34 Female Substance Abuse Program ..... (305,000)
36 Secure Care Mental Health Program .... (503,000)
99 Administration and Support Services ..... (2,000)
99 Johnstone Facility Maintenance ..... (687,000)
99 Juvenile Justice -- State Matching Funds .. (472,000)
99 Custody and Civilian Staff Training ..... (185,000)
Additions, Improvements and Equipment ..... (144,000)

Receipts derived from the Eyeglass Program at the New Jersey Training School for Boys and any unexpended balance at the end of the preceding fiscal year are appropriated for the operation of the program.

GRANTS-IN-AID

34-1500	Juvenile Community Programs	$23,508,000
40-1500	Juvenile Parole and Transitional Services	1,300,000
	Total Grants-in-Aid Appropriation, Juvenile Services	$24,808,000

Grants-in-Aid:
34 Juvenile Detention Alternative Initiative ..... ($4,000,000)
34 Alternatives to Juvenile Incarceration Programs ..... (3,475,000)
34 Crisis Intervention Program ..... (4,292,000)
34 State/Community Partnership Grants ... (8,470,000)
34 State Incentive Program ..... (2,670,000)
34 Purchase of Services for Juvenile Offenders ..... (313,000)

34 Community Provider Cost of Living Adjustment ..... (288,000)
40 Re-Entry Case Management Services .... (400,000)
40 Day Reporting Program ..... (900,000)

The amounts hereinabove appropriated for Re-Entry Case Management Services shall be expended consistent with the recommendations in the final report of the Governor's Task Force on Mental Health.

Of the amounts hereinabove appropriated for the Juvenile Detention Alternatives Initiative, such sums as may be required may be transferred to various Direct State Service operating accounts, subject to the approval of the Director of the Division of Budget and Accounting. The portion to be used for Grants-in-Aid shall be allocated based on the State Juvenile Detention Alternatives Initiative Steering Committee recommendations subject to Juvenile Justice Commission endorsement.

The Juvenile Justice Commission shall assure that grant-in-aid recipients demonstrate cultural competency to serve clients within their respective communities and offer training opportunities in cultural competence to staff of community-based organizations the recipients may serve.

19 Central Planning, Direction and Management
DIRECT STATE SERVICES

13-1005 Homeland Security and Preparedness $3,357,000
88-1000 Central Library Services 575,000
99-1000 Administration and Support Services 13,575,000
Total Direct State Services Appropriation, Central Planning, Direction and Management $17,507,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($9,647,000)
Materials and Supplies ..... (354,000)
Services Other Than Personal ..... (125,000)
Maintenance and Fixed Charges ..... (89,000)
Special Purpose:
13 Office of Homeland Security and Preparedness ..... (2,757,000)
13 Domestic Security Preparedness Task Force ..... (600,000)
99 Emergency Operations Center -- Operating ..... (3,466,000)
99 Criminal Sentencing Commission ..... (100,000)
99 Criminal Disposition Commission ..... (150,000)
99 Affirmative Action and Equal Employment Opportunity ..... (198,000)
Additions, Improvements and Equipment ..... (21,000)

Notwithstanding the provisions of any law or regulation to the contrary, funds obtained through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law and the proceeds of the sale of any such confiscated property or goods, except for such funds as are dedicated pursuant to N.J.S.2C:64-6, are appropriated for law enforcement purposes designated by the Attorney General; provided, however, that receipts in excess of $2,255,000 may only be used for non-recurring expenditures.

The Attorney General shall provide the Director of the Division of Budget and Accounting, the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with written reports on August 1, 2008 and February 1, 2009, of the use and disposition by State law enforcement agencies,

including the offices of the county prosecutors, of any interest in property or money seized, or proceeds resulting from seized or forfeited property, and any interest or income earned thereon, arising from any State law enforcement agency involvement in a surveillance, investigation, arrest or prosecution involving offenses under N.J.S.2C:35-1 et seq. and N.J.S.2C:36-1 et seq. leading to such seizure or forfeiture. The reports shall specify for the preceding period of the fiscal year the type, approximate value, and disposition of the property seized and the amount of any proceeds received or expended, whether obtained directly or as contributive share, including but not limited to the use thereof for asset maintenance, forfeiture prosecution costs, costs of extinguishing any perfected security interest in seized property and the contributive share of property and proceeds of other participating local law enforcement agencies. The reports shall provide an itemized accounting of all proceeds expended and shall specify with particularity the nature and purpose of each such expenditure.

Penalties, fines, and other fees collected pursuant to N.J.S.2C:35-20 and deposited in the State Forensic Laboratory Fund, together with the unexpended balance at the end of the preceding fiscal year, are appropriated to defray additional laboratory related administration and operational expenses of the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al., subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Office of Homeland Security and Preparedness is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the agency surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed $7,200,000, are appropriated for the Office of Homeland Security and Preparedness and shall be deposited into a dedicated account, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

13-1005 Homeland Security and Preparedness $10,000,000
Total State Aid Appropriation, Central Planning, Direction and Management $10,000,000

State Aid:

13 Capital for Homeland Security Critical Infrastructure ..... ($10,000,000)

Of the amounts hereinabove appropriated for Capital for Homeland Security Critical Infrastructure, amounts may be transferred to other departments and State agencies for any State and local homeland security purposes, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Capital for Homeland Security Critical Infrastructure account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law, regulation or Executive Order to the contrary, any purchase by the State or by a State agency or local government unit of equipment, goods or services related to homeland security and domestic preparedness, that is paid for or reimbursed by State funds appropriated in this fiscal year, to the Department of Law and Public Safety, for Homeland Security and Preparedness under program classification, may be made through the receipt of public bids or as an alternative to public bidding and subject to the provisions of this paragraph, through direct purchase without advertising for bids or rejecting bids already received but not awarded. Purchases made without public bidding shall be from vendors that shall either (1) be holders of a current State contract for the equipment, goods or services sought, or (2) be participating in a federal

procurement program established by a federal department or agency, or (3) have been approved by the State Treasurer in consultation with the Director of the Office of Homeland Security and Preparedness. The equipment, goods or services purchased by a local government unit receiving such State funds by subgrant shall be referred to in the grant agreement issued by the Office of Homeland Security and Preparedness and shall be authorized by resolution of the governing body of the local government unit entering into the grant agreement. Such resolution may, without subsequent action of the local governing body, simultaneously accept the grant from the State administrative agency, authorize the insertion of the revenue and offsetting appropriation in the budget of the local government unit, and authorize the contracting agent of the local government unit to procure the equipment, goods or services. A copy of such resolution shall be filed with the chief financial officer of the local government unit and the Division of Local Government Services in the Department of Community Affairs.

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

12-1010 Legal Services	$82,288,000
Total All Operations	$82,288,000
Less:	
Legal Services ***$64,303,000***	
Total Income Deductions	***$64,303,000***
Total Direct State Services Appropriation, General Government Services	$17,985,000

Direct State Services:

Personal Services:	
Salaries and Wages	($15,633,000)
Materials and Supplies	(89,000)
Services Other Than Personal	(559,000)
Maintenance and Fixed Charges	(262,000)
Special Purpose:	
12 Legal Services	(64,303,000)
12 Child Welfare Unit	(1,442,000)
Less:	
Income Deductions	***64,303,000***

In addition to the $64,302,925 attributable to Reimbursements from Other Sources and the corresponding additional amount associated with employee fringe benefit costs, there are appropriated such sums as may be received or receivable from any State agency, instrumentality or public authority for direct or indirect costs of legal services furnished thereto and attributable to a change in or the addition of a client agency agreement, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to credit or transfer to the General Fund from any other department, branch, or non-State fund source, out of funds appropriated thereto, such funds as may be required to cover the costs of legal services attributable to that other department, branch, or non-State fund source as the Director of the Division of Budget and Accounting shall determine. Receipts in any non--State fund are appropriated for the purpose of such transfer.

Notwithstanding the provisions of any law or regulation to the contrary, revenues derived from penalties, cost recoveries, restitution or other recoveries to the State are appropriated to offset unbudgeted, extraordinary costs of legal, investigative, administrative, expert witnesses and other services incurred by the Division of Law related to litigation and acting on behalf of the State and State agencies. Such sums shall first be charged to any

revenues derived from recoveries collected by the State but may also be provided from the General Fund, subject to the approval of the Director of the Division of Budget and Accounting.

80 Special Government Services
82 Protection of Citizens' Rights
DIRECT STATE SERVICES

14-1310	Consumer Affairs	$12,392,000
15-1320	Operation of State Professional Boards	17,633,000
	(From General Fund $17,541,000)	
	(From Casino Revenue Fund 92,000)	
16-1350	Protection of Civil Rights	5,721,000
19-1440	Victims of Crime Compensation Agency	4,658,000
	Total Direct State Services Appropriation, Protection of Citizens' Rights	$40,404,000
	(From General Fund $40,312,0000)	
	(From Casino Revenue Fund 92,000)	

Direct State Services:

Personal Services:	
Salaries and Wages	($8,150,000)
Salaries and Wages (CRF)	(66,000)
Employee Benefits (CRF)	(20,000)
(From General Fund $8,150,000)	
(From Casino Revenue Fund 86,000)	
Materials and Supplies	(230,000)
Services Other Than Personal	(15,422,000)
Services Other Than Personal (CRF)	(6,000)
Maintenance and Fixed Charges	(2,545,000)
Special Purpose:	
14 Consumer Affairs Legalized Games of Chance	(1,390,000)
14 Securities Enforcement Fund	(5,493,000)
14 Consumer Affairs Weights and Measures Program	(2,612,000)
14 Consumer Affairs Charitable Registrations Program	(556,000)
15 Personal Care Attendants -- Background Checks	(500,000)
19 Claims -- Victims of Crime	(3,372,000)
19 Victims of Crime Outreach Program	(35,000)
Additions, Improvements and Equipment	(7,000)

All fees, penalties, and costs collected pursuant to P.L.1988, c.123 (C.56:12-29 et seq.) are appropriated for the purpose of offsetting costs associated with the handling and resolution of consumer automotive complaints.

In addition to the amount hereinabove appropriated for Consumer Affairs, receipts in excess of the amount anticipated, attributable to changes in fee structure or fee increases, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Fees and cost recoveries collected pursuant to P.L.1989, c.331 (C.34:8-43 et al.) are appropriated in an amount not to exceed additional expenses associated with mandated duties of the Division of Consumer Affairs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from penalties and the unexpended balance at the end of the preceding fiscal year in the Consumer Fraud Education Fund program account pursuant to P.L.1999, c.129 (C.56:8-14.2 et seq.) are appropriated for the purpose of offsetting the cost of operating the program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated are appropriated to the Controlled Dangerous Substance Registration program for the purpose of offsetting the costs of the administration and operation of the program, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated derived pursuant to P.L.1954, c.7 (C.5:8-1 et seq.) from the operations of the Division of Consumer Affairs Legalized Games of Chance program and the unexpended balances at the end of the preceding fiscal year, are appropriated for the purpose of offsetting the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Securities Enforcement Fund account is payable from receipts from fees and penalties deposited in the Securities Enforcement Fund pursuant to section 15 of P.L.1985, c.405 (C.49:3-66.1). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of section 15 of P.L.1985, c.405 (C.49:3-66.1) to the contrary, receipts in excess of the amount anticipated and the unexpended balances at the end of the preceding fiscal year, are appropriated to the Securities Enforcement Fund program account to offset the cost of operating this program and for use by the Department of Law and Public Safety, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the assessment and recovery of costs, fines, and penalties as well as other receipts received pursuant to the Consumer Fraud Act, P.L.1960, c.39 (C.56:8-1 et seq.), are appropriated for additional operational costs of the Division of Consumer Affairs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated derived pursuant to R.S.51:1-1 et seq. from the operations of the Division of Consumer Affairs, Office of Weights and Measures program and the unexpended balances at the end of the preceding fiscal year, are appropriated for the purposes of offsetting the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated derived pursuant to P.L.1994, c.16 (C.45:17A-18 et seq.) from the operations of the Division of Consumer Affairs Charitable Registration and Investigation program and the unexpended balances at the end of the preceding fiscal year, are appropriated for the purpose of offsetting the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for each of the several State professional boards, advisory boards, and committees shall be payable from receipts of those entities, and any receipts in excess of the amounts specifically provided to each of the entities are appropriated, and the unexpended balances at the end of the preceding fiscal year are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the sale of films, pamphlets, and other educational materials developed or produced by the Division on Civil Rights are appropriated to defray production costs.

Receipts derived from the provision of copies of transcripts and other materials related to officially docketed cases are appropriated.

Notwithstanding the provisions of section 2 of P.L.1983, c.412 (C.10:5-14.1a) any receipts derived from the assessment of fines, fees, and penalties pursuant to P.L.1945, c.169 (C.10:5-1 et seq.) are appropriated to the Division on Civil Rights for additional operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year in the Office of Victim-Witness Assistance and in the Victim and Witness Advocacy Fund pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) are appropriated.

The amount hereinabove appropriated for "Claims - Victims of Crime" is available for payment of awards applicable to claims filed in prior fiscal years.

Receipts derived from assessments pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) and the unexpended balance at the end of the preceding fiscal year in the Criminal Disposition and Revenue Collection Fund program account, are appropriated for the purpose of offsetting the costs of the design, development, implementation and operation of the Criminal Disposition and Revenue Collection program and payments of claims of victims of crime, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from assessments under section 2 of P.L.1979, c.396 (C.2C:43-3.1) in excess of the amount anticipated and the unexpended balance at the end of the preceding fiscal year are appropriated for payment of claims of victims of crime pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and additional Victims of Crime Compensation Agency operational costs up to $1,175,000, and $98,000 for the Agency's Strategic IT Automation Initiative, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove is appropriated from the Casino Revenue Fund for the costs associated with the operation of the Board of Nursing.

Department of Law and Public Safety,
Total State Appropriation $589,269,000

Receipts derived from the provision of copies, the processing of credit cards and other materials related to compliance with section 6 of P.L.2001, c.404 (C.47:1A-5), are appropriated for the purpose of offsetting costs related to the public access of government records.

Summary of Department of Law and Public Safety Appropriations
(For Display Purposes Only)

Appropriations by Category:	
Direct State Services	$545,766,000
Grants-in-Aid	32,503,000
State Aid	11,000,000
Appropriations by Fund:	
General Fund	$538,098,000
Casino Control Fund	45,999,000
Casino Revenue Fund	92,000
Gubernatorial Elections Fund	5,080,000

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS
10 Public Safety and Criminal Justice
14 Military Services
DIRECT STATE SERVICES

40-3620 New Jersey National Guard Support Services $10,023,000

60-3600 Joint Training Center Management and Operations 328,000
99-3600 Administration and Support Services 4,002,000
Total Direct State Services Appropriation, Military Services .. $14,353,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($5,434,000)
Materials and Supplies ..... (1,005,000)
Services Other Than Personal ..... (717,000)
Maintenance and Fixed Charges ..... (1,053,000)
Special Purpose:
40 Nuclear Facilities Security Detail ..... (2,930,000)
40 Weapons of Mass Destruction Program ... (378,000)
40 National Guard – State Active Duty ..... (150,000)
40 New Jersey National Guard Challenge Youth Program ..... (1,270,000)
40 Joint Federal-State Operations and Maintenance Contracts (State Share) ... (1,152,000)
99 Affirmative Action and Equal Employment Opportunity ..... (5,000)
99 Nursing Initiative ..... (250,000)
Additions, Improvements and Equipment ..... .(9,000)

The unexpended balance at the end of the preceding fiscal year in the Retention of U.S. Military Infrastructure in New Jersey account is appropriated for the same purpose.

The unexpended balance at the end of the preceding fiscal year in the National Guard-State Active Duty account is appropriated for the same purpose.

The unexpended balance at the end of the preceding fiscal year in the Joint Federal-State Operations and Maintenance Contracts (State Share) account is appropriated for the same purpose.

The unexpended balance at the end of the proceeding fiscal year in the Jersey City Armory account is appropriated for the same purpose.

Receipts derived from the rental and use of armories and the unexpended balance at the end of the preceding fiscal year in the receipt account are appropriated for the operation and maintenance thereof, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for New Jersey National Guard Support Services, funds received for Distance Learning Program usage are appropriated for the same purposes, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the sale of energy credits and the unexpended balance at the end of the preceding fiscal year in the receipt account are appropriated for the operation and maintenance of other energy program projects.

The unexpended balance at the end of the preceding fiscal year in the Vietnam Veterans Memorial account is appropriated.

80 Special Government Services
83 Services to Veterans
3610 Veterans' Program Support
DIRECT STATE SERVICES

50-3610 Veterans' Outreach and Assistance $3,398,000
51-3610 Veterans Haven 668,000
70-3610 Burial Services 2,304,000
Total Direct State Services Appropriation, Veterans' Program Support $6,370,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($4,545,000)
Materials and Supplies ..... (416,000)
Services Other Than Personal ..... (287,000)
Maintenance and Fixed Charges ..... (93,000)
Special Purpose:
50 Vietnam Memorial and Education Center . (300,000)
50 Veterans' State Benefits Bureau ..... (117,000)
50 Korean War Memorial Maintenance Program ..... (90,000)
50 Governor's Veterans' Services Council ..... (5,000)
51 Veterans Haven ..... (94,000)
70 Honor Guard Support Services ..... (423,000)

Funds collected by and on behalf of the Korean Veterans' Memorial Fund are hereby appropriated for the purposes of the fund.

Funds received for Veterans' Transitional Housing from the U.S. Department of Veterans Affairs and the individual residents, and the unexpended balance at the end of the preceding fiscal year, in the receipt account are appropriated for the same purpose.

Funds received for plot interment allowances from the U.S. Department of Veterans Affairs, burial fees collected, and the unexpended program balances at the end of the preceding fiscal year are appropriated for perpetual care and maintenance of burial plots and grounds at the Brigadier General William C. Doyle Veterans Memorial Cemetery in North Hanover Township, Burlington County, New Jersey.

Notwithstanding the provisions of any law or regulation to the contrary, no State funds are appropriated to the Department of Military and Veterans' Affairs for the purpose of reforestation or "in lieu of" payments under the P.L.1993, c.106 (C.13:1L-14.1 et seq.) in conjunction with the current or future operation, maintenance and construction of the Brigadier General William C. Doyle Veterans Memorial Cemetery in North Hanover Township, Burlington County, New Jersey.

GRANTS-IN-AID

50-3610 Veterans' Outreach and Assistance $3,009,000
Total Grants-in-Aid Appropriation, Veterans' Program Support . $3,009,000

Grants-in-Aid:
50 Support Services for Returning Veterans ..... ($1,000,000)
50 Veterans' Tuition Credit Program ..... (38,000)
50 POW/MIA Tuition Assistance ..... (11,000)
50 Vietnam Veterans' Tuition Aid ..... (7,000)
50 Veterans' Transportation ..... (335,000)
50 Veterans' Orphan Fund -- Education Grants . (5,000)
50 Blind Veterans' Allowances ..... (46,000)
50 Paraplegic and Hemiplegic Veterans' Allowance ..... (267,000)
50 Post Traumatic Stress Disorder ..... (1,300,000)

The sums provided hereinabove and the unexpended balances at the end of the preceding fiscal year in the Veterans' Tuition Credit Program, POW/MIA Tuition Assistance, and the Vietnam Veterans' Tuition Aid accounts are appropriated and available for payment of liabilities applicable to prior fiscal years.

From the amount hereinabove appropriated for the Support, Services for Returning Veterans, such sums as may be required may be transferred to Veterans Outreach and Assistance

- Direct State Services and Veterans' Transportation - Grants-in-Aid, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year, in the Support Services for Returning Veterans account is appropriated for the same purpose.

3630 Menlo Park Veterans' Memorial Home

DIRECT STATE SERVICES

20-3630 Domiciliary and Treatment Services $17,434,000
99-3630 Administration and Support Services 5,414,000
Total Direct State Services Appropriation, Menlo Park Veterans' Memorial Home $22,848,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($18,636,000)
Materials and Supplies ..... (2,253,000)
Services Other Than Personal ..... (1,580,000)
Maintenance and Fixed Charges ..... (265,000)
Additions, Improvements and Equipment .... (114,000)

In addition to the amount hereinabove appropriated for the Menlo Park Veterans' Memorial Home, such sums received from the U.S. Department of Veterans Affairs, New Jersey Department of Health and Senior Services, and New Jersey Assistance for Community Care Giving are appropriated for the Menlo Park Adult Day Care program, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

20-3630 Domiciliary and Treatment Services $55,000
Total Grants-in-Aid Appropriation, Menlo Park Veterans' Memorial Home $55,000

Grants-in-Aid:
20 Prescription Drug Program ..... ($55,000)

3640 Paramus Veterans' Memorial Home

DIRECT STATE SERVICES

20-3640 Domiciliary and Treatment Services $17,787,000
99-3640 Administration and Support Services 4,712,000
Total Direct State Services Appropriation, Paramus Veterans' Memorial Home $22,499,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($19,295,000)
Materials and Supplies ..... (1,625,000)
Services Other Than Personal ..... (1,354,000)
Maintenance and Fixed Charges ..... (184,000)
Additions, Improvements and Equipment ..... (41,000)

GRANTS-IN-AID

20-3640 Domiciliary and Treatment Services $55,000
Total Grants-in-Aid Appropriation, Paramus Veterans' Memorial Home $55,000

Grants-in-Aid:
20 Prescription Drug Program ..... ($55,000)

3650 Vineland Veterans' Memorial Home
DIRECT STATE SERVICES

20-3650 Domiciliary and Treatment Services	$18,580,000
99-3650 Administration and Support Services	5,543,000
Total Direct State Services Appropriation, Vineland Veterans' Memorial Home	$24,123,000

Direct State Services:

Personal Services:	
Salaries and Wages	($19,343,000)
Materials and Supplies	(1,846,000)
Services Other Than Personal	(2,496,000)
Maintenance and Fixed Charges	(314,000)
Additions, Improvements and Equipment	(124,000)

GRANTS-IN-AID

20-3650 Domiciliary and Treatment Services	$55,000
Total Grants-in-Aid Appropriation, Paramus Veterans' Memorial Home	$55,000

Grants-in-Aid:

20 Prescription Drug Program	($55,000)
Department of Military and Veterans' Affairs, Total State Appropriation	$93,367,000

Balances on hand at the end of the preceding fiscal year for the benefit of residents in the several veterans' homes, and such funds as may be received, are appropriated for the use of such residents.

Revenues representing receipts to the General Fund from charges to residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patients/residents who have no other source of funds for such purposes; provided however, that the allowance shall not exceed $50 per month for any eligible resident of an institution and provided further, that the total amount herein for such allowances shall not exceed $100,000, and that any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.

Funds received from the sale of articles made in occupational therapy departments of the several veterans' homes are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

Forty percent of the receipts in excess of the amount anticipated derived from resident contributions and federal reimbursements at the end of the preceding fiscal year are appropriated for veterans' program initiatives, subject to the approval of the Director of the Division of Budget and Accounting of an itemized plan for the expenditure of these amounts, as shall be submitted by the Adjutant General.

Fees charged to residents for personal laundry services provided by the veterans' homes are appropriated to supplement the operational and maintenance costs of these laundry services.

Of the amount hereinabove appropriated for the Department of Military and Veterans' Affairs, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Message and Recommendations shall first be charged to the State Lottery Fund.

Summary of Department of Military and Veterans' Affairs Appropriations
(For Display Purposes Only)

Appropriations by Category:	
Direct State Services	$90,193,000

Grants-in-Aid 3,174,000
Appropriations by Fund:
General Fund $93,367,000

68 DEPARTMENT OF PERSONNEL
70 Government Direction, Management, and Control
74 General Government Services
DIRECT STATE SERVICES

01-2710 Personnel Policy Development and
General Administration $2,733,000
02-2720 State and Local Government Operations 13,666,000
04-2740 Merit Services 2,318,000
05-2750 Equal Employment Opportunity
and Affirmative Action 528,000
07-2770 Human Resource Development Institute 2,360,000
Total Direct State Services Appropriation $21,605,000
Less:
Department Consolidation Savings $1,008,000
Total Deductions $1,008,000
Total Direct State Services Appropriation,
General Government Services $20,597,000
Direct State Services:
Personal Services:
Merit System Board ..... ($56,000)
Salaries and Wages ..... (17,583,000)
Materials and Supplies ..... (497,000)
Services Other Than Personal ..... (2,616,000)
Maintenance and Fixed Charges ..... (237,000)
Special Purpose:
01 Affirmative Action and Equal
Employment Opportunity ..... (93,000)
02 Microfilm Service Charges ..... (29,000)
02 Test Validation/Police Testing ..... (434,000)
05 Americans with Disabilities Act ..... (60,000)
Less:
Deductions 1,008,000

Receipts derived from fees charged to applicants for open competitive or promotional examinations, and the unexpended fee balance at the end of the preceding fiscal year, not to exceed $1,200,000 collected from firefighter and law enforcement examination receipts, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from training services and any unexpended balance at the end of the preceding fiscal year are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from Employee Advisory Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of N.J.S.11A:6-32, cash awards for suggestions shall be paid from the operating budget of the agency from savings generated by the suggestion, subject to the approval of the Director of the Division of Budget and Accounting.

Department of Personnel, Total State Appropriation $20,597,000

Summary of Department of Personnel Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $20,597,000
Appropriations by Fund:
General Fund $20,597,000

70 DEPARTMENT OF THE PUBLIC ADVOCATE
80 Special Government Services
82 Protection of Citizens' Rights
DIRECT STATE SERVICES

01-8400	Citizen Relations	$1,705,000
03-8411	Mental Health Advocacy	3,393,000
04-8440	Elder Advocacy	1,357,000
05-8413	Public Interest Advocacy	1,274,000
07-8412	Advocacy for the Developmentally Disabled	149,000
08-8450	Rate Counsel	5,674,000
09-8460	Child Advocate	2,268,000
99-8470	Management and Administrative Services	1,646,000
	Total Direct State Services Appropriation	$17,466,000
Less:		
	Savings ***$500,000***	
	Total Direct State Services Appropriation, Protection of Citizens' Rights	$16,966,000

Direct State Services:
Personal Services:
Salaries and Wages . . . . . ($10,631,000)
Materials and Supplies . . . . . (219,000)
Services Other Than Personal . . . . . (2,684,000)
Maintenance and Fixed Charges . . . . . (571,000)
Special Purpose:
03 Representation of Civilly Committed Sexual Offenders . . . . . (850,000)
09 Child Advocate . . . . . (2,268,000)
Additions, Improvements and Equipment . . . . . (243,000)
Less:
Savings ***500,000***

The unexpended balances at the end of the preceding fiscal year in the Office of the Child Advocate accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Sums provided for legal and investigative services are available for payment of obligations applicable to prior fiscal years.

Receipts of the Division of Rate Counsel in excess of those anticipated are appropriated for the Division of Rate Counsel to defray the costs of this activity under sections 47 and 55 of P.L.2005, c.155 (C.52:27EE-47 and 52:27EE-55).

To permit flexibility in the handling of appropriations to effectuate the provisions of P.L.2005, c.155 (C.52:27EE-1 et seq.), the amounts hereinabove may be transferred to and from the various items of appropriation subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year in the Rate Counsel accounts are appropriated.

Receipts in excess of the amount anticipated for the Office of Dispute Settlement are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Department of The Public Advocate,
Total State Appropriation $16,966,000

Summary of Department of the Public Advocate Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $16,966,000
Appropriations by Fund:
General Fund $16,966,000

74 DEPARTMENT OF STATE
30 Educational, Cultural, and Intellectual Development
36 Higher Educational Services
DIRECT STATE SERVICES

80-2400 Statewide Planning and
Coordination for Higher Education $905,000
81-2400 Educational Opportunity Fund Programs 394,000
Total Direct State Services Appropriation, Higher
Educational Services $1,299,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($1,180,000)
Materials and Supplies ..... (11,000)
Services Other Than Personal ..... (96,000)
Maintenance and Fixed Charges ..... (12,000)

An amount not to exceed $60,000 of the total hereinabove appropriated for College Bound is available for transfer to Direct State Services for the administrative expenses of this program, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed 5% of the total hereinabove appropriated for Higher Education for Special Needs Students and Program for the Education of Language Minority Students is available for transfer to Direct State Services for the administrative expenses of these programs, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year for the Minority Faculty Advancement Program are appropriated.

Refunds from prior years to the Educational Opportunity Fund Programs accounts are appropriated to those accounts.

GRANTS-IN-AID

80-2400 Statewide Planning and
Coordination for Higher Education $6,232,000
81-2401 Educational Opportunity Fund Programs 41,189,000
Total Grants-in-Aid Appropriation,
Higher Educational Services $47,421,000
Grants-in-Aid:
80 College Bound ..... ($3,550,000)
80 New Jersey Transfer Initiative ..... (82,000)
80 Governor's School ..... (100,000)

80 Higher Education for Special Needs Students ..... (1,600,000)
80 Program for the Education of Language Minority Students ..... (450,000)
80 Minority Faculty Advancement Program .. (450,000)
81 Opportunity Program Grants ..... (26,910,000)
81 Supplementary Education Program Grants ..... (13,477,000)
81 Martin Luther King Physician-Dentist Scholarship Act of 1986 ..... (602,000)
81 Ferguson Law Scholarships ..... (200,000)

2405 Higher Education Student Assistance Authority

DIRECT STATE SERVICES

45-2405 Student Assistance Programs $1,325,000
Total Direct State Services Appropriation, Higher Education Student Assistance Authority $1,325,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($1,322,000)
Maintenance and Fixed Charges ..... (3,000)

At any time prior to the issuance and sale of bonds or other obligations by the Higher Education Student Assistance Authority, the State Treasurer is authorized to transfer from any available monies in any fund of the Treasury of the State to the credit of any fund of the authority such sums as the State Treasurer deems necessary. Any sums so transferred shall be returned to the same fund of the Treasury of the State by the State Treasurer from the proceeds of the sale of the first issue of authority bonds or other authority obligations.

In furtherance of the "Higher Education Student Assistance Authority Law," P.L.1999, c.46 (C.18A:71A-1 et seq.), in the event of a draw upon a debt service reserve surety bond or any other debt service reserve cash equivalent instrument or any insufficiency of such instruments to pay debt service on the bonds issued by the Higher Education Student Assistance Authority, there are appropriated to the Higher Education Student Assistance Authority such sums as are necessary to repay the issuer of such surety bond or such other cash equivalent instrument for such draw or to satisfy such insufficiency, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

45-2405 Student Assistance Programs $286,507,000
Total Grants-in-Aid Appropriation, Higher Education Student Assistance Authority $286,507,000

Grants-in-Aid:

45 Veterinary Medicine Education Program ..... ($687,000)
45 Tuition Aid Grants ..... (250,490,000)
45 Part-Time Tuition Aid Grants for County Colleges ..... (5,970,000)
45 Survivor Tuition Benefits ..... (50,000)
45 Coordinated Garden State Scholarship Programs ..... (7,135,000)
45 Part-Time Tuition Aid Grants – EOF Students ..... (558,000)
45 Teaching Fellows Program ..... (132,000)

45 Outstanding Scholars
Recruitment Program ..... (3,003,000)
45 New Jersey World Trade Center
Scholarship Program ..... (250,000)
45 Dana Christmas Scholarship for Heroism ... (50,000)
45 New Jersey Student Tuition
Assistance Reward Scholarship
(NJSTARS I & II) ..... (14,682,000)
45 Social Services Student Loan
Redemption Program ..... (3,500,000)

The sums provided hereinabove and the unexpended balances at the end of the preceding fiscal year in Student Assistance Programs shall be appropriated and available for payment of liabilities applicable to prior fiscal years.

Notwithstanding the provisions of N.J.S.18A:71B-47 through N.J.S.18A:71B-49, or any other law or regulation to the contrary, the amounts hereinabove appropriated to the Higher Education Student Assistance Authority are subject to the following condition: commencing on or after July 1, 2007, any newly-admitted student attending a school of veterinary medicine in a reserved space for New Jersey residents through contractual agreements between the Higher Education Student Assistance Authority and participating out-of-state schools of veterinary medicine shall be required, through a contract with the Higher Education Student Assistance Authority, upon graduation to practice veterinary medicine in New Jersey for a period of one year for each year of contract funding provided on their behalf. Such service requirement must commence within one year of completion of the recipient's veterinary education, including American Veterinary Medical Association-approved internships or residencies. If such service requirement is not met, in part or in full, after documented best efforts to find a position, said recipient must refund to the Higher Education Student Assistance Authority that portion of the amounts expended for the recipient's contract seat that is not offset by practicing in New Jersey.

Amounts from the unexpended balance at the end of the preceding fiscal year, including refunds recognized after July 31, 2008, in the Tuition Aid Grants account are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the Higher Education Student Assistance Authority shall provide to students enrolled in public institutions of higher education who are eligible for maximum awards under the Tuition Aid Grants program hereinabove appropriated an increase above the fiscal year 2008 award amount equal to the difference between the in-State undergraduate 2007-2008 tuition rate for the institution and the institution's in-State undergraduate 2006-2007 tuition rate with comparable increases provided to students eligible for maximum awards enrolled at independent institutions. All other award amounts provided under the Tuition Aid Grants program shall be based on in-State undergraduate tuitions in effect at institutions in academic year 2005-2006. Reappropriated balances in the Tuition Aid Grants account shall be held as a contingency for unanticipated increases in the number of applicants qualifying for full-time Tuition Aid Grants awards, to fund shifts in the distribution of awards that result in an increase in total program costs, or to offset any shortfalls in the federal Leveraging Educational Assistance Partnership (LEAP) program.

In addition to the amount hereinabove appropriated for Tuition Aid Grants, there are appropriated such sums as are required to cover the costs of increases in the number of applicants qualifying for full-time Tuition Aid Grants awards, to fund shifts in the distribution of awards that result in an increase in total program costs, or to offset any shortfalls in the federal Leveraging Educational Assistance Partnership (LEAP) program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Part-Time Tuition Aid Grants for County Colleges shall be used to provide funds for a pilot program of tuition aid grants for eligible, qualified part-time students enrolled at the county colleges established pursuant to N.J.S.18A:64A-1 et seq. The tuition aid grants shall be used to pay the tuition at a county college established pursuant to N.J.S.18A:64A-1 et seq. Within the limits of available appropriations as determined by the Higher Education Student Assistance Authority, part-time grant awards shall be pro-rated against the full-time grant award for the applicable institutional sector established pursuant to N.J.S.18A:71B-21 as follows: an eligible student enrolled with six to eight credits shall receive one-half of the value of a full-time award and an eligible student enrolled with nine to eleven credits shall receive three-quarters of a full-time award. Students shall apply first for all other forms of federal student assistance grants and scholarships; student eligibility for the Tuition Aid Grant awards program for part-time enrollment at a community college shall in other respects be determined by the authority in accordance with the criteria established pursuant to N.J.S.18A:71B-20, other than the criterion for full-time enrollment.

Amounts from the unexpended balance at the end of the preceding fiscal year, including refunds recognized after July 31, 2008, in the Part-Time Tuition Aid Grants for County Colleges account are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. Reappropriated balances shall be held as a contingency for unanticipated increases in the number of applicants qualifying for Part-Time Tuition Aid Grants for County Colleges awards or to fund shifts in the distribution of awards that result in an increase in total program costs.

From the amount hereinabove appropriated for the Teaching Fellows Program the authority shall establish a Teaching Fellows Program that shall provide direct loans to finance the undergraduate study of academically talented students who have leadership potential and who are interested in teaching in a public school in the State. The program shall also provide for the redemption of a portion of each eligible student's loan expenses for each year of full-time employment as a teacher in a subject area of critical need or in a high-needs district.

Notwithstanding the provisions of any law or regulation to the contrary, any institution of higher education which participates in the Student Unit Record Enrollment data system may participate in the Outstanding Scholars Recruitment Program.

Receipts derived from voluntary contributions by taxpayers on New Jersey State gross income tax returns for the New Jersey World Trade Center Scholarship Fund are appropriated for the purpose of providing scholarships for eligible dependent children and surviving spouses of New Jersey residents who were killed in the terrorist attacks against the United States on September 11, 2001, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Dana Christmas Scholarship for Heroism shall be awarded in accordance with policies and procedures established by the Higher Education Student Assistance Authority. In general, recipients must have performed the act of heroism for which they are being recognized prior to reaching their twenty-second birthday, awards are for a one-time only scholarship of up to $10,000, and awards must be used for educational expenses related to attendance at a post-secondary institution that participates in the federal student assistance programs authorized under Title IV of the "Higher Education Act of 1965," as amended (20 U.S.C. s.1070 et seq.).

In addition to the amount hereinabove appropriated for the Social Services Student Loan Redemption Program, there are appropriated such sums as are required to cover the costs of increases in the number of applicants qualifying for this program, subject to the approval of the Director of the Division of Budget and Accounting.

2410 Rutgers, The State University
GRANTS-IN-AID

82-2410 Institutional Support		$1,719,756,000
Subtotal General Operations		$1,719,756,000
Less:		
Receipts from Tuition Increase	***$997,000***	
General Services Income	***534,807,000***	
Auxiliary Funds Income	***237,479,000***	
Special Funds Income	***511,789,000***	
Employee Fringe Benefits	***166,513,000***	
Total Income Deductions		***$1,451,585,000***
Total Appropriation, Rutgers, The State University		$268,171,000

Grants-in-Aid:
Special Purpose:
82 General Institutional Operations . . . ($1,719,756,000)
Less:
Income Deductions 1,451,585,000

Of the sums hereinabove appropriated for Rutgers, The State University, $180,000 is appropriated for the Masters in Government Accounting Program, $105,000 is appropriated for the Tomato Technology Transfer Program, $95,000 is appropriated for the Haskin Shellfish Research Laboratory, $200,000 is appropriated for the Camden Law School Clinical Legal Programs for the Poor, $200,000 is appropriated for the Newark Law School Clinical Legal Programs for the Poor, $740,000 is appropriated for the Civic Square Project-Debt Service, $75,000 is appropriated for the Walter Rand Institute for Public Affairs, $700,000 is appropriated for In Lieu of Taxes to New Brunswick, $500,000 is appropriated for capital projects or maintenance for Division of Intercollegiate Athletic facilities at Rutgers, New Brunswick, and $135,000 is appropriated for E3CO, Inc. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

Receipts in excess of the amount hereinabove for the Clinical Legal Programs for the Poor, P.L.1996, c.52, are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Rutgers, The State University shall be 6,678.

From the amount hereinabove appropriated for Rutgers, The State University, $90,000 is transferred to the Department of Agriculture, or any entity succeeding to the duties and functions of the Department of Agriculture pursuant to separate legislation, and is appropriated for a grant to the New Jersey Museum of Agriculture.

2415 Agricultural Experiment Station
GRANTS-IN-AID

82-2415 Institutional Support		$85,393,000
Subtotal General Operations		$85,393,000
Less:		
Special Funds Income	***$44,767,000***	
Federal Research and Extension Funds Income	***6,500,000***	
Employee Fringe Benefits	***9,319,000***	
Total Income Deductions		***$60,586,000***
Total Appropriation, Agricultural Experiment Station		$24,807,000

Grants-in-Aid:
Special Purpose:
82 General Institutional Operations . . . . . ($85,393,000)

Less:
Income Deductions *60,586,000*

Of the sums hereinabove appropriated for the New Jersey Agricultural Experiment Station, $900,000 is appropriated for Strategic Initiatives Programs, $250,000 is appropriated for Blueberry and Cranberry Research, $691,000 is appropriated for the Snyder Farm Planning and Operation, $300,000 is appropriated for the New Jersey EcoComplex, and $500,000 is appropriated for Fruit Research. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at the Agricultural Experiment Station shall be 424.

For the purpose of implementing the appropriations act for the current fiscal year, the fringe benefits for 126 positions, funded by the federal Hatch and Smith/Lever programs, are funded by the State.

Rutgers, The State University of New Jersey is authorized to reallocate appropriations from the General University to the Agricultural Experiment Station, as needed, to assure that there are sufficient funds in the Agricultural Experiment Station to meet federal requirements for the Hatch and Smith/Lever programs.

2420 University of Medicine and Dentistry of New Jersey
GRANTS-IN-AID

82-2420 Institutional Support		$1,455,965,000
Subtotal General Operations		$1,455,965,000
Less:		
Hospital Services Income	***$485,829,000***	
Core Affiliates Income	***6,612,000***	
General Services Income	***198,684,000***	
Auxiliary Funds Income	***14,404,000***	
Special Funds Income	***339,550,000***	
Employee Fringe Benefits	***202,215,000***	
Total Income Deductions		***$1,247,294,000***
Total Appropriation, University of Medicine and Dentistry		$208,671,000

Grants-in-Aid:
Special Purpose:
82 General Institutional Operations ... ($1,449,265,000)
82 Cancer Institute of New Jersey and Ancillary Facilities ..... (5,000,000)
82 Child Health Institute ..... (1,700,000)

Less:
Income Deductions *1,247,294,000*

In addition to the sums hereinabove appropriated to the University of Medicine and Dentistry of New Jersey, all revenues from lease agreements between the university and contracted organizations are appropriated.

From the amount hereinabove appropriated for the University of Medicine and Dentistry of New Jersey, the Director of the Division of Budget and Accounting may transfer such amounts as deemed necessary to the Division of Medical Assistance and Health Services to maximize federal Medicaid funds.

The University of Medicine and Dentistry of New Jersey is authorized to operate its continuing medical-dental education program as a revolving fund and the revenue collected therefrom, and any unexpended balance therein, is retained for such fund.

Of the amounts hereinabove appropriated for the University of Medicine and Dentistry of New Jersey, there is allocated for Robert Wood Johnson Medical School - Camden for the purpose of faculty support and affiliate hospital (Cooper University Hospital) support,

including program and capital support that will benefit patients from Camden and the region, (a) an amount equal to the amount budgeted by the University of Medicine and Dentistry of New Jersey in its fiscal year 2006-2007 budget for Robert Wood Johnson Medical School - Camden for affiliate and related non-salary expense , and (b) the unexpended balances of the amounts budgeted by the University of Medicine and Dentistry of New Jersey in its fiscal year 2005-2006, 2006-2007, and 2007-2008 budgets for Robert Wood Johnson Medical School - Camden for affiliate and related non-salary expense.

Of the sums hereinabove appropriated for the University of Medicine and Dentistry of New Jersey, $100,000 is appropriated for the Inflammatory Bowel Disease Center, $800,000 is appropriated for Emergency Medical Service-Camden, $975,000 is appropriated for the Regional Health Education Center-Physical Plant, $750,000 is appropriated for the Violence Institute of New Jersey at UMDNJ, $525,000 is appropriated for the Regional Health Education Center-Educational Units, $160,000 is appropriated for The Autism Center of New Jersey Medical School, $290,000 is appropriated for the New Jersey Area Health Education Program, $7,800,000 is appropriated for Debt Service-Robert Wood Johnson Medical School, Camden, and $2,700,000 is appropriated for Debt Service-School of Osteopathic Medicine Academic Center, Stratford. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at the University of Medicine and Dentistry of New Jersey shall be 5,545.

The unexpended balances at the end of the preceding fiscal year in the accounts hereinabove are appropriated for the purposes of the University of Medicine and Dentistry of New Jersey.

The unexpended balances of appropriations for fiscal year 2005 through 2008 for Robert Wood Johnson Medical School - Camden - debt service are appropriated to the Department of Health and Senior Services for the purposes of the Cancer Institute of New Jersey - South Jersey program.

2430 New Jersey Institute of Technology

GRANTS-IN-AID

82-2430 Institutional Support		$267,606,000
Subtotal General Operations		$267,606,000
Less:		
General Services Income	***$97,858,000***	
Auxiliary Funds Income	***11,372,000***	
Special Funds Income	***88,816,000***	
Employee Fringe Benefits	***26,123,000***	
Total Income Deductions		***$224,169,000***
Total Appropriation, New Jersey Institute of Technology		$43,437,000

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations .... ($267,606,000)

Less:

Income Deductions 224,169,000

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at the New Jersey Institute of Technology shall be 805.

2440 Thomas A. Edison State College

GRANTS-IN-AID

82-2440 Institutional Support	$44,190,000
Subtotal General Operations	$44,190,000

Less:
Self Sustaining Income *$22,437,000*
General Services Income *10,518,000*
Employee Fringe Benefits *5,878,000*
Total Income Deductions *$38,833,000*
Total Appropriation, Thomas A. Edison State College $5,357,000
Grants-in-Aid:
Special Purpose:
82 General Institutional Operations ..... ($44,190,000)
Less:
Income Deductions *38,833,000*

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Thomas A. Edison State College shall be 239.

2445 Rowan University
GRANTS-IN-AID

82-2445Institutional Support $206,645,000
Subtotal General Operations $206,645,000
Less:
General Services Income *$85,737,000*
Auxiliary Funds Income *32,560,000*
Special Funds Income *27,500,000*
Employee Fringe Benefits *26,145,000*
Total Income Deductions *$171,942,000*
Total Appropriation, Rowan University $34,703,000
Grants-in-Aid:
Special Purpose:
82 General Institutional Operations .... ($206,645,000)
Less:
Income Deductions *171,942,000*

Of the sums hereinabove appropriated for Rowan University, $500,000 is appropriated for the School of Engineering and $215,000 is appropriated for the Camden Urban Center. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Rowan University shall be 1,141.

2450 New Jersey City University
GRANTS-IN-AID

82-2450 Institutional Support $124,536,000
Subtotal General Operations $124,536,000
Less:
General Services Income *$40,227,000*
A.H. Moore Program Receipts *5,825,000*
Auxiliary Funds Income *6,598,000*
Special Funds Income *20,073,000*
Employee Fringe Benefits *22,294,000*
Total Income Deductions *$95,017,000*
Total Appropriation, New Jersey
City University $29,519,000
Grants-in-Aid:
Special Purpose:
82 General Institutional Operations .... ($124,536,000)

Less:
Income Deductions *95,017,000*
Of the sums hereinabove appropriated for New Jersey City University, $1,078,000 is appropriated for the A. Harry Moore Laboratory School and $145,000 is appropriated for Tidelands Athletic Fields. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.
For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at New Jersey City University shall be 1,185.

2455 Kean University
GRANTS-IN-AID

82-2455 Institutional Support		$179,014,000
Subtotal General Operations		$179,014,000
Less:		
General Services Income	*$76,321,000*	
Auxiliary Funds Income	*13,650,000*	
Special Funds Income	*28,888,000*	
Employee Fringe Benefits	*22,102,000*	
Total Income Deductions		*$140,961,000*
Total Appropriation, Kean University		$38,053,000
Grants-in-Aid:		
Special Purpose:		
82 General Institutional Operations	($178,264,000)	
82 Liberty Hall Preservation and Restoration	(750,000)	
Less:		
Income Deductions	*140,961,000*	

Of the sums hereinabove appropriated for Kean University, $180,000 is appropriated for Emerging Needs/Academic Initiatives. This account shall be considered a special purpose appropriation for accounting and reporting purposes.
For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Kean University shall be 1,078.

2460 William Paterson University of New Jersey
GRANTS-IN-AID

82-2460 Institutional Support		$166,752,000
Subtotal General Operations		$166,752,000
Less:		
General Services Income	*$57,976,000*	
Auxiliary Funds Income	*28,300,000*	
Special Funds Income	*17,900,000*	
Employee Fringe Benefits	*25,391,000*	
Total Income Deductions		*$129,567,000*
Total Appropriation, William Paterson University of New Jersey		$37,185,000
Grants-in-Aid:		
Special Purpose:		
82 General Institutional Operations	($166,752,000)	
Less:		
Income Deductions	*129,567,000*	

Of the sums hereinabove appropriated for William Paterson University of New Jersey, $100,000 is appropriated for the New Jersey Project and $65,000 is appropriated for

Outcomes Assessment. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at William Paterson University of New Jersey shall be 1,166.

2465 Montclair State University
GRANTS-IN-AID

82-2465 Institutional Support $272,687,000
Subtotal General Operations $272,687,000
Less:
General Services Income $138,001,000
Conservation School Receipts 890,000
Auxiliary Funds Income 44,924,000
Special Funds Income 13,416,000
Employee Fringe Benefits 31,782,000
Total Income Deductions $229,013,000
Total Appropriation, Montclair State University $43,674,000
Grants-in-Aid:
Special Purpose:
82 General Institutional Operations .... ($272,687,000)
Less:
Income Deductions 229,013,000

In addition to the sums hereinabove appropriated for Montclair State University, all revenues from lease agreements between Montclair State University and corporations operating satellite relay stations are appropriated for use by the University.

Of the sums hereinabove appropriated for Montclair State University, $1,050,000 is appropriated for the New Jersey State School of Conservation. This account shall be considered a special purpose appropriation for accounting and reporting purposes.

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Montclair State University shall be 1,382.

2470 The College of New Jersey
GRANTS-IN-AID

82-2470 Institutional Support $182,344,000
Subtotal General Operations $182,344,000
Less:
General Services Income $62,887,000
Auxiliary Funds Income 38,210,000
Special Funds Income 23,277,000
Employee Fringe Benefits 24,657,000
Total Income Deductions $149,031,000
Total Appropriation, The College of New Jersey $33,313,000
Grants-in-Aid:
Special Purpose:
82 General Institutional Operations ... ($182,344,000)
Less:
Income Deductions 149,031,000

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at The College of New Jersey shall be 902.

2475 Ramapo College of New Jersey
GRANTS-IN-AID

82-2475 Institutional Support $121,384,000

Subtotal General Operations $121,384,000
Less:
General Services Income $47,410,000
Auxiliary Funds Income 32,019,000
Special Funds Income 9,283,000
Employee Fringe Benefits 14,425,000
Total Income Deductions $103,137,000
Total Appropriation, Ramapo College of New Jersey $18,247,000
Grants-in-Aid:
Special Purpose:
82 General Institutional Operations ... ($121,384,000)
Less:
Income Deductions 103,137,000

Of the sums hereinabove appropriated for Ramapo College of New Jersey, $200,000 is appropriated for the Governor William T. Cahill Recognition Programs. This account shall be considered a special purpose appropriation for accounting and reporting purposes.

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Ramapo College of New Jersey shall be 601.

2480 The Richard Stockton College of New Jersey
GRANTS-IN-AID

82-2480 Institutional Support $145,261,000
Subtotal General Operations $145,261,000
Less:
General Services Income $55,900,000
Auxiliary Funds Income 31,800,000
Special Funds Income 18,192,000
Employee Fringe Benefits 16,801,000
Total Income Deductions $122,693,000
Total Appropriation, The Richard Stockton College of New Jersey $22,568,000
Grants-in-Aid:
Special Purpose:
82 General Institutional Operations .... ($145,111,000)
82 School of Tourism ..... (150,000)
Less:
Income Deductions 122,693,000

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at The Richard Stockton College of New Jersey shall be 802.

Higher Educational Services

Notwithstanding the provisions of any law or regulation to the contrary, from the sums hereinabove appropriated for Higher Educational Services-Institutional Support in each of the senior public institutions of higher education, there are allocated such sums as are required to provide the reimbursement to cover tuition costs of the National Guard members pursuant to subsection b. of section 21 of P.L.1999, c.46 (C.18A:62-24).

Public colleges and universities are authorized to provide a voluntary employee furlough program.

Notwithstanding the provisions of any law or regulation to the contrary, any funds appropriated as Grants-In-Aid and payable to any senior public college or university which requests approval from the Educational Facilities Authority and the Director of the Division of Budget and Accounting may be pledged as a guarantee for payment of principal and interest on any bonds issued by the

Educational Facilities Authority or by the college or university. Such funds, if so pledged, shall be made available by the State Treasurer upon receipt of written notification by the Educational Facilities Authority or the Director of the Division of Budget and Accounting that the college or university does not have sufficient funds available for prompt payment of principal and interest on such bonds, and shall be paid by the State Treasurer directly to the holders of such bonds at such time and in such amounts as specified by the bond indenture, notwithstanding that payment of such funds does not coincide with any date for payment otherwise fixed by law.

Of the amount hereinabove appropriated for Higher Educational Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Recommendation Document first shall be charged to the State Lottery Fund.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the senior public institutions of higher education shall be paid to each institution in twelve equal installments on the last business day of each month, beginning in July 2008.

Notwithstanding the provisions of any law or regulation to the contrary, no amount hereinabove appropriated for any senior public institution of higher education shall be paid until the institution remits its quarterly fringe benefit reimbursement for positions in excess of the number of State-funded positions provided in this act, by the deadline and in the manner required by the Director of the Division of Budget and Accounting. This provision shall commence with the first quarterly reimbursement remittance for this fiscal year.

30 Educational, Cultural, and Intellectual Development
37 Cultural and Intellectual Development Services
DIRECT STATE SERVICES

05-2530	Support of the Arts	450,000
06-2535	Museum Services	3,291,000
07-2540	Development of Historical Resources	346,000
10-2570	Public Broadcasting Services	4,280,000
52-2539	Travel and Tourism	11,869,000
	Total Direct State Services Appropriation, Cultural and Intellectual Development Services	$20,236,000

Direct State Services:

Personal Services:		
	Salaries and Wages	($6,478,000)
Materials and Supplies		(206,000)
Services Other Than Personal		(545,000)
Maintenance and Fixed Charges		(174,000)
Special Purpose:		
06	Historic Morven	(250,000)
06	Maintenance of Old Barracks	(450,000)
06	War Memorial Operations	(250,000)
10	Affirmative Action and Equal Employment Opportunity	(14,000)
52	Travel and Tourism Advertising and Promotion	(10,019,000)
52	Travel and Tourism, Advertising and Promotion -- Cooperative Marketing Program	(1,850,000)

In addition to the amount hereinabove appropriated for the Division of State Museum, there are appropriated such sums as are required to cover additional costs related to re-opening the State Museum, not to exceed $890,000, subject to the approval of the Director of the Division of Budget and Accounting.

The sum hereinabove appropriated for the Travel and Tourism, Advertising and Promotion - Cooperative Marketing Program is subject to the condition that any such amounts expended from such appropriation by the Division of Travel and Tourism are for programs which are funded by a 25% match by private tourism, industry concerns, and non-State public entities pursuant to subsection j. of section 9 of P.L.1977, c.225 (C.34:1A-53), subject to the approval of the Director of the Division of Budget and Accounting.

The Secretary of State shall report semi-annually on the expenditure during the preceding six months of State funds hereinabove appropriated for Travel and Tourism Advertising and Promotion and the Travel and Tourism, Advertising and Promotion - Cooperative Marketing Program, and private contributions to these programs. The first semi-annual report covering the first six months of fiscal 2009 shall be completed not later than January 31, 2009, the second semi-annual report covering the second six months of fiscal 2009 shall be completed not later than July 31, 2009, and both reports shall be submitted to the Treasurer, the Director of the Division of Budget and Accounting, and the Joint Budget Oversight Committee.

Of the amounts hereinabove appropriated for Public Broadcasting Services, $526,000 shall be transferred to the Interdepartmental Household and Security account.

GRANTS-IN-AID

05-2530 Support of the Arts	$21,684,000
06-2535 Museum Services	2,390,000
07-2540 Development of Historical Resources	3,869,000
Total Grants-in-Aid Appropriation, Cultural and Intellectual Development Services	$27,943,000

Grants-in-Aid:

05 Newark Museum	($2,430,000)
05 Cultural Projects	(19,254,000)
06 War Memorial Operations	(500,000)
06 Battleship New Jersey Museum	(1,500,000)
06 Battleship New Jersey Utilities	(390,000)
07 Grants in Afro-American History	(13,000)
07 Ellis Island New Jersey Foundation	(450,000)
07 New Jersey Historical Commission – Agency Grants	(3,306,000)
07 New Jersey Council for the Humanities	(100,000)

Of the amount hereinabove appropriated for Cultural Projects, an amount not to exceed $75,000 may be used for administrative purposes, and an amount not to exceed $125,000 may be used for the assessment and oversight of cultural projects, including administrative costs attendant to this function, in compliance with all pertinent State and federal laws and regulations including the Single Audit Act, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Cultural Projects, the value of project grants awarded within each county shall total not less than $50,000.

Of the amount hereinabove appropriated for Cultural Projects, funds may be used for the purpose of matching federal grants.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount appropriated for Cultural Projects, 25% shall be awarded to cultural groups or artists based in the eight southernmost counties (Cape May, Salem, Cumberland, Gloucester, Camden, Ocean, Atlantic, and Burlington). In the calculation of the allocation percentage, the first $1,000,000 of any grants that may be awarded to the New Jersey

Performing Arts Center or the Rutgers Camden Performing Arts Center shall be disregarded.

The amount hereinabove appropriated for the Battleship New Jersey Utilities shall be used for the utility expenses of the Battleship New Jersey as shall be substantiated by the Home Port Alliance in a submission to the Director of the Division of Budget and Accounting, and shall not be expended without the approval of the director and the State Treasurer.

Notwithstanding the provisions of section 4 of P.L.1999, c.131 (C.18A:73-22.4), from the amount appropriated for New Jersey Historical Commission - Agency Grants, an amount not to exceed $200,000 is appropriated for administrative costs, subject to the approval of the Director of the Division of Budget and Accounting.

2541 Division of State Library

DIRECT STATE SERVICES

51-2541 Library Services	$6,672,000
Total Direct State Services Appropriation, Division of State Library	$6,672,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($3,534,000)
Materials and Supplies	(418,000)
Services Other Than Personal	(193,000)
Maintenance and Fixed Charges	(27,000)
Special Purpose:	
51 Supplies and Extended Services	(500,000)
51 Virtual Library (Knowledge Initiative)	(2,000,000)

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Direct State Services for the New Jersey State Library, excluding amounts appropriated to Special Purpose accounts, shall be paid in twelve equal installments on the last business day of each month, beginning in July 2008.

STATE AID

51-2541 Library Services	$17,826,000
Total State Aid Appropriation, Division of State Library	$17,826,000
State Aid:	
51 Per Capita Library Aid	($7,973,000)
51 Library Network	(4,777,000)
51 Virtual Library Aid	(1,300,000)
51 Public Library Project Fund	(3,776,000)

70 Government Direction, Management, and Control

74 General Government Services

DIRECT STATE SERVICES

01-2505 Office of the Secretary of State	$3,278,000
08-2545 Records Management	2,801,000
25-2525 Election Management and Coordination	824,000
Total Direct State Services Appropriation, General Government Services	$6,903,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($5,264,000)
Materials and Supplies	(282,000)
Services Other Than Personal	(563,000)
Maintenance and Fixed Charges	(56,000)

Special Purpose:
01 Affirmative Action and Equal Employment Opportunity ..... (34,000)
01 Personal Responsibility Programs ..... (151,000)
01 Office of Volunteerism ..... (129,000)
01 New Jersey - Israel Commission ..... (130,000)
01 Martin Luther King, Jr. Commemorative Commission ..... (174,000)
Additions, Improvements and Equipment ..... (120,000)

The unexpended balance at the end of the preceding fiscal year in the 9-11 Memorial Commission account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Amistad Commission account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Records Management program is payable from receipts deposited in the New Jersey Public Records Preservation account.

Notwithstanding the provisions of any law or regulation to the contrary, up to 40% of the receipts deposited in the New Jersey Public Records Preservation account in the Department of the Treasury are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, and allocated as grants to counties and municipalities for the management, storage, and preservation of public records based on regulations promulgated by the Division of Archives and Records Management and approved by the State Treasurer. Of the amount so appropriated, an amount not to exceed $100,000 may be used for the administrative expenses of this grant program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts received from New Jersey Public Records Preservation fees, not to exceed $1,300,000, are appropriated for the operations of the microfilm unit in the Division of Archives and Records Management within the Department of State, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the examination of voting machines by Election Management and Coordination and the unexpended balance at the end of the preceding fiscal year of those receipts are appropriated for the costs of making such examinations.

The unexpended balance at the end of the preceding fiscal year in the Help America Vote Act - State Match account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

01-2505 Office of the Secretary of State $2,121,000
Total Grants-in-Aid Appropriation, General Government Services $2,121,000

Grants-in-Aid:
01 Office of Faith-Based Initiatives ..... ($1,500,000)
01 Cultural Trust ..... (621,000)

Of the amount hereinabove appropriated for Office of Faith-Based Initiatives, an amount not to exceed $50,000 may be used for administrative purposes, including the oversight of cultural projects, to ensure their compliance with all applicable State and federal laws and regulations including the Single Audit Act, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

25-2525 Election Management and Coordination $17,030,000

Total State Aid Appropriation, General Government Services . $17,030,000

State Aid:

Special Purpose:

25 Voter Verified Paper Audit Trail .... ($10,000,000)

25 Extended Polling Place Hours ..... (7,030,000)

The unexpended balance at the end of the preceding fiscal year in the Presidential Primary account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting. In addition there are appropriated from the General Fund such additional sums as may be required for county and municipal costs of the Presidential Primary, as certified by the Commissioner of Registration of each county, and certified by the Office of the Secretary of State, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Voter Verified Paper Audit Trail account is appropriated for the same purpose subject to the approval of the Director of Budget and Accounting.

Department of State, Total State Appropriation $1,242,988,000

Pursuant to the provisions of P.L.2003, c.114, the amounts hereinabove appropriated for purposes of promoting cultural and tourism activities in this State are first charged to revenues derived from the hotel and motel occupancy fee.

Summary of Department of State Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services $36,435,000

Grants-in-Aid 1,171,697,000

State Aid 34,856,000

Appropriations by Fund:

General Fund $1,242,988,000

78 DEPARTMENT OF TRANSPORTATION

10 Public Safety and Criminal Justice

11 Vehicular Safety

Notwithstanding the provisions of the "Motor Vehicle Inspection Fund" established pursuant to subsection j. of R.S.39:8-2, balances in the fund are available for Other-Clean Air purposes, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, monies received in the "Commercial Vehicle Enforcement Fund" established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75), are appropriated to offset all reasonable and necessary expenses of the Division of State Police, the Motor Vehicle Commission, the Department of Transportation, and the Department of Environmental Protection in the performance of commercial truck safety and emission inspections and Other-Clean Air purposes, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived pursuant to the New Jersey emergency medical service helicopter response act under subsection a. of section 1 of P.L.1992, c.87 (C.39:3-8.2), are appropriated to the Division of State Police and the Department of Health and Senior Services to defray the operating costs of the program as authorized under P.L.1986, c.106 (C.26:2K-35 et seq.). The unexpended balance at the end of the preceding fiscal year is appropriated to the special capital maintenance reserve account for capital replacement and major

maintenance of helicopter equipment and any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any law to the contrary, pursuant to P.L.2006, c.39 (C.39:3-8.3 et seq.), receipts that are derived from the surcharge on luxury and fuel-inefficient vehicles shall be deposited in the General Fund as State revenue.

The amount hereinabove appropriated to the New Jersey Motor Vehicle Commission is based on proportional revenue collections for that fiscal year pursuant to the statutes listed in subsection a. of section 105 of P.L.2003, c.13 (C.39:2A-36). Of that amount, $8,138,000 shall be appropriated for transfer to the Inter-Departmental property rental and household and security accounts, $4,800,000 shall be appropriated for transfer to the Division of Revenue within the Department of the Treasury, $612,000 shall be appropriated for transfer to the Division of State Police, and $800,000 shall be appropriated for transfer to the Bureau of Forestry within the Department of Environmental Protection for its Forest Fire Fighting Program. In addition, the Motor Vehicle Commission shall pay the non-State hourly rate charged by the Office of Administrative Law for hearing services, or an amount no less than $500,000, subject to the approval of the Director of the Division of Budget and Accounting.

60 Transportation Programs
61 State and Local Highway Facilities
DIRECT STATE SERVICES

06-6100 Maintenance and Operations	$72,184,000
08-6120 Physical Plant and Support Services	7,013,000
Total Direct State Services Appropriation, State and Local Highway Facilities	$79,197,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($55,462,000)
Materials and Supplies	(12,414,000)
Services Other Than Personal	(2,486,000)
Maintenance and Fixed Charges	(8,666,000)
Additions, Improvements and Equipment	(169,000)

The unexpended balances at the end of the preceding fiscal year in excess of $1,000,000 in the accounts hereinabove are appropriated for Maintenance and Operations.

In addition to the amount hereinabove appropriated for Maintenance and Operations, such additional sums as may be required are appropriated for winter operations, including snow removal costs, not to exceed $10,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated for the Department of Transportation from the General Fund, $12,500,000 thereof shall be paid from funds received or receivable from the various transportation-oriented authorities pursuant to contracts between the authorities and the State as are determined to be eligible for such funding pursuant to such contracts, as shall be determined by the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from the Logo Sign Program fees, which include the Trailblazer Sign Program, the Variable Message Advertising Program, the Excess Parcel Advertising Program, and the Land Service Road Advertising Program, are appropriated for the purpose of administering the program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated derived from highway application and permit fees pursuant to subsection (h) of section 5 of P.L.1966, c.301 (C.27:1A-5) are

appropriated for the purpose of administering the Access Permit Review program, subject to the approval of the Director of the Division of Budget and Accounting.

The department is permitted to transfer an amount approved by the Director of the Division of Budget and Accounting from funds previously appropriated for State highway projects from the "Transportation Rehabilitation and Improvement Fund of 1979," established pursuant to section 15 of P.L.1979, c.165, for planning, engineering, design, right-of-way acquisition, or other costs related to the construction of projects financed from that fund.

Of the amount hereinabove appropriated for Maintenance and Operations, $10,000,000 for winter operations, including snow removal costs, is payable from the receipts of the New Tire Surcharge pursuant to P.L.2004, c.46 (C.54:32F-1 et seq.).

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for Maintenance and Operations, there is appropriated $5,150,000 from balances in the "Commercial Vehicle Enforcement Fund" for Maintenance and Fixed Charges, subject to the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

60-6200 Trust Fund Authority --
Revenues and other funds available
for new projects $895,000,000
Total Capital Construction Appropriation, State and
Local Highway Facilities $895,000,000

Capital Projects:

Transportation Trust Fund Account .... ($895,000,000)

The amount hereinabove appropriated for the Transportation Trust Fund account shall first be provided from revenues received from motor fuel taxes, the petroleum products gross receipts tax, and the sales and use tax pursuant to Article VIII, Section II, paragraph 4 of the State Constitution, and from funds received or receivable from the various transportation-oriented authorities pursuant to contracts between the authorities and the State, together with such additional sums pursuant to P.L.1984, c.73 (C.27:1B-1 et al.) and R.S.54:39-27, as may be necessary to satisfy all fiscal year 2009 debt service, bond reserve requirements, and other fiscal obligations of the New Jersey Transportation Trust Fund Authority.

Notwithstanding the provisions of any law or regulation to the contrary, the department may expend necessary sums for improvements to streets and roads providing access to State facilities within the capital city without local participation.

Receipts representing the State share from the rental or lease of property, and the unexpended balances at the end of the preceding fiscal year of such receipts are appropriated for maintenance or improvement of transportation property, equipment and facilities.

Notwithstanding any other provision of law or regulation to the contrary, the Department of Transportation may transfer Transportation Trust Fund monies to federal projects contracted in federal fiscal years beginning in 2004 and including all subsequent federal fiscal years, culminating with the federal projects appropriated in this act, until such time as federal funds become available for the projects. These transfers shall be subject to the approval of the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer. Subject to the receipt of federal funds, the Transportation Trust Fund shall be reimbursed for all the monies that were transferred to advance federally funded projects.

Notwithstanding the provisions of P.L.1984, c.73 (C.27:1B-1 et al.), there is appropriated the sum of $975,000,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for capital purposes as follows:

Section	County	Amount
69th Street Bridge	Hudson	(10,000,000)
Advance Acquisition of Right of Way	Various	(1,000,000)
Airport Improvement Program	Various	(7,000,000)
Asbestos Surveys and Abatements	Various	(1,000,000)
Atlantic City Expressway Interchange 17 - Route 50	Atlantic	(2,000,000)
Atlantic City International Airport, Apron Expansion	Atlantic	(6,253,000)
Barrier Gate Replacement	Monmouth, Ocean	(5,000,000)
Betterments, Bridge Preservation	Various	(17,250,000)
Betterments, Roadway Preservation	Various	(10,000,000)
Betterments, Safety	Various	(7,000,000)
Bicycle & Pedestrian Facilities/ Accommodations	Various	(2,000,000)
Bloomfield Avenue Bridge over Montclair Line	Essex	(5,920,000)
Bridge Deck Patching Program	Various	(5,000,000)
Bridge, Emergency Repair	Various	(25,000,000)
Campbell Revitalization Area, Camden	Camden	(12,240,000)
Capital Contract Payment Audits	Various	(1,500,000)
Clifton Avenue/Nesbitt Street Bridges over Morristown Line	Essex	(23,905,000)
Community Notification of Construction Projects	Various	(100,000)
Congestion Relief, Intelligent Transportation System Improvements (Smart Move Program)	Various	(4,000,000)
Congestion Relief, Operational Improvements (Fast Move Program)	Various	(5,000,000)
Construction Inspection	Various	(6,000,000)
Construction Program IT System (TRNS.PORT)	Various	(750,000)
Culvert Inspection Program, Locally-owned Structures	Various	(2,700,000)
Culvert Inspection Program, State-owned Structures	Various	(800,000)
Dams, Betterments	Various	(300,000)
Design, Emerging Projects	Various	(4,000,000)
Drainage Rehabilitation and Maintenance, State	Various	(3,000,000)
Duck Island Landfill, Site Remediation	Mercer	(130,000)
DVRPC Transportation, Land Use and Economic Development Planning	Various	(300,000)
Electrical Facilities	Various	(1,750,000)
Electrical Load Center Replacement, Statewide	Various	(2,500,000)
Environmental Document Development	Various	(200,000)
Environmental Investigations	Various	(3,150,000)
Equipment Purchase (Vehicles, Construction, Safety)	Various	(10,000,000)
Freight Program	Various	(10,500,000)
Historic Bridge Preservation Program	Various	(100,000)
Intelligent Transportation Systems	Various	(500,000)

Intersection Improvement Program	Various	(1,000,000)
Interstate Service Facilities	Various	(100,000)
Legal Costs for Right of Way Condemnation	Various	(1,600,000)
Local Aid for Centers of Place	Various	(1,000,000)
Local Aid Grant Management System	Various	(100,000)
Local Aid, Infrastructure Fund	Various	(19,500,000)
Local Bridges, Future Needs	Various	(25,000,000)
Local County Aid, DVRPC	Various	(15,340,000)
Local County Aid, NJTPA	Various	(53,856,000)
Local County Aid, SJTPO	Various	(9,554,000)
Local Municipal Aid, DVRPC	Various	(13,705,000)
Local Municipal Aid, NJTPA	Various	(53,847,000)
Local Municipal Aid, SJTPO	Various	(6,199,000)
Local Municipal Aid, Urban Aid	Various	(5,000,000)
Main Street Bypass, Sayreville	Middlesex	(2,000,000)
Maintenance & Fleet Management System	Various	(1,000,000)
Maritime Transportation System	Various	(2,000,000)
Minority and Women Workforce Training Set Aside	Various	(800,000)
Orphan Bridge Reconstruction	Various	(2,000,000)
Park and Ride/Transportation Demand Management Program	Various	(1,000,000)
Pedestrian Safety Improvement Design and Construction	Various	(5,000,000)
Physical Plant	Various	(6,500,000)
Planning and Research, State	Various	(3,000,000)
Program Implementation Costs, NJDOT	Various	(107,020,000)
Project Development, Feasibility Assessment	Various	(8,000,000)
Project Enhancements	Various	(200,000)
Rail-Highway Grade Crossing Program, State	Various	(2,200,000)
Regional Action Program	Various	(1,000,000)
Resurfacing Program	Various	(70,000,000)
Right of Way Database/Document Management System	Various	(100,000)
Right of Way Full-Service Consultant Term Agreements	Various	(100,000)
Safe Streets to Transit Program	Various	(1,000,000)
Sign Structure Inspection Program	Various	(1,200,000)
Sign Structure Replacement Contract 2007-1	Various	(11,950,000)
Signs Program, Statewide	Various	(2,000,000)
Smart Growth Initiatives	Various	(500,000)
State Police Enforcement and Safety Services	Various	(10,000,000)
Statewide Traffic Management/ Information Program	Various	(700,000)
Traffic Signal Replacement	Various	(5,500,000)
Transit Village Program	Various	(2,000,000)
Unanticipated Design, Right of Way and Construction Expenses, State	Various	(20,823,000)
Underground Exploration for Utility Facilities	Various	(200,000)
University Transportation Research Technology	Various	(2,000,000)
Utility Reconnaissance and Relocation	Various	(4,000,000)
Route 1&9, Pulaski Skyway	Hudson, Essex	(5,500,000)

Route 1, Heathcote Brook Bridge	Middlesex	(4,000,000)
Route 1, Millstone River, Bridge Replacement	Mercer, Middlesex	(17,906,000)
Route 3, Park Avenue Bridge Replacement	Bergen	(18,130,000)
Route 5, Rock Slope Stabilization	Bergen	(150,000)
Route 10, Route 53 Interchange (2L 3J)	Morris	(11,860,000)
Route 17, Railroad Avenue, Drainage Improvements	Bergen	(320,000)
Route 18, Interchange of CRs 516/527	Middlesex	(10,000,000)
Route 18, Raritan Riverfront Multipurpose Trail	Middlesex	(500,000)
Route 21 Fwy., Park Avenue Interchange, Safety Improvements	Essex	(1,860,000)
Route 21, Southbound Viaduct Chester Avenue (8)	Essex	(500,000)
Route 22, Weequahic Park, Drainage Improvements	Union	(4,510,000)
Route 27, South Plainfield Branch (Lake Avenue Bridge)	Middlesex	(300,000)
Route 30, Warwick Road to Jefferson Avenue	Camden	(420,000)
Route 30/130, Collingswood/ Pennsauken (Phase B), PATCO Bridge to North Park Drive	Camden	(4,900,000)
Route 33, Conrail Bridge Removal	Mercer	(10,075,000)
Route 36, Highlands Bridge over Shrewsbury River	Monmouth	(58,010,000)
Route 37, Mathis Bridge Eastbound over Barnegat Bay	Ocean	(500,000)
Route 42, Grenloch-Little Gloucester Road (AKA College Road) (CR 673)	Camden	(7,500,000)
Route 45, Swedesboro-Franklinville Road (CR 538)	Gloucester	(1,957,000)
Route 46, Main Street, Netcong	Morris	(3,845,000)
Route 46, Section 7L & 8K	Morris	(32,730,000)
Route 46, WB over Beaver Brook, Bridge Replacement	Warren	(100,000)
Route 54, Route 322 to Cape May Point Branch Bridge	Atlantic	(500,000)
Route 57, Corridor Scenic Preservation	Warren	(100,000)
Route 78, Garden State Parkway, Interchange 142	Union	(20,000,000)
Route 80, Eastbound, West of Madison Avenue to Polify Road, Resurfacing	Passaic, Bergen	(10,960,000)
Route 80, Parsippany-Troy Hills Roadway Improvement	Morris	(600,000)
Route 80, Westbound, West of Route 23 Interchange to East of Squirrelwood Road, Resurfacing	Passaic	(10,000,000)
Route 95, Reed Road Wetland Mitigation Site	Mercer	(1,335,000)
Route 120, Paterson Plank Road from Route 17 to Murray Hill Boulevard	Bergen	(20,132,000)
Route 130, Cinnaminson Avenue/ Church Road/Branch Pike	Burlington	(4,000,000)
Route 130, Craft's Creek Bridge	Burlington	(158,000)

Route 206 Bypass, Belle Mead-Griggstown Road to Old Somerville Road (14A 15A)	Somerset	(5,000,000)
Route 206, Assiscunk Creek Bridge Replacement (40)	Burlington	(4,400,000)
Route 287, Vicinity of Stelton Road to Vicinity of Main Street, Resurfacing	Middlesex, Somerset	(20,000,000)
Route 295, Paulsboro Brownfields Access	Gloucester	(4,000,000)
Route 440, High Street Connector	Middlesex	(500,000)
Route 495, Route 1 & 9/Paterson Plank Road Bridge	Hudson	(300,000)

Notwithstanding the provisions of P.L.1984, c.73 (C.27:1B-1 et al.), there is appropriated the sum of $625,000,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the specific projects identified as follows:

New Jersey Transit Corporation

Description	County	Amount
Access to Region's Core (ARC)	Various	(12,164,000)
ADA--Equipment	Various	(2,000,000)
ADA--Platforms/Stations	Various	(19,210,000)
Bridge and Tunnel Rehabilitation	Various	(14,216,000)
Building Capital Leases	Various	(5,700,000)
Bus Acquisition Program	Various	(71,000,000)
Bus Maintenance Facilities	Various	(7,910,000)
Bus Passenger Facilities/Park and Ride	Various	(800,000)
Bus Support Facilities and Equipment	Various	(2,430,000)
Bus Vehicle and Facility Maintenance/ Capital Maintenance	Various	(34,900,000)
Capital Program Implementation	Various	(20,540,000)
Claims support	Various	(2,000,000)
Environmental Compliance	Various	(3,000,000)
Hudson/Bergen LRT System	Hudson	(2,472,000)
Immediate Action Program	Various	(10,048,000)
Light Rail Infrastructure Improvements	Various	(7,664,000)
Locomotive Overhaul	Various	(6,964,000)
Major Bridge Program	Various	(27,799,000)
Miscellaneous	Various	(500,000)
NEC Improvements	Various	(27,500,000)
Newark Penn Station	Essex	(6,905,000)
Other Rail Station/Terminal Improvements	Various	(4,081,000)
Physical Plant	Various	(1,660,000)
Portal Bridge	Hudson	(15,000,000)
Private Carrier Equipment Program	Various	(2,100,000)
Rail Capital Maintenance	Various	(63,900,000)
Rail Rolling Stock Procurement	Various	(1,068,000)
Rail Support Facilities and Equipment	Various	(31,260,000)
River Line LRT	Camden, Burlington, Mercer	(1,313,000)
Section 5310 Program	Various	(820,000)
Security Improvements	Various	(2,590,000)
Signals and Communications/ Electric Traction Systems	Various	(13,721,000)
Small/Special Services Program	Various	(1,050,000)

South Amboy Intermodal Facility (Earmark)	Middlesex	(7,906,000)
Study and Development	Various	(4,701,000)
Technology Improvements	Various	(14,675,000)
Track Program	Various	(10,984,000)
Transit Enhancements	Various	(250,000)
Transit Rail Initiatives	Various	(162,199,000)

Notwithstanding the provisions of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21), approval by the Joint Budget Oversight Committee of transfers among appropriations by project shall not be required. Notice of a transfer approved by the Director of the Division of Budget and Accounting pursuant to that section shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

The unexpended balances at the end of the preceding fiscal year of appropriations from the New Jersey Transportation Trust Fund Authority are appropriated.

Notwithstanding the provisions of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21), approval by the Joint Budget Oversight Committee of transfers among appropriations by project shall not be required. Notice of a transfer approved by the Director of the Division of Budget and Accounting pursuant to that section shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Federal funds received in conjunction with the Route 52 Causeway Replacement Contract A Construction Fund are hereby appropriated to the Transportation Trust Fund Authority to pay debt service and other costs related to the Grant Anticipation Revenue Vehicles (GARVEE).

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated to the Department of Transportation the sum of $270,000,000, subject to the approval of the Director of the Division of Budget and Accounting, from the revenues and other funds of the New Jersey Transportation Trust Fund Authority received in connection with the issuance of the Authority's Grant Anticipation Revenue Vehicles (GARVEE) Bonds for the Route 52 Causeway Replacement Contract B.

Federal funds received in conjunction with the Route 52 Causeway Replacement Contract B Construction Fund are appropriated to the Transportation Trust Fund Authority to pay debt service and other costs related to the Grant Anticipation Revenue Vehicles (GARVEE).

Notwithstanding the provisions of any law or regulation to the contrary, funds derived from the sale or conveyance of any lands held by the Department of Transportation are appropriated for the acquisition of land for highway projects or to refund the Federal Highway Administration (FHWA) where required by federal law. Funds derived from the sale of all fill material held by the Department of Transportation are appropriated for demolition, acquisition of land, rehabilitation or improvement of existing facilities, and construction of new facilities, subject to the approval of the Director of the Division of Budget and Accounting.

62 Public Transportation
GRANTS-IN-AID

04-6050 Railroad and Bus Operations	$1,704,500,000
Total Appropriation, State, Federal and All Other Funds	$1,704,500,000
Less:	
Farebox Revenue	***$780,200,000***
Other Resources	***566,100,000***
Total Income Deductions	***$1,346,300,000***
Total Grants-in-Aid Appropriation, Public Transportation	$358,200,000

Grants-in-Aid:
Personal Services:
Salaries and Wages ..... ($977,971,000)
Materials and Supplies ..... (338,796,000)
Services Other Than Personal ..... (102,790,000)
Special Purpose:
04 Leases and Rentals ..... (3,000,000)
04 Purchased Transportation ..... (179,225,000)
04 Insurance and Claims ..... (28,000,000)
04 Tolls, Taxes, and Other Operating Expenses ..... (74,718,000)
Less:
Income Deductions 1,346,300,000

STATE AID

04-6050 Railroad and Bus Operations $33,018,000
(From Casino Revenue Fund ..... $33,018,000)
Total State Aid Appropriation, Public Transportation $33,018,000
(From Casino Revenue Fund ..... $33,018,000)
State Aid:
04 Transportation Assistance for Senior Citizens and Disabled Residents (CRF) ..... ($33,018,000)

The unexpended balance at the end of the preceding fiscal year in the Transportation Assistance for Senior Citizens and Disabled Residents account is appropriated.

Counties which provide para-transit services for sheltered workshop clients may seek reimbursement for such services pursuant to P.L.1987, c.455 (C.34:16-51 et seq.).

CAPITAL CONSTRUCTION

Notwithstanding the provisions of any law or regulation to the contrary, the Commissioner of Transportation, upon approval of the Director of the Division of Budget and Accounting, may transfer funds made available from the New Jersey Transportation Trust Fund Authority for public transportation projects under the program headings "New Jersey Transit Corporation" to the line-item under that same program heading entitled "Federal Transit Administration Projects" for any federally funded public transportation project shown in this act or any previous appropriation acts until such time as federal funds become available for the projects. Subject to the receipt of federal funds, the Transportation Trust Fund shall be reimbursed for all the monies that were transferred to advance Federal Transit Administration projects. Any transfer of funds which returns funds from the line-item "Federal Transit Administration Projects" to the account of origin shall be deemed approved.

From the amounts appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the current fiscal year transportation capital program, the Commissioner of Transportation shall allocate $3,000,000 of the amount listed for the Private Carrier Equipment Program to NJ Transit's Private Carrier Capital Improvement Program (PCCIP). The amount provided herein shall be allocated to the private motorbus carriers consistent with the formula used to administer the PCCIP and shall be restricted to those carriers that currently qualify for participation in the PCCIP. These funds may be used for the procurement of any goods or services currently approved under NJ Transit's PCCIP, as well as: facility improvements, vehicle procurement, and capital maintenance that comports with subsection r. of section 3 of P.L.1984, c.73 (C.27:1B-3). Such maintenance and equipment procurements shall apply to vehicles owned by the private motorbus carriers and used in public transportation

service, as well as to NJ Transit owned vehicles. Private motorbus carriers receiving an allocation of such funds shall be required to submit to NJ Transit a full accounting for all expenditures, demonstrating that the funds were used to increase or maintain the current level of public transportation service provided by the carrier or to improve revenue vehicle maintenance. Under no circumstances shall these funds be used to provide compensation of any officer or owner of a private motorbus carrier.

64 Regulation and General Management
DIRECT STATE SERVICES

05-6070 Intermodal Services	$1,119,000
99-6000 Administration and Support Services	1,605,000
Total Direct State Services Appropriation, Regulation and General Management	$2,724,000

Direct State Services:

Personal Services:	
Salaries and Wages	($236,000)
Materials and Supplies	(288,000)
Services Other Than Personal	(745,000)
Maintenance and Fixed Charges	(70,000)
Special Purpose:	
05 Office of Maritime Resources	(359,000)
05 Airport Safety Fund Administration	(565,000)
99 Affirmative Action and Equal Employment Opportunity	(461,000)

The unexpended balance at the end of the preceding fiscal year and the reimbursements in the Department's Stock Purchase Revolving Fund for the purchase of materials and supplies required for the operation of the Department are appropriated for the same purpose.

Receipts in excess of the amount anticipated derived from outdoor advertising application and permit fees are appropriated for the purpose of administering the Outdoor Advertising Permit and Regulation Program, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Airport Safety Fund is payable out of the "Airport Safety Fund" established pursuant to section 4 of P.L.1983, c.264 (C.6:1-92) and is available for salary and operational costs incurred by the Bureau of Aeronautics in the administration of loans or grants; the acquisition of airports lands or rights in lands; the operation or provision of any program or activity which promotes aviation safety, promotes aviation education, or provides for the promotion of aeronautics; and for those aviation purposes which the department is empowered to undertake pursuant to the "New Jersey Airport Safety Act of 1983," P.L.1983, c.264 (C.6:1-89 et. seq.) or under Title 6 and Title 27 of the Revised Statutes. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Receipts derived from fees on placarded rail freight cars transporting hazardous materials in this state are appropriated to defray the expenses of the Placarded Rail Freight Car Transporting Hazardous Materials program, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

The unexpended balance at the end of the preceding fiscal year in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated.

Department of Transportation, Total State Appropriation ... $1,368,139,000

Summary of Department of Transportation Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $81,921,000
Grants-in-Aid 358,200,000
State Aid 33,018,000
Capital Construction 895,000,000
Appropriations by Fund:
General Fund $1,335,121,000
Casino Revenue Fund 33,018,000

82 DEPARTMENT OF THE TREASURY
30 Educational, Cultural, and Intellectual Development
36 Higher Educational Services
GRANTS-IN-AID

47-2155 Support to Independent Institutions $19,628,000
49-2155 Miscellaneous Higher Education Programs 87,604,000
Total Grants-in-Aid Appropriation,
Higher Educational Services $107,232,000

Grants-in-Aid:
47 Aid to Independent Colleges and Universities ..... ($18,391,000)
47 Clinical Legal Programs for the Poor – Seton Hall University (P.L.1996, c.52) .... (200,000)
47 Research Under Contract with the Institute of Medical Research, Camden .. (1,037,000)
49 Garden State Savings Bonds Incentive .... (15,000)
49 Higher Education Capital Improvement Program – Debt Service ..... (42,940,000)
49 Equipment Leasing Fund – Debt Service ..... (9,009,000)
49 Higher Education Facilities Trust Fund – Debt Service ..... (20,974,000)
49 Higher Education Technology Bond – Debt Service ..... (6,347,000)
49 Marine Sciences Consortium ..... (426,000)
49 Dormitory Safety Trust Fund – Debt Service ..... (7,893,000)

For the purpose of implementing the "Independent College and University Assistance Act," P.L.1979, c.132 (C.18A:72B-15 et seq.), the number of full-time equivalent students (FTE) at the eight State Colleges is 58,751 for fiscal year 2008.

Receipts in excess of the amount hereinabove appropriated for Clinical Legal Programs for the Poor-Seton Hall University, P.L.1996, c.52, are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The sums hereinabove appropriated for Research Under Contract with the Institute of Medical Research, Camden (Coriell Institute) shall be expended on support for research

activities, and the Institute shall submit an annual audited financial statement to the Department of the Treasury which shall include a schedule showing the use of these funds.

In addition to the amounts hereinabove appropriated for the Higher Education Capital Improvement Program-Debt Service account, the unexpended balances at the end of the preceding fiscal year are appropriated for the same purpose.

The unexpended balance at the end of the preceding fiscal year in the New Jersey Stem Cell Research Institute account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting, and shall be expended subject to the approval of the State Treasurer in consultation with the New Jersey Commission on Science and Technology.

STATE AID

48-2155 Aid to County Colleges $221,630,000
(From General Fund ..... $183,604,000)
(From Property Tax Relief Fund ..... 38,026,000)
Total State Aid Appropriation, Higher Educational Services .. $221,630,000
(From General Fund ..... $183,604,000)
(From Property Tax Relief Fund ..... 38,026,000)
Less:
Supplemental Workforce Fund –
Basic Skills $14,000,000
Total Income Deductions $14,000,000
Total State Appropriation, Higher Educational Services ... $207,630,000
(From General Fund ..... $169,604,000)
(From Property Tax Relief Fund ..... 38,026,000)
State Aid:

48	Operational Costs	($149,093,000) .....
48	Debt Service for Chapter 12, P.L.1971, c.12 (N.J.S.18A:64A-22.1) (PTRF)	(38,026,000)
48	Alternate Benefit Program – Employer Contributions	(15,784,000)
48	Alternate Benefit Program – Non-contributory Insurance	(2,549,000)
48	Teachers' Pension and Annuity Fund – Non-contributory Insurance	(15,000)
48	Teachers' Pension and Annuity Fund – Employer Contributions	(343,000)
48	Teachers' Pension and Annuity Fund – Post Retirement Medical	(1,104,000)
48	Post Retirement Medical Other Than TPAF	(14,331,000)
48	Employer Contributions – FICA for County College Members of Teachers' Pension and Annuity Fund	(275,000)
48	Debt Service on Pension Obligation Bonds	(110,000)

Less:
Income Deductions 14,000,000

In addition to the amount hereinabove appropriated for operational costs, there is appropriated $14,000,000 from the Supplemental Workforce Fund for Basic Skills for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, from the sums hereinabove appropriated for county college Operational Costs, there are allocated such sums as are required to provide the reimbursement to cover tuition costs of the National Guard members pursuant to subsection b. of section 1 of P.L.2001, c.427 (C.18A:62-24).

Such additional sums as may be required for Alternate Benefit Program - Employer Contributions, Alternate Benefit Program - Non-contributory Insurance, Teachers' Pension and Annuity Fund - Non-contributory Insurance, Teachers' Pension and Annuity Fund - Post Retirement Medical, Post Retirement Medical Other Than TPAF, and Employer Contributions - FICA for County College Members of Teachers' Pension and Annuity Fund are appropriated, as the Director of the Division of Budget and Accounting shall determine.

In addition to the sum hereinabove appropriated for Debt Service on Pension Obligation Bonds to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

Such sums as may be necessary for the payment of interest or principal or both, due from the issuance of any bonds authorized under the provisions of section 1 of P.L.1971, c.12 (C.18A:64A-22.1) are appropriated.

Higher Educational Services

Of the amount hereinabove appropriated for Higher Educational Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Recommendation Document first shall be charged to the State Lottery Fund.

50 Economic Planning, Development, and Security
51 Economic Planning and Development

DIRECT STATE SERVICES

38-2049 Economic Development $395,000
Total Direct State Services Appropriation, Economic Planning and Development $395,000

Direct State Services:
38 New Jersey Motion Picture and Television Development Commission .... (395,000)

GRANTS-IN-AID

38-2043 Economic Development $198,563,000
Total Grants-in-Aid Appropriation, Economic Planning and Development $198,563,000

Grants-in-Aid:
38 Fort Monmouth Economic Revitalization Planning Authority ..... ($150,000)
38 New Jersey Commerce Commission .... (4,413,000)
38 Business Employment Incentive Program, EDA ..... (194,000,000)

Of the amount hereinabove appropriated for the New Jersey Commerce Commission, or any entity succeeding to the duties and functions of the New Jersey Commerce Commission, pursuant to separate legislation, $500,000 shall be used for New Jersey Small Business Development Centers, subject to the approval of a spending plan by the New Jersey Commerce Commission, or any entity succeeding to the duties and functions of the New Jersey Commerce Commission, and such sums as are necessary shall be made available

to the Office of Economic Growth, established pursuant to Executive Order #50, and for the Division of Minority and Women Business Development in the Department of the Treasury, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from the Enterprise Zone Assistance Fund such sums as are necessary for administrative services provided by the New Jersey Commerce Commission or any entity succeeding to the duties and functions of the New Jersey Commerce Commission, pursuant to separate legislation and the Office of Economic Growth in accordance with the provisions of section 11 of P.L.1993, c.367 (C.52:27H-65.1), subject to the approval of the Director of the Division of Budget and Accounting.

Funds made available for the remediation of the discharges of hazardous substances pursuant to the amendments effective December 4, 2003, to Article VIII, Section II, paragraph 6 of the State Constitution, shall be appropriated to the Brownfields Site Reimbursement Fund, established pursuant to section 38 of P.L.1997, c.278 (C.58:10B-30), in an amount to be determined by the Director of the Division of Taxation, and subject to the approval of the Director of the Division of Budget and Accounting. If such sums for the remediation of discharges of hazardous substances are insufficient, there are appropriated such sums as necessary to the Brownfields Site Reimbursement Fund, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year in the Brownfields Site Reimbursement Fund account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Business Employment Incentive Program, EDA, there is appropriated from the General Fund to the Department of the Treasury for transfer to the New Jersey Economic Development Authority such sums as may be necessary to fund the Business Employment Incentive Program, the amount of which, when combined with the amount hereinabove appropriated and with prior year disbursements, shall not exceed the total amount of revenues received as withholdings, as defined in section 2 of P.L.1996, c.26 (C.34:1B-125), during the prior calendar years from all businesses receiving grants pursuant to the "Business Employment Incentive Program Act," P.L.1996, c.26 (C.34:1B-124 et seq.), as certified by the Director of the Division of Taxation, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Fort Monmouth Economic Revitalization Planning Authority, there is appropriated such additional sums as are necessary to secure federal matching funds for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Business Employment Incentive Program, EDA, account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

2042 New Jersey Commission on Science and Technology

DIRECT STATE SERVICES

39-2042 New Jersey Commission on Science and Technology	$448,000
Total Direct State Services Appropriation, New Jersey Commission on Science and Technology	$448,000

Direct State Services:

Personal Services:	
Salaries and Wages	($380,000)
Materials and Supplies	(30,000)
Services Other Than Personal	(32,000)
Maintenance and Fixed Charges	(6,000)

GRANTS-IN-AID

39-2042 New Jersey Commission on Science and Technology .. $19,880,000
Total Grants-in-Aid Appropriation, New Jersey Commission on Science and Technology $19,880,000

Grants-in-Aid:

39 Science and Technology Grants ..... ($19,250,000)
39 Business Incubator Network ..... (630,000)

The unexpended balance at the end of the preceding fiscal year in the New Jersey Commission on Science and Technology Grants-In-Aid account is appropriated for the same purpose.

An amount not to exceed 5% of the Science and Technology Grants account is available for transfer to Direct State Services for the administrative expenses of this program, as determined by the Director of the Division of Budget and Accounting.

52 Economic Regulation

DIRECT STATE SERVICES

54-2008 Utility Regulation $8,042,000
55-2004 Regulation of Cable Television 2,144,000
88-2058 Energy Assistance Programs 1,776,000
97-2016 Regulatory Support Services 4,088,000
99-2003 Administration and Support Services 11,369,000
Total Direct State Services Appropriation, Economic Regulation $27,419,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($25,100,000)
Materials and Supplies ..... (515,000)
Services Other Than Personal ..... (874,000)
Maintenance and Fixed Charges ..... (403,000)
Additions, Improvements and Equipment ..... (527,000)

In addition to the sum hereinabove appropriated for the Board of Public Utilities, such other sums as the Director of the Division of Budget and Accounting shall determine are appropriated on behalf of the Board of Public Utilities under P.L.1968, c.173 (C.48:2-59 et seq.) and P.L.1972, c.186 (C.48:5A-32 et seq.), or other applicable statutes with respect to assessment of public utilities or the cable television industry.

In addition to the amount hereinabove appropriated for administration of the Board of Public Utilities, there are appropriated such sums as may be required for operation of the board and assessed to the public utilities or the cable television industry, subject to the approval of the Director of Budget and Accounting.

Receipts derived from fees are appropriated for the administrative costs of the Board of Public Utilities.

Fees received from the "Electric Facility Need Assessment Act," P.L.1983, c.115 (C.48:7-16 et seq.), are appropriated.

The unexpended balances at the end of the preceding fiscal year in the programs administered by the Board of Public Utilities are appropriated for use by those respective programs.

There are appropriated from interest earned by the Petroleum Overcharge Reimbursement Fund such sums as may be required for costs attributable to the administration of the fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the balances from the Petroleum Overcharge Reimbursement Fund and the Secondary Stage Refunds and the monies required to be deposited in that fund from projects which have been completed or are no longer viable are reappropriated for new projects consistent with the

court rulings which served as the basis for the original awards, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated, not to exceed $1,776,000, for the Energy Assistance Program account may be transferred to the Department of Health and Senior Services, Lifeline account to fund the costs associated with administering the Lifeline Credits and Tenants' Assistance Rebates Program and shall be applied in accordance with a Memorandum of Understanding between the President of the Board of Public Utilities and the Commissioner of the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the investment earnings derived from the funds deposited in the Clean Energy Fund, Universal Services Trust Fund, and Retail Margin Fund shall accrue to the funds and are available to pay the costs of the various programs of the New Jersey Board of Public Utilities Clean Energy Program, Universal Services Trust Fund, and Retail Margin Program.

Notwithstanding the provisions of paragraph (3) of subsection a. of section 12 of the "Electric Discount and Energy Competition Act," P.L.1999, c.23 (C.48:3-60) and any other laws to the contrary, receipts from the New Jersey Clean Energy Trust Fund are appropriated for the actual administrative salary and operating costs, not to exceed $1,300,000, for the Office of Clean Energy as requested by the President of the Board of Public Utilities and approved by the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

88-2058 Energy Assistance Programs $70,840,000
Total Grants-in-Aid Appropriation, Economic Regulation $70,840,000

Grants-in-Aid:

88 Payments for Lifeline Credits ..... ($34,669,000)
88 Tenants' Assistance Rebate Program .. (36,171,000)

Notwithstanding the provisions of P.L.1979, c.197 (C.48:2-29.15 et seq.), the provisions of P.L.1981, c.210 (C.48:2-29.30 et seq.), or any law or regulation to the contrary, the benefits of the Lifeline Credits Program and the Tenants' Assistance Rebates Program may be distributed throughout the entire year from July through June, and are not limited to an October to March heating season; therefore, applications for Lifeline benefits and benefits from the Pharmaceutical Assistance to the Aged and Disabled program may be combined.

The amounts hereinabove appropriated for Payments for the Lifeline Credits Program and Tenants' Assistance Rebates Program are available for the payment of obligations applicable to prior fiscal years.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of Lifeline claims, amounts may be transferred from the various items of appropriation within the Energy Assistance Programs classification, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated, such sums as may be required for the payment of claims, credits, and rebates, are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Any supplemental appropriation for the Payments for Lifeline Credits and the Tenants' Assistance Rebates Program may be recovered from the Universal Service Fund through transfer to the General Fund as State revenue, subject to the approval of the Director of the Division of Budget and Accounting.

All funds recovered under P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.), during the preceding fiscal year, are appropriated for payments to providers in the same program class from which the recovery originated.

The amounts hereinabove appropriated, not to exceed $70,840,000, for Payments for the Lifeline Credits and the Tenants' Assistance Rebates Program are available to the Department of Health and Senior Services to fund the payments associated with the Lifeline Credits and Tenants' Assistance programs and shall be applied in accordance with a Memorandum of Understanding between the President of the Board of Public Utilities and the Commissioner of the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting.

70 Government Direction, Management, and Control
72 Governmental Review and Oversight
DIRECT STATE SERVICES

03-2015 Employee Relations and Collective Negotiations	$645,000
07-2040 Office of Management and Budget	15,881,000
Total Direct State Services Appropriation, Governmental Review and Oversight	$16,526,000

Direct State Services:

Personal Services:	
Salaries and Wages	($13,617,000)
Materials and Supplies	(245,000)
Services Other Than Personal	(1,371,000)
Maintenance and Fixed Charges	(24,000)
Special Purpose:	
07 Independent Audits	(1,269,000)

Such sums as may be necessary for administrative expenses incurred in processing federal benefit payments are appropriated from such sums as may be received or receivable for this purpose.

In addition to the amounts hereinabove appropriated for the Office of Management and Budget, there are appropriated such additional sums as may be necessary for an independent audit of the State's general fixed asset account group, management, performance, and operational audits, and the single audit.

There are appropriated, out of receipts derived from the investment of State funds, such sums as may be necessary for interest costs, bank service charges, custodial costs, mortgage servicing fees, and advertising bank balances under section 1 of P.L.1956, c.174 (C.52:18-16.1).

2066 Office of the State Comptroller
DIRECT STATE SERVICES

08-2066 Office of the State Comptroller	$8,200,000
Total Direct State Services Appropriation, Office of the State Comptroller	$8,200,000

Direct State Services:

Personal Services:	
Salaries and Wages	($4,214,000)
Employee Benefits	(1,565,000)
Materials and Supplies	(360,000)
Services Other Than Personal	(1,100,000)
Maintenance and Fixed Charges	(866,000)
Additions, Improvements and Equipment	(95,000)

2068 Office of the Inspector General
DIRECT STATE SERVICES

14-2068 Office of the Inspector General	$1,801,000

Total Direct State Services Appropriation, Office of the Inspector General $1,801,000

Direct State Services:

Personal Services:

Salaries and Wages ..... ($1,660,000)

Materials and Supplies ..... (4,000)

Services Other Than Personal ..... (131,000)

Maintenance and Fixed Charges ..... (6,000)

In addition to the amounts hereinabove appropriated, such sums as may be necessary are appropriated to fund the operations of the Office of the Inspector General, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, all financial recoveries obtained through the efforts of any entity authorized to undertake the prevention and detection of Medicaid fraud, waste and abuse, are appropriated to General Medical Services in the Division of Medical Assistance and Health Services in the Department of Human Services.

The unexpended balance at the end of the preceding fiscal year in the Office of the Medicaid Inspector General account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

73 Financial Administration

DIRECT STATE SERVICES

15-2080 Taxation Services and Administration $116,526,000

16-2090 Administration of State Lottery 22,118,000

17-2105 Administration of State Revenues 20,244,000

25-2095 Administration of Casino Gambling 29,440,000

(From Casino Control Fund ..... $29,440,000)

50-2105 Business Services Bureau 4,685,000

Total Direct State Services Appropriation, Financial Administration $193,013,000

(From General Fund ..... $163,573,000)

(From Casino Control Fund ..... 29,440,000)

Direct State Services:

Personal Services:

Chairman and Commissioners (CCF) ..... ($641,000)

Salaries and Wages ..... (107,069,000)

Salaries and Wages (CCF) ..... (18,107,000)

Employee Benefits (CCF) ..... (5,884,000)

(From General Fund ..... $107,069,000)

(From Casino Control Fund ..... 24,632,000)

Materials and Supplies ..... (4,369,000)

Materials and Supplies (CCF) ..... (210,000)

Services Other Than Personal ..... (47,851,000)

Services Other Than Personal (CCF) ..... (2,227,000)

Maintenance and Fixed Charges ..... (1,725,000)

Maintenance and Fixed Charges (CCF) ..... (2,170,000)

Special Purpose:

15 Property Assessment Management System (PAMS) ..... (900,000)

17 Wage Reporting/Temporary Disability Insurance ..... (1,599,000)

25 Administration of Casino Gambling (CCF) ..... (40,000)

Additions, Improvements and Equipment . . . . . (60,000)
Additions, Improvements and Equipment (CCF) (161,000)

Receipts derived from the sale of confiscated equipment, materials, and supplies under the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.) are appropriated as may be necessary for confiscation, storage, disposal, and other related expenses thereof.

Upon certification of the Director of the Division of Taxation, the State Treasurer shall pay, upon warrants of the Director of the Division of Budget and Accounting, such claims for refund as may be necessary under the provisions of Title 54 of the Revised Statutes, as amended and supplemented.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated out of the receipts in the Solid Waste Services Tax Fund such sums as may be necessary for the cost of administration and collection of taxes pursuant to P.L.1985, c.38 (C.13:1E-136 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Such sums as are required for the acquisition of equipment essential to the modernization of processing tax returns, are appropriated from tax collections, subject to the approval of the Joint Budget Oversight Committee and the Director of the Division of Budget and Accounting.

The amount necessary to provide administrative costs incurred by the Division of Taxation and the Division of Revenue to meet the statutory requirements of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) is appropriated from the Enterprise Zone Assistance Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Pursuant to the provisions of section 12 of P.L.1992, c.165 (C.40:54D-12) there are appropriated such sums as may be required to compensate the Department of the Treasury for costs incurred in administering the "Tourism Improvement and Development District Act," P.L.1992, c.165 (C.40:54D-1 et seq.).

Notwithstanding the provisions of any law or regulation to the contrary, there are available out of fees derived from the cost of collection imposed pursuant to section 8 of P.L.1987, c.76 (C.54:49-12.1) such sums as may be required for compliance and enforcement activities associated with the collection process as promulgated by the Taxpayers' Bill of Rights under P.L.1992, c.175.

In addition to the amounts hereinabove appropriated for Taxation Services and Administration, such additional sums as may be necessary are appropriated to fund costs of the collecting and processing of debts, taxes, and other fees and charges owed to the State, including but not limited to the services of auditors and attorneys and enhanced compliance programs, subject to the approval of the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Joint Budget Oversight Committee with written reports on the detailed appropriation and expenditure of sums appropriated pursuant to this provision.

Notwithstanding the provisions of section 4 of the "Lead Hazard Control Assistance Act," P.L.2003, c.311 (C.52:27D-437.4), such sums as are necessary are appropriated from the Lead Hazard Control Assistance Fund for the Department of the Treasury's administrative costs, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Property Assessment Management System (PAMS) account is appropriated for the same purpose.

There are appropriated, out of revenues derived from escheated property under the various escheat acts, such sums as may be necessary to administer such acts and such sums as may be required for refunds.

There are hereby appropriated from the Dedicated Cigarette Tax Revenue Fund established pursuant to P.L.2004, c.68 (C.34:1B-21.16 et seq.) such sums as are required under the

contract between the Treasurer and the New Jersey Economic Development Authority entered into pursuant to C.34:1B-21.21.

Pursuant to the provisions of section 54 of P.L.2002, c.34 (C.App.A:9-78) deposits made to the "New Jersey Domestic Security Account" are appropriated for transfer to the Department of Health and Senior Services to support medical emergency disaster preparedness for bioterrorism, to the Department of Law and Public Safety for State Police salaries related to statewide security services and counter-terrorism programs, and to the Department of Agriculture or any entity succeeding to the duties and functions of the Department of Agriculture, pursuant to separate legislation for the Agro-Terrorism program, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated out of the State Lottery Fund such sums as may be necessary for costs required to implement the "State Lottery Law," P.L.1970, c.13 (C.5:9-1 et seq.) and for payment for commissions, prizes, and expenses of developing and implementing games pursuant to section 7 of P.L.1970, c.13 (C.5:9-7).

State Lottery Fund receipts in excess of anticipated contributions to education and State institutions, and reimbursement of administrative expenditures, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

In addition to the amounts hereinabove appropriated for the administration of the State Lottery, there are appropriated such additional sums as may be necessary for the cost of a State Lottery business plan study, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated out of receipts derived from communications fees such sums as may be necessary for telecommunications costs required in the administration of the State Lottery.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated out of receipts derived from the sale of advertising and/or promotional products by the State Lottery, such sums as may be necessary for advertising costs required in the administration of the State Lottery pursuant to P.L.1970, c.13 (C.5:9-1 et seq.).

There are appropriated such sums as are necessary to fund the hospitals' share of monies collected pursuant to the hospital care payment act, P.L.2003, c.112 (C.17B:30-41 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Division of Revenue, there is appropriated to the Division of Revenue $4,800,000 from the Motor Vehicle Commission for document processing charges.

The unexpended balance at the end of the preceding fiscal year in the New Jersey Fair and Clean Elections Fund account, and in the Fair and Clean Elections account in the Department of Law and Public Safety, are appropriated to the New Jersey Fair and Clean Elections Fund account in the Department of the Treasury for a primary election pilot program to be established by law, subject to the approval of the Director of the Division of Budget and Accounting. In addition, there are appropriated such sums as are necessary for the New Jersey Fair and Clean Elections Fund for a primary election pilot program to be established by law, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is hereby authorized to transfer or credit such sums as are necessary between the Department of Labor and the Department of the Treasury for the administration of revenue collection and processing functions related to Unemployment Insurance, Temporary Disability Insurance, Workers' Compensation, Special Compensation Programs, the Health Care Subsidy Fund, and the Workforce Development Partnership program.

The amount hereinabove appropriated for the Wage Reporting/Temporary Disability Insurance program are payable out of the State Disability Benefits Fund, and in addition to the amounts hereinabove, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to administer revenue collection associated with the Temporary Disability Insurance program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of those anticipated from the over-the-counter surcharges are appropriated to meet the costs of the Division of Revenue's commercial recording function, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law, regulation or Executive Order to the contrary, any receipts received from Nextel Corporation in accordance with a Plan Funding Agreement approved by Nextel and the 800 MHz Transition Administrator for costs of rebanding incurred by State agencies, and any local units of government that have entered into a memorandum of understanding with the Attorney General authorizing the State to receive Nextel funds on behalf of such local unit, pursuant to Federal Communications Commission-ordered reconfiguration of the 800 MHz band, are appropriated to the Department of the Treasury. Such sums shall be expended or transferred to the various departments and agencies to reimburse administrative and procurement costs in accordance with the Plan Funding Agreement and in consultation with the Attorney General, subject to the approval of the Director of the Division of Budget and Accounting.

Pursuant to the provisions of P.L.2003, c.117 (C.22A:4-4.2) deposits made to the "New Jersey Public Records Preservation Account" are appropriated for transfer to the Department of State for grants to counties and municipalities for the management, storage, and preservation of public records, subject to the approval of the Director of the Division of Budget and Accounting.

Funds necessary to defray the cost of collection to implement the provisions of P.L.1994, c.64 (C.17:29A-35 et seq.), as well as the cost of billing and collection of surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act of 1982 - Merit Rating System Surcharge Program, P.L.1983, c.65 (C.17:29A-33 et al.) as amended, are appropriated from fees in lieu of actual cost of collection receipts and from surcharges derived, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated, out of receipts derived from service fees billed to authorities for the handling of investment transactions, such sums as may be necessary to administer the Management of State Investments program.

There are appropriated, out of receipts derived from the investments of State funds, such sums as may be necessary for bank service charges, custodial costs, mortgage servicing fees, and advertising bank balances under section 1 of P.L.1956, c.174 (C.52:18-16.1).

Notwithstanding the provisions of any law or regulation to the contrary, the expenses of administration for the various retirement systems and employee benefit programs administered by the Division of Pensions and Benefits and the Division of Investments shall be charged to the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be. In addition to the amounts hereinabove, there are appropriated such sums as may be necessary for administrative costs, which shall include bank service charges, investment services, and other such costs as are related to the management of the pension and health benefit programs, as the Director of the Division of Budget and Accounting shall determine.

In addition to the amount hereinabove for Administration of Casino Gambling, there are appropriated from the Casino Control Fund such additional sums as may be required for

operation of the Casino Control Commission, subject to the approval of the Director of the Division of Budget and Accounting.

74 General Government Services
DIRECT STATE SERVICES

02-2069	Garden State Preservation Trust	$476,000
09-2050	Purchasing and Inventory Management	9,189,000
26-2067	Property Management and Construction – Property Management Services	15,170,000
37-2051	Risk Management	2,610,000
	Total Direct State Services Appropriation, General Government Services	$27,445,000

Direct State Services:

Personal Services:	
Salaries and Wages	($20,419,000)
Materials and Supplies	(412,000)
Services Other Than Personal	(3,637,000)
Maintenance and Fixed Charges	(2,161,000)
Special Purpose:	
02 Garden State Preservation Trust	(476,000)
Additions, Improvements and Equipment	(340,000)

There are appropriated, out of receipts derived from service fees billed to political subdivisions for the operating costs of the cooperative purchasing program, such sums as may be necessary to administer and operate the Purchase Bureau program.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated, out of the receipts derived from third party subrogation and service fees billed to authorities for the handling of insurance procurement and risk management services, such sums as may be necessary for the administrative expenses of the Risk Management program.

Notwithstanding the provisions of section 15 of article 6 of P.L.1944, c.112 (C.52:27B-67), revenues in excess of those anticipated from the sale of surplus state vehicles are available for the replacement of Central Motor Pool temporary assignment vehicles, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Capitol Post Office revolving fund any appropriation made to any department for postage costs appropriated or allocated to such departments for their share of costs of the Capitol Post Office.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Print Shop revolving fund any appropriation made to any department for printing costs appropriated or allocated to such departments for their share of costs of the Print Shop and the Office of Printing Control.

The unexpended balances at the end of the preceding fiscal year in the State cafeteria accounts and receipts obtained from cafeteria operations are appropriated for the improvement and extension of cafeteria services and facilities pursuant to section 2 of P.L.1951, c.312 (C.52:18A-19.6).

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Property Management and Construction program classification, from appropriations for construction and improvements an amount sufficient to pay for the cost of architectural work, superintendence and other expert services in connection with such work.

In addition to the amount hereinabove appropriated for Property Management and Construction, there are appropriated such additional sums as may be required for the costs

incurred in order to preserve and maintain the value and condition of State real property that has been declared surplus and for costs incurred in the selling of the real property, including appraisal, survey, advertising, maintenance, security and other costs related to the preservation and disposal, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated out of receipts derived from the pre-qualification service fees billed to contractors, architects, engineers, and professionals sufficient sums for expenses related to the administration of pre-qualification activities undertaken by the Division of Property Management and Construction.

The unexpended balances at the end of the preceding fiscal year in excess of $300,000 in the Management of the Department of Environmental Protection Properties account are appropriated for the same purpose.

Receipts derived from the leasing of State surplus real property are appropriated for the maintenance of leased property subject to the approval of the Director of the Division of Budget and Accounting, provided that a sum not to exceed $100,000 shall be available for the administrative expenses of the program.

There are appropriated such additional sums as may be necessary for the purchase of expert witness services related to the State's defense against inverse condemnation claims related to the Department of Environmental Protection's Land Use Regulation program.

Receipts from employee maintenance charges in excess of $300,000 are appropriated for maintenance of employee housing and associated relocation costs; provided, however, that a sum not to exceed $25,000 shall be available for management of the program, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated out of receipts derived from lease proceeds billed to the occupants of the James J. Howard Marine Science Laboratory, such sums as may be required to operate and maintain the facility and for the payment of interest or principal due from the issuance of bonds for this facility.

Notwithstanding the provisions of any law or regulation to the contrary, an amount not to exceed $476,000 is transferred from the Garden State Farmland Preservation Trust Fund, the Garden State Green Acres Preservation Trust Fund and the Garden State Historic Preservation Trust Fund to the General Fund in an allocation to be determined by the Garden State Preservation Trust and approved by the Director of the Division of Budget and Accounting and such amount is appropriated to the Garden State Preservation Trust.

Notwithstanding the provisions of any law or regulation to the contrary, the Departments of the Treasury, Community Affairs, Environmental Protection, and Agriculture or any entity succeeding to the duties and functions of the Department of Agriculture, pursuant to separate legislation, will provide such administrative services as are necessary to operate the Garden State Preservation Trust.

Notwithstanding the provisions of any law or regulation to the contrary, administrative expenses for the various retirement systems and employee benefit programs administered by the Division of Pensions and Benefits are appropriated from the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be, subject to the approval of the Director of the Division of Budget and Accounting. Administrative costs shall include bank service charges, investment services, and any other such costs as are related to the management of the pension and health benefit programs, as the Director of the Division of Budget and Accounting shall determine.

There is appropriated from the pension and health benefits funds established by law an amount, not to exceed $12,000,000, for the re-engineering of the pension and health

benefits computer systems as referenced in the Division of Pensions and Benefits organizational study.

The unexpended balance at the end of the preceding fiscal year in the Re-engineering of the Pension and Health Benefits Computer Systems account is appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from the Capital City Redevelopment Loan and Grant Fund such sums as may be required to provide for expenses, programs, and strategies which will enhance the vitality of the capitol district as a place to live, visit, work and conduct business, subject to the approval of the Director of the Division of Budget and Accounting.

2026 Office of Administrative Law
DIRECT STATE SERVICES

45-2026 Adjudication of Administrative Appeals $8,954,000
(From General Fund ..... $4,100,000)
(From All Other Funds ..... 4,854,000)
Total Direct State Services Appropriation, Office of Administrative Law $8,954,000
(From General Fund ..... $4,100,000)
(From All Other Funds ..... 4,854,000)
Less:
All Other Funds $4,854,000
Total State Appropriation, Office of Administrative Law $4,100,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($8,176,000)
Employee Benefits ..... (221,000)
Materials and Supplies ..... (95,000)
Services Other Than Personal ..... (381,000)
Maintenance and Fixed Charges ..... (75,000)
Special Purpose:
45 Affirmative Action and Equal Employment Opportunity ..... (6,000)
Less:
All Other Funds 4,854,000

In addition to the amount hereinabove appropriated for the Office of Administrative Law, such sums as may be received or receivable from any department or non-State fund source for administrative hearing costs or rule-making costs by the Office of Administrative Law and the unexpended balance at the end of the preceding fiscal year of such sums are appropriated for the Office's administrative costs, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Office of Administrative Law any appropriation made to any department for administrative hearing costs which had been appropriated or allocated to such department for its share of such costs.

Receipts derived from annual license fees, payable to the Office of Administrative Law, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated for the Office's administrative costs.

Receipts derived from royalties, payable to the Office of Administrative Law, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated for the Office's administrative costs.

Of the amounts appropriated to the Motor Vehicle Commission, such appropriation is conditioned upon paying the non-State hourly rate charged by the Office of Administrative Law for hearing services, or an amount not less than $500,000.

2034 Office of Information Technology
DIRECT STATE SERVICES

40-2034 Office of Information Technology	$111,080,000
65-2034 Emergency Telecommunication Services	13,017,000
Total Direct State Services Appropriation, Office of Information Technology	$124,097,000
Less:	
OIT – Other Resources	***$62,354,000***
Total Income Deductions	***$62,354,000***
Total State Appropriation, Office of Information Technology	$61,743,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($29,797,000)
Materials and Supplies	(391,000)
Services Other Than Personal	(14,614,000)
Maintenance and Fixed Charges	(115,000)
Special Purpose:	
40 Office of Information Technology	(62,354,000)
40 Quality Assurance Oversight	(2,000,000)
40 Data Center Consolidation	(800,000)
40 Information Technology Online State Portal	(1,000,000)
65 Statewide 911 Emergency Telecommunication System	(11,967,000)
65 Office of Emergency Telecommunication Services	(1,050,000)
Additions, Improvements and Equipment	t(9,000)
Less:	
Income Deductions	***62,354,000***

As a condition to the appropriations made in this act, specifically with regard to the allocation of employees performing information technology infrastructure functions and the establishment of deputy chief technology officers and related staff as authorized in P.L.2007, c.56, the Office of Information Technology shall identify the specific Direct State Services appropriations and positions that should be transferred between various departments and the Office of Information Technology, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated such sums for Geographic Information System (GIS) Integration as may be received from federal, county, municipal governments or agencies and nonprofit organizations for orthoimagery and parcel data mapping.

In addition to the $62,354,000 attributable to OIT Other Resources, there are appropriated such sums as may be received or receivable from any State agency, instrumentality or public authority for Office of Information Technology services furnished thereto and attributable to a change in or the addition of an OIT service level agreement, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated to the Office of Information Technology for Quality Assurance Oversight shall be used to enhance supervision over the implementation of current and

future information technology contracts, including but not limited to oversight of existing quality assurance contracts for information technology.

The unexpended balances at the end of the preceding fiscal year in the Email Systems Consolidation, Data Center Consolidation, and ECATS Timekeeping System accounts are appropriated for the same purposes, subject to the approval of the Director of the Division of Budget and Accounting.

From amounts appropriated to various departments, such sums as are necessary may be transferred to the Office of Information Technology for enterprise initiatives, subject to the establishment of a formal agreement between the Office of Information Technology and those departments to support enterprise projects, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

65-2034 Emergency Telecommunication Services $12,425,000
Total Grants-in-Aid Appropriation, Office of Information Technology $12,425,000

Grants-in-Aid:

65 Enhanced 911 Grants ..... ($12,425,000)

Grant awards and expenditures supported by the appropriation for Enhanced 911 Grants, including 911 operating assistance or equipment grants, shall be determined in accordance with the recommendations of an efficiency study prepared by the Rutgers University-Heldrich School as well as grant criteria to be jointly developed by the 911 Commission and the Department of the Treasury, the purpose of which will be to create incentives for the regional consolidation of 911 call services and public safety answering points. Those grant criteria, the specific requirements of which will be defined by the Office of Emergency Telecommunication Services, shall include a requirement that applicants provide information to the Office of Emergency Telecommunication Services on existing budget and staffing resources, including salary and non-salary line items and position titles, as well as equipment and operating performance data related to the existing public safety answering point operations, public safety dispatch and radio communications systems and services.

The unexpended balance at the end of the preceding fiscal year in the Enhanced 911 Grants account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

75 State Subsidies and Financial Aid

GRANTS-IN-AID

33-2078 Homestead Exemptions $1,876,500,000
(From Property Tax Relief Fund ..... $1,876,500,000)
Total Grants-in-Aid Appropriation, State Subsidies and Financial Aid $1,876,500,000
(From Property Tax Relief Fund ... .$1,876,500,000)

Grants-in-Aid:

33 Homestead Property Tax Credits/ Rebates for Homeowners (PTRF) . .($1,583,500,000)
33 Homestead Property Tax Rebates for Tenants (PTRF) ..... (124,000,000)
33 Senior and Disabled Citizens' Property Tax Freeze (PTRF) ..... (169,000,000)

From the amount hereinabove appropriated for the Homestead Property Tax Credits/Rebates for Homeowners and the Homestead Property Tax Rebates for Tenants programs, there

are appropriated such sums as may be necessary for the administration of those programs, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Homestead Property Tax Credits/Rebates for Homeowners program shall be available to pay homestead rebates pursuant to the provisions of section 3 of P.L.1990, c.61 (C.54:4-8.59) as amended by P.L.2004, c.40, and by P.L.2007, c.62, except that, notwithstanding the provisions of that law to the contrary, residents with gross income in excess of $150,000 for tax year 2007 are excluded from the program; residents with gross income in excess of $100,000 but not in excess of $150,000 for tax year 2007 are eligible for rebates in the amount of 10% of the first $10,000 of property taxes paid. In calculating the rebates, the Division of Taxation will utilize 2006 property tax amounts assessed or as would have been assessed on the October 1, 2007 principal residence of eligible applicants. A rebate paid to an eligible applicant may not exceed the amount paid for tax year 2006, absent a change in an applicant's filing characteristics. If the amount hereinabove appropriated for the Homestead Property Tax Credits/Rebates for Homeowners program is not sufficient, there is appropriated from the Property Tax Relief Fund such additional sums as may be required for payment of such credits/rebates, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Homestead Property Tax Rebates for Tenants program shall be available to pay homestead rebates pursuant to the provisions of section 4 of P.L.1990, c.61 (C.54:4-8.60), except that, notwithstanding the provisions of that law to the contrary, residents who are not 65 years of age or older at the close of the tax year, or residents who are not allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, are eligible for rebates not to exceed $80, and residents who are 65 years of age or older at the close of the tax year, or residents who are allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, with gross income of $70,000 or less are eligible for minimum rebates of $160 and maximum rebates of $860 for tax year 2007, and residents with gross income in excess of $70,000 but not in excess of $100,000 are eligible for rebates of $160 for tax year 2007. If the amount hereinabove appropriated for the Homestead Property Tax Rebates for Tenants program is not sufficient, there is appropriated from the Property Tax Relief Fund such additional sums as may be required for payment of such rebates, subject to the approval of the Director of the Division of Budget and Accounting.

The Department of the Treasury may transfer funds as necessary between the Homestead Property Tax Credits/Rebates for Homeowners account and the Homestead Property Tax Rebates for Tenants account, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1997, c.348 (C.54:4-8.67 et seq.), the amount hereinabove appropriated for Senior and Disabled Citizens' Property Tax Freeze (PTRF), and any additional sum which may be required for this purpose, is appropriated from the Property Tax Relief Fund.

In addition to the amount hereinabove appropriated for the Homestead Property Tax Credits/Rebates for Homeowners and the Homestead Property Tax Rebates for Tenants programs, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for payments of property tax credits to homeowners and tenants pursuant to the "Property Tax Deduction Act," P.L.1996, c.60 (C.54A:3A-15 et seq.).

STATE AID

28-2078	County Boards of Taxation	$1,714,000
29-2078	Locally Provided Assistance	52,386,000

34-2078 Reimbursement of Senior/Disabled Citizens' and Veterans' Tax Deductions 92,000,000
(From Property Tax Relief Fund ..... $92,000,000)
35-2078 Consolidated Police and Firemen's Pension Fund 96,648,000
(From General Fund ..... 61,268,000)
(From Property Tax Relief Fund ..... 35,380,000)
Total State Aid Appropriation, State Subsidies and Financial Aid $242,748,000
(From General Fund ..... $115,368,000)
(From Property Tax Relief Fund ..... 127,380,000)

State Aid:

28 County Boards of Taxation ..... ($1,714,000)
29 South Jersey Port Corporation Debt Service Reserve Fund ..... (7,256,000)
29 South Jersey Port Corporation Property Tax Reserve Fund ..... (3,130,000)
29 Highlands Protection Fund -- Incentive Planning Aid ..... (2,650,000)
29 Highlands Protection Fund -- Regional Master Plan Compliance Aid ..... (1,750,000)
29 Highlands Protection Fund -- Watershed Moratorium Offset Aid ..... (2,200,000)
29 Highlands Protection Fund -- Highlands Property Tax Stabilization Aid ..... (3,600,000)
29 Highlands Protection Fund -- Pinelands Property Tax Stabilization Aid ..... (1,800,000)
29 Solid Waste Management -- County Environmental Investment Debt Service Aid ..... (30,000,000)
34 Reimbursement to Municipalities -- Senior and Disabled Citizens' Tax Deductions (PTRF) ..... (20,500,000)
34 State Reimbursement for Veterans' Property Tax Deductions (PTRF) .... (71,500,000)
35 State Contribution to Consolidated Police and Firemen's Pension Fund .... (1,256,000)
35 Debt Service on Pension Obligation Bonds (PTRF) ..... (11,097,000)
35 Police and Firemen's Retirement System -- Post Retirement Medical (PTRF) ..... (24,283,000)
35 Police and Firemen's Retirement System ..... (39,001,000)
35 Police and Firemen's Retirement System (P.L.1979, c.109) ..... (21,011,000)

There are appropriated such additional sums as may be certified to the Governor by the South Jersey Port Corporation as necessary to meet the requirements of the South Jersey Port Corporation Debt Service Reserve Fund under section 14 of P.L.1968, c.60 (C.12:11A-14), and the South Jersey Port Corporation Property Tax Reserve Fund under section 20 of P.L.1968, c.60 (C.12:11A-20), the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Highlands Protection Fund are payable from the receipts of the portion of the realty transfer fee directed to be credited to the Highlands Protection Fund and the unexpended balances at the end of the preceding fiscal year in the Highlands Protection Fund accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. Further, the Department of the Treasury may transfer funds as necessary between the Highlands Protection Fund - Incentive Planning Aid account, the Highlands Protection Fund - Regional Master Plan Compliance Aid account, and the Highlands Protection Fund - Watershed Moratorium Offset Aid account, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Solid Waste Management - County Environmental Investment Debt Service Aid is appropriated to subsidize county and county authority debt service payments for environmental investments incurred pursuant to the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) and the "Solid Waste Utility Control Act," P.L.1970, c.40 (C.48:13A-1 et seq.) as determined by the State Treasurer based upon the need for such financial assistance after taking into account all financial resources available or attainable to pay such debt service. Such additional sums as may be necessary shall be appropriated subject to the approval of the Director of the Division of Budget and Accounting and shall be provided upon such terms and conditions as the State Treasurer may determine. The unexpended balance at the end of the preceding fiscal year is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), the sum apportioned to the several counties of the State shall not be distributed and shall be anticipated as revenue for general State purposes.

Notwithstanding the provisions of the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), the amounts collected from banking corporations pursuant to the "Corporation Business Tax Act (1945)" shall not be distributed to the counties and municipalities and shall be anticipated as revenue for general State purposes.

There is appropriated from the Energy Tax Receipts Property Tax Relief Fund the sum of $788,492,000 and an amount not to exceed $177,757,000 which is transferred from the Consolidated Municipal Property Tax Relief Aid (PTRF) account to the fund and shall be allocated to municipalities in accordance with the provisions of subsection b. of section 2 of P.L.1997, c.167 (C.52:27D-439). Each municipality that receives an allocation from the amount so transferred from the Consolidated Municipal Property Tax Relief Aid program shall have its allocation from the Consolidated Municipal Property Tax Relief Aid program reduced by the same amount. Of the amount hereinabove appropriated from the Energy Tax Receipts Property Tax Relief Fund, an amount equal to $25,000,000 shall be allocated to municipalities proportionately based on population, except that Newark and Jersey City shall each receive $390,000 of the $25,000,000 and Paterson shall receive $375,000 of the $25,000,000.

Notwithstanding the provisions of paragraph (1) of subsection c. of section 2 of P.L.1997, c.167 (C.52:27D-439) to the contrary, the amount hereinabove appropriated for Energy Tax Receipts Property Tax Relief Fund payments shall be distributed on the following schedule: on or before August 1, 45% of the total amount due; September 1, 30% of the total amount due; October 1, 15% of the total amount due; November 1, 5% of the total amount due; and December 1, 5% of the total amount due.

The unexpended balance at the end of the preceding fiscal year from the taxes collected pursuant to P.L.1940, c.4 (C.54:30A-16 et seq.) and P.L.1940, c.5 (C.54:30A-49 et seq.) shall lapse.

There is appropriated from taxes collected from certain insurance companies, pursuant to the insurance tax act, so much as may be required for payments to counties pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.).

The Director of the Division of Budget and Accounting shall reduce amounts provided to any municipality from the amount hereinabove appropriated by the difference, if any, between pension contribution savings, and the amount of Consolidated Municipal Property Tax Relief Aid payable to such municipality.

In addition to the amount hereinabove appropriated for Reimbursement of Senior Citizens and Veterans' Tax Deductions, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for State reimbursement to municipalities for senior and disabled citizens' and veterans' property tax deductions.

In addition to the sum hereinabove appropriated for Debt Service on Pension Obligation Bonds to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

Such additional sums as may be required for Police and Firemen's Retirement System - Post Retirement Medical are appropriated, as the Director of the Division of Budget and Accounting shall determine.

76 Management and Administration
DIRECT STATE SERVICES

98-2006 Contract Compliance and Equal Employment Opportunity in Public Contracts	$1,631,000
99-2000 Administration and Support Services	11,202,000
Total Direct State Services Appropriation, Management and Administration	$12,833,000

Direct State Services:

Personal Services:	
Salaries and Wages	($11,589,000)
Materials and Supplies	(65,000)
Services Other Than Personal	(753,000)
Maintenance and Fixed Charges	(65,000)
Special Purpose:	
99 Federal Liaison Office, Washington, D.C.	(23,000)
99 Municipal Rehabilitation and Economic Recovery Act	(338,000)

There are appropriated from the investment earnings of general obligation bond proceeds such sums as may be necessary for the payment of debt service administrative costs.

There is appropriated from revenue estimated to be received as a fee in connection with the issuance of debt an amount not to exceed $700,000 to provide funds for public finance activities.

There are appropriated from revenue to be received from investment earnings of State funds, from fees in connection with the cost of debt issuance and from service fees billed to State authorities, such sums as may be required for public finance activities. The unexpended balance at the end of the preceding fiscal year from such investment earnings and service fees is appropriated to the Office of Public Finance.

Pursuant to the provisions of P.L.1999, c.12 (C.54A:9-25.12 et seq.) deposits made to the "Drug Abuse Education Fund" and the unexpended balance at the end of the preceding fiscal year of such deposits are appropriated for collection or administration costs of the Department of the Treasury and for transfer to the Department of Education such sums as are necessary for Project DARE (Drug Abuse Resistance Education) and the Steroid

Use and Prevention Program, and to the Department of Human Services for substance abuse treatment and prevention programs, subject to the approval of the Director of the Division of Budget and Accounting.

An amount equivalent to the amount due to be paid in this fiscal year to the State by the Port Authority of New York and New Jersey pursuant to the regional economic development agreement dated January 1, 1990 among the States of New York and New Jersey and the Port Authority of New York and New Jersey is appropriated to the Economic Recovery Fund established pursuant to section 3 of P.L.1992, c.16 (C.34:1B-7.12) for the purposes of P.L.1992, c.16 (C.34:1B-7.10 et seq.).

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from the "Drug Enforcement and Demand Reduction Fund" such sums as may be required to provide for the administrative expenses of the Governor's Council on Alcoholism and Drug Abuse and for programs and grants to other agencies, subject to the approval of the Director of the Division of Budget and Accounting.

Fees collected on behalf of the Contract Compliance and Equal Employment Opportunity in Public Contracts program and the unexpended balance at the end of the preceding fiscal year of such fees are appropriated for program costs, subject to allotment by the Director of the Division of Budget and Accounting.

There are appropriated such additional sums as may be required to pay for the operating expenses of the Casino Revenue Fund Advisory Commission, subject to the approval of the Director of the Division of Budget and Accounting.

80 Special Government Services
82 Protection of Citizens' Rights
DIRECT STATE SERVICES

06-2024	Appellate Services to Indigents	$9,604,000
57-2021	Trial Services to Indigents and Special Programs	98,292,000
99-2025	Administration and Support Services	2,614,000
	Total Direct State Services Appropriation, Protection of Citizens' Rights	$110,510,000

Direct State Services:

Personal Services:		
	Salaries and Wages	($59,968,000)
Materials and Supplies		(730,000)
Services Other Than Personal		(23,021,000)
Maintenance and Fixed Charges		(559,000)
Special Purpose:		
57	Law Guardian Expansion Required for DYFS Caseload Increase	(1,601,000)
57	Continuous Representation -- Title 9 to Title 30	(5,106,000)
57	Public Defender Pilot Program	(175,000)
57	Law Guardian -- Kinship Guardianship	(2,127,000)
57	Law Guardian -- Child Welfare Reform	(8,728,000)
57	Parental Representation Unit -- Child Welfare Reform	(8,207,000)
99	Affirmative Action and Equal Employment Opportunity	(64,000)
Additions, Improvements and Equipment		(224,000)

Sums provided for legal and investigative services are available for payment of obligations applicable to prior fiscal years.

In addition to the amount hereinabove appropriated for the operation of the Office of the Public Defender there are appropriated additional sums as may be required for Trial and

Appellate services to indigents, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, no State funds are appropriated to fund the expenses associated with the legal representation of persons before the State Parole Board or the Parole Bureau.

Lawsuit settlements and legal costs awarded by any court to the Office of the Public Defender are appropriated for the expenses associated with the representation of indigent clients.

The amount hereinabove appropriated to the Office of the Public Defender is available for expenses associated with pool attorneys hired by the Office of the Public Defender for the representation of indigent clients.

2048 State Legal Services Office
GRANTS-IN-AID

57-2048 Trial Services to Indigents and Special Programs $20,400,000
Total Grants-in-Aid Appropriation,
State Legal Services Office $20,400,000

Grants-in-Aid:
57 State Legal Services Office ..... ($10,400,000)
57 Legal Services of New Jersey –
Legal Assistance in Civil Matters
(P.L.1996, c.52) ..... (10,000,000)

Receipts in excess of the amount appropriated hereinabove for Legal Services of New Jersey - Legal Assistance in Civil Matters, P.L.1996, c.52, are appropriated for the same purposes, subject to the approval of the Director of the Division of Budget and Accounting.

Department of the Treasury, Total State Appropriation $3,220,651,000

Summary of Department of the Treasury Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $464,433,000
Grants-in-Aid 2,305,840,000
State Aid 450,378,000
Appropriations by Fund:
General Fund $1,149,305,000
Property Tax Relief Fund 2,041,906,000
Casino Control Fund 29,440,000

90 MISCELLANEOUS COMMISSIONS
40 Community Development and Environmental Management
43 Science and Technical Programs
9130 Interstate Environmental Commission
DIRECT STATE SERVICES

03-9130 Interstate Environmental Commission $383,000
Total Direct State Services Appropriation, Interstate
Environmental Commission $383,000

Direct State Services:
Special Purpose:
03 Expenses of the Commission ..... ($383,000)

9140 Delaware River Basin Commission
DIRECT STATE SERVICES

02-9140 Delaware River Basin Commission $893,000
Total Direct State Services Appropriation, Delaware River Basin Commission $893,000

Direct State Services:
Special Purpose:
02 Expenses of the Commission ..... ($893,000)

70 Government Direction, Management, and Control
72 Governmental Review and Oversight
9148 Council on Local Mandates
DIRECT STATE SERVICES

92-9148 Council on Local Mandates $180,000
Total Direct State Services Appropriation, Council on Local Mandates $180,000

Direct State Services:
Special Purpose:
92 Council on Local Mandates ..... ($180,000)
The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

Miscellaneous Commissions, Total State Appropriation $1,456,000

Summary of Miscellaneous Commissions Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $1,456,000
Appropriations by Fund:
General Fund $1,456,000

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

01-9400 Property Rentals $263,305,000
02-9400 Insurance and Other Services 110,907,000
06-9400 Utilities and Other Services 65,830,000
Subtotal Direct State Services, General Government Services $440,042,000

Less:
Direct Charges and Charges to Non-State Fund Sources *$87,828,000*
Savings from Procurement Efficiencies ... *25,000,000*
Total Income Deductions *$112,828,000*
Total Direct State Services Appropriation, General Government Services $327,214,000

Direct State Services:
Property Rentals:
01 Existing and Anticipated Leases .... ($206,656,000)
01 Economic Development Authority .... (17,114,000)
01 Other Debt Service Leases and Tax Payments ..... (33,679,000)

Less:
Total Deductions ***112,828,000***
Additions, Improvements and Equipment ... (5,856,000)
Insurance and Other Services:
02 Tort Claims Liability Fund (C.59:12-1) ..... (15,000,000)
02 Workers' Compensation Self-Insurance Fund ..... (67,700,000)
02 Property Insurance Premium Payments ..... (3,796,000)
02 Casualty Insurance Premium Payments ..... (1,010,000)
02 Special Insurance Policy Premium Payment ..... (276,000)
02 UMDNJ Self-Insurance Reserve Fund . (18,000,000)
02 Vehicle Claims Liability Fund ..... (3,500,000)
02 Self-Insurance Deductible Fund ..... (1,500,000)
02 Self-Insurance Fund -- Foster Parents ..... (125,000)
Utilities and Other Services:
06 Fuel and Utilities ..... (59,387,000)
06 Household and Security ..... (6,443,000)

The Director of the Division of Budget and Accounting is empowered to allocate to any State agency occupying space in any State-owned building equitable charges for the rental of such space to include, but not be limited to, the costs of operation and maintenance thereof, and the amounts so charged shall be credited to the General Fund; and, to the extent that such charges exceed the amounts appropriated for such purposes to any agency financed from any fund other than the General Fund, the required additional appropriation shall be made out of such other fund.

Receipts derived from direct charges and charges to non-State fund sources are appropriated for the rental of property, including the costs of operation and maintenance of such properties.

Notwithstanding the provisions of any law or regulation to the contrary, and except for leases negotiated by the Division of Property Management and Construction and subject to the approval or disapproval by the State Leasing and Space Utilization Committee pursuant to P.L.1992, c.130 (C.52:18A-191.1 et al.), and except as hereinafter provided, no lease for the rental of any office or building, except for legislative district offices, shall be executed without the prior written consent of the State Treasurer and the Director of the Division of Budget and Accounting. Legislative district office leases may be executed by personnel in the Office of Legislative Services so directed by the Executive Director, provided the lease complies with the Joint Rules Governing Legislative District Offices adopted by the presiding officers. Leases which do not comply with the Joint Rules Governing Legislative District Offices may be executed by personnel in the Office of Legislative District Services so directed by the Executive Director with the prior written consent of the President of the Senate and the Speaker of the General Assembly.

To the extent that sums appropriated for property rental payments are insufficient, there are appropriated such additional sums, not to exceed $3,000,000 as may be required to pay property rental obligations, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed $2,500,000 shall be appropriated for the costs of security, maintenance, utilities and other operating expenses related to the closure of State-owned buildings, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the Division of Property Management and Construction is empowered to renegotiate lease terms, provided that such renegotiations result in cost savings to the State for the current fiscal year and for the term of the lease. Any lease amendments made as a result of these renegotiations are subject to the review and approval of the State Leasing and Space Utilization Committee.

There are appropriated such additional sums as may be required to pay for office renovations associated with the consolidation of office space, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated such additional sums as may be required to pay debt service costs for the Greystone Park Psychiatric Hospital Project, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Property Rentals, there is appropriated to the Property Rentals program $5,638,000 from the Motor Vehicle Commission for property rental charges.

Notwithstanding the provisions of any law or regulation to the contrary, the Director of the Division of Budget and Accounting shall transfer from departmental accounts and credit to the Property Rentals account a sum of $25,000,000 to reflect savings from implementation of procurement efficiencies. This additional sum is appropriated for Property Rentals.

The unexpended balance at the end of the preceding fiscal year in the Master Lease Program Fund is appropriated for the same purpose.

In order to permit flexibility, amounts may be transferred between various items of appropriation within the Insurance and Other Services program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

There are appropriated such additional sums as may be required to pay tort claims under N.J.S.59:12-1, as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine.

The funds appropriated to the Tort Claims Liability Fund are available for the payment of claims of a tortious nature, for the indemnification of pool attorneys engaged by the Public Defender for the defense of indigents, for the indemnification of designated pathologists engaged by the State Medical Examiner, and for direct costs of legal, administrative and medical services related to the investigation, mitigation and litigation of tort claims under N.J.S.59:12-1, as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of any law or regulation to the contrary, claims paid from the Tort Claims Liability Fund on behalf of entities funded, in whole or in part, from non-State funds, may be reimbursed from such non-State fund sources as determined by the Director of the Division of Budget and Accounting.

There are appropriated such additional sums as may be required to pay claims not payable from the Tort Claims Liability Fund or payable under the New Jersey Contractual Liability Act, as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine. The funds appropriated are available for the payment of direct costs of legal, administrative and medical services related to the investigation, mitigation and litigation of claims not payable from the Tort Claims Liability Fund or payable under the New Jersey Contractual Liability Act, as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine. Notwithstanding the provisions of any law or regulation to the contrary, claims or costs paid from the monies appropriated under this paragraph on behalf of entities funded, in whole or in part from non-State funds, may be reimbursed

from such non-State funds sources as determined by the Director of the Division of Budget and Accounting. Appropriations under this paragraph shall not be available to pay punitive damages and shall not be deemed a waiver of any immunity by the State.

To the extent that sums appropriated to pay Workers' Compensation claims under R.S.34:15-1 et seq., are insufficient, there are appropriated such additional sums as may be required to pay Workers' Compensation claims, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Workers' Compensation Self-Insurance Fund under R.S.34:15-1 et seq. is available for the payment of direct costs of legal, investigative, administrative and medical services related to the investigation, mitigation, litigation and administration of claims against the fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, benefits provided to community work experience participants shall be borne by the Work First New Jersey program funded through the Department of Human Services and any costs related to administration, mitigation, litigation and investigation of claims will be reimbursed to the Division of Risk Management within the Department of the Treasury by the Work First New Jersey program funded through the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.

Providing that expenditures during the current fiscal year on Workers' Compensation claims attributable to the Departments of Human Services, Transportation, Corrections, and Law and Public Safety are less than the respective amounts expended by those departments for claims attributable to the preceding fiscal year, all or a portion of that savings is appropriated to those departments or the Division of Risk Management within the Department of the Treasury for the purpose of improving worker safety and reducing workers' compensation costs, subject to the approval of the Director of the Division of Budget and Accounting.

To the extent that sums appropriated to pay auto insurance claims are insufficient, there are appropriated such additional sums as may be required to pay auto insurance claims, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Vehicle Claims Liability Fund is available for the payment of direct costs of legal, investigative and medical services related to the investigation, mitigation and litigation of claims against the fund.

The unexpended balance at the end of the preceding fiscal year in the Self-Insurance Deductible Fund is appropriated for the same purposes.

The amount hereinabove appropriated for the Self-Insurance Fund - Foster Parents is available for the payment of direct costs of legal, investigative and medical services related to the investigation, mitigation and litigation of claims against the fund.

The sums hereinabove appropriated are available for payment of obligations applicable to prior fiscal years.

There are appropriated out of revenues received from utility companies such sums as may be required for implementation and administration of the Energy Conservation Initiatives Program, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the sums hereinabove appropriated for Fuel and Utilities, the Director of the Division of Budget and Accounting shall transfer or credit to this account such sums that accrue from appropriations made to various spending agencies for Fuel and Utilities and Salaries and Wages, to reflect savings associated with electrical deregulation, fuel switch and other energy--conservation initiatives.

Of the amount hereinabove appropriated for fuel and utility costs, $35,267,000 may be transferred to State departments and, in addition to the sums hereinabove appropriated for fuel and utility costs, there are appropriated such additional sums as may be required for

transfer to State departments to pay fuel and utility costs, subject to the approval of the Director of the Division of Budget and Accounting.

Revenue generated from the sale of Solar Renewable Energy Certificates is appropriated to fund energy-related savings initiatives as determined by the Director of Energy Savings within the Department of the Treasury, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from fees charged for public parking at the Bangs Avenue Parking Garage in Asbury Park, and the unexpended balance from the preceding fiscal year, are appropriated for the costs incurred for maintenance and operation of the garage, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Household and Security, there is appropriated $526,000 to the Household and Security account from the New Jersey Public Broadcasting Authority for utility, security, and building maintenance costs.

In addition to the amount hereinabove appropriated for the Household and Security account, there is appropriated to the Household and Security account $2,500,000 from the Motor Vehicle Commission for utility, security, and building maintenance costs.

Of the unexpended balances in the Petroleum Overcharge Reimbursement Fund available for "Green Power", such sums shall be transferred to the various departments and agencies participating in the State electricity contract, as applicable, to reimburse additional costs associated with "Green Power" sources, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Utilities and Other Services, there is appropriated out of the Petroleum Overcharge Reimbursement Fund the sum of $3,500,000 to fund energy-related savings initiatives, including an energy tracking and invoice payment system, as determined by the Director of Energy Savings within the Department of the Treasury, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Global Energy Statewide Account is appropriated for the same purpose.

GRANTS-IN-AID

09-9460 Aid to Independent Authorities	$144,047,000
Total Grants-in-Aid Appropriation, General Government Services	$144,047,000

Grants-in-Aid:

09 New Jersey Performing Arts Center, EDA	($5,558,000)
09 Business Employment Incentive Program, EDA -- Debt Service	(41,037,000)
09 Liberty Science Center, EDA	(7,017,000)
09 Municipal Rehabilitation and Economic Recovery -- EDA	(14,126,000)
09 Camden Children's Garden	(625,000)
09 Designated Industries Economic Growth and Development -- EDA	(7,591,000)
09 NJSEA Sports Complex	(45,040,000)
09 NJSEA Atlantic City Projects	(15,440,000)
09 NJSEA Higher Education and Other Projects	(2,818,000)
09 NJSEA Wildwood Convention Center	(4,795,000)

In addition to the amounts hereinabove appropriated for the Sports and Exposition Authority Operations - Debt Service there are appropriated such additional sums as may be

necessary, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the New Jersey Performing Arts Center, EDA account shall be used to pay the State's obligations pursuant to a lease with the New Jersey Economic Development Authority, for the lease of real property and infrastructure improvements and the Performing Arts Center structure constructed thereon purchased by the authority for the State in the city of Newark, for the purpose of constructing buildings to comprise a Performing Arts Center. Notwithstanding the provisions of any law or regulation to the contrary, the State Treasurer may enter into a lease with the New Jersey Economic Development Authority to lease the real property and improvements thereon purchased or caused to be constructed by the authority for the State in the city of Newark for the Performing Arts Center, subject to the prior written consent of the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly. Upon the final payment of the State's obligations pursuant to the lease for the real property and infrastructure improvements purchased by the Authority, the title to the real property and improvements shall revert to the State. The State may sublease the land and facilities for the purpose of operating, maintaining or financing a Performing Arts Center in Newark. Any sublease for use of land and improvements acquired for the State by the New Jersey Economic Development Authority for the Performing Arts Center shall be subject to the prior written approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee, or its successor. There are appropriated such additional sums as may be necessary to pay debt service for the New Jersey Performing Arts Center.

The amount hereinabove appropriated for the Camden Children's Garden shall be subject to the execution of an agreement between the State Treasurer and the operator of the Camden Children's Garden.

The amounts hereinabove appropriated for debt service payments attributable to the New Jersey Performing Arts Center, EDA program and to the Municipal Rehabilitation and Economic Recovery, EDA program may be paid by the New Jersey Economic Development Authority from resources available from unexpended balances, and in such instances the amounts appropriated for the New Jersey Performing Arts Center, EDA program and for the Municipal Rehabilitation and Economic Recovery, EDA program shall be reduced by the same amount. There are appropriated such additional sums as may be necessary to pay debt service and other costs for the Municipal Rehabilitation and Economic Recovery, EDA program, subject to the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

08-9450 Capital Projects – Statewide	$209,324,000
Total Capital Construction Appropriation, General Government Services	$209,324,000

Capital Projects:

New Jersey Building Authority

Debt Service – General State Projects:

08 Southwoods State Prison	($32,991,000)
08 State House Renovations	(21,519,000)
08 Hughes Justice Complex	(15,051,000)
08 Other State Projects	(21,948,000)
08 State Police Multipurpose Building/ Troop "C" Headquarters	(8,262,000)
08 State Police Emergency Operations Center	(1,553,000)

08 Energy Efficiency --
Statewide Projects ..... (10,000,000)
Open Space Preservation Program:
08 Garden State Preservation
Trust Fund Account ..... (98,000,000)

There are appropriated such additional sums as may be required to pay future debt service costs for projects undertaken by the New Jersey Building Authority, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts appropriated under P.L.2004, c.71, donations for the 9/11 Memorial Design Costs from public and private sources, including those collected from the Port Authority of New York and New Jersey, for the purposes of planning, designing, maintaining and constructing a memorial to the victims of the terrorist attacks of September 11, 2001, on the World Trade Center in New York City, the Pentagon in Washington, D.C., and United Airlines Flight 93 in Somerset County, Pennsylvania, shall be deposited by the State Treasurer in a dedicated account established for this purpose and are appropriated for the purposes set forth under P.L.2004, c.71 and there are appropriated or transferred such sums as are necessary for the 9/11 Memorial project, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in order to provide flexibility in administering the amounts provided for Statewide Fire, Life Safety and Renovations Projects; Roof Repairs-Statewide; American's with Disabilities Act Compliance Projects-Statewide; Hazardous Materials Removal Projects-Statewide; Statewide Security Projects; and Energy Efficiency-Statewide Projects, such sums as may be necessary may be transferred to individual project line items within various departments, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for Hazardous Materials Removal Projects - Statewide and Statewide Security Projects, funds may be transferred to the Fuel Distribution Systems / Underground Storage Tank Replacements - Statewide account for the removal of underground storage tanks at State facilities, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year of appropriations from the "1996 Economic Development Site Fund," established pursuant to section 20 of the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996," P.L.1996, c.70 are appropriated.

The amount hereinabove appropriated for Energy Efficiency - Statewide Projects is payable from the Clean Energy Fund to provide the full cost of energy efficiency projects in State facilities including, but not limited to, up to $6,000,000 for heating, ventilation and air conditioning systems at various Human Services institutions. The project allocations may be adjusted based on consultation with the Department of the Treasury, Office of Energy Savings, subject to the approval of the Director of the Division of Budget and Accounting.

Any monies received from the sale of real property in excess of the amount anticipated in this act are appropriated for Capital Construction Energy Efficiency - Statewide Projects, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Garden State Preservation Trust Fund Account, interest earned and accumulated commencing with the start of this fiscal year is appropriated.

The amount hereinabove appropriated for the Garden State Preservation Trust Fund Account is subject to the provisions of the "Garden State Preservation Trust Act," P.L.1999, c.152

(C.13:8C-1 et seq.) and the constitutional amendment on open space (Article VIII, Section II, paragraph 7).

9410 Employee Benefits
DIRECT STATE SERVICES

03-9410 Employee Benefits	$1,733,031,000
Total Direct State Services Appropriation, Employee Benefits	$1,733,031,000

Direct State Services:

Special Purpose:

03 Public Employees' Retirement System	($186,510,000)
03 Public Employees' Retirement System -- Post Retirement Medical	(216,898,000)
03 Public Employees' Retirement System -- Non-contributory Insurance	(24,689,000)
03 Police and Firemen's Retirement System	(60,663,000)
03 Police and Firemen's Retirement System -- Non-contributory Insurance	(7,253,000)
03 Police and Firemen's Retirement System (P.L.1979, c.109)	(3,109,000)
03 Alternate Benefit Program -- Employer Contributions	(1,159,000)
03 Alternate Benefit Program -- Non-contributory Insurance	(183,000)
03 State Police Retirement System	(34,918,000)
03 State Police Retirement System -- Non-contributory Insurance	(1,501,000)
03 Judicial Retirement System	(11,957,000)
03 Judicial Retirement System -- Non-contributory Insurance	(649,000)
03 Teachers' Pension and Annuity Fund	(2,020,000)
03 Teachers' Pension and Annuity Fund -- Post Retirement Medical -- State	(3,771,000)
03 Teachers' Pension and Annuity Fund -- Non-contributory Insurance	(80,000)
03 Pension Adjustment Program	(1,530,000)
03 Veterans Act Pensions	(63,000)
03 Heath Act Pensions	(5,000)
03 Debt Service on Pension Obligation Bonds	(83,665,000)
03 Volunteer Emergency Survivor Benefit	(105,000)
03 State Employees' Health Benefits	(436,335,000)
03 Other Pension Systems -- Post Retirement Medical	(70,597,000)
03 State Employees' Prescription Drug Program	(174,459,000)
03 State Employees' Dental Program -- Shared Cost	(21,100,000)
03 State Employees' Vision Care Program	(1,000,000)
03 Social Security Tax -- State	(366,893,000)

03 Temporary Disability
Insurance Liability ..... (12,204,000)
03 Unemployment Insurance Liability .... (9,715,000)

There is appropriated a sufficient amount in order that upon application to the Director of the Division of Budget and Accounting, an annuity of $4,000 shall be paid to the widow or widower of any person, now deceased, who was elected and served as Governor of the State; provided such widow or widower was the spouse of such person for all or part of the period during which he or she served as Governor; and provided further, that this shall not apply to any widow or widower receiving a pension granted under R.S.43:8-2, and continued by R.S.43:7-1 et seq., R.S.43:8-1 et seq., and R.S.43:8-8 et seq.

The amounts hereinabove appropriated for Employee Benefits may be transferred to the Grants-In-Aid accounts for the same purposes.

Such additional sums as may be required for Public Employees' Retirement System - Post Retirement Medical, Public Employees' Retirement System - Non-contributory Insurance, Police and Firemen's Retirement System - Non-contributory Insurance, Alternate Benefit Program - Employer Contributions, Alternate Benefit Program - Non-contributory Insurance, Teachers' Pension and Annuity Fund - Post Retirement Medical - State, Teachers' Pension and Annuity Fund - Non-contributory Insurance, State Police Retirement System - Non-contributory Insurance, Judicial Retirement System - Non-contributory Insurance, State Employees' Health Benefits, Other Pension Systems - Post Retirement Medical, State Employees' Prescription Drug Program, State Employees' Dental Program - Shared Cost, State Employees' Vision Care Program, Social Security Tax - State, Temporary Disability Insurance Liability, and Unemployment Insurance Liability are appropriated, as the Director of the Division of Budget and Accounting shall determine.

No monies hereinabove appropriated shall be used to provide additional health insurance coverage to a State or local elected official when that official receives health insurance coverage as a result of holding other public office or employment.

There are appropriated such additional sums as may be required for State employer contributions to the Defined Contribution Retirement Program, State premium costs for life insurance and disability insurance, and the related State administrative costs of the Division of Pensions and Benefits in accordance with the provisions of P.L.2007, c.92.

Notwithstanding the provisions of the "Pension Adjustment Act," P.L.1958, c.143 (C.43:3B-1 et seq.), pension adjustment benefits for State members and beneficiaries of the Consolidated Police and Firemen's Pension Fund, Prison Officers' Pension Fund, and Central Pension Fund shall be paid by the respective pension funds. The amounts hereinabove appropriated for the Pension Adjustment Program for these benefits as required under the act shall be paid to the Pension Adjustment Fund.

In addition to the sum hereinabove appropriated for Debt Service on Pension Obligation Bonds to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

The unexpended balance at the end of the preceding fiscal year in the Debt Service on Pension Obligation Bonds account is appropriated for the same purpose.

Such additional sums as may be required for State Employees' Health Benefits may be allotted from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

Such additional sums as may be required for Social Security Tax - State may be allotted from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of any law or regulation to the contrary, fees due to the third party administrator for the Section 125 Tax Savings Program established in 1996 pursuant to section 7 of P.L.1996, c.8 (C.52:14-15.1a) and the Section 132(f) Commuter Transportation Benefit Program established in 2003 pursuant to section 1 of P.L.2001, c.162 (C.52:14-15.1b) shall be paid from amounts hereinabove appropriated for the Social Security Tax - State Account, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

03-9410 Employee Benefits $768,514,000
Total Grants-in-Aid Appropriation, Employee Benefits $768,514,000

Grants-in-Aid:

Special Purpose:

03 Public Employees' Retirement System ($19,800,000)
03 Public Employees' Retirement System -- Post Retirement Medical ... (35,362,000)
03 Public Employees' Retirement System -- Non-contributory Insurance .. (2,397,000)
03 Police and Firemen's Retirement System ..... (4,248,000)
03 Police and Firemen's Retirement System -- Non-contributory Insurance .... (258,000)
03 Alternate Benefit Program -- Employer Contributions ..... (127,138,000)
03 Alternate Benefit Program -- Non-contributory Insurance ..... (19,654,000)
03 Teachers' Pension and Annuity Fund ..... (650,000)
03 Teachers' Pension and Annuity Fund -- Post Retirement Medical -- State ..... (6,437,000)
03 Teachers' Pension and Annuity Fund -- Non-contributory Insurance ..... (17,000)
03 Debt Service on Pension Obligation Bonds ..... (4,827,000)
03 State Employees' Health Benefits ... (246,316,000)
03 Other Pension Systems -- Post Retirement Medical ..... (21,981,000)
03 State Employees' Prescription Drug Program ..... (80,834,000)
03 State Employees' Dental Program -- Shared Cost ..... (10,343,000)
03 Social Security Tax -- State ..... (179,535,000)
03 Temporary Disability Insurance Liability ..... (5,631,000)
03 Unemployment Insurance Liability. ... (3,086,000)

The amounts hereinabove appropriated for Employee Benefits may be transferred to the Direct State Services accounts for the same purposes.

Such additional sums as may be required for Public Employees' Retirement System - Post Retirement Medical, Public Employees' Retirement System - Non-contributory Insurance, Police and Firemen's Retirement System - Non-contributory Insurance, Alternate Benefit Program - Employer Contributions, Alternate Benefit Program - Non-contributory Insurance, Teachers' Pension and Annuity Fund - Post Retirement Medical - State, Teachers' Pension and Annuity Fund - Non-contributory Insurance, State Employees' Health Benefits, Other Pension Systems - Post Retirement Medical, State

Employees' Prescription Drug Program, State Employees' Dental Program - Shared Cost, Social Security Tax - State, Temporary Disability Insurance Liability, and Unemployment Insurance Liability are appropriated, as the Director of the Division of Budget and Accounting shall determine.

No monies hereinabove appropriated shall be used to provide additional health insurance coverage to a State or local elected official when that official receives health insurance coverage as a result of holding other public office or employment.

The unexpended balance at the end of the preceding fiscal year in the Debt Service on Pension Obligation Bonds account is appropriated for the same purpose.

In addition to the sum hereinabove appropriated for Debt Service on Pension Obligation Bonds to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

9420 Other Interdepartmental Accounts

DIRECT STATE SERVICES

04-9420 Other Interdepartmental Accounts	$3,675,000
Total Direct State Services Appropriation, Other Interdepartmental Accounts	$3,675,000

Direct State Services:

Special Purpose:

04 To the Governor, for allotment to the various departments or agencies, to meet any condition of emergency or necessity; provided however, that a sum not in excess of $5,000 shall be available for expenses of officially receiving dignitaries and for incidental expenses, including lunches for non-salaried board members and others for whom official reception shall be beneficial to the State.	($375,000)
04 Contingency Funds	(625,000)
04 Debt Issuance -- Special Purpose	(1,100,000)
04 Catastrophic Illness in Children Relief Fund -- Employer Contributions	(225,000)
04 Interest on Interfund Borrowing	(1,000,000)
04 Payment of Military Leave Benefits	(350,000)

Unless otherwise indicated, funds hereinabove appropriated may be allotted by the Director of the Division of Budget and Accounting to the various departments and agencies.

Notwithstanding the provisions of N.J.S.2A:153-1 et seq., there is allocated at the discretion of the Governor, an amount up to $50,000, from the Special Purpose amount hereinabove appropriated to meet any condition of emergency or necessity, as a reward for the capture and return of Joanne Chesimard.

There are appropriated to the Emergency Services Fund such sums as are required to meet the costs of any emergency occasioned by aggression, civil disturbance, sabotage, or disaster as recommended by the Emergency Services Council and approved by the Governor, and subject to the approval of the Director of the Division of Budget and Accounting. In the event that the Emergency Service Council is unable to convene due to any such emergency described above, there shall be appropriated to the Emergency Service Fund such sums as are required to meet the costs of any such emergency

described above, and payments from the Fund shall be made by the State Treasurer upon approval of the Governor and the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Governor's Contingency Fund is appropriated for the same purpose.

Such sums as may be necessary for payment of expenses incurred by issuing officials appointed under the several bond acts of the State are appropriated for the purposes and from the sources defined in those acts.

The unexpended balance at the end of the preceding fiscal year in Payment of Military Leave Benefits is appropriated for the same purpose.

9430 Salary Increases and Other Benefits

DIRECT STATE SERVICES

05-9430 Salary Increases and Other Benefits $95,108,000

Total Direct State Services Appropriation, Salary Increases and Other Benefits $95,108,000

Direct State Services:

Special Purpose:

05 Salary Increases and Other Benefits .. ($75,775,000)

05 Unused Accumulated Sick Leave Payments ..... (19,333,000)

The sums hereinabove appropriated to the various State departments, agencies or commissions for the cost of salaries, wages, or other benefits shall be allotted as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of any law or regulation to the contrary, including R.S.34:15-49 and section 1 of P.L.1981, c.353 (C.34:15-49.1), the State Treasurer, the Commissioner of Personnel or the head of any entity succeeding to the duties and functions of the Department of Personnel, pursuant to separate legislation, and the Director of the Division of Budget and Accounting shall establish directives governing salary ranges and rates of pay, including salary increases. The implementation of such directives shall be made effective at the first full pay period of the fiscal year as determined by such directives, with timely notification of such directives to the Joint Budget Oversight Committee or its successor. Such directives shall not be considered an "administrative rule" or "rule" within the meaning of subsection (e) of section 2 of P.L.1968, c.410 (C.52:14B-2), but shall be considered exempt under paragraphs (1) and (2) of subsection (e) of section 2 of P.L.1968, c.410 (C.52:14B-2), and shall not be subject to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). Nothing herein shall be construed as applicable to the Presidents of the State Colleges, Rutgers, The State University, the University of Medicine and Dentistry of New Jersey and the New Jersey Institute of Technology.

No salary range or rate of pay shall be increased or paid in any State department, agency, or commission without the approval of the Director of the Division of Budget and Accounting. Nothing herein shall be construed as applicable to unclassified personnel of the Legislative Branch or unclassified personnel of the Judicial Branch.

Any sums appropriated for Salary Increases and Other Benefits shall be made available for any person holding State office, position or employment whose compensation is paid directly or indirectly, in whole or in part, from State funds, including any person holding office, position or employment under the Palisades Interstate Park Commission.

The unexpended balance at the end of the preceding fiscal year in the Salary Increases and Other Benefits account is appropriated for the same purposes.

In addition to the amount hereinabove appropriated for Unused Accumulated Sick Leave Payments, there are appropriated such sums as may be necessary for payments of unused accumulated sick leave.

Notwithstanding the provisions of any law or regulation to the contrary, the Director of the Division of Budget and Accounting may transfer from Departmental Accounts and credit to the Salary Increases and Other Benefits account such sums that reflect savings from an Early Retirement Incentive program, pursuant to separate legislation, and other employee staffing reductions. This additional sum is hereinabove appropriated for Salary Increases and Other Benefits.

GRANTS-IN-AID

05-9430 Salary Increases and Other Benefits $38,485,000
Total Grants-in-Aid Appropriation, Salary Increases and Other Benefits $38,485,000

Grants-in-Aid:

Special Purpose:
05 Salary Increases and Other Benefits .. ($38,485,000)

Interdepartmental Accounts, Total State Appropriation $3,319,398,000

Summary of Interdepartmental Accounts Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $2,159,028,000
Grants-in-Aid 951,046,000
Capital Construction 209,324,000
Appropriations by Fund:
General Fund $3,319,398,000

THE JUDICIARY
10 Public Safety and Criminal Justice
15 Judicial Services
DIRECT STATE SERVICES

01-9710 Supreme Court $6,792,000
02-9715 Superior Court – Appellate Division 21,381,000
03-9720 Civil Courts 104,167,000
04-9725 Criminal Courts 126,011,000
05-9730 Family Courts 114,033,000
06-9735 Municipal Courts 1,598,000
07-9740 Probation Services 132,672,000
08-9745 Court Reporting 8,898,000
09-9750 Public Affairs and Education 2,953,000
10-9755 Information Services 18,169,000
11-9760 Trial Court Services 87,454,000
12-9765 Management and Administration 11,339,000
Total Direct State Services Appropriation, Judicial Services . $635,467,000

Direct State Services:

Personal Services:
Chief Justice ..... ($174,000)
Associate Justices ..... (1,033,000)
Judges ..... (64,718,000)
Salaries and Wages ..... (420,710,000)
Materials and Supplies ..... (7,755,000)
Services Other Than Personal ..... (32,423,000)
Maintenance and Fixed Charges ..... (1,852,000)
Special Purpose:

01 Rules Development ..... (200,000)
04 Drug Court Treatment/Aftercare ..... (24,482,000)
04 Drug Court Operations ..... (11,332,000)
04 Drug Court Judgeships ..... (1,959,000)
05 Family Crisis Intervention ..... (1,076,000)
05 Child Placement Review Advisory Council ..... (82,000)
05 Kinship Legal Guardianship ..... (3,711,000)
05 Child Support and Paternity Program Title IV-D (Family Court) ..... (14,251,000)
07 Intensive Supervision Program ..... (13,960,000)
07 Juvenile Intensive Supervision Program . (2,269,000)
07 Child Support and Paternity Program Title IV-D (Probation) ..... (26,099,000)
11 Child Support and Paternity Program Title IV-D (Trial) ..... (2,650,000)
12 Affirmative Action and Equal Employment Opportunity ..... (770,000)
Additions, Improvements and Equipment ..... (3,961,000)

The unexpended balances at the end of the preceding fiscal year in the Civil Arbitration Program are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts derived from fees under the Special Civil Part service of process via certified mailers are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated in the Drug Courts Treatment and Aftercare account shall be transferred to the Department of Human Services to fund treatment, aftercare and administrative services associated with the drug court program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the increase in fees collected by the Judiciary pursuant to P.L.2002, c.34 and related increases provided by operation of N.J.S.22A:2-5 and section 2 of P.L.1993, c.74 (C.22A:5-1) are appropriated from the Court Technology Improvement Fund for the purpose of offsetting the costs of development, establishment, operation and maintenance of the Judiciary computerized court information systems, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from charges to certain Special Purpose accounts listed hereinabove are appropriated for services provided to these funds.

Receipts from charges to the Superior Court Trust Fund, NJ Lawyers Fund for Client Protection, Disciplinary Oversight Committee, Board on Attorney Certification, Bar Admission Financial Committee, Parents' Education Fund, Automated Traffic System Fund, Municipal Court Administrator Certification, Comprehensive Enforcement Program, and Courts Computerized Information Systems Fund are appropriated for services provided to these funds.

The unexpended balances at the end of the preceding fiscal year not to exceed $9,000,000 in these respective accounts are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

The Judiciary, Total State Appropriation $635,467,000

Summary of Judiciary Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $635,467,000
Appropriations by Fund:
General Fund $635,467,000

DEBT SERVICE
42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
40 Community Development and Environmental Management
46 Environmental Planning and Administration

99-4800 Interest on Bonds $21,710,000
99-4800 Bond Redemption 38,025,000
Total Debt Service Appropriation, Department of Environmental Protection $59,735,000

Debt Service:
Special Purpose:
Interest:
Clean Waters Bonds (P.L.1976, c.92) ..... ($60,000)
State Land Acquisition and Development Bonds (P.L.1978, c.118) ..... (138,000)
Natural Resources Bonds (P.L.1980, c.70) ... (794,000)
Hazardous Discharge Bonds (P.L.1981, c.275) . (66,000)
Resource Recovery and Solid Waste Disposal Facility Bonds (P.L.1985, c.330) ..... (196,000)
Hazardous Discharge Bonds (P.L.1986, c.113) ..... (872,000)
1987 Green Acres, Cultural Centers and Historic Preservation Bonds (P.L.1987, c.265) ..... (550,000)
1989 New Jersey Open Space Preservation Bonds (P.L.1989, c.183) ..... (411,000)
Stormwater Management and Combined Sewer Overflow Abatement Bonds (P.L.1989, c.181) ..... (425,000)
Green Acres, Clean Water, Farmland and Historic Preservation Bonds (P.L.1992, c.88) ..... (2,137,000)
Green Acres, Farmland and Historic Preservation and Blue Acres Bonds (P.L.1995, c.204) ..... (3,740,000)
Port of New Jersey Revitalization, Dredging Bonds (P.L.1996, c.70) ..... (6,088,000)
Dam, Lake, Stream, Water Resources, and Wastewater Treatment Project Bonds (P.L.2003, c.162) ..... (6,233,000)
Redemption:
Clean Waters Bonds (P.L.1976, c.92) ..... (45,000)
State Land Acquisition and Development Bonds (P.L.1978, c.118) ..... (295,000)
Natural Resources Bonds (P.L.1980, c.70) ... (935,000)
Hazardous Discharge Bonds (P.L.1981, c.275) ..... (270,000)

Resource Recovery and Solid Waste Disposal Facility Bonds (P.L.1985, c.330) ..... (1,145,000)
Hazardous Discharge Bonds (P.L.1986, c.113) ..... (7,025,000)
1987 Green Acres, Cultural Centers and Historic Preservation Bonds (P.L.1987, c.265) ..... (780,000)
1989 New Jersey Open Space Preservation Bonds (P.L.1989, c.183) ..... (1,565,000)
Stormwater Management and Combined Sewer Overflow Abatement Bonds (P.L.1989, c.181) ..... (615,000)
Green Acres, Clean Water, Farmland and Historic Preservation Bonds (P.L.1992, c.88) ..... (5,360,000)
Green Acres, Farmland and Historic Preservation and Blue Acres Bonds (P.L.1995, c.204) ..... (9,775,000)
Port of New Jersey Revitalization, Dredging Bonds (P.L.1996, c.70) ..... (4,255,000)
Dam, Lake, Stream, Water Resources, and Wastewater Treatment Project Bonds (P.L.2003, c.162) ..... (5,960,000)

Total Debt Service Appropriation, Department of Environmental Protection $59,735,000

82 DEPARTMENT OF THE TREASURY
70 Government Direction, Management, and Control
76 Management and Administration

99-2000 Interest on Bonds $136,075,000
99-2000 Bond Redemption 210,087,000
Total Appropriation $346,162,000
Less:
Savings from Retirement/Defeasance $135,000,000
Total Debt Service Appropriation, Department of the Treasury $211,162,000
Debt Service:
Special Purpose:
Interest:
Energy Conservation Bonds (P.L.1980, c.68) ..... ($15,000)
Refunding Bonds (P.L.1985, c.74, as amended by P.L.1992, c.182) ..... (125,244,000)
Jobs, Education and Competitiveness Bonds (P.L.1988, c.78) ..... (287,000)
Public Purpose Buildings and Community-Based Facilities Construction Bonds (P.L.1989, c.184) ..... (359,000)
1989 Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Bonds (P.L.1989, c.180) ..... (380,000)

Developmental Disabilities Waiting List Reduction and Human Services Facilities Construction Bonds (P.L.1994, c.108) .. (1,587,000)
Urban and Rural Centers Unsafe Buildings Demolition Bonds (P.L.1997, c.125) ..... (93,000)
Statewide Transportation and Local Bridge Bond Act of 1999 (P.L.1999, c.181) .... (8,110,000)
Redemption:
Energy Conservation Bonds (P.L.1980, c.68) .. (25,000)
Refunding Bonds (P.L.1985, c.74, as amended by P.L.1992, c.182) ..... (180,212,000)
Jobs, Education and Competitiveness Bonds (P.L.1988, c.78) ..... (1,120,000)
Public Purpose Buildings and Community-Based Facilities Construction Bonds (P.L.1989, c.184) ..... (1,375,000)
1989 Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Bonds (P.L.1989, c.180) ..... (1,740,000)
Developmental Disabilities Waiting List Reduction and Human Services Facilities Construction Bonds (P.L.1994, c.108) .. (5,155,000)
Urban and Rural Centers Unsafe Buildings Demolition Bonds (P.L.1997, c.125) ... (3,715,000)
Statewide Transportation and Local Bridge Bond Act of 1999 (P.L.1999, c.181) ... (16,745,000)
Less:
Savings from Retirement/Defeasance 135,000,000

Total Debt Service Appropriation, Department of the Treasury $211,162,000

Notwithstanding the provisions of any law or regulation to the contrary, such sums as may be needed for the payment of interest and/or principal due from the issuance of any bonds authorized under the several bond acts of the State are appropriated and shall first be charged to the earnings from the investments of such bond proceeds and/or repayments of loans from the applicable bond funds established under such bond acts, and monies are appropriated from such bond funds for the purpose of paying interest and/or principal on the bonds issued pursuant to such bond acts. Where required by law, such sums shall be used to fund a reserve for the payment of interest and/or principal on the bonds authorized under the bond act. Furthermore, where required by law, the amounts hereinabove appropriated are allocated to the projects heretofore approved by the Legislature pursuant to those bond acts. The Director of the Division of Budget and Accounting is authorized to reallocate amounts hereinabove appropriated among the various debt service accounts to permit the proper debt service payments.

There are appropriated such sums as may be needed for the payment of debt service administrative costs.

Subsequent to the refunding of bonds in the current fiscal year, the Director of the Division of Budget and Accounting is authorized to reallocate amounts hereinabove appropriated among the various debt service accounts to reflect the debt service savings of the refunding and to permit the proper debt service payments.

Total Appropriation, Debt Service $270,897,000

Summary of Appropriations -- All Departments
(For Display Purposes Only)

Appropriations by Category:

Direct State Services	$6,518,571,000
Grants-in-Aid	11,341,203,000
State Aid	13,531,563,000
Capital Construction	1,206,237,000
Debt Service	270,897,000
General Fund	$18,990,193,000
Property Tax Relief Fund	$13,383,000,000
Casino Revenue Fund	$414,759,000
Casino Control Fund	$75,439,000
Gubernatorial Elections Fund	$5,080,000

Total Appropriation, All State Funds $32,868,471,000

FEDERAL FUNDS
10 DEPARTMENT OF AGRICULTURE
40 Community Development and Environmental Management
49 Agricultural Resources, Planning, and Regulation

01-3310	Animal Disease Control	$1,262,000
02-3320	Plant Pest and Disease Control	4,865,000
03-3330	Agriculture and Natural Resources	480,000
05-3350	Food and Nutrition Services	314,495,000
06-3360	Marketing and Development Services	501,000
08-3380	Farmland Preservation	4,525,000
	Total Appropriation, Agricultural Resources, Planning, and Regulation	$326,128,000
Personal Services:		
	Salaries and Wages	($6,226,000)
	Employee Benefits	(2,231,000)
Materials and Supplies		(389,000)
Services Other Than Personal		(821,000)
Maintenance and Fixed Charges		(2,433,000)
Special Purpose:		
	Cooperative Gypsy Moth Suppression	(1,144,000)
	Other Special Purpose	(10,000)
State Aid and Grants:		
	Food Stamp -- TEFAP	(200,000)
	Farmland Preservation	(3,500,000)
	Child Nutrition -- School Lunch	(180,000,000)
	Child Nutrition -- Special Milk	(1,200,000)
	Child Nutrition -- School Breakfast	(45,000,000)
	Child Care Food	(65,000,000)
	Child Care Sponsor	(1,500,000)
	Cash in Lieu of Commodities	(3,500,000)
	Child Nutrition -- Summer Programs	(9,000,000)
	Summer Sponsor Administration	(900,000)
	Team Nutrition Training	(50,000)
State Aid and Grants		(1,780,000)
Additions, Improvements and Equipment		(1,244,000)

Total Appropriation, Department of Agriculture $326,128,000

16 DEPARTMENT OF CHILDREN AND FAMILIES
50 Economic Planning, Development, and Security
55 Social Services Programs

01-1610	Child Protective and Permanency Services	$207,302,000
02-1620	Child Behavioral Health Services	130,505,000
03-1630	Prevention and Community Partnership Services	11,528,000
04-1600	Education Services	2,046,000
05-1600	Child Welfare Training Academy Services and Operations	2,940,000
99-1600	Administration and Support Services	1,580,000
99-1610	Administration and Support Services	16,104,000
99-1620	Administration and Support Services	3,311,000
	Total Appropriation, Social Services Programs	$375,316,000
	Personal Services:	
	Salaries and Wages ..... ($142,966,000)	
	Materials and Supplies ..... (2,089,000)	
	Services Other Than Personal ..... (15,146,000)	
	Maintenance and Fixed Charges ..... (15,673,000)	
	Special Purpose:	
	Rutgers MSW Program ..... (899,000)	
	Safety and Permanency in the Courts ..... (500,000)	
	State Aid and Grants ..... (193,071,000)	
	Additions, Improvements and Equipment ..... (4,972,000)	

Total Appropriation, Department of Children and Families .. $375,316,000

22 DEPARTMENT OF COMMUNITY AFFAIRS
40 Community Development and Environmental Management
41 Community Development Management

02-8020	Housing Services	$331,110,000
06-8015	Uniform Construction Code	30,000
18-8017	Uniform Fire Code	28,000
	Total Appropriation, Community Development Management .	$331,168,000
	Personal Services:	
	Salaries and Wages ..... ($18,026,000)	
	Employee Benefits ..... (6,466,000)	
	Materials and Supplies ..... (316,000)	
	Services Other Than Personal ..... (3,631,000)	
	Maintenance and Fixed Charges ..... (2,801,000)	
	Special Purpose:	
	Fair Housing Initiatives Grant ..... (3,000)	
	Shelter Plus Care Program ..... (117,000)	
	Moderate Rehabilitation Housing Assistance .. (62,000)	
	Section 8 Housing Voucher Program ..... (1,469,000)	
	Housing Opportunities for Persons with AIDS . (16,000)	
	Small Cities Block Grant Program ..... (202,000)	
	National Affordable Housing -- HOME Investment Partnerships ..... (125,000)	
	Lead Abatement Certification ..... (30,000)	
	Other Special Purpose ..... (56,000)	

State Aid and Grants:
Transitional Housing -- Homeless ..... (136,000)
Housing Opportunities for Persons with
AIDS Post-Incarcerated ..... (807,000)
State Aid and Grants ..... (296,690,000)
Additions, Improvements and Equipment ..... (215,000)

50 Economic Planning, Development, and Security
51 Economic Planning and Development

49-8049 Office of Smart Growth $300,000
Total Appropriation, Economic Planning and Development $300,000
Personal Services:
Salaries and Wages ..... ($60,000)
Employee Benefits ..... (20,000)
Materials and Supplies ..... (65,000)
Services Other Than Personal ..... (150,000)
Special Purpose:
Brownfields Training, Research, and
Technical Assistance ..... (5,000)

55 Social Services Programs

05-8050 Community Resources $117,300,000
15-8051 Women's Programs 1,951,000
Total Appropriation, Social Services Programs $119,251,000
Personal Services:
Salaries and Wages ..... ($2,231,000)
Employee Benefits ..... (754,000)
Materials and Supplies ..... (17,000)
Services Other Than Personal ..... (509,000)
Maintenance and Fixed Charges ..... (28,000)
Special Purpose:
Rape Prevention and Education ..... (1,000)
National Field-Generated Training, Technical
Assistance and Demonstration ..... (8,000)
Other Special Purpose ..... (179,000)
State Aid and Grants:
Rape Prevention and Education ..... (1,500,000)
State Aid and Grants ..... (113,974,000)
Additions, Improvements and Equipment ..... (50,000)

Total Appropriation, Department of Community Affairs $450,719,000

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice
16 Detention and Rehabilitation

08-7040 Institutional Care and Treatment $79,000
08-7080 Institutional Care and Treatment 150,000
08-7110 Institutional Care and Treatment 253,000
08-7120 Institutional Care and Treatment 101,000
08-7130 Institutional Care and Treatment 203,000
13-7025 Institutional Program Support 7,348,000
Total Appropriation, Detention and Rehabilitation $8,134,000

Personal Services:
Salaries and Wages ..... ($1,089,000)
Employee Benefits ..... (369,000)
Special Purpose:
Edna Mahan Visitation Program ..... (74,000)
Promoting Responsible Fatherhood ..... (149,000)
SSA Incentive Payments ..... (50,000)
Counterterrorism Prison Intelligence ..... (400,000)
State Criminal Alien Assistance Program ... (5,095,000)
Project In-Side ..... (525,000)
National Institute of Justice Grant for
Corrections Research -- Escape Study .... (383,000)

17 Parole

03-7010 Parole $10,000
Total Appropriation, Parole $10,000
Special Purpose:
VISTA State ..... ($10,000)

19 Central Planning, Direction and Management

99-7000 Administration and Support Services $1,270,000
Total Appropriation, Central Planning, Direction and
Management $1,270,000
Personal Services:
Salaries and Wages ..... ($790,000)
Employee Benefits ..... (261,000)
Materials and Supplies ..... (34,000)
Special Purpose:
Perkins -- Vocational Education ..... (151,000)
Other Special Purpose ..... (34,000)

Total Appropriation, Department of Corrections $9,414,000

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural, and Intellectual Development

31 Direct Educational Services and Assistance

05-5060 Bilingual Education $18,221,000
05-5064 Bilingual Education 382,000
06-5060 Programs for Disadvantaged Youth 308,950,000
06-5063 Programs for Disadvantaged Youth 1,013,000
06-5064 Programs for Disadvantaged Youth 907,000
07-5060 Special Education 328,239,000
07-5065 Special Education 23,855,000
Total Appropriation, Direct Educational Services
and Assistance $681,567,000
Personal Services:
Salaries and Wages ..... ($10,105,000)
Employee Benefits ..... (3,369,000)
Materials and Supplies ..... (119,000)
Services Other Than Personal ..... (10,439,000)
Special Purpose:
Language Acquisition Discretionary Admin .. (149,000)

Migrant Education -- Administration/
Discretionary ..... (57,000)
Bilingual and Compensatory Education --
Homeless Children and Youth ..... (86,000)
Title I -- Administration Program Improvement . (14,000)
Individuals with Disabilities Education
Act Basic State Grant ..... (1,110,000)
Individuals with Disabilities Education Act
Preschool Grants ..... (284,000)
IDEA Part B -- Discretionary Administration . . (408,000)
Other Special Purpose ..... (15,000)
State Aid and Grants ..... (655,410,000)
Additions, Improvements and Equipment ..... (2,000)

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach School for the Deaf $882,000
Total Appropriation, Operation and Support
of Educational Institutions $882,000
Personal Services:
Salaries and Wages ..... ($560,000)
Employee Benefits ..... (186,000)
Materials and Supplies ..... (13,000)
Services Other Than Personal ..... (55,000)
Special Purpose:
Vocational Education Program ..... (16,000)
IDEA (State Institutions), Handicapped ..... (23,000)
IDEA, Handicapped: Katzenbach/Deaf/
Blind and CSPD ..... (19,000)
Preschool Entitlement -- Katzenbach School .... (8,000)
Additions, Improvements and Equipment ..... (2,000)

33 Supplemental Education and Training Programs

20-5060 General Vocational Education $22,455,000
20-5062 General Vocational Education 3,740,000
Total Appropriation, Supplemental Education
and Training Programs $26,195,000
Personal Services:
Salaries and Wages ..... ($1,700,000)
Employee Benefits ..... (596,000)
Materials and Supplies ..... (58,000)
Services Other Than Personal ..... (382,000)
Special Purpose:
Vocational Education -- Basic Grants --
Administration ..... (202,000)
Vocational Education -- Title II B
Leadership Activities ..... (802,000)
State Aid and Grants ..... (22,455,000)

34 Educational Support Services

30-5060 Educational Programs and Assessment $70,478,000
30-5063 Educational Programs and Assessment 13,426,000
32-5061 Professional Development and Licensure 156,000
40-5060 Student Services 24,779,000

40-5064 Student Services 3,944,000
Total Appropriation, Educational Support Services $112,783,000
Personal Services:
Salaries and Wages ..... ($2,027,000)
Employee Benefits ..... (684,000)
Materials and Supplies ..... (3,000)
Services Other Than Personal ..... (9,361,000)
Special Purpose:
State Assessments ..... (197,000)
State Grants for Improving Teacher Quality ... 918,000)
National Assessment of Educational Progress State Coordinator ..... (6,000)
Foreign Language Assistance ..... (141,000)
Public Charter Schools ..... (121,000)
Troops-to-Teachers Program ..... (11,000)
21st Century Schools ..... (605,000)
AIDS Prevention Education ..... (503,000)
SDFSCA -- Governor's Portion -- Program Expenses ..... (583,000)
NJ Department of Education Homeland Security ..... (68,000)
National Community Service -- Learn and Serve America ..... (3,000)
SDFSCA -- Governor's Portion, Admin ..... (5,000)
Character Education Partnership ..... (15,000)
Other Special Purpose ..... (17,000)
State Aid and Grants ..... (97,515,000)

35 Education Administration and Management

99-5060 Administration and Support Services $5,168,000
99-5093 Administration and Support Services 136,000
99-5095 Administration and Support Services 5,428,000
Total Appropriation, Education Administration and Management $10,732,000
Personal Services:
Salaries and Wages ..... ($3,036,000)
Employee Benefits ..... (1,006,000)
Special Purpose:
NCES Performance Based Data Management Initiative ..... (11,000)
Improving America's Schools Act -- Consolidated Administration ..... (1,034,000)
Enhancing Education Thru Technology ..... (125,000)
Other Special Purpose ..... (352,000)
State Aid and Grants ..... (5,168,000)

Total Appropriation, Department of Education $832,159,000

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management

11-4870 Forest Resource Management $6,760,000
12-4875 Parks Management 20,640,000

13-4880	Hunters' and Anglers' License Fund	11,430,000
14-4885	Shellfish and Marine Fisheries Management	3,790,000
20-4880	Wildlife Management	2,695,000
21-4895	Natural Resources Engineering	440,000
	Total Appropriation, Natural Resource Management	$45,755,000

Personal Services:	
Salaries and Wages	($4,220,000)
Employee Benefits	(1,416,000)
Materials and Supplies	(1,673,000)
Services Other Than Personal	(2,044,000)
Maintenance and Fixed Charges	(710,000)
Special Purpose:	
Rural Community Fire Protection Program	(24,000)
Forest Resource Management -- Cooperative Forest Fire Control	(949,000)
Asian Longhorned Beetle Project	(1,950,000)
Southern Pine Beetle	(100,000)
Gypsy Moth Suppression	(200,000)
Countywide Wildfire Defense	(50,000)
Consolidated Forest Management	(596,000)
Assistance to Firefighters -- Wildfire and Arson Prevention	(200,000)
Firewise in the Pines	(200,000)
Wildland and Urban Interface II	(100,000)
Defensible Space	(400,000)
Stewardship Land Type Association	(30,000)
Conservation Education	(50,000)
Incentives Program	(200,000)
Forest Health Monitoring	(80,000)
Land and Water Conservation Fund	(3,000,000)
Pinelands Grant -- Acquisition	(1,000,000)
Historic Preservation Survey and Planning	(134,000)
Sussex Branch Trail Improvements	(500,000)
Seashore Line	(500,000)
Delaware and Raritan Canal East Side Path (ISTEA)	(565,000)
Forest Legacy	(3,000,000)
Forest Legacy Administration	(40,000)
Highlands Conservation	(2,000,000)
National Coastal Wetlands Conservation	(1,000,000)
Cape May Point State Park Bikeway (ISTEA)	(200,000)
Liberty State Park Ferry Slip Restoration (ISTEA)	(1,600,000)
Delaware and Raritan Canal State Park Old Rose to Mulberry St. (ISTEA)	(900,000)
Liberty State Park Archival Facility (ISTEA)	(660,000)
Delaware and Raritan Canal State Park/ Bordentown Outlet (ISTEA)	(1,250,000)
Appalachian Trail Improvement (ISTEA)	(50,000)
Archaeological and History/GIS Inventory (ISTEA)	(1,500,000)
Hunters' and Anglers' License Fund	(925,000)
Hunter Safety Training	(119,000)

Hunters' and Anglers' License Fund/N.J.
Statewide Fisheries Development ..... (242,000)
Boat Access (Fish and Wildlife) ..... (1,000,000)
Investigation and Management of Nongame
Freshwater Fisheries Resources ..... (150,000)
Grassland Habitat Project ..... (200,000)
Wildlife Management Area Planning ..... (300,000)
Fish and Wildlife Input to Activities --
Projects of Others ..... (156,000)
State Wildlife Grant Projects ..... (1,000,000)
Avian Influenza ..... (31,000)
Chronic Wasting Disease ..... (75,000)
NJ Fish, Wildlife and Anadromous Fishery
Coordination ..... (62,000)
Research In Freshwater Fisheries Management . (13,000)
Fish Culture and Stocking Project ..... (200,000)
Aquatic Recreational Resource Awareness
and Education Project ..... (70,000)
Wildlife Research and Management ..... (264,000)
Fish and Wildlife Health ..... (50,000)
Marine Fisheries Investigation
and Management ..... (448,000)
Electronic Vessel Trip Reporting ..... (6,000)
Fisheries Management Council ..... (30,000)
Atlantic Coastal Fisheries ..... (18,000)
Inventory of New Jersey Surf Clam Resources . (25,000)
Artificial Reef Program -- PSE&G/
NJPDES Permit Fees ..... (56,000)
Clean Vessels ..... (483,000)
Marine Fisheries Law Enforcement ..... (52,000)
Rare Wildlife Strategy Implementation .... (1,449,000)
US Army Corps of Engineers Beachnesters ... (80,000)
NJ Field Office Bog Turtle
Cooperative Agreement ..... (50,000)
Community Assistance Program ..... (20,000)
National Dam Safety Program (FEMA) ..... (40,000)
Other Special Purpose ..... (1,023,000)
State Aid and Grants ..... (3,330,000)
Additions, Improvements and Equipment ..... (697,000)

43 Science and Technical Programs

05-4840	Water Supply	$22,200,000
07-4850	Water Monitoring and Standards	4,450,000
15-4801	Land Use Regulation	6,800,000
15-4890	Land Use Regulation	1,250,000
18-4810	Science, Research and Technology	1,550,000
22-4861	New Jersey Geological Survey	390,000
90-4801	Watershed Management	6,597,000
	Total Appropriation, Science and Technical Programs	$43,237,000

Personal Services:
Salaries and Wages ..... ($4,351,000)
Employee Benefits ..... (1,197,000)
Materials and Supplies ..... (35,000)

Services Other Than Personal ..... (752,000)
Maintenance and Fixed Charges ..... (37,000)
Special Purpose:
Safe Drinking Water Act ..... (267,000)
Drinking Water State Revolving Fund .... (20,000,000)
Water Pollution Control Program ..... (1,038,000)
Water Pollution S106 Enhancements ..... (68,000)
Benthic Indicators for Nearshore
Coastal Waters ..... (321,000)
Coastal Zone Management Implementation . (1,146,000)
Coastal Estuarine Land Program ..... (4,000,000)
State Wetlands Conservation Plan ..... (250,000)
Coastal Zone Management Grant --
Section 309 ..... (272,000)
Hudson River Waterfront Walkway --
Castle Point (ISTEA) ..... (1,000,000)
Coastal Zone Management -- 310 ..... (200,000)
Urban Community Air Toxics Program ..... (800,000)
Multimedia ..... (274,000)
Offshore Beach Replenishment ..... (150,000)
National Geologic Mapping Program ..... (66,000)
Earthquake Hazard Reduction ..... (20,000)
Geological and Geophysical Data
Preservation USGS ..... (15,000)
Water Pollution Control ..... (3,000)
Coastal Wetlands Conservation
(Land Acquisition) ..... (1,000,000)
Environmental and Health Effects Tracking .. (222,000)
Water Monitoring and Planning ..... (139,000)
Non-Point Source Implementation (319H) .... (707,000)
Beach Monitoring and Notification ..... (322,000)
Other Special Purpose ..... (693,000)
State Aid and Grants:
Safe Drinking Water Act ..... (122,000)
Water Monitoring and Planning ..... (145,000)
Non-Point Source Implementation (319H) .. (3,293,000)
Beach Monitoring and Notification ..... (248,000)
Additions, Improvements and Equipment ..... (84,000)

44 Site Remediation and Waste Management

19-4815 Publicly-Funded Site Remediation $30,450,000
23-4815 Solid and Hazardous Waste Management 360,000
23-4910 Solid and Hazardous Waste Management 2,035,000
27-4815 Remediation Management and Response 5,555,000
Total Appropriation, Site Remediation and Waste Management . $38,400,000
Personal Services:
Salaries and Wages ..... ($2,517,000)
Employee Benefits ..... (833,000)
Materials and Supplies ..... (55,000)
Services Other Than Personal ..... (353,000)
Maintenance and Fixed Charges ..... (52,000)
Special Purpose:
Superfund Grants ..... (30,000,000)

Hazardous Waste -- Resource Conservation Recovery Act ..... (1,129,000)
Preliminary Assessments/Site Inspections ... (500,000)
Brownfields ..... (1,600,000)
Underground Storage Tanks ..... (586,000)
Underground Storage Tanks ..... (60,000)
Other Special Purpose ..... (680,000)
Additions, Improvements and Equipment ..... (35,000)

45 Environmental Regulation

01-4820 Radiation Protection $500,000
02-4892 Air Pollution Control 6,448,000
09-4860 Public Wastewater Facilities 28,000,000
16-4891 Water Monitoring and Planning 110,000
Total Appropriation, Environmental Regulation $35,058,000
Personal Services:
Salaries and Wages ..... ($3,322,000)
Employee Benefits ..... (917,000)
Materials and Supplies ..... (19,000)
Services Other Than Personal ..... (330,000)
Maintenance and Fixed Charges ..... (36,000)
Special Purpose:
Radon Purpose ..... (148,000)
Air Pollution Maintenance Program ..... (1,248,000)
BioWatch Monitoring ..... (235,000)
Particulate Monitoring Grant ..... (600,000)
Clean Water State Revolving Fund ..... (28,000,000)
Underground Injection Control ..... (13,000)
Other Special Purpose ..... (190,000)

46 Environmental Planning and Administration

26-4805 Regulatory and Governmental Affairs $150,000
99-4800 Administration and Support Services 2,350,000
Total Appropriation, Environmental Planning and Administration $2,500,000
Special Purpose:
New Jersey Classroom Reform Grant ..... ($150,000)
National Information Exchange Network ... (2,300,000)
National Spatial Data Infrastructure ..... (50,000)

47 Compliance and Enforcement

02-4855 Air Pollution Control $1,802,000
04-4835 Pesticide Control 571,000
15-4855 Land Use Regulation 600,000
23-4855 Solid and Hazardous Waste Management 2,500,000
Total Appropriation, Compliance and Enforcement $5,473,000
Personal Services:
Salaries and Wages ..... ($3,024,000)
Employee Benefits ..... (920,000)
Materials and Supplies ..... (22,000)
Services Other Than Personal ..... (117,000)
Maintenance and Fixed Charges ..... (34,000)

Special Purpose:
Air Pollution Maintenance Program ..... (28,000)
Pesticide Recording Program ..... (7,000)
Pesticide Control Consolidated ..... (112,000)
Coastal Zone Management Implementation .... (70,000)
Hazardous Waste -- Resource Conservation Recovery Act ..... (193,000)
Other Special Purpose ..... (513,000)
State Aid and Grants:
Air Pollution Maintenance Program ..... (365,000)
Additions, Improvements and Equipment ..... (68,000)

Total Appropriation, Department of Environmental Protection $170,423,000

46 DEPARTMENT OF HEALTH AND SENIOR SERVICES
20 Physical and Mental Health
21 Health Services

01-4215 Vital Statistics $1,100,000
02-4220 Family Health Services 203,102,000
03-4230 Public Health Protection Services 70,926,000
08-4280 Laboratory Services 6,931,000
12-4245 AIDS Services 77,005,000
Total Appropriation, Health Services $359,064,000
Personal Services:
Salaries and Wages ..... ($41,365,000)
Employee Benefits ..... (14,740,000)
Materials and Supplies ..... (2,518,000)
Services Other Than Personal ..... (18,868,000)
Maintenance and Fixed Charges ..... (15,970,000)
Special Purpose:
Supplemental Food Program -- Women, Infants, and Children (WIC) ..... (95,581,000)
Women, Infants, and Children (WIC) Farmer's Market Nutrition Program .... (2,200,000)
Early Hearing Detection and Intervention (EHDI) Tracking, Research ..... (34,000)
Environmental Health Education ..... (129,000)
Adult Blood Lead Surveillance ..... (12,000)
National Violent Death Reporting System ..... (16,000)
Chronic Disease Prevention and Health Promotion Programs -- Public ..... (2,000)
Fundamental and Expanded Occupational Health ..... (6,000)
Food Emergency Response Network -- E. Coli in Ground Beef ..... (165,000)
HIV/AIDS Surveillance Grant ..... (20,000)
Morbidity and Risk Behavior Surveillance ..... (14,000)
Other Special Purpose ..... (6,658,000)
State Aid and Grants:
Preventative Health and Health Services Block Grant ..... (1,067,000)
State Office of Rural Health ..... (150,000)

National Cancer Prevention and Control .... (3,239,000)
West Nile Virus -- Public Health ..... (524,000)
Pandemic Influenza ..... (98,000)
Federal Lead Abatement Program ..... (60,000)
Immunization Project ..... (2,521,000)
Research on Ecology of Lyme Disease in US . (295,000)
Emergency Preparedness For Bioterrorism . (15,584,000)
Expanded and Integrated HIV Testing ..... (1,212,000)
State Aid and Grants ..... (134,238,000)
Additions, Improvements and Equipment ..... (1,778,000)

22 Health Planning and Evaluation

06-4260 Long Term Care Systems $19,493,000
07-4270 Health Care Systems Analysis 97,050,000
Total Appropriation, Health Planning and Evaluation $116,543,000
Personal Services:
Salaries and Wages ..... ($8,051,000)
Employee Benefits ..... (2,704,000)
Materials and Supplies ..... (73,000)
Services Other Than Personal ..... (2,263,000)
Maintenance and Fixed Charges ..... (569,000)
Special Purpose:
Long Term Care -- Medicaid ..... (962,000)
Implement Patient Safety Act ..... (200,000)
Nurse Aide Certification Program ..... (1,000,000)
HCSA -- Medicaid ..... (2,400,000)
Other Special Purpose ..... (5,503,000)
State Aid and Grants:
State Office of Rural Health ..... (150,000)
State Aid and Grants ..... (92,100,000)
Additions, Improvements and Equipment ..... (568,000)

25 Health Administration

99-4210 Administration and Support Services $3,423,000
Total Appropriation, Health Administration $3,423,000
Personal Services:
Salaries and Wages ..... ($1,399,000)
Employee Benefits ..... (363,000)
Materials and Supplies ..... (40,000)
Services Other Than Personal ..... (271,000)
Special Purpose:
Immunization Program ..... (83,000)
Other Special Purpose ..... (128,000)
State Aid and Grants:
Preventative Health and Health
Services Block Grant ..... (460,000)
Minority AIDS Demo ..... (38,000)
State Aid and Grants ..... (641,000)

26 Senior Services

22-4275 Medical Services for the Aged $1,140,340,000
55-4275 Programs for the Aged 47,785,000
57-4275 Office of the Public Guardian 1,000,000

Total Appropriation, Senior Services		$1,189,125,000
Personal Services:		
Salaries and Wages	($10,211,000)	
Employee Benefits	(2,402,000)	
Materials and Supplies	(273,000)	
Services Other Than Personal	(2,296,000)	
Maintenance and Fixed Charges	(458,000)	
Special Purpose:		
Administration of U.S. Department of Health and Human Services Programs	(6,334,000)	
ADM DHSS Federal Programs -- SBUM	(1,585,000)	
Empowering Older People to Take More Control of Their Health	(193,000)	
Other Special Purpose	(3,071,000)	
State Aid and Grants:		
Alternate Family Care	(1,000,000)	
Comprehensive Personal Care Home	(7,500,000)	
Global Budget for Long Term Care	(74,817,000)	
Counseling on Health Insurance for Medicare Enrollees	(156,000)	
Social Services Block Grant -- Senior Services	(2,422,000)	
Medicaid Match County Offices on Aging	(480,000)	
Empowering Older People to Take More Control of Their Health	(220,000)	
State Aid and Grants	(1,075,348,000)	
Additions, Improvements and Equipment	(359,000)	
Total Appropriation, Health and Senior Services		$1,668,155,000

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services

08-7700 Community Services		$13,783,000
99-7700 Administration and Support Services		4,426,000
99-7710 Administration and Support Services		2,281,000
99-7720 Administration and Support Services		2,197,000
99-7725 Administration and Support Services		770,000
99-7740 Administration and Support Services		2,772,000
99-7760 Administration and Support Services		1,252,000
Total Appropriation, Division of Mental Health Services		$27,481,000
Personal Services:		
Salaries and Wages	($9,941,000)	
Materials and Supplies	(15,000)	
Services Other Than Personal	(39,000)	
Special Purpose:		
Fraud and Abuse Initiative	(719,000)	
Title XIX Indirect Costs	(3,707,000)	
State Aid and Grants	(13,060,000)	

24 Special Health Services

21-7540 Health Services Administration and Management		$75,519,000
22-7540 General Medical Services		2,287,484,000

Total Appropriation, Special Health Services $2,363,003,000
Personal Services:
Salaries and Wages ..... ($23,218,000)
Materials and Supplies ..... (180,000)
Services Other Than Personal ..... (6,300,000)
Maintenance and Fixed Charges ..... (2,511,000)
Special Purpose:
Payments to Fiscal Agents ..... (35,707,000)
Professional Standards Review Organization-Utilization Review ..... (987,000)
Drug Utilization Review Board -- Administrative Costs ..... (60,000)
NJ KidCare A -- Administration ..... (4,819,000)
NJ KidCare B-C-D -- Administration ..... (1,357,000)
State Aid and Grants:
Payments for Medical Assistance Recipients -- Adult Mental Health .... (24,095,000)
Hospital Health Care Subsidy ..... (32,982,000)
Hospital Relief Offset Payments ..... (65,845,000)
Payments for Medical Assistance Recipients -- ICF/MR ..... (5,366,000)
Payments for Medical Assistance Recipients -- Inpatient Hospital ..... (317,305,000)
Payments for Medical Assistance Recipients -- Prescription Drugs ..... (193,261,000)
Payments for Medical Assistance Recipients -- Outpatient Hospital .... (138,668,000)
Payments for Medical Assistance Recipients -- Physician Services ..... (36,714,000)
Payments for Medical Assistance Recipients -- Home Health Care ..... (11,463,000)
Payments for Medical Assistance Recipients -- Medicare Premiums ... (146,353,000)
Payments for Medical Assistance Recipients -- Dental Services ..... (10,751,000)
Payments for Medical Assistance Recipients -- Psychiatric Hospital ..... (8,204,000)
Payments for Medical Assistance Recipients -- Medical Supplies ..... (12,834,000)
Payments for Medical Assistance Recipients -- Clinic Services ..... (92,350,000)
Payments for Medical Assistance Recipients -- Transportation Services .. (34,037,000)
Payments for Medical Assistance Recipients -- Other Services ..... (6,223,000)
Home Health Background Checks -- Title XIX federal matching funds ..... (1,800,000)
Eligibility Determination Services ..... (4,471,000)
Health Benefit Coordination Services ..... (8,544,000)
Managed Care Initiative ..... (806,105,000)
State Aid and Grants ..... (330,113,000)
Additions, Improvements and Equipment ..... (380,000)

27 Disability Services

27-7545 Disability Services $163,698,000
Total Appropriation, Disability Services $163,698,000
Personal Services:
Salaries and Wages ..... ($844,000)
Materials and Supplies ..... (4,000)
Services Other Than Personal ..... (31,000)
State Aid and Grants ..... (162,819,000)

30 Educational, Cultural, and Intellectual Development
32 Operation and Support of Educational Institutions

01-7601 Purchased Residential Care $209,111,000
02-7601 Social Supervision and Consultation 55,884,000
03-7601 Adult Activities 52,016,000
05-7610 Residential Care and Habilitation Services 8,462,000
05-7620 Residential Care and Habilitation Services 43,991,000
05-7630 Residential Care and Habilitation Services 38,808,000
05-7640 Residential Care and Habilitation Services 32,947,000
05-7650 Residential Care and Habilitation Services 55,432,000
05-7660 Residential Care and Habilitation Services 42,353,000
05-7670 Residential Care and Habilitation Services 34,069,000
99-7600 Administration and Support Services 7,651,000
99-7610 Administration and Support Services 2,795,000
99-7620 Administration and Support Services 2,307,000
99-7630 Administration and Support Services 2,071,000
99-7640 Administration and Support Services 4,169,000
99-7650 Administration and Support Services 6,451,000
99-7660 Administration and Support Services 2,071,000
99-7670 Administration and Support Services 4,179,000
Total Appropriation, Operation and Support of Educational Institutions $604,767,000
Personal Services:
Salaries and Wages ..... ($322,858,000)
Materials and Supplies ..... (34,000)
Services Other Than Personal ..... (181,000)
Maintenance and Fixed Charges ..... (2,000)
State Aid and Grants ..... (281,277,000)
Additions, Improvements and Equipment ..... (415,000)

33 Supplemental Education and Training Programs

11-7560 Services for the Blind and Visually Impaired $10,657,000
99-7560 Administration and Support Services 2,177,000
Total Appropriation, Supplemental Education and Training Programs $12,834,000
Personal Services:
Salaries and Wages ..... ($6,773,000)
Materials and Supplies ..... (70,000)
Services Other Than Personal ..... (770,000)
Maintenance and Fixed Charges ..... (225,000)
State Aid and Grants ..... (4,838,000)
Additions, Improvements and Equipment ..... (158,000)

50 Economic Planning, Development, and Security
53 Economic Assistance and Security

15-7550 Income Maintenance Management $802,242,000
Total Appropriation, Economic Assistance and Security $802,242,000
Personal Services:
Salaries and Wages ..... ($19,164,000)
Materials and Supplies ..... (432,000)
Services Other Than Personal ..... (20,094,000)
Maintenance and Fixed Charges ..... (1,148,000)
Special Purpose:
Electronic Benefits Transfer, Evaluation and Development, Food Stamps ..... (97,000)
Work First New Jersey -- Electronic Benefits Transfer -- Design and Development ..... (33,000)
Work First New Jersey Technology Investment -- Food Stamps ..... (6,749,000)
EBT -- Operational Food Stamp Match for CWA's ..... (1,540,000)
Work First New Jersey -- Benefits Transfer -- Operational ..... (456,000)
Work First New Jersey -- Technology Investments ..... (6,760,000)
Work First New Jersey -- Technology Investment -- TANF/CCDF ..... (2,818,000)
Work First New Jersey -- Technology Investments -- Title XIX ..... (5,514,000)
Work First New Jersey -- Technology Investment -- Title IV-D ..... (22,947,000)
State Aid and Grants:
Faith Based Initiatives ..... (1,055,000)
Domestic Violence Prevention Training and Assessment ..... (450,000)
SSBG CWA Administration TANF Transfer ..... (2,814,000)
State Aid and Grants ..... (710,007,000)
Additions, Improvements and Equipment ..... (164,000)

55 Social Services Program

09-7555 Addiction Services $53,975,000
Total Appropriation, Social Services Programs $53,975,000
Personal Services:
Salaries and Wages ..... ($6,530,000)
Materials and Supplies ..... (72,000)
Services Other Than Personal ..... (1,523,000)
State Aid and Grants:
Substance Abuse Block Grant ..... (43,791,000)
State Aid and Grants ..... (1,779,000)
Additions, Improvements and Equipment ..... (280,000)

70 Government Direction, Management, and Control
76 Management and Administration

99-7500 Administration and Support Services $51,636,000
Total Appropriation, Management and Administration $51,636,000

Personal Services:
Salaries and Wages ..... ($4,068,000)
Special Purpose:
Head Start State Collaboration Project ..... (175,000)
Federal Cost Recoveries ..... (30,918,000)
Child Support Enforcement Program ..... (299,000)
Title IV-E Foster Care ..... (288,000)
Title XIX ICF/MR ..... (7,836,000)
Title XIX Medical Assistance ..... (2,600,000)
Refugee Resettlement Program ..... (18,000)
Social Service Block Grant ..... (2,326,000)
Vocational Rehabilitation Act -- Section 120 .. (100,000)
Food Stamp Program ..... (447,000)
Temporary Assistance to Needy
Families Block Grant ..... (604,000)
State Aid and Grants ..... (1,957,000)

Total Appropriation, Department of Human Services $4,079,636,000

62 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
50 Economic Planning, Development, and Security
51 Economic Planning and Development
18-4570 Planning and Analysis $10,243,000
Total Appropriation, Economic Planning and Development $10,243,000
Personal Services:
Salaries and Wages ..... ($1,650,000)
Employee Benefits ..... (549,000)
Materials and Supplies ..... (563,000)
Services Other Than Personal ..... (2,696,000)
Maintenance and Fixed Charges ..... (550,000)
Special Purpose:
Reports and Analysis --
Unemployment Insurance ..... (76,000)
ES 202 Covered Employment and Wages .... (250,000)
Current Employment Statistics ..... (350,000)
Local Area Unemployment Statistics ..... (47,000)
Occupational Employment Statistics ..... (450,000)
Labor Market Information -- ES ..... (558,000)
ES Cost Reimbursable Grants --
Alien Labor Certification ..... (64,000)
Perm Mass Layoff Plant Closings ..... (57,000)
Current Employment Statistics Additional to
Maintain Current Issue ..... (13,000)
ES 202 Related ..... (15,000)
Redesigned Occupational Safety
and Health (ROSH) ..... (153,000)
One Stop Labor Market Information ..... (600,000)
Occupational Safety and Health
Administration Data Collection Survey .... (44,000)
JTPA Title III LMI-PROS ..... (956,000)
Occupational Informational
Coordinating Program ..... (119,000)
Other Special Purpose ..... (237,000)

State Aid and Grants:
JTPA Title II CIDS ..... (62,000)
Additions, Improvements and Equipment ..... (184,000)

50 Economic Planning, Development, and Security
53 Economic Assistance and Security

01-4510 Unemployment Insurance $146,237,000
02-4515 Disability Determination 55,100,000
Total Appropriation, Economic Assistance and Security $201,337,000
Personal Services:
Salaries and Wages ..... ($83,535,000)
Employee Benefits ..... (27,201,000)
Materials and Supplies ..... (2,260,000)
Services Other Than Personal ..... (19,250,000)
Maintenance and Fixed Charges ..... (12,750,000)
Special Purpose:
Unemployment Insurance ..... (5,370,000)
Reed Act Improvements ..... (35,000,000)
Employment Security Revenue ..... (1,701,000)
Disability Determination Services ..... (3,620,000)
State Aid and Grants ..... (10,000,000)
Additions, Improvements and Equipment ..... (650,000)

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services $52,880,000
09-4545 Employment Services 38,442,000
10-4545 Employment and Training Services 127,371,000
12-4550 Workplace Standards 5,150,000
Total Appropriation, Manpower and Employment Services ... $223,843,000
Personal Services:
Salaries and Wages ..... ($42,815,000)
Employee Benefits ..... (13,584,000)
Materials and Supplies ..... (1,215,000)
Services Other Than Personal ..... (8,499,000)
Maintenance and Fixed Charges ..... (11,131,000)
Special Purpose:
Vocational Rehabilitation Act of 1973 ..... (1,620,000)
Employment Services ..... (2,200,000)
Employment Service Intermittents ..... (100,000)
Disabled Veterans' Outreach Program ..... (500,000)
Local Veterans' Employment Representatives . (268,000)
Trade Adjustment Assistance Project ..... (35,000)
Employment Services Grants --
Alien Labor Certification ..... (100,000)
Work Opportunity Tax Credit ..... (72,000)
Employment Services Cost Reimbursable
Grants -- Migrant Housing ..... (5,000)
Agricultural Wage Surveys ..... (3,000)
Employment Services Reemployment Services . (98,000)
Workforce Investment Act ..... (350,000)
Employment Services Rapid Response Team . (190,000)
National Council on Aging -- Senior
Community Services Employment ..... (47,000)

Adult and Continuing Education –
Workforce Investment Act ..... (289,000)
Adult Basic Ed Leadership ..... (1,307,000)
Adult Basic Ed Civics Administration ..... (99,000)
Adult Basic Education Civics Leadership .... (380,000)
Occupational Safety Health Act –
On-Site Consultation ..... (150,000)
Other Special Purpose ..... (2,750,000)
State Aid and Grants:
Technology Related Assistance Project ..... (400,000)
Adult Basic Ed Non-Admin ..... (12,820,000)
Adult Basic Ed Civics Non Administration . (3,730,000)
State Aid and Grants ..... (118,535,000)
Additions, Improvements and Equipment ..... (551,000)

Total Appropriation, Department of Labor and
Workforce Development $435,423,000

66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
12 Law Enforcement

06-1200 State Police Operations $35,406,000
09-1020 Criminal Justice 36,683,000
Total Appropriation, Law Enforcement $72,089,000
Personal Services:
Salaries and Wages ..... ($8,685,000)
Food in Lieu of Cash ..... (354,000)
Employee Benefits ..... (2,557,000)
Special Purpose:
Federal Highway Hazardous Materials
Transportation ..... (293,000)
Paul Coverdell National Forensic
Science Improvement ..... (331,000)
Domestic Marijuana Eradication
Suppression Program ..... (125,000)
DNA Capacity Enhancement Program
Formula Grant ..... (614,000)
Flood Mitigation Assistance ..... (3,500,000)
Recreational Boating Safety ..... (3,000,000)
Internet Crimes Against Children ..... (700,000)
Convicted Offender In-House (DNA) ..... (1,400,000)
Hazardous Materials Transportation ..... (300,000)
Pre-Disaster Mitigation – Competitive .... (3,000,000)
Repetitive Flood Claim Program – FEMA . (2,000,000)
Severe Repetitive Loss– FEMA ..... (4,000,000)
NIEHS Worker Health Safety Training ..... (100,000)
Incident Command ..... (1,500,000)
Emergency Management Performance
Grant – Non Terrorism ..... (7,500,000)
Community Oriented Policing Services
(Competitive) ..... (1,000,000)
Solving Cold Cases Using DNA ..... (345,000)

Forensic Casework DNA
Backlog Reduction ..... (1,100,000)
Bulletproof Vest Partnership ..... (850,000)
Medicaid Fraud Unit ..... (535,000)
Enhancement of Data Analysis Center ..... (50,000)
High Intensity Drug Trafficking
Area (HIDTA) ..... (50,000)
Justice Assistance Grant (JAG) ..... (10,000,000)
Gang Prevention Coordination Assistance ... (350,000)
State Victim Assistance Academy Initiative .. (100,000)
Byrne Discretionary Grant -- Statewide
Response to Violent Crime Reduction ... (750,000)
State Aid and Grants ..... (17,000,000)

13 Special Law Enforcement Activities

03-1160 Office of Highway Traffic Safety $44,724,000
21-1400 Regulation of Alcoholic Beverages 350,000
Total Appropriation, Special Law Enforcement Activities $45,074,000
Personal Services:
Salaries and Wages ..... ($1,109,000)
Employee Benefits ..... (369,000)
Special Purpose:
Federal Highway Safety Program --
State Match ..... (569,000)
Highway Safety -- Traffic Records ..... (14,000)
Occupant Protection Child Passenger Safety
Training and Education ..... (100,000)
Planning and Administration Section 406 .... (200,000)
Police Traffic Services Safe Passage on Our
Highways ..... (100,000)
Occupant Protection Section 406 Seat Belt
Enforcement ..... (1,000,000)
Police Traffic Services Section 406 ..... (1,972,000)
Roadway Safety Section 406 ..... (500,000)
Emergency Services ..... (10,000)
Pedestrian Safety Study ..... (500,000)
FHWA Program Management ..... (400,000)
Motorcycle Training Program ..... (10,000)
Training Grant-- Section 402 ..... (50,000)
Pedestrian Safety Grant ..... (545,000)
Occupant Protection Grant ..... (4,500,000)
Highway Safety Performance Plan ..... (200,000)
School Bus Set Aside Program ..... (20,000)
Community Traffic Safety ..... (2,200,000)
Highway Safety -- Alcohol Education and
Public Awareness Coordinator ..... (220,000)
Highway Safety -- Safety Restraints
Program Management ..... (521,000)
Safety Belt Performance Grants ..... (6,000,000)
Drunk Driver Prevention ..... (7,972,000)
Paid Advertising ..... (250,000)
State Traffic Safety Information System .... (5,500,000)
Motorcycle Safety ..... (870,000)

Child Safety/Child Booster Seats ..... (3,900,000)
Racial Profiling Prevention ..... (3,000,000)
Combating Underage Drinking ..... (350,000)
State Aid and Grants ..... (2,123,000)

18 Juvenile Services

34-1500 Juvenile Community Program $3,274,000
99-1500 Administration and Support Services 4,833,000
Total Appropriation, Juvenile Services $8,107,000
Personal Services:
Salaries and Wages ..... ($2,082,000)
Employee Benefits ..... (772,000)
Special Purpose:
Juvenile Mentoring Programs -- Juvenile Justice Initiative ..... (61,000)
Title I -- Part D, Neglected and Delinquent ... (454,000)
Juvenile Accountability Incentive Block Grant (JAIBG) ..... (766,000)
High Risk Youth Offender Re-entry Initiative ..... (1,000,000)
Title V Funding ..... (1,500,000)
State Aid and Grants ..... (1,472,000)

19 Central Planning, Direction and Management

13-1005 Homeland Security and Preparedness $81,202,000
99-1000 Administration and Support Services 1,100,000
Total Appropriation, Central Planning, Direction and Management $82,302,000
Special Purpose:
Homeland Security Grant Programs .... ($25,500,000)
Metropolitan Medical Response System ..... (642,000)
Citizen Corps Program ..... (360,000)
Urban Area Security Initiative ..... (38,000,000)
Buffer Zone Protection Program ..... (1,000,000)
Port Security Grant Program -- Delaware Bay Sector ..... (3,000,000)
Port Security Grant Program -- NY/NJ Sector ..... (8,000,000)
Public Safety Interoperability Communications Grant Program ..... (1,600,000)
UASI Nonprofit Security Grant Program (NSGP) ..... (1,100,000)
Regional Catastrophic Preparedness Grant . (2,000,000)
National Criminal History Program -- Office of the Attorney General ..... (1,100,000)

80 Special Government Services
82 Protection of Citizens' Rights

16-1350 Protection of Civil Rights $744,000
19-1440 Victims of Crime Compensation Agency 6,000,000
Total Appropriation, Protection of Citizens' Rights $6,744,000
Personal Services:
Salaries and Wages ..... ($744,000)

State Aid and Grants ..... (6,000,000)

Total Appropriation, Department of Law and Public Safety .. $214,316,000

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

10 Public Safety and Criminal Justice

14 Military Services

40-3620 New Jersey National Guard Support Services $29,466,000
Total Appropriation, Military Services $29,466,000
Personal Services:
Salaries and Wages ..... ($10,780,000)
Materials and Supplies ..... (11,082,000)
Services Other Than Personal ..... (2,273,000)
Maintenance and Fixed Charges ..... (285,000)
Special Purpose:
Dining Facility Operations ..... (150,000)
Natural and Cultural Resources Management ... (5,000)
Federal Distance Learning Program ..... (150,000)
Administrative Services Activities ..... (60,000)
Training and Equipment -- Pool Sites ..... (150,000)
Army Training and Technology Lab ..... (386,000)
Air National Guard Security Agreement -- Atlantic City ..... (80,000)
Army National Guard Electronic Security System ..... (300,000)
McGuire Air Force Base Environmental ..... (6,000)
Atlantic City Operations and Maintenance .... (69,000)
Atlantic City Environmental ..... (60,000)
Warren Grove Sustainment Restoration and Modernization ..... (6,000)
Atlantic City Sustainment, Restoration and Modernization ..... (580,000)
Coyle Field Atlantic City ..... (26,000)
Armory Renovations and Improvements .... (2,818,000)
Additions, Improvements and Equipment ..... (200,000)

80 Special Government Services

83 Services to Veterans

20-3630 Domiciliary and Treatment Services $2,100,000
20-3640 Domiciliary and Treatment Services 2,100,000
20-3650 Domiciliary and Treatment Services 2,100,000
50-3610 Veterans' Outreach and Assistance 1,550,000
70-3610 Burial Services 7,500,000
Total Appropriation, Services to Veterans $15,350,000
Personal Services:
Salaries and Wages ..... ($404,000)
Employee Benefits ..... (140,000)
Materials and Supplies ..... (7,646,000)
Special Purpose:
Medicare Part A Receipts for Resident Care and Operational Costs ..... (6,300,000)
Transitional Housing ..... (860,000)

Total Appropriation, Department of Military and Veterans' Affairs $44,816,000

70 DEPARTMENT OF THE PUBLIC ADVOCATE
80 Special Government Services
82 Protection of Citizens' Rights

03-8411 Mental Health Advocacy $223,000
04-8440 Elder Advocacy 1,427,000
Total Appropriation, Protection of Citizens' Rights $1,650,000
Personal Services:
Salaries and Wages ..... ($761,000)
Materials and Supplies ..... (15,000)
Services Other Than Personal ..... (37,000)
Maintenance and Fixed Charges ..... (3,000)
Special Purpose:
Ombudsperson -- Institutionalized Elderly .... (470,000)
Other Special Purpose ..... (24,000)
State Aid and Grants ..... (340,000)

Total Appropriation, Department of the Public Advocate $1,650,000

74 DEPARTMENT OF STATE
30 Educational, Cultural, and Intellectual Development
36 Higher Educational Services

45-2405 Student Assistance Programs $24,746,000
80-2400 Statewide Planning and Coordination for Higher Education 3,500,000
Total Appropriation, Higher Educational Services $28,246,000
Personal Services:
Salaries and Wages ..... ($7,640,000)
Employee Benefits ..... (2,534,000)
Materials and Supplies ..... (491,000)
Services Other Than Personal ..... (10,234,000)
Maintenance and Fixed Charges ..... (1,015,000)
Special Purpose:
Student Loan Administration Cost Deduction and Allowance ..... (294,000)
Other Special Purpose ..... (195,000)
State Aid and Grants ..... (4,759,000)
Additions, Improvements and Equipment .... (1,084,000)

37 Cultural and Intellectual Development Services

05-2530 Support of the Arts $891,000
06-2535 Museum Services 125,000
10-2570 Public Broadcasting Services 600,000
Total Appropriation, Cultural and Intellectual Development Services $1,616,000
Special Purpose:
National Endowment for the Arts Partnership ..... ($891,000)
Institute of Museum Services -- General Support Grant ..... (125,000)

National Telecommunications
Information Agency ..... (600,000)

70 Government Direction, Management, and Control
74 General Government Services

01-2505 Office of the Secretary of State $5,327,000
08-2505 Records Management 57,000
25-2525 Election Management and Coordination 315,000
Total Appropriation, General Government Services $5,699,000
Special Purpose:
AMERICOR Competitive Grants ..... ($700,000)
American Indian Programs ..... (150,000)
Americorps -- VISTA Grant Program ..... (30,000)
Americorps Grants ..... (3,000,000)
Learn and Serve ..... (497,000)
Learn and Serve Competitive Grant ..... (300,000)
State Commission ..... (450,000)
Professional Development ..... (150,000)
Disability ..... (50,000)
National Historical Publications and Records Commission Grants ..... (57,000)
Election Assistance for Persons with Disabilities ..... (315,000)

Total Appropriation, Department of State $35,561,000

78 DEPARTMENT OF TRANSPORTATION
10 Public Safety and Criminal Justice
11 Vehicular Safety

01-6400 Motor Vehicle Services $5,513,000
Total Appropriation, Vehicular Safety $5,513,000
Special Purpose ..... ($130,000)
Special Purpose:
Commercial Bus Inspection Unit ..... (500,000)
Odometer Fraud Grant ..... (38,000)
Real ID Demonstration Grant ..... (1,600,000)
Commercial Drivers' License Information System Modernization ..... (300,000)
Commercial Vehicle Information Systems and Networks ..... (1,000,000)
Commercial Drivers' License Program ..... (1,445,000)
Performance and Registration Information Systems Management ..... (500,000)

60 Transportation Programs
61 State and Local Highway Facilities

00-6300 Federal Highway Administration $970,519,599
02-6200 Transit Planning and Research 5,100,000
Total Appropriation, State and Local Highway Facilities $975,619,599

Federal Highway Administration .....

Description	County	Amount
14th Street Viaduct	Hudson	($10,500,000)

Accident Reduction Program	Various	(4,850,000)
Airport Circle Elimination, CR 563, 646	Atlantic	(757,540)
Atlantic City International Airport, Apron Expansion	Atlantic	(500,000)
Avalon Boulevard over Avalon Canal Bridge, CR 601	Cape May	(2,800,000)
Bergen Arches through Jersey City Palisades	Hudson	(1,000,000)
Berkeley Avenue Bridge	Essex	(200,000)
Berkshire Valley Road Bridge over Rockaway River	Morris	(290,000)
Betterments, Bridge Preservation	Various	(4,300,000)
Bicycle & Pedestrian Facilities/Accommodations	Various	(5,000,000)
Bordentown Avenue/Ernston Road, Intersection Improvements, CR 615, 673	Middlesex	(8,706,000)
Bridge Deck Replacement Program	Various	(40,000,000)
Bridge Inspection, Local Bridges	Various	(7,700,000)
Bridge Inspection, State NBIS Bridges	Various	(11,500,000)
Bridge Management System	Various	(340,000)
Bridge Painting Program	Various	(17,000,000)
Bridge Scour Countermeasures	Various	(5,500,000)
Camden County Bus Purchase	Camden	(100,000)
CARGOMATE	Essex, Union	(750,000)
Carteret Ferry Service Terminal	Middlesex	(1,010,478)
Carteret Industrial Road	Middlesex	(2,075,299)
Carteret, International Trade and Logistics Center Roadway Improvements	Middlesex	(2,083,225)
Cemetery Road Bridge over Pequest River	Warren	(600,000)
Central Avenue, Roadway Resurfacing and Improvements	Essex	(6,000,000)
Church Street Bridge, CR 579	Hunterdon	(525,000)
Clean Cities Program	Various	(250,000)
Commissioners Pike (CR 581), Woodstown-Daretown Road to Route 40, Phase IV	Salem	(250,000)
Commissioners Pike, Phase III, Woodstown Road to Watson Mill Road, CR 581	Salem	(340,000)
County Route 515, Vernon Township, Phases II, III, IV	Sussex	(2,000,000)
County Route 517, Route 23 to Route 94	Sussex	(3,000,000)
Dante Avenue, Phase 1, Spring Avenue to Venezia Road, Resurfacing	Cumberland	(1,090,000)
DBE Supportive Services Program	Various	(500,000)
Delaware River Heritage Trail, Burlington/Mercer	Burlington, Mercer	(400,000)
Design, Emerging Projects	Various	(2,600,000)
Disadvantaged Business Enterprise	Various	(100,000)
Drainage Rehabilitation Improvements	Various	(2,000,000)
DVRPC Project Development (Local Scoping)	Various	(2,000,000)
DVRPC, Future Projects	Various	(135,000)
Eighth Street Bridge	Passaic	(600,000)
Elizabeth River Bicycle/Pedestrian Path	Union	(378,770)
Emergency Service Patrol	Various	(13,800,000)

Fairton-Millville Road, Burlington Rd. to Hogbin Rd., Resurfacing (CR 698)	Cumberland	(1,100,000)
Ferry Program	Various	(10,000,000)
Fifth Avenue Bridge (AKA Fair Lawn Avenue Bridge) over Passaic River	Passaic	(800,000)
Freight Program	Various	(128,000)
Gloucester County Bus Purchase	Gloucester	(65,000)
Gloucester County Resurfacing	Gloucester	(750,000)
Halls Mill Road	Monmouth	(1,700,000)
Hanover Street Bridge over Rancocas Creek, CR 616	Burlington	(100,000)
Intelligent Transportation Systems	Various	(1,500,000)
ITS Coalition Funding	Various	(640,000)
JFK Boulevard/32nd Street Pedestrian Crossing	Hudson	(250,000)
Kings Highway, Resurfacing & Safety Improvements (CR 551)	Gloucester	(500,000)
Landing Road Bridge Over Morristown Line, CR 631	Morris	(800,000)
Laurel Avenue Bridge Replacement	Monmouth	(757,540)
Liberty Corridor Planning Study	Union, Essex	(80,000)
Lincoln Avenue, Intersection Signal Replacements	Union	(371,194)
Livingston Pedestrian Streetscape	Essex	(681,786)
Local CMAQ Initiatives	Various	(4,820,000)
Local Safety/High Risk Rural Roads Program	Various	(5,000,000)
Local Scoping Support	Various	(750,000)
Long Branch Ferry Terminal	Monmouth	(3,283,000)
Long Valley Safety Project	Morris	(757,540)
Market Street/Essex Street/Rochelle Avenue	Bergen	(3,844,123)
McClellan Street Underpass	Essex	(1,150,000)
Median Crossover Crash Prevention Program, Contract No. 9	Various	(7,000,000)
Mercer County Roadway Safety Improvements	Mercer	(500,000)
Metropolitan Planning	Various	(13,663,000)
Middle Thorofare, Mill Creek, Upper Thorofare Bridges, CR 621	Cape May	(1,515,079)
Middle Valley Road Bridge over South Branch of Raritan River	Morris	(430,000)
Milford-Warren Glen Road, CR 519	Hunterdon	(250,000)
Millburn Townwalk, adjacent to the West Branch of the Rahway River	Essex	(120,000)
Monmouth County Bridges W7, W8, W9 over Glimmer Glass and Debbie's Creek	Monmouth	(3,000,467)
Morris Avenue Bridge over Morristown Line	Union	(1,320,000)
Motor Vehicle Crash Record Processing	Various	(4,000,000)
New Jersey Scenic Byways Program	Various	(500,000)
Newburgh Road Bridge over Musconetcong River	Morris, Warren	(425,000)
NJTPA Project Development	Various	(2,000,000)
NJTPA, Future Projects	Various	(2,276,000)
North Avenue Corridor Improvement Project (NACI)	Union	(10,301,390)
North Jersey Railroad Doublestack Clearance	Hudson	(11,027,000)

Old Cohansey Road, NJ 49 to Salem County Line, Resurfacing (CR 635)	Cumberland	(1,000,000)
Orphan Bridge Reconstruction	Various	(2,000,000)
Ozone Action Program in New Jersey	Various	(40,000)
Park and Ride/Transportation Demand Management Program	Various	(8,000,000)
Passaic River-Newark Bay Restoration and Pollution Abatement Project, Route 21, River Road, CR 510	Essex	(204,000)
Paterson Hamburg Turnpike Over Pequannock River	Passaic, Morris	(3,400,000)
Pavement Management System	Various	(4,000,000)
Pavement Preservation	Various	(1,000,000)
Pedestrian Safety Corridor Program	Various	(500,000)
Pedestrian Safety Improvement Design and Construction	Various	(2,700,000)
Pennsville-Auburn Road, Phase 3, CR 644 to CR 646, Resurfacing (CR 551)	Salem	(600,000)
Planning and Research, Federal-Aid	Various	(18,900,000)
Pompton Lakes Downtown Streetscape	Passaic	(757,540)
Port Reading Junction	Somerset	(4,595,000)
Portway, Fish House Road/Pennsylvania Avenue, CR 659	Hudson	(1,000,000)
Pre-Apprenticeship Training Program for Minorities and Females	Various	(500,000)
Princeton Township Roadway Improvements	Mercer	(498,900)
Project Development, Feasibility Assessment	Various	(3,250,000)
Project Development, Preliminary Design	Various	(13,500,000)
Prospect Avenue Culvert, Summit	Union	(303,016)
Prospect Street Bridge over Morristown Line, CR 513	Morris	(1,200,000)
Rahway Streetscape Replacement	Union	(388,000)
Rail-Highway Grade Crossing Program, Federal	Various	(5,750,000)
Readington-Tewksbury Transportation Improvement District, CR 523	Hunterdon	(378,770)
Recreational Trails Program	Various	(1,296,000)
Reformatory Road Bridge (C-88) over Beaver Brook	Hunterdon	(1,500,000)
Restriping Program & Line Reflectivity Management System	Various	(12,000,000)
Resurfacing, Federal	Various	(7,000,000)
Right of Way Full-Service Consultant Term Agreements	Various	(200,000)
RIMIS - Phase II Implementation	Various	(380,000)
Rockafellows Mill Road Bridge over South Branch of Raritan River (RQ-164)	Hunterdon	(1,175,000)
Rockfall Mitigation	Various	(2,000,000)
Rosemont-Raven Rock Road Bridge over Lockatong Creek	Hunterdon	(280,000)
Rutgers Transportation Safety Resource Center (TSRC)	Various	(1,300,000)
Safe Corridors Program	Various	(2,500,000)
Safe Routes to School Program	Various	(5,013,000)

Safety Management System	Various	(8,119,000)
Sandy Hook Ferry Service	Monmouth	(225,720)
Sandy Hook Multi-Use Pathway, Phase 2	Monmouth	(225,720)
Schalks Station Road Bridge, CR 683	Middlesex	(800,000)
School Road East	Monmouth	(1,197,360)
Secaucus Connector	Hudson	(3,587,847)
Sign Structure Rehabilitation Program	Various	(1,000,000)
SJTPO, Future Projects	Various	(100,000)
Smithville Road Bridge over Rancocas Creek, CR 684	Burlington	(50,000)
South Orange Avenue, traffic, operational and roadway improvements, CR 510	Essex	(1,000,000)
South Pemberton Road, CR 530	Burlington	(5,000,000)
State Police Safety Patrols	Various	(2,000,000)
Statewide Incident Management Program	Various	(7,900,000)
Statewide Traffic Management/ Information Program	Various	(3,300,000)
Stirling Road (CR 527 & 531) Bridge over West Branch of the Stony Brook	Somerset	(2,500,000)
Sussex County Route 605 Connector	Sussex	(160,000)
Tanyard Road, Resurfacing & Safety Improvements (CR 663)	Gloucester	(500,000)
Tilton Road, Pomona Road to English Creek Avenue, Resurfacing, CR 563	Atlantic	(2,400,000)
TMA-DVRPC	Various	(2,100,000)
TMA-NJTPA	Various	(4,000,000)
Traffic Monitoring Systems	Various	(12,800,000)
Traffic Operations Center (North)	Various	(6,950,000)
Traffic Operations Center (South)	Various	(6,650,000)
Traffic Signal Replacement	Various	(2,500,000)
Traffic Signal Timing and Optimization	Various	(1,700,000)
Train Preemption for Traffic Signals - North II	Various	(5,990,000)
Training and Employee Development	Various	(1,800,000)
TRANSCOM Traffic and Incident Management	Various	(900,000)
TransitChek Mass Marketing Efforts-- New Jersey	Various	(40,000)
Transportation and Community Development Initiative (TCDI) DVRPC	Various	(1,080,000)
Transportation and Community System Preservation Program	Various	(5,800,000)
Transportation Demand Management Program Support	Various	(230,000)
Transportation Enhancements	Various	(10,000,000)
Tremley Point Access Local Roadway Improvements	Union, Middlesex	(9,189,390)
Trenton Amtrak Bridges	Mercer	(5,298,000)
Van Dyke Road and Greenwood Avenue Bridges over Trenton Branch	Mercer	(4,816,000)
Wertsville Road Bridge (E-166) over Back Brook, CR 602	Hunterdon	(3,100,000)
Wertsville Road Bridge (E-174) over Tributary of Back Brook, CR 602	Hunterdon	(200,000)

West Brook Road Bridge over Wanaque Reservoir	Passaic	(1,100,000)
White Bridge Road Bridge	Hunterdon	(125,000)
Youth Employment and TRAC Programs	Various	(250,000)
Route 1&9, Pulaski Skyway Interim Repairs	Hudson, Essex	(50,000,000)
Route 1&9T, St. Paul's Avenue/ Conrail Bridge (25)	Hudson	(77,656,000)
Route 1, Middlesex County Corridor Study	Middlesex	(2,000,000)
Route 1, North of Ryders Lane to south of Milltown Road (6V)	Middlesex	(32,844,390)
Route 3, Route 46, Valley Road and Notch/Rifle Camp Road Interchange	Passaic	(5,830,000)
Route 5, Rock Slope Stabilization	Bergen	(750,000)
Route 7, Hackensack River (Wittpenn) Bridge, Contract 1	Hudson	(9,189,390)
Route 9, Craig Road/East Freehold Road, Intersection Improvements	Monmouth	(1,000,000)
Route 17, Northbound over I-80, Bridge Deck Replacement	Bergen	(800,000)
Route 17, Railroad Avenue, Drainage Improvements	Bergen	(330,000)
Route 17, Route 120 (Paterson Plank Road) to Garden State Parkway	Bergen	(2,025,548)
Route 18 Ext., Hoes Lane Extension to I-287 (3A)	Middlesex	(3,000,000)
Route 21, Newark Waterfront Community Access	Essex	(5,498,392)
Route 21, Southbound Viaduct Chester Avenue (8)	Essex	(3,000,000)
Route 22, Chimney Rock Road Interchange Improvements	Somerset	(23,690,246)
Route 22, Sustainable Corridor Long-term Improvements	Somerset	(2,870,000)
Route 22, Sustainable Corridor Short-term projects	Somerset	(1,000,000)
Route 23, Hardyston Twp., Silver Grove Road to Holland Mountain Road	Sussex	(1,000,000)
Route 23/80, Long-term Interchange Improvements	Passaic, Essex	(1,000,000)
Route 27, Oak Tree Road/Green Street, Intersection Improvements	Middlesex	(1,200,000)
Route 27, Renaissance 2000, Bennetts Lane to Somerset Street	Middlesex, Somerset	(1,700,000)
Route 27, Six Mile Run Bridge (3E)	Middlesex, Somerset	(4,800,000)
Route 29 Boulevard, Cass Street to North of Calhoun Street (Southern Section)	Mercer	(1,000,000)
Route 29 Boulevard, North of Calhoun Street to Sullivan Way (Northern Section)	Mercer	(3,537,663)
Route 29, Delaware River Pedestrian/Bike Path, Stacy Park to Assunpink Creek	Mercer	(940,419)
Route 30, Pomona Road (CR 575)	Atlantic	(3,103,321)
Route 30, Warwick Road to Jefferson Avenue	Camden	(700,000)

Route 34, Colts Neck, Intersection Improvements (CR 537)	Monmouth	(245,000)
Route 35, Cheesequake Creek Bridge	Middlesex	(1,000,000)
Route 35, Eatontown Borough Downtown Redevelopment	Monmouth	(250,000)
Route 35, Eatontown Borough Intersection Improvements	Monmouth	(274,459)
Route 35, Shrewsbury Borough Intersection Improvements	Monmouth	(1,000,000)
Route 35/36, Eatontown	Monmouth	(5,080,000)
Route 46, Hackensack River Bridge	Bergen	(2,230,000)
Route 46, Main Street, Lodi	Bergen	(15,713,000)
Route 46, Passaic Avenue to Willowbrook Mall	Essex, Passaic	(1,300,000)
Route 52, Causeway Replacement and Somers Point Circle Elimination, Contract B	Cape May, Atlantic	(30,000,000)
Route 52, Causeway Replacement, Contract A	Cape May	(14,900,000)
Route 54, Route 322 to Cape May Point Branch Bridge	Atlantic	(1,800,000)
Route 73/70, Marlton Circle Elimination (5)	Burlington	(30,700,000)
Route 78, East of Tunnel Road to East of Beaver Brook, Resurfacing	Hunterdon	(6,577,000)
Route 78, Garden State Parkway, Interchange 142	Union	(23,705,000)
Route 78, Pittstown Road (Exit 15), Interchange Improvements (CR 513)	Hunterdon	(757,540)
Route 80, Eastbound, West of Hope-Johnsonburg Road to East of Ledgewood Avenue, Resurfacing	Warren, Sussex, Morris	(22,800,000)
Route 80/287, Safety Improvement	Morris	(14,170,000)
Route 130, Craft's Creek Bridge	Burlington	(1,300,000)
Route 130, Southbound, North of Deans Road to Vicinity of Lawrence Brook, Resurfacing	Middlesex	(2,285,000)
Route 206, Crusers Brook Bridge (41)	Somerset	(1,000,000)
Route 206, Main Street, Chester, intersection improvements (CR 513)	Morris	(12,300,079)
Route 206, South Broad Street Bridge over Assunpink Creek	Mercer	(700,000)
Route 206, Stony Brook Bridges	Mercer	(1,150,000)
Route 280, Harrison Township Operational Improvements	Hudson	(2,000,000)
Route 287, North of Ramapo River to the Vicinity of Franklin Avenue, Resurfacing	Bergen	(3,953,400)
Route 295, Northbound, South of Route 130 to South of Pedricktown-Woodstown Road, Resurfacing	Salem	(7,800,000)
Route 295, Route 130 to Route 29/I-195 Interchange, Resurfacing	Burlington Mercer	(12,863,000)
Route 295/42, Missing Moves, Bellmawr	Camden	(4,000,000)
Route 295/42/I-76, Direct Connection, Camden County	Camden	(9,990,000)
Route 440/1&9, Boulevard through Jersey City	Hudson	(730,058)

Special Purpose:	
Transit Planning and Research	(5,100,000)

62 Public Transportation

Federal Highway Administration	$143,400,000
Federal Transit Administration	461,438,000
Total Appropriation, Public Transportation	$604,838,000

Description	County	Amount
Federal Highway Administration		
Access to Region's Core (ARC)	Various	($110,000,000)
Hudson-Bergen Light Rail 8th Street Extension	Hudson	(15,000,000)
Liberty Corridor Bus Rapid Transit (BRT)	Essex Union	(8,000,000)
New Brunswick Station Platform Ext. and Elevator Improvements (Liberty Corridor)	Middlesex	(9,400,000)
Newark Penn Station	Essex	(1,000,000)
Federal Transit Administration		
Access to Region's Core (ARC)	Various	(14,700,000)
Atlantic City Jitney (Earmark)	Atlantic	(750,000)
BurLink Vehicles and Equipment (Earmark)	Burlington	(903,000)
Bus Acquisition Program	Various	(87,446,000)
Camden County Intermodal Facility in Cramer Hill (Earmark)	Camden	(226,000)
Cumberland County Bus Program	Cumberland	(1,020,000)
Freehold Township Bus Facility (Earmark)	Monmouth	(451,000)
Hoboken Terminal/Yard Rehabilitation	Hudson	(1,018,000)
Hudson County Intermodal Station Pedestrian Bridge (Earmark)	Hudson	(294,000)
Hudson-Bergen Light Rail 8th Street Extension	Hudson	(5,000,000)
Hudson-Bergen LRT System MOS II	Hudson	(1,104,000)
Irvington Bus Shuttle (Earmark)	Essex	(392,000)
Job Access and Reverse Commute Program	Various	(4,000,000)
Lackawanna Cutoff Rail Project (Earmark)	Morris, Sussex, Warren	(2,940,000)
Lakewood Bus Service and Parking Facilities (Earmark)	Ocean	(1,989,000)
Light Rail Vehicle Lease Payments	Various	(7,127,000)
Monmouth-Ocean-Middlesex County Passenger Rail (Earmark)	Various	(980,000)
Morris County Intermodal Park and Ride (Earmark)	Morris	(490,000)
Morristown Intermodal Historic Station (Earmark)	Morris	(226,000)
New Freedom Program	Various	(2,070,000)
New Jersey Intermodal Facilities and Bus Rolling Stock (Earmark)	Various	(677,000)
Newark Penn Station	Essex	(4,538,000)
NJ TRANSIT Community Shuttles (Earmark)	Various	(113,000)
Northern Branch Rail Service Restoration (Earmark	Various	(490,000)
Northern NJ Intermodal Stations Park and Ride (Earmark)	Various	(196,000)

NW NJ Intermodal Transit Improvements (Earmark)	Various	(588,000)
Passaic-Bergen Intermodal (Earmark)	Passaic, Bergen	(2,890,000)
Preventive Maintenance-Bus	Various	(98,690,000)
Preventive Maintenance-Rail	Various	(154,105,000)
Rail Rolling Stock Procurement	Various	(33,206,000)
Section 5310 Program	Various	(4,480,000)
Section 5311 Program	Various	(5,550,000)
Small/Special Services Program	Various	(100,000)
South Amboy Intermodal Facility (Earmark)	Middlesex	(2,296,000)
South Brunswick Transit System (Earmark)	Middlesex	(1,000,000)
Study and Development	Various	(3,312,000)
Track Program	Various	(9,016,000)
Transit Enhancements	Various	(500,000)
Trenton Rail Intermodal (Earmark)	Mercer	(6,144,000)
Trenton Trolley (Earmark)	Mercer	(225,000)
West Orange Township Shuttle (Earmark)	Essex	(196,000)

Notwithstanding the provisions of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21), approval by the Joint Budget Oversight Committee of transfers among federal appropriations by project shall not be required. Notice of a transfer approved by the Director of the Division of Budget and Accounting pursuant to that section shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

64 Regulation and General Management

05-6070 Access and Use Management		$15,600,000
Total Appropriation, Regulation and General Management		$15,600,000
Special Purpose:		
Airport Fund	(2,000,000)	
Commercial Vehicle Information Systems and Network	(1,000,000)	
Federal Railroad Administration	(500,000)	
Motor Carrier Safety Assistance Program	(10,500,000)	
New Jersey Maritime Program	(1,600,000)	
Total Appropriation, Department of Transportation		$1,601,570,599

82 DEPARTMENT OF THE TREASURY

50 Economic Planning, Development, and Security

52 Economic Regulation

54-2007 Utility Regulation		$600,000
56-2014 Energy Resource Management		3,592,000
Total Appropriation, Economic Regulation		$4,192,000
Personal Services:		
Salaries and Wages	($708,000)	
Employee Benefits	(298,000)	
Materials and Supplies	(51,000)	
Services Other Than Personal	(2,333,000)	
Maintenance and Fixed Charges	(110,000)	
Special Purpose:		
Division of Gas Expansion	(600,000)	
Diamond Shamrock Administration	(42,000)	

Additions, Improvements and Equipment ..... (50,000)

80 Special Government Services
82 Protection of Citizens' Rights

57-2048 Trial Services to Indigents and Special Programs $1,228,000
Total Appropriation, Protection of Citizens' Rights $1,228,000
Personal Services:
Salaries and Wages ..... ($69,000)
Employee Benefits ..... (19,000)
Materials and Supplies ..... (1,000)
Special Purpose:
State Legal Services Office ..... (1,000)
State Aid and Grants ..... (1,138,000)

Total Appropriation, Department of the Treasury $5,420,000

98 THE JUDICIARY
10 Public Safety and Criminal Justice
15 Judicial Services

04-9862 Criminal Courts $400,000
04-9872 Criminal Courts 900,000
04-9942 Criminal Courts 900,000
05-9730 Family Courts 33,197,000
07-9740 Probation Services 58,655,000
11-9760 Trial Court Services 4,712,000
Total Appropriation, Judicial Services $98,764,000
Personal Services:
Salaries and Wages ..... ($61,922,000)
Employee Benefits ..... (20,505,000)
Services Other Than Personal ..... (3,766,000)
Special Purpose:
Ocean Drug Court SAMHSA ..... (900,000)
Mercer Drug Court SAMHSA ..... (900,000)
Hudson Drug Court SAMHSA ..... (400,000)
NJ State Court Improvement Grant ..... (2,175,000)
State Access and Visitation Program ..... (296,000)
Family Safe Havens Grant ..... (400,000)
State Aid and Grants ..... (7,500,000)

Total Appropriation, The Judiciary $98,764,000

Total Appropriation, Federal Funds $10,349,470,599

Notwithstanding the provisions of any State law or regulation to the contrary, no State agency shall accept or expend federal funds except as appropriated by the Legislature or otherwise provided in this act.

In addition to the federal funds appropriated in this act, there are appropriated the following federal funds, subject to the approval of the Director of the Division of Budget and Accounting: emergency disaster aid funds including grants for preventive measures; pass-through grants to political subdivisions of the State over which the State is not permitted to exercise discretion in the use or distribution of the funds and for which no State matching funds are required; the first 25% of unanticipated grant awards, and up to 25% of increases in previously anticipated grant awards for which no State matching

funds are required except, for the purpose of this section, federal funds received by one executive agency that are ultimately expended by another executive agency shall not be considered pass-through grants; federal financial aid funds for students attending post-secondary educational institutions in excess of the amount specifically appropriated, and any such grants intended to prevent threats to homeland security up to 100% of previously anticipated or unanticipated grant award amounts for which no State matching funds are required, provided however, that the Director of the Division of Budget and Accounting shall notify the Legislative Budget and Finance Officer of such grants; and all other grants of $500,000 or less which have been awarded competitively.

For the purposes of federal funds appropriations, "political subdivisions of the State" means counties, municipalities, school districts, or agencies thereof, regional, county or municipal authorities, or districts other than interstate authorities or districts; "discretion" refers to any action in which an agency may determine either the amount of funds to be allocated or the recipient of the allocation; and "grants" refers to one-time, or time limited awards, which are received pursuant to submission of a grant application in competition with other grant applications.

The unexpended balances at the end of the preceding fiscal year of federal funds are appropriated for the same purposes. The Director of the Division of Budget and Accounting shall inform the Legislative Budget and Finance Officer by November 1, 2008 of any unexpended balances which are continued.

The appropriate executive agencies shall prepare and submit to the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or their successors, by March 1, 2009, reports on proposed expenditures during the current fiscal year for the following federal programs: the alcohol, drug abuse and mental health block grant; the education block grant; the community services block grant; the jobs training partnership block grant; the low income energy assistance block grant; the maternal and child health block grant; the preventive health and health services block grant; the small cities block grant; the social services block grant; and the child care block grant. These reports shall account for all federal, State and local funds which are anticipated to be expended on block grant programs, shall provide an accounting of block grant expenditures during the prior fiscal year, and shall provide a detailed list of contracts awarded to provide services under the block grants.

Out of the appropriations herein, the Director of the Division of Budget and Accounting is empowered to approve payments to liquidate any unrecorded liabilities for materials delivered or services rendered in prior fiscal years, upon the written recommendations of any department head or the department head's designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which the Director deems improper.

The sum herein appropriated to the Department of Transportation for the Hudson-Bergen Light Rail Transit System is hereby appropriated, to the extent necessary, to pay the principal of and interest on the grant anticipation notes issued by the New Jersey Transit Corporation.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification, and within the federal matching funding, in the Division of Medical Assistance and Health Services in the Department of Human Services, and within the Medical Services for the Aged program classification, and within the federal matching funding, in the Division of Senior Services in the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law, regulation or Executive Order to the contrary, any purchase by the State or by a State agency or local government unit of equipment, goods or services related to homeland security and domestic preparedness, that is paid for or reimbursed by federal funds awarded by the U.S. Department of Homeland Security or other federal agency, appropriated in the current fiscal year, may be made through the receipt of public bids or as an alternative to public bidding and subject to the provisions of this paragraph, through direct purchase without advertising for bids or rejecting bids already received but not awarded. The equipment, goods or services purchased by a local government unit shall be referred to in the grant agreement issued by the State administrative agency administering such funds and shall be authorized by resolution of the governing body of the local government unit entering into the grant agreement. Such resolution may, without subsequent action of the local governing body, simultaneously accept the grant from the State administrative agency, authorize the insertion of the revenue and offsetting appropriation in the budget of the local government unit, and authorize the contracting agent of the local government unit to procure the equipment, goods or services. A copy of such resolution shall be filed with the chief financial officer of the local government unit, the State Administrative agency and the Division of Local Government Services in the Department of Community Affairs. Purchases made without public bidding shall be from vendors that shall either (1) be holders of a current State contract for the equipment, goods or services sought, or (2) be participating in a federal procurement program established by a federal department or agency, or (3) have been approved by the State Treasurer in consultation with the New Jersey Domestic Security Preparedness Task Force. All homeland security purchases herein shall continue to be subject to all grant requirements and conditions approved by the State administrative agency. The Director of the Division of Purchase and Property may enter into or participate in purchasing agreements with one or more other states, or political subdivisions or compact agencies thereof, for the purchase of such equipment, goods or services, using monies appropriated under this act, to meet the domestic preparedness and homeland security needs of this State. Such purchasing agreement may provide for the sharing of costs and the methods of payments relating to such purchases. Furthermore, a county government awarding a contract for Homeland Security equipment, goods or services, may, with the approval of the vendor, extend the terms and conditions of the contract to any other county government that wants to purchase under that contract, subject to notice and documentation requirements issued by the Director of the Division of Local Government Services.

Of the amounts appropriated for Income Maintenance Management, amounts may be transferred to the various departments in accordance with the Division of Family Development's agreements, subject to the approval of the Director of the Division of Budget and Accounting. Any unobligated balances remaining from funds transferred to the departments shall be transferred back to the Division of Family Development subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for Community Provider Cost of Living Adjustment, amounts may be transferred to other divisions within the Department of Human Services in order to provide a cost of living adjustment to community care providers contracting with the various divisions, subject to the approval of the Director of the Division of Budget and Accounting.

Grand Total Appropriation, All Funds $43,217,941,599

2. All dedicated funds are hereby appropriated for their dedicated purposes. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting and with the approval of the Legislative Budget and Finance Officer, private

contributions, revolving funds and dedicated funds received, receivable or estimated to be received for the use of the State or its agencies in excess of those anticipated, unless otherwise provided herein, and the unexpended balances at the end of the preceding fiscal year of such funds, subject to the approval of the Director of the Division of Budget and Accounting.

3. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, the following: sums required to refund amounts credited to the State Treasury which do not represent State revenue; sums received representing insurance to cover losses by fire and other casualties and the unexpended balance at the end of the preceding fiscal year of such sums; sums received by any State department or agency from the sale of equipment, when such sums are received in lieu of trade-in value in the replacement of such equipment; and sums received in the State Treasury representing refunds of payments made from appropriations provided in this act.

4. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, sums required to satisfy receivables previously established from which non-reimbursable costs and ineligible expenditures have been incurred.

5. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, from federal or other non-State sources amounts not to exceed the cost of services necessary to document and support retroactive claims.

6. There are appropriated such sums as may be required to pay interest liabilities to the federal government as required by the Treasury/State agreement pursuant to the provisions of the Cash Management Improvement Act of 1990, Pub.L.101-453 (31 U.S.C. s.6501 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

7. There are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, from interest earnings of the various bond funds such sums as may be necessary for the State to comply with the federal "Tax Reform Act of 1986," Pub.L.99-514 (26 U.S.C. s.1 et seq.), which requires issuers of tax-exempt debt obligations to rebate any arbitrage earnings to the federal government.

8. There are appropriated from the General Fund, subject to the approval of the Director of the Division of Budget and Accounting, such sums as are necessary to pay interest, at the average rate of earnings during the fiscal year from the State's general investments, to those bond funds that have borrowed money from the General Fund or other bond funds and that have insufficient resources to accrue and pay the interest expense on such borrowing.

9. In addition to the amounts appropriated hereinabove, such additional sums as may be necessary are appropriated to fund the costs of the collection of debts, taxes and other fees and charges owed to the State, including but not limited to the services of auditors and attorneys and enhanced compliance programs, subject to the approval of the Director of the Division of Budget and Accounting.

10. There is appropriated $11,600,000 from the Legal Services Trust Fund established pursuant to section 6 of P.L.1996, c.52 (C.22A:2-51), for transfer to the General Fund as State revenue to fund the following programs: $8,000,000 for Legal Services of New Jersey grant, $3,000,000 for ten additional judgeships in the Judiciary, and $600,000 for Clinical

Legal Programs for the Poor at the Rutgers-Camden Law School, the Rutgers-Newark Law School and Seton Hall Law School.

11. The unexpended balances at the end of the preceding fiscal year in the accounts of the several departments and agencies heretofore appropriated or established in the category of Additions, Improvements and Equipment are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

12. The unexpended balances at the end of the preceding fiscal year in the Capital Construction accounts for all departments and agencies are appropriated.

13. Unless otherwise provided, unexpended balances at the end of the preceding fiscal year in accounts of appropriations enacted subsequent to April 1, 2008 are appropriated.

14. The unexpended balances at the end of the preceding fiscal year in accounts that are funded by Interfund Transfers are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

15. Notwithstanding any provisions in this act or the provisions of any law or regulation to the contrary, no unexpended balances at the end of the preceding fiscal year are appropriated without the approval of the Director of the Division of Budget and Accounting, except that the Legislative Branch of State government shall be exempt from this provision. The Director of the Division of Budget and Accounting shall notify the Legislative Budget and Finance Officer of those instances in which unexpended balances are not appropriated pursuant to this section.

16. The administrative costs of the Special Education Medicaid Initiative (SEMI) and the Medicaid Administrative Claiming (MAC) program, including the participation of a consultant, are appropriated and shall be paid from the revenue received, subject to the approval of the Director of the Division of Budget and Accounting.

17. The following transfer of appropriations rules are in effect for the current fiscal year:

a. To permit flexibility in the handling of appropriations, any department or agency that receives an appropriation by law, may, subject to the provisions of this section, or unless otherwise provided in this act, apply to the Director of the Division of Budget and Accounting for permission to transfer funds from one item of appropriation to a different item of appropriation. For the purposes of this section, "item of appropriation" means the spending authority identified by an organization code, appropriation source, and program code, unique to the item. If the director consents to the transfer, the amount transferred shall be credited by the director to the designated item of appropriation and notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. However, the director, after consenting thereto, shall submit the following transfer requests to the Legislative Budget and Finance Officer for legislative approval or disapproval unless otherwise provided in this act:

(1) Requests for the transfer of State and other nonfederal funds, in amounts greater than $300,000, to or from any item of appropriation;

(2) Requests for the transfer of State and other nonfederal funds, in amounts greater than $50,000, to or from any Special Purpose account, as defined by major object 5, or Grant account, as defined by major object 6, within an item of appropriation, from or to a different item of appropriation;

(3) Requests for the transfer of State and other nonfederal funds, in amounts greater than $50,000, to or from any Special Purpose or Grant account in which the identifying organization code, appropriation source, and program code, remain the same, provided that the transfer would effect a change in the legislative intent of the appropriations;

(4) Requests for the transfer of State funds, in amounts greater than $50,000, between items of appropriation in different departments or between items of appropriation in different appropriation classifications herein entitled as Direct State Services, Grants-In-Aid, State Aid, Capital Construction and Debt Service;

(5) Requests for the transfer of federal funds, in amounts greater than $300,000, from one item of appropriation to another item of appropriation, if the amount of the transfer to an item in combination with the amount of the appropriation to that item would result in an amount in excess of the appropriation authority for that item, as defined by the program class;

(6) Requests for such other transfers as are appropriate in order to ensure compliance with the legislative intent of this act.

b. The Joint Budget Oversight Committee or its successor may review all transfer requests submitted for legislative approval and may direct the Legislative Budget and Finance Officer to approve or disapprove any such transfer request. Transfers submitted for legislative approval pursuant to paragraph (4) of subsection a. of this section shall be made only if approved by the Legislative Budget and Finance Officer at the direction of the committee.

c. The Legislative Budget and Finance Officer shall approve or disapprove requests for the transfer of funds submitted for legislative approval within 10 working days of the physical receipt thereof and shall return them to the director. If any provision of this act or any supplement thereto requires the Legislative Budget and Finance Officer to approve or disapprove requests for the transfer of funds, the request shall be deemed to be approved by the Legislative Budget and Finance Officer if, within 20 working days of the physical receipt of the request, he has not disapproved the request and so notified the requesting officer. However, this time period shall not pertain to any transfer request under review by the Joint Budget Oversight Committee or its successor, provided notice of such review has been given to the director.

d. No amount appropriated for any capital improvement shall be used for any temporary purpose except extraordinary snow removal or extraordinary transportation maintenance subject to the approval of the Director of the Division of Budget and Accounting. However, an amount from any appropriation for an item of capital improvement may be transferred to any other item of capital improvement subject to the approval of the director, and, if in an amount greater than $300,000, subject to the approval of the Legislative Budget and Finance Officer.

e. The provisions of subsections a. through d. of this section shall not apply to appropriations made to the Legislative or Judicial branches of State government. To permit flexibility in the handling of these appropriations, amounts may be transferred to and from the various items of appropriation by the appropriate officer or designee with notification given to the director on the effective date thereof.

f. Notwithstanding any provisions of this section to the contrary, transfers to and from the Special Purpose appropriation to the Governor for emergency or necessity under the Other Inter-Departmental Accounts program classification and transfers from the appropriations to the various accounts in the category of Salary Increases and Other Benefits, both in the Interdepartmental Accounts, shall not be subject to legislative approval or disapproval.

18. The Director of the Division of Budget and Accounting shall make such correction of the title, text or account number of an appropriation necessary to make such

appropriation available in accordance with legislative intent. Such correction shall be by written ruling, reciting in appropriate detail the facts thereof, and reasons therefore, attested by the signature of the Director of the Division of Budget and Accounting and filed in the Division of Budget and Accounting of the Department of the Treasury as an official record thereof, and any action thereunder, including disbursement and the audit thereof, shall be legally binding and of full force and virtue. An official copy of each such written ruling shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date of the ruling.

19. The Legislative Budget and Finance Officer with the cooperation and assistance of the Director of the Division of Budget and Accounting is authorized to adjust this appropriations bill to reflect any reorganizations which have been implemented since the presentation of the Governor's Budget Recommendation Document that was proposed for this fiscal year.

20. None of the funds appropriated to the Executive Branch of State government for Information Processing, Development, Telecommunications, and Related Services and Equipment shall be available to pay for any of these services or equipment without the review of the Office of Information Technology, and compliance with statewide policies and standards and an approved department Information Technology Strategic Plan; authorization and approval by the Office of Information Technology is required for expenditure of amounts in excess of $2,500, as currently specified by Circular Letter 07-14-OMB/OIT.

21. If the sum provided in this act for a State aid payment pursuant to formula is insufficient to meet the full requirements of the formula, all recipients of State aid shall have their allocation proportionately reduced, subject to the approval of the Director of the Division of Budget and Accounting.

22. When the duties or responsibilities of any department or branch, except for the Legislature and any of its agencies, are transferred to any other department or branch, it shall be the duty of the Director of the Division of Budget and Accounting and the director is hereby empowered to transfer funds appropriated for the maintenance and operation of any such department or branch to such department or branch as shall be charged with the responsibility of administering the functions so transferred. The Director of the Division of Budget and Accounting shall have the authority to create such new accounts as may be necessary to carry out the intent of the transfer. Information copies of such transfers shall be transmitted to the Legislative Budget and Finance Officer upon the effective date thereof. If such transfers may be required among appropriations made to the Legislature and its agencies, the Legislative Budget and Finance Officer, subject to the approval of the President of the Senate and the Speaker of the General Assembly, is hereby empowered and it shall be that officer's duty to effect such transactions hereinabove described and to notify the Director of the Division of Budget and Accounting upon the effective date thereof.

23. The Director of the Division of Budget and Accounting is empowered and it shall be the director's duty in the disbursement of funds for payment of expenses classified as salary increases and other benefits, employee benefits, debt service, rent, telephone, data processing, motor pool, insurance, travel, postage, lease payments on equipment purchases, additions, improvements and equipment, and compensation awards to credit or transfer to the Department of the Treasury, to an Inter-Departmental account, or to the General Fund, as applicable, from any other department, branch or non-State fund source out of funds appropriated or credited thereto, such sums as may be required to cover the costs of such payment attributable to such other department, branch or non-State fund source, or to

reimburse the Department of the Treasury, an Inter-Departmental account, or the General Fund for reductions made representing statewide savings in the above expense classifications, as the director shall determine. Receipts in any non-State funds are appropriated for the purpose of such transfer.

24. The Governor is empowered to direct the State Treasurer to transfer from any State department to any other State department such sums as may be necessary for the cost of any emergency occasioned by aggression, civil disturbance, sabotage, or disaster. In addition, there are appropriated such additional sums as may be necessary for emergency repairs and reconstruction of State facilities or property, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee. Appropriations referred to the Joint Budget Oversight Committee shall be deemed approved unless a resolution of disapproval is adopted within 10 working days of receipt of notification of the proposed appropriation.

25. Upon request of any department receiving non-State funds, the Director of the Division of Budget and Accounting is empowered to transfer such funds from that department to other departments as may be charged with the responsibility for the expenditure thereof.

26. The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to any State agency for services provided, or to be provided, by that agency to any other agency or department; provided further, however, that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

27. Notwithstanding any law to the contrary, should appropriations in the Property Tax Relief Fund exceed available revenues, the Director of the Division of Budget and Accounting is authorized to transfer General Fund unreserved, undesignated fund balances into the Property Tax Relief Fund, providing unreserved, undesignated fund balances are available from the General Fund, as determined by the Director of the Division of Budget and Accounting.

28. Notwithstanding any law to the contrary, should appropriations in the Casino Revenue Fund exceed available revenues, the Director of the Division of Budget and Accounting is authorized to transfer General Fund unreserved, undesignated fund balances into the Casino Revenue Fund, providing unreserved, undesignated fund balances are available from the General Fund, as determined by the Director of the Division of Budget and Accounting.

29. No funds shall be expended by any State Department in the Executive Branch in connection with a contract for the production of films, videotapes, video conferences, video-assisted training or multi-media projects that include video images unless the New Jersey Public Broadcasting Authority (PBA) has the opportunity to match any successful bid as part of any formal or informal contract award process. This is not a requirement to award a contract to PBA since the decision to award a contract may also be based on non-cost considerations.

30. Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), sums appropriated for services for the various State departments and agencies may be expended for the purchase of contract services from the New Jersey Marine Sciences Consortium as

if it were a State government agency pursuant to subsection (a) of section 5 of P.L.1954, c.48 (C.52:34-10).

31. Out of the amounts hereinabove appropriated, the Director of the Division of Budget and Accounting is empowered to approve payments to liquidate any unrecorded liabilities for materials delivered or services rendered in prior fiscal years, upon the written recommendation of any department head, or the department head's designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which the director deems improper.

32. Whenever any county, municipality, school district or a political subdivision thereof withholds funds from a State agency, or causes a State agency to make payment on behalf of a county, municipality, school district or a political subdivision thereof, then the Director of the Division of Budget and Accounting may withhold State aid payments and transfer the same as payment for such funds, as the Director of the Division of Budget and Accounting shall determine.

33. The Director of the Division of Budget and Accounting is empowered to establish revolving and dedicated funds as required. Notice of the establishment of such funds shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date thereof.

34. The Director of the Division of Budget and Accounting may, upon application therefore, allot from appropriations made to any official, department, commission or board, a sum to establish a petty cash fund for the payment of expenses under rules and regulations established by the director. Allotments thus made by the Director of the Division of Budget and Accounting shall be paid to such person as shall be designated as the custodian thereof by the official, department, commission or board making a request therefore, and the money thus allotted shall be disbursed by such custodian who shall require a receipt therefore from all persons obtaining money from the fund. The director shall make regulations governing disbursement from petty cash funds.

35. From appropriations to the various departments of State government, the Director of the Division of Budget and Accounting is empowered to transfer sums sufficient to pay any obligation due and owing in any other department or agency.

36. Notwithstanding the provisions of any law or regulation to the contrary, the State Treasurer may transfer from any fund in the State Treasurer's custody, deposited with the State Treasurer pursuant to law, sufficient sums to enable payments from any appropriation made herein for any obligations due and owing. Any such transfer shall be restored out of the taxes or other revenue received in the Treasury in support of this act. Except for transfers from the several funds established pursuant to statutes that provide for interest earnings to accrue to those funds, all such transfers shall be without interest. If the statute provides for interest earnings, it shall be calculated at the average rate of earnings during the fiscal year from the State's general investments and such sums as are necessary shall be appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

37. Any qualifying State aid appropriation, or part thereof, made from the General Fund may be transferred and recorded as an appropriation from the Property Tax Relief Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided however, that the

available unreserved, undesignated fund balance in the Property Tax Relief Fund, as determined by the State Treasurer, is sufficient to support the expenditure.

38. Notwithstanding any other provisions of this act, the State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall pay any claim not exceeding $4,000 out of any appropriations made to the several departments, provided such claim is recommended for payment by the head of such department. The Legislative Budget and Finance Officer shall be notified of the amount and description of any such claim at the time such payment is made. Any claimant who has presented a claim not exceeding $4,000, which has been denied or not recommended by the head of such department, shall be precluded from presenting said claim to the Legislature for consideration.

39. Unless otherwise provided, federal grant and project receipts representing reimbursement for agency and central support services, indirect and administrative costs, as determined by the Director of the Division of Budget and Accounting, shall be transmitted to the Department of the Treasury for credit to the General Fund; provided however, that a portion of the indirect and administrative cost recoveries received which are in excess of the amount anticipated may be reclassified into a dedicated account and returned to State departments and agencies, as determined by the Director of the Division of Budget and Accounting, who shall notify the Legislative Budget and Finance Officer of the amount of such funds returned, the departments or agencies receiving such funds and the purpose for which such funds will be used, within 10 working days of any such transaction. Such receipts shall be forwarded to the Director of the Division of Budget and Accounting upon completion of the project or at the end of the fiscal year, whichever occurs earlier.

40. Notwithstanding the provisions of any law or regulation to the contrary, each local school district that participates in the Special Education Medicaid Initiative (SEMI) shall receive a percentage of the federal revenue realized for current year claims. The percentage share shall be 17.5% of claims approved by the State by June 30.

41. Notwithstanding the provisions of any law or regulation to the contrary, each local school district that participates in the Medicaid Administrative Claiming (MAC) initiative shall receive a percentage of the federal revenue realized for current year claims. The percentage share shall be 17.5% of claims approved by the State by June 30.

42. Notwithstanding the provisions of P.L.1943, c.188 (C.52:14-17.1 et seq.), the rate of reimbursement for mileage allowed for employees traveling by personal automobile on official business shall be $.31 per mile.

43. State agencies shall prepare and submit a copy of their agency or departmental budget requests for the next ensuing fiscal year by October 1 of this fiscal year to the Director of the Division of Budget and Accounting. In addition, State agencies shall prepare and submit a copy of their spending plans involving all State, federal and other non-State funds to the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer by November 1, and updated spending plans on February 1 and May 1 of this fiscal year. The spending plans shall account for any changes in departmental spending which differ from this appropriations act and all supplements to this act. The spending plans shall be submitted on forms specified by the Director of the Division of Budget and Accounting.

44. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with copies of all BB-4s, Application for Non-State

funds, and accompanying project proposals or grant applications, which require a State match and that may commit or require State support after the grant's expiration.

45. In order to provide effective cash flow management for revenues and expenditures of the General Fund and the Property Tax Relief Fund in the implementation of this annual appropriations act, there are appropriated from the General Fund such sums as may be required to pay the principal of and interest on tax and revenue anticipation notes including notes in the form of commercial paper (hereinafter collectively referred to as short-term notes), together with any costs or obligations relating to the issuance thereof or contracts related thereto, according to the terms set forth herein. Provided further that, to the extent that short-term notes are issued for cash flow management purposes in connection with the Property Tax Relief Fund, there are appropriated from the Property Tax Relief Fund such sums as may be required to pay the principal of those short-term notes.

46. The State Treasurer is authorized to issue short-term notes, which notes shall not constitute a general obligation of the State or a debt or a liability within the meaning of the State Constitution, and the State Treasurer is authorized to pay any costs or obligations relating to the issuance of such short-term notes or contracts relating thereto. Such short-term notes shall be issued in such amounts and at such times as the State Treasurer shall deem necessary for the above stated purposes and for the payment of related costs, and on such terms and conditions, sold in such manner and at such prices, bearing interest at such fixed or variable rate or rates, renewable at such time or times, and entitled to such security, and using such paying agents as shall be determined by the State Treasurer. The State Treasurer is authorized to enter into such contracts and to take such other actions, all as determined by the State Treasurer to be appropriate to carry out the above cash flow management purposes. The State Treasurer shall give consideration to New Jersey-based vendors in entering into such contracts. Whenever the State Treasurer issues such short-term notes, the State Treasurer shall report on each such issuance to the Chairman of the Senate Budget and Appropriations Committee and the Chairman of the Assembly Appropriations Committee.

47. The Tobacco Settlement Fund, created and established in the Department of the Treasury as a separate non-lapsing fund pursuant to section 53 of P.L.1999, c.138, is reestablished and continued. The unexpended balances at the end of the preceding fiscal year in the Tobacco Settlement Fund are appropriated. The Tobacco Settlement Fund shall be the repository for payments made by the tobacco manufacturers pursuant to the settlement agreement entered into by the tobacco manufacturers and the State on November 23, 1998 that resolved the State's pending claims against the tobacco industry and all other moneys, including interest earnings on balances in the fund, credited or transferred thereto from any other fund or source pursuant to law. Balances in the Tobacco Settlement Fund shall be deposited in such depositories as the State Treasurer may select. Amounts transferred from the Tobacco Settlement Fund to the General Fund as anticipated revenue shall be excluded when calculating deposits to the Surplus Revenue Fund pursuant to P.L.1990, c.44 (C.52:9H-14 et seq.).

48. With respect to appropriations provided to various departments for services provided by the Office of Information Technology, any change by the Office of Information Technology to their rate structure that would affect the rates charged to the various State agencies for Office of Information Technology services shall first be approved by the Director of the Division of Budget and Accounting.

49. Notwithstanding the provisions of section 29 of P.L.1983, c.303 (C.52:27H-88), or any law or regulation to the contrary, interest earned in the current fiscal year on balances in the Enterprise Zone Assistance Fund, shall be credited to the General Fund.

50. Notwithstanding the provisions of any law or regulation to the contrary, funds may be transferred from the State Disability Benefits Fund to the General Fund during the current fiscal year, which transfer amount shall be based upon the actual receipt of revenue in the State Disability Benefits Fund as shall be determined by the State Treasurer in consultation with the Commissioner of Labor and Workforce Development, subject to the approval of the Director of the Division of Budget and Accounting.

51. There is appropriated $500,000 from the Casino Simulcasting Fund for transfer to the Casino Revenue Fund.

52. In all cases in which language authorizes the appropriation of additional receipts not to exceed a specific amount, and the specific amount is insufficient to cover the amount due for fringe benefits and indirect costs, there are appropriated from receipts such additional amounts as are required to fully cover the amount due for fringe benefits and indirect costs, subject to the approval of the Director of the Division of Budget and Accounting.

53. There are appropriated, out of receipts derived from any structured financing transaction, such sums as may be necessary to satisfy any obligation incurred in connection with any structured financing agreement, subject to the approval of the Director of the Division of Budget and Accounting. In addition, there are appropriated such sums as may be necessary to pay costs incurred in connection with any proposed structured financing transaction, subject to the approval of the Director of the Division of Budget and Accounting.

54. Notwithstanding the provisions of any departmental language or statute, no receipts in excess of those anticipated or appropriated as provided in the Departmental Revenue Statements (BB-103's) in the budget submission for this fiscal year are available for expenditure until a comprehensive expenditure plan is submitted to and approved by the Director of the Division of Budget and Accounting.

55. Such sums as may be necessary are appropriated or transferred from existing appropriations for the purpose of promoting awareness to increase participation in programs that are administered by the State subject to the approval of the Director of the Division of Budget and Accounting.

56. There are appropriated such additional sums as may be required to pay the amount of any civil penalty imposed on a State officer, employee or custodian pursuant to section 12 of P.L.2001, c.404 (C.47:1A-11), as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine.

57. Receipts derived from the provision of copies and other materials related to compliance with P.L.2001, c.404, are appropriated for the purpose of offsetting agency and departmental expenses of complying with the public access law, subject to the approval of the Director of the Division of Budget and Accounting.

58. Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the Universal Service Fund $72,616,000 for transfer to the General Fund as State revenue.

59. Notwithstanding the provisions of section 32 of P.L.2002, c.40 (C.52:9H-38) to the contrary, revenues derived from the corporation business tax during the preceding fiscal year shall not be credited to the "Corporation Business Tax Excess Revenue Fund" but shall be available as undesignated funds in the General Fund except as are dedicated by Article VIII, Section II, paragraph 6 of the State Constitution.

60. Any qualifying State aid or Grants-In-Aid appropriation, or part thereof, made from the General Fund may be transferred and recorded as an appropriation from the Casino Revenue Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided however, that the available unreserved, undesignated fund balance in the Casino Revenue Fund, as determined by the State Treasurer, is sufficient to support the expenditure.

61. Providing that the contributions made during the current fiscal year by the University of Medicine and Dentistry of New Jersey and its affiliates to the University of Medicine and Dentistry of New Jersey - Self Insurance Reserve Fund is equal to the amount established in a memorandum of agreement between the Department of the Treasury and the University, and if after such amount having been contributed, the receipts deposited within the University of Medicine and Dentistry of New Jersey's Self Insurance Reserve Fund are insufficient to pay claims expenditures, there is appropriated from the General Fund to the Self Insurance Reserve Fund such sums as may be necessary to pay the remaining claims, subject to the approval of the Director of the Division of Budget and Accounting.

62. In addition to any amounts hereinabove appropriated to pay debt service on bonds, notes and other obligations by the various independent authorities, payment of which is to be made by the State subject to appropriation pursuant to a contract with the State Treasurer or pursuant to a lease with a State department, there is hereby appropriated such additional sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts or leases, as applicable.

63. Monies appropriated pursuant to this act to counties, municipalities or school districts as State grants or State Aid may, in addition to the uses specifically provided under this act, be used for purposes of implementing best practices adopted by the New Jersey Domestic Security Preparedness Task Force.

64. If any law requires annual State funding, and if the amount of the funding in this act is insufficient to meet the requirement, the statutory requirement shall be deemed to be suspended for the current fiscal year to the extent that the funding is insufficient.

65. Such sums as may be required to initiate the implementation of information systems development or modification during the current fiscal year to support fees, fines or other revenue enhancements, or to initiate cost savings or budget efficiencies that are to be implemented during the fiscal year ending June 30, 2010 and that are proposed in the Governor's Budget Recommendation Document for the fiscal year ending June 30, 2010, shall be transferred between appropriate accounts subject to the approval of the Director of the Division of Budget and Accounting.

66. Notwithstanding the provisions of any law or regulation to the contrary, no funding shall be provided by any program supported in part or in whole by State funding for erectile dysfunction medications for individuals who are registered on New Jersey's Sex Offender Registry.

67. Due to opportunities for increased recoveries in the Department of Human Services, unexpended balances carried forward are appropriated to the developmental centers in the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting. For the purposes of the "State Appropriations Limitation Act," P.L.1990, c.94 (C.52:9H-24 et seq.), the amounts carried forward in these accounts and amounts carried forward in the State Employees Health Benefits accounts shall be deemed a "Base Year Appropriation."

68. The amounts hereinabove appropriated for employee fringe benefits in Inter-Departmental Direct State Services and Grants-in-Aid; Department of Education State Aid; and Department of the Treasury State Aid may be transferred between accounts for the same purposes, as the Director of the Division of Budget and Accounting shall determine.

69. Notwithstanding the provisions of P.L.2000, c.12, or any law or regulation to the contrary, funds may be transferred from the Tobacco Settlement Fund to the General Fund during this fiscal year, which transfer amount shall be based upon the available balances in the Tobacco Settlement Fund, subject to the approval of the Director of the Division of Budget and Accounting.

70. Notwithstanding the provisions of sections 5 and 6 of P.L.1990, c.44 (C.52:9H-18 and 52:9H-19) or any law or regulation to the contrary, there may be transferred from the Surplus Revenue Fund to the General Fund an amount up to the credit made to the Surplus Revenue Fund during the 2008 fiscal year, but not in excess of $250,000,000, as revenue for general State purposes, subject to the approval of the Director of the Division of Budget and Accounting.

71. Notwithstanding the provisions of P.L.2004, c.68 (C.34:1B-21.16 et seq.) or any law or regulation to the contrary, funds remaining in the Dedicated Cigarette Tax Revenue Fund at the end of the current fiscal year are appropriated from such fund for transfer to the General Fund as State revenue.

72. Unless otherwise provided in this act, all unexpended balances at the end of the preceding fiscal year that are appropriated by this act are appropriated for the same purpose.

73. Notwithstanding the provisions of any law or regulation to the contrary and when not restricted by any other State law or federal law, upon entering into a construction contract in excess of $1,000,000, which is funded, in whole or in part by an appropriation under this act, the State agency entering into the contract shall transfer an amount equal to one half of one percent (0.5%) of the appropriated portion of such contract amount to the Department of Labor and Workforce Development, subject to the approval of the Director of the Division of Budget and Accounting. Such transferred funds are hereby appropriated to the Department of Labor and Workforce Development to provide on-the-job and/or off-the-job outreach and training programs for minorities and women in the construction trades, including reimbursement to the Department of Labor and Workforce Development for direct costs incurred in administering such programs as approved by the Director of the Division of Budget and Accounting. Such programs shall not be limited to the term of the

public works project and no part of the outreach and training funds shall be used to pay the salary of any trainee.

74. Notwithstanding the provisions of section 14 of Article 3 of P.L.1944, c.112 (C.52:27B-23) or any law or regulation to the contrary, copies of the budget message shall be made available to the State library, public libraries, newspapers and citizens of the State only through the State of New Jersey website.

75. Notwithstanding the provisions of any law or regulation to the contrary, funds may be transferred from the Surplus Revenue Fund to the Unemployment Compensation Fund in an amount such that it will not be necessary to increase the rate of tax contributions for Unemployment Insurance for FY2010, the amount of such transfer to be determined by the State Treasurer in consultation with the Commissioner of Labor and Workforce Development subject to the approval of the Director of the Division of Budget and Accounting.

76. There are appropriated such sums as are necessary, not to exceed $1,000,000, to fund costs incurred by the State, including attorneys costs, in connection with arbitration/litigation relating to claims by participating tobacco manufacturers that they are entitled to reductions in payments they make under the Tobacco Master Settlement Agreement, subject to the approval of the Director of the Division of Budget and Accounting.

77. The Commissioners of the Departments of Human Services and Health and Senior Services and the State Treasurer shall prepare and provide a report to the Assembly Budget Committee and the Senate Budget and Appropriations Committee by April 1, 2009 regarding the feasibility, costs, advantages, disadvantages and steps which would be required to consolidate the State's client-oriented Medicaid programs into one department. The report shall not include consideration of consolidating the Department of Law and Public Safety's Medicaid Fraud Control Unit.

78. The Director of the Division of Budget and Accounting is empowered and it shall be the director's duty in the disbursement of funds for payment of expenses classified as debt service, to credit or transfer among the various departments, as applicable, out of funds appropriated or credited thereto for debt service payments, such sums as may be required to cover the costs of such payment attributable to debt service or to reimburse the various departments for reductions made representing Statewide savings resulting from bond retirements or defeasances in debt service accounts, as the director shall determine. If the director consents to the transfer, the amount transferred shall be credited by the director to the designated item of appropriation and notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

79. This act shall take effect July 1, 2008.

Approved June 30, 2008.

CHAPTER 36

AN ACT concerning controversies and disputes arising under the school laws, supplementing chapters 6 and 12 of Title 18A of the New Jersey Statutes, amending P.L.1991, c.393, and repealing parts of the statutory law.

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

C.18A:6-9.1 Commissioner's determinations considered final agency action; appeals; request for relief.

1. a. Notwithstanding the provisions of any law or regulation to the contrary, on and after the effective date of this act determinations made by the Commissioner of Education in all controversies and disputes arising under the school laws shall be considered to be final agency action under the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and appeal of that action shall be directly to the Appellate Division of the Superior Court.

b. For all cases pending before the State Board of Education on the effective date of this act for which the State board has not rendered a decision, the decision of the commissioner shall be deemed to be the final agency action under the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). Any appeal of the commissioner's decision to the Appellate Division of the Superior Court shall be filed within 45 days of the effective date of this act.

c. Any request for relief arising out of a State Board of Education decision rendered prior to the effective date of this act pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall be considered and determined by the commissioner.

C.18A:6-38.4 Appeal of determination of State Board of Examiners.

2. Notwithstanding the provisions of any law or regulation to the contrary, any appeal of a determination of the State Board of Examiners shall be to the Commissioner of Education whose determination shall be a final agency action under the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and appeal of that action shall be directly to the Appellate Division of the Superior Court.

C.18A:12-29.1 Appeal of determination of School Ethics Commission.

3. Notwithstanding the provisions of any law or regulation to the contrary, any appeal of a determination of the School Ethics Commission shall

be to the Commissioner of Education whose determination shall be a final agency action under the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and appeal of that action shall be directly to the Appellate Division of the Superior Court.

C.18A:6-9.2 Authority of State BOE to consider appeal terminated.

4. Notwithstanding the provisions of any law or regulation to the contrary, on and after the effective date of this act the State Board of Education shall have no authority to consider an appeal from any commissioner determination.

5. Section 9 of P.L.1991, c.393 (C.18A:12-29) is amended to read as follows:

C.18A:12-29 Complaint procedures.

9. a. Any person, including a member of the commission, may file a complaint alleging a violation of the provisions of this act or the Code of Ethics for School Board Members as set forth in section 5 of P.L.2001, c.178 (C.18A:12-24.1), by submitting it, on a form prescribed by the commission, to the commission. No complaint shall be accepted by the commission unless it has been signed under oath by the complainant. If a member of the commission submits the complaint, the member shall not participate in any subsequent proceedings on that complaint in the capacity of a commission member. If a commission member serves on the school board of, or is employed by, the school district which employs or on whose board the school official named in the complaint serves, the commission member shall not participate in any subsequent proceedings on that complaint.

b. Upon receipt of a complaint, the commission shall serve a copy of the complaint on each school official named therein and shall provide each named school official with the opportunity to submit a written statement under oath. The commission shall thereafter decide by majority vote whether probable cause exists to credit the allegations in the complaint. If the commission decides that probable cause does not exist, it shall dismiss the complaint and shall so notify the complainant and any school official named in the complaint. The dismissal shall constitute final agency action. If the commission determines that probable cause exists, it shall refer the matter to the Office of Administrative Law for a hearing to be conducted in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and shall so notify the complainant and each school official named in the complaint.

In making a determination regarding an alleged violation of the Code of Ethics for School Board Members, the burden of proof shall be on the accusing party to establish factually a violation of the code. A decision regarding a complaint alleging violations of the code shall be rendered by the commission within 90 days of the receipt of the complaint by the commission.

c. Upon completion of the hearing, the commission, by majority vote, shall determine whether the conduct complained of constitutes a violation of this act, or in the case of a board member, this act or the code of ethics, or whether the complaint should be dismissed. If a violation is found, the commission shall, by majority vote, recommend to the commissioner the reprimand, censure, suspension, or removal of the school official found to have violated this act, or in the case of a board member, this act or the code of ethics. The commission shall state in writing its findings of fact and conclusions of law. The commissioner shall then act on the commission's recommendation regarding the sanction.

d. Any appeal of the commission's determination regarding a violation of this act, or in the case of a board member, this act or the code of ethics, and of the commissioner's decision regarding the sanction shall be in accordance with the provisions of P.L.2008, c.36 (C.18A:6-9.1 et al.).

e. If prior to the hearing the commission determines, by majority vote, that the complaint is frivolous, the commission may impose on the complainant a fine not to exceed $500. The standard for determining whether a complaint is frivolous shall be the same as that provided in subsection b. of section 1 of P.L.1988, c.46 (C.2A:15-59.1).

f. Notwithstanding the provisions of subsections c. and d. of this section, the commission shall be authorized to determine and impose the appropriate sanction including reprimand, censure, suspension or removal of any school official found to have violated this act who is an officer or employee of the New Jersey School Boards Association. Any action of the commission regarding a violation of P.L.1991, c.393 (C.18A:12-21 et seq.) or the sanction to be imposed in the event that the school official involved is an officer or employee of the New Jersey School Boards Association shall be considered final agency action and an appeal of that action shall be directly to the Appellate Division of the Superior Court.

6. Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of Education may adopt, immediately upon filing with the Office of Administrative Law, such rules and regulations as the commissioner deems necessary to implement the provi-

sions of P.L.2008, c.36 (C.18A:6-9.1 et al.). The rules and regulations adopted by the commissioner shall expire no later than 12 months following the effective date of P.L.2008, c.36 (C.18A:6-9.1 et al.). Rules and regulations shall thereafter be amended, adopted, or re-adopted by the commissioner pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

Repealer.

7. The following sections are repealed:

N.J.S.18A:6-26 through N.J.S.18A:6-29.

8. This act shall take effect immediately.

Approved July 7, 2008.

CHAPTER 37

AN ACT concerning the promulgation of certain rules and regulations for public school districts, revising various parts of the statutory law, and supplementing P.L.2007, c.53 (C.18A:55-3 et al.) and chapter 22 of Title 18A of the New Jersey Statutes.

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

1. Section 6 of P.L.2006, c.15 (C.18A:7A-59) is amended to read as follows:

C.18A:7A-59 Rules.

6. Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of Education may adopt, immediately upon filing with the Office of Administrative Law, such rules and regulations as the commissioner deems necessary to effectuate the purposes of P.L.2006, c.15 (C.18A:7A-54 et seq.) which shall be effective for a period not to exceed 12 months following the effective date of P.L.2008, c.37 (C.18A:11-13 et al.). The regulations shall thereafter be amended, adopted, or readopted by the commissioner in accordance with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.); and the commissioner shall, at a

minimum, hold at least one public hearing in each of the north, central, and southern regions of the State within 60 days of the public notice of any regulations proposed by the commissioner to be amended, adopted, or re-adopted pursuant to that act.

2. Section 6 of P.L.2007, c.53 (C.18A:17-20.2a) is amended to read as follows:

C.18A:17-20.2a Required actions relative to early termination of superintendent's employment contract.

6. a. Prior to a board of education entering an agreement for an early termination of an employment contract entered into with its superintendent of schools pursuant to the provisions of N.J.S.18A:17-15, that includes the payment of compensation to the superintendent as a condition of separation from service with the district, the board shall submit the agreement to the Commissioner of Education for approval. The agreement shall be submitted by certified mail, return receipt requested. The commissioner shall evaluate the agreement and have the authority to disapprove the agreement if the payment of compensation as a condition of separation from service is found to be excessive. The determination of the commissioner shall be made within 30 days of receipt of the agreement.

As used in this subsection, "compensation" includes, but is not limited to, salary, allowances, bonuses and stipends, payments for accumulated sick or vacation leave, contributions toward the costs of health, dental, life and other types of insurance, medical reimbursement plans, retirement plans, and any in-kind or other form of remuneration.

b. The Commissioner of Education shall adopt regulations in accordance with the provisions of section 6 of P.L.2008, c.37 (C.18A:11-13) to establish the allowable parameters of early termination agreements.

3. Section 10 of P.L.2007, c.53 (C.18A:6-38.1) is amended to read as follows:

C.18A:6-38.1 Revocation of certificate on commissioner's recommendation; rules.

10. a. If the Commissioner of Education believes, based on information provided by the school district in which the certificate holder was employed, that the conduct of a superintendent, assistant superintendent or school business administrator warrants the revocation of the certificate held, the commissioner shall recommend such revocation to the Board of Examiners.

b. The Commissioner of Education shall adopt regulations in accordance with section 6 of P.L.2008, c.37 (C.18A:11-13) under which the Board of Examiners may revoke a certificate pursuant to this section.

4. Section 7 of P.L.2007, c.62 (C.18A:7F-42) is amended to read as follows:

C.18A:7F-42 Rules, regulations.

7. a. Within 60 days of the effective date of P.L.2007, c.62 (C.18A:7F-37 et al.), the Commissioner of Education shall promulgate emergency rules and regulations necessary to effectuate the purposes of sections 2 through 6 of P.L.2007, c.62 (C.18A:7F-37 through C.18A:7F-41) for the 2007-08 school year.

b. For the 2008-09 school year and thereafter, notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of Education may adopt, immediately upon filing with the Office of Administrative Law, such rules and regulations as the commissioner deems necessary to effectuate the purposes of sections 2 through 6 of P.L.2007, c.62 (C.18A:7F-37 through C.18A:7F-41) which shall be effective for a period not to exceed 12 months following the effective date of P.L.2008, c.37 (C.18A:11-13 et al.). The regulations shall thereafter be amended, adopted, or readopted by the commissioner in accordance with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.); and the commissioner shall, at a minimum, hold at least one public hearing in each of the north, central, and southern regions of the State within 60 days of the public notice of any regulations proposed by the commissioner to be amended, adopted, or readopted pursuant to that act.

5. Section 58 of P.L.2007, c.63 (C.18A:7-16) is amended to read as follows:

C.18A:7-16 Rules, regulations.

58. Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) or any other law to the contrary, the commissioner may adopt, immediately upon filing with the Office of Administrative Law, such rules and regulations as the commissioner deems necessary to implement the provisions of sections 42 to 58 of P.L.2007, c.63 (C.18A:7-11 et al.), which shall be effective for a period not to exceed 12 months following the effective date of P.L.2008, c.37 (C.18A:11-13 et al.). The regulations shall thereafter be amended, adopted, or readopted by the commissioner in accordance with

the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.); and the commissioner shall, at a minimum, hold at least one public hearing in each of the north, central, and southern regions of the State within 60 days of the public notice of any regulations proposed by the commissioner to be amended, adopted, or readopted pursuant to that act.

C.18A:11-13 Rules, regulations to effectuate the purposes of C.18A:55-3 et al.

6. Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of Education may adopt, immediately upon filing with the Office of Administrative Law, such rules and regulations as the commissioner deems necessary to effectuate the purposes of P.L.2007, c.53 (C.18A:55-3 et al.) which shall be effective for a period not to exceed 12 months following the effective date of P.L.2008, c.37 (C.18A:11-13 et al.). The regulations shall thereafter be amended, adopted, or readopted by the commissioner in accordance with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.); and the commissioner shall, at a minimum, hold at least one public hearing in each of the north, central, and southern regions of the State within 60 days of the public notice of any regulations proposed by the commissioner to be amended, adopted, or readopted pursuant to that act.

C.18A:22-8c Rules, regulations to effectuate certain budgeting, fiscal procedures.

7. Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of Education may adopt, immediately upon filing with the Office of Administrative Law, such rules and regulations as the commissioner deems necessary to effectuate the budgeting and fiscal procedures under chapter 22 of Title 18A of the New Jersey Statutes which shall be effective for a period not to exceed 12 months following the effective date of P.L.2008, c.37 (C.18A:11-13 et al.). The regulations shall thereafter be amended, adopted, or readopted by the commissioner in accordance with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.); and the commissioner shall, at a minimum, hold at least one public hearing in each of the north, central, and southern regions of the State within 60 days of the public notice of any regulations proposed by the commissioner to be amended, adopted, or readopted pursuant to that act.

8. This act shall take effect immediately.

Approved July 7, 2008.

CHAPTER 38

AN ACT concerning health care coverage, revising parts of statutory law, and making an appropriation.

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

C.26:15-1 Findings, declarations relative to health care coverage.

1. The Legislature finds and declares:

a. There are an estimated 1.25 million residents of the State who have no health insurance coverage, of which over 240,000 are children, and the number of uninsured residents is increasing each year;

b. While employer-sponsored health care coverage in the State is well above the national average and has been a major factor in keeping the number of uninsured lower than in many states, because of the rising cost of the coverage, increasing numbers of employers are considering dropping coverage for their employees and dependents, or are requiring employees to share in a greater percentage of premium costs and to bear larger copayments and coinsurance, which is making health care coverage increasingly unaffordable to low and moderate income working families;

c. Persons without health insurance coverage receive less preventive care, poorer treatment for both minor and serious chronic and acute illnesses, and in many cases live shorter lives than comparable insured populations;

d. Many uninsured are forced to seek health care in inappropriate settings such as hospital emergency rooms because they cannot obtain needed health care services in a convenient and more cost-effective setting such as a primary care provider's office or clinic, which contributes to higher health care costs;

e. The uninsured are commonly billed at higher rates than those who have health care coverage. Health care costs have become a leading cause of bankruptcy in this country, and those without insurance are most at risk;

f. The State has recognized the importance of increasing access to health care coverage and, over the last several years, has enacted several reforms to make health care coverage more affordable and accessible to residents of the State. Among these reforms are the expansions of coverage under the State Medicaid and NJ FamilyCare programs. Despite these efforts, too many low income parents and children lack access to health care coverage;

g. In order to ensure that more low income parents in the State have access to health care coverage and all children in the State are covered under a health plan, thus moving closer to providing universal coverage for all residents of this State, it is necessary to further expand coverage for parents under the NJ FamilyCare Program, and mandate that all children in the State have health care coverage, either through public programs or private coverage; and

h. In order to make insurance coverage more affordable to residents and small businesses in this State, and to stabilize enrollment in, and the costs of, individual and small employer health benefits plans, it is also necessary to adopt comprehensive reform measures to the insurance marketplace.

C.26:15-2 Coverage provided for residents 18 years of age and younger; terms defined.

2. a. Beginning one year after the date of enactment of this act, all residents of this State 18 years of age and younger shall obtain and maintain health care coverage that provides hospital and medical benefits. The coverage may be provided through an employer-sponsored or individual health benefits plan, the Medicaid program, NJ FamilyCare Program, or the NJ FamilyCare Advantage buy-in program.

b. As used in this section:

"Medicaid" means the New Jersey Medical Assistance and Health Services Program established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

"NJ FamilyCare" means the NJ FamilyCare Program established pursuant to P.L.2005, c.156 (C.30:4J-8 et al.).

"NJ FamilyCare Advantage" means the buy-in program established pursuant to subsection j. of section 5 of P.L.2005, c.156 (C.30:4J-12).

3. Section 4 of P.L.2005, c.156 (C.30:4J-11) is amended to read as follows:

C.30:4J-11 Definitions relative to family health care coverage.

4. As used in this act:

"Commissioner" means the Commissioner of Human Services.

"Department" means the Department of Human Services.

"Medicaid" means the New Jersey Medical Assistance and Health Services Program established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

"NJ FamilyCare" or "program" means the NJ FamilyCare Program established pursuant to sections 3 through 5 of P.L.2005, c.156 (C.30:4J-10 through C.30:4J-12).

"Poverty level" means the official federal poverty level based on family size, established and adjusted under Section 673(2) of Subtitle B, the "Community Services Block Grant Act," Pub.L.97-35 (42 U.S.C. s.9902(2)).

"Qualified applicant" means:

a. a child under 19 years of age: (1) whose family gross income does not exceed 350% of the poverty level; (2) who has no health insurance, as determined by the commissioner, and is ineligible for Medicaid; (3) who is a resident of this State; and (4) who is a citizen of the United States, or has been lawfully admitted for permanent residence into and remains lawfully present in the United States;

b. a parent or caretaker: (1) whose gross family income does not exceed 200% of the poverty level; (2) who has no health insurance, as determined by the commissioner, and is ineligible for Medicaid; (3) who is a resident of this State; and (4) who is a citizen of the United States, or has been lawfully admitted for permanent residence into and remains lawfully present in the United States; and

c. a single adult or couple without dependent children: (1) whose family gross income does not exceed 100% of the poverty level; (2) who is enrolled in NJ FamilyCare on the effective date of P.L.2005, c.156 (C.30:4J-8 et al.) and is ineligible for Medicaid; (3) who is a resident of this State; and (4) who is a citizen of the United States, or has been lawfully admitted for permanent residence into and remains lawfully present in the United States.

4. Section 5 of P.L.2005, c.156 (C.30:4J-12) is amended to read as follows:

C.30:4J-12 Purpose of program.

5. a. The purpose of the program shall be to provide subsidized health insurance coverage, and other health care benefits as determined by the commissioner, to children under 19 years of age and their parents or caretakers and to adults without dependent children, within the limits of funds appropriated or otherwise made available for the program.

The program shall require families to pay copayments and make premium contributions, based upon a sliding income scale. The program shall include the provision of well-child and other preventive services, hospitalization, physician care, laboratory and x-ray services, prescription drugs, mental health services, and other services as determined by the commissioner.

b. The commissioner shall take such actions as are necessary to implement and operate the program in accordance with the State Children's Health Insurance Program established pursuant to 42 U.S.C.s.1397aa et seq.

c. The commissioner:

(1) shall, by regulation, establish standards for determining eligibility and other program requirements, including, but not limited to, restrictions on voluntary disenrollments from existing health insurance coverage;

(2) shall require that a parent or caretaker who is a qualified applicant purchase coverage, if available, through an employer-sponsored health insurance plan which is determined to be cost-effective and is approved by the commissioner, and shall provide assistance to the qualified applicant to purchase that coverage, except that the provisions of this paragraph shall not be construed to require an employer to provide health insurance coverage for any employee or employee's spouse or dependent child;

(3) may, by regulation, establish plans of coverage and benefits to be covered under the program, except that the provisions of this section shall not apply to coverage for medications used exclusively to treat AIDS or HIV infection; and

(4) shall establish, by regulation, other requirements for the program, including, but not limited to, premium payments and copayments, and may contract with one or more appropriate entities, including managed care organizations, to assist in administering the program. The period for which eligibility for the program is determined shall be the maximum period permitted under federal law.

d. The commissioner shall establish procedures for determining eligibility, which shall include, at a minimum, the following enrollment simplification practices:

(1) A streamlined application form as established pursuant to subsection k. of this section;

(2) Require new applicants to submit no more than one recent pay stub from the applicant's employer, or, if the applicant has more than one employer, no more than one from each of the applicant's employers, to verify income. In the event the applicant cannot provide a recent pay stub, the applicant may submit another form of income verification as deemed appropriate by the commissioner. If an applicant does not submit income verification in a timely manner, before determining the applicant ineligible for the program, the commissioner shall seek to verify the applicant's income by reviewing available Department of the Treasury or Department of Labor and Workforce Development records concerning the applicant, or such other records as the commissioner determines appropriate.

The commissioner may establish such retrospective auditing or income verification procedures as he deems appropriate, such as sample auditing and matching reported income with records of the Department of the Treas-

ury or the Department of Labor and Workforce Development or such other records as the commissioner determines appropriate.

If the commissioner elects to match reported income with confidential records of the Department of the Treasury, the commissioner shall require an applicant to provide written authorization for the Division of Taxation in the Department of the Treasury to release applicable tax information to the commissioner for the purposes of establishing income eligibility for the program. The authorization, which shall be included on the program application form, shall be developed by the commissioner, in consultation with the State Treasurer;

(3) Online enrollment and renewal, in addition to enrollment and renewal by mail. The online enrollment and renewal forms shall include electronic links to other State and federal health and social services programs;

(4) Continuous enrollment;

(5) Simplified renewal by sending an enrollee a preprinted renewal form and requiring the enrollee to sign and return the form, with any applicable changes in the information provided in the form, no later than 30 days after the date the enrollee's annual eligibility expires. The commissioner may establish such auditing or income verification procedures as he deems appropriate, as provided in paragraph (2) of this subsection; and

(6) Provision of program eligibility-identification cards that are issued no more frequently than once a year.

e. The commissioner shall take, or cause to be taken, any action necessary to secure for the State the maximum amount of federal financial participation available with respect to the program, subject to the constraints of fiscal responsibility and within the limits of available funding in any fiscal year. In this regard, notwithstanding the definition of "qualified applicant," the commissioner may enroll in the program such children or their parents or caretakers who may otherwise be eligible for the Medicaid program in order to maximize use of federal funds that may be available pursuant to 42 U.S.C. s.1397aa et seq.

f. Subject to federal approval, a child shall be determined ineligible for the program if the child was voluntarily disenrolled from employer-sponsored group insurance coverage within six months prior to application to the program.

g. The commissioner shall provide, by regulation, for presumptive eligibility for the program in accordance with the following provisions:

(1) A child who presents himself for treatment at a general hospital, federally qualified or community health center, local health department that provides primary care, or other State licensed community-based primary

care provider shall be deemed presumptively eligible for the program if a preliminary determination by hospital, health center, local health department or licensed health care provider staff indicates that the child meets program eligibility standards and is a member of a household with an income that does not exceed 350% of the poverty level;

(2) The provisions of paragraph (1) of this subsection shall also apply to a child who is deemed presumptively eligible for Medicaid coverage pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.);

(3) The parent or caretaker of a child deemed presumptively eligible pursuant to this subsection shall be required to submit a completed application for the program no later than the end of the month following the month in which presumptive eligibility is determined;

(4) A child shall be eligible to receive all services covered by the program during the period in which the child is presumptively eligible; and

(5) The commissioner may, by regulation, establish a limit on the number of times a child may be deemed presumptively eligible for NJ FamilyCare.

h. The commissioner, in consultation with the Commissioner of Education, shall administer an ongoing enrollment initiative to provide outreach to children throughout the State who may be eligible for the program.

(1) With respect to school-age children, the commissioner, in consultation with the Commissioner of Education and the Secretary of Agriculture, shall develop a form that provides information about the NJ FamilyCare and Medicaid programs and provides an opportunity for the parent or guardian who signs the school lunch application form to give consent for information to be shared with the Department of Human Services for the purpose of determining eligibility for the programs. The form shall be attached to, included with, or incorporated into, the school lunch application form.

The commissioner, in consultation with the Commissioner of Education, shall establish procedures for schools to transmit information attached to, included with, or provided on the school lunch application form regarding the NJ FamilyCare and Medicaid programs to the Department of Human Services, in order to enable the department to determine eligibility for the programs.

(2) The commissioner or the Commissioner of Education, as applicable, shall:

(a) make available to each elementary and secondary school, licensed child care center, registered family day care home, unified child care agency, local health department that provides primary care, and community-based primary care provider, informational materials about the pro-

gram, including instructions for applying online or by mail, as well as copies of the program application form.

The entity shall make the informational and application materials available, upon request, to persons interested in the program; and

(b) request each entity to distribute a notice at least annually, as developed by the commissioner, to households of children attending or receiving its services or care, informing them about the program and the availability of informational and application materials. In the case of elementary and secondary schools, the information attached to, included with, or incorporated into, the school lunch application form for school-age children pursuant to this subparagraph shall be deemed to meet the requirements of this paragraph.

i. Subject to federal approval, the commissioner shall, by regulation, establish that in determining income eligibility for a child, any gross family income above 200% of the poverty level, up to a maximum of 350% of the poverty level, shall be disregarded.

j. The commissioner shall establish a NJ FamilyCare coverage buy-in program through which a parent or caretaker whose family income exceeds 350% of the poverty level may purchase coverage under NJ FamilyCare for a child under the age of 19, who is uninsured and was not voluntarily disenrolled from employer-sponsored group insurance coverage within six months prior to application to the program. The program shall be known as NJ FamilyCare Advantage.

The commissioner shall establish the premium and cost sharing amounts required to purchase coverage, except that the premium shall not exceed the amount the program pays per month to a managed care organization under NJ FamilyCare for a child of comparable age whose family income is between 200% and 350% of the poverty level, plus a reasonable processing fee.

k. The commissioner, in consultation with the Rutgers Center for State Health Policy, shall develop a streamlined application form for the NJ FamilyCare and Medicaid programs.

l. Subject to federal approval, the Commissioner of Human Services shall establish a hardship waiver for part or all of the premium for an eligible child under the NJ FamilyCare program. A parent or caretaker may apply to the commissioner for a hardship waiver in a manner and form established by the commissioner. If the parent or caretaker can demonstrate to the satisfaction of the commissioner, pursuant to regulations adopted by the commissioner, that payment of all or part of the premium for the parent or caretaker's child presents a hardship, the commissioner shall grant the waiver for a prescribed period of time.

C.30:4J-11.1 Application for waiver.

5. The Commissioner of Human Services shall apply for such waivers as may be necessary to implement the provisions of section 4 of P.L.2005, c.156 (C.30:4J-11) and to secure federal financial participation for NJ FamilyCare expenditures under the State Children's Health Insurance Program pursuant to 42 U.S.C.s.1397aa et seq.

C.26:2H-18.59j Charity claims by hospital, eligibility.

6. Notwithstanding the provisions of section 3 of P.L.2004, c.113 (C.26:2H-18.59i) to the contrary, a hospital shall not submit charity care claims to the Department of Health and Senior Services for health care services provided to a child under 19 years of age who presents at a hospital for emergency care and who may be deemed presumptively eligible for NJ FamilyCare coverage pursuant to P.L.2005, c.156 (C.30:4J-8 et al.) or Medicaid coverage pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

C.54A:8-6.2 Status of health care coverage, question on the New Jersey Gross Income Tax return, determination of eligibility; definitions.

7. a. Beginning with the 2008 tax year and for each tax year thereafter, the Department of the Treasury shall require that each individual who files a resident New Jersey Gross Income Tax return indicate on the taxpayer's income tax return whether the taxpayer and dependents, if applicable, has health insurance coverage on the date of filing of the return.

b. The department shall transmit to the Department of Human Services information permitting the Department of Human Services to identify taxpayers who are uninsured and may be eligible to enroll in the Medicaid or NJ FamilyCare program. The Department of Human Services shall use this information in furtherance of its Medicaid and NJ FamilyCare outreach and enrollment initiative established pursuant to section 26 of P.L.2008, c.38 (C.30:4J-18).

c. As used in this section:

"Medicaid" means the New Jersey Medical Assistance and Health Services Program established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

"NJ FamilyCare" or "program" means the NJ FamilyCare Program established pursuant to P.L.2005, c.156 (C.30:4J-8 et al.).

8. R.S.54:50-9 is amended to read as follows:

Certain officers entitled to examine records.

54:50-9. Nothing herein contained shall be construed to prevent:

a. The delivery to a taxpayer or the taxpayer's duly authorized representative of a copy of any report or any other paper filed by the taxpayer pursuant to the provisions of this subtitle or of any such State tax law;

b. The publication of statistics so classified as to prevent the identification of a particular report and the items thereof;

c. The director, in the director's discretion and subject to reasonable conditions imposed by the director, from disclosing the name and address of any licensee under any State tax law, unless expressly prohibited by such State tax law;

d. The inspection by the Attorney General or other legal representative of this State of the reports or files relating to the claim of any taxpayer who shall bring an action to review or set aside any tax imposed under any State tax law or against whom an action or proceeding has been instituted in accordance with the provisions thereof;

e. The examination of said records and files by the Comptroller, State Auditor or State Commissioner of Finance, or by their respective duly authorized agents;

f. The furnishing, at the discretion of the director, of any information contained in tax reports or returns or any audit thereof or the report of any investigation made with respect thereto, filed pursuant to the tax laws, to the taxing officials of any other state, the District of Columbia, the United States and the territories thereof, providing said jurisdictions grant like privileges to this State and providing such information is to be used for tax purposes only;

g. The furnishing, at the discretion of the director, of any material information disclosed by the records or files to any law enforcing authority of this State who shall be charged with the investigation or prosecution of any violation of the criminal provisions of this subtitle or of any State tax law;

h. The furnishing by the director to the State agency responsible for administering the Child Support Enforcement program pursuant to Title IV-D of the federal Social Security Act, Pub.L.93-647 (42 U.S.C. s.651 et seq.), with the names, home addresses, social security numbers and sources of income and assets of all absent parents who are certified by that agency as being required to pay child support, upon request by the State agency and pursuant to procedures and in a form prescribed by the director;

i. The furnishing by the director to the Board of Public Utilities any information contained in tax information statements, reports or returns or any audit thereof or a report of any investigation made with respect thereto, as may be necessary for the administration of P.L.1991, c.184 (C.54:30A-18.6 et al.) and P.L.1997, c.162 (C.54:10A-5.25 et al.);

j. The furnishing by the director to the Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety any information contained in tax information statements, reports or returns or any audit thereof or a report of any investigation made with respect thereto, as may be relevant, in the discretion of the director, in any proceeding conducted for the issuance, suspension or revocation of any license authorized pursuant to Title 33 of the Revised Statutes;

k. The inspection by the Attorney General or other legal representative of this State of the reports or files of any tobacco product manufacturer, as defined in section 2 of P.L.1999, c.148 (C.52:4D-2), for any period in which that tobacco product manufacturer was not or is not in compliance with subsection a. of section 3 of P.L.1999, c.148 (C.52:4D-3), or of any licensed distributor as defined in section 102 of P.L.1948, c.65 (C.54:40A-2), for the purpose of facilitating the administration of the provisions of P.L.1999, c.148 (C.52:4D-1 et seq.);

l. The furnishing, at the discretion of the director, of information as to whether a contractor or subcontractor holds a valid business registration as defined in section 1 of P.L.2001, c.134 (C.52:32-44);

m. The furnishing by the director to a State agency as defined in section 1 of P.L.1995, c.158 (C.54:50-24) the names of licensees subject to suspension for non-payment of State tax indebtedness pursuant to P.L.2004, c.58 (C.54:50-26.1 et al.);

n. The release to the United States Department of the Treasury, Bureau of Financial Management Service, or its successor of relevant taxpayer information for purposes of implementing a reciprocal collection and offset of indebtedness agreement entered into between the State of New Jersey and the federal government pursuant to section 1 of P.L.2006, c.32 (C.54:49-12.7);

o. The examination of said records and files by the Commissioner of Health and Senior Services, the Commissioner of Human Services, the Medicaid Inspector General, or their respective duly authorized agents, pursuant to section 5 of P.L.2007, c.217 (C.26:2H-18.60e), section 3 of P.L.1968, c.413 (C.30:4D-3), or section 5 of P.L.2005, c.156 (C.30:4J-12);

p. The furnishing at the discretion of the director of employer provided wage and tax withholding information contained in tax reports or returns filed pursuant to N.J.S.54A:7-2, 54A:7-4 and 54A:7-7, to the designated municipal officer of a municipality authorized to impose an employer payroll tax pursuant to the provisions of Article 5 (Employer Payroll Tax) of the "Local Tax Authorization Act," P.L.1970, c.326 (C.40:48C-14 et seq.), for the limited purpose of verifying the payroll information reported by employers subject to the employer payroll tax.

9. Section 1 of P.L.1992, c.161 (C.17B:27A-2) is amended to read as follows:

C.17B:27A-2 Definitions.

1. As used in sections 1 through 15, inclusive, of this act:

"Board" means the board of directors of the program.

"Carrier" means any entity subject to the insurance laws and regulations of this State, or subject to the jurisdiction of the commissioner, that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital or health service corporation, or any other entity providing a plan of health insurance, health benefits or health services. For purposes of this act, carriers that are affiliated companies shall be treated as one carrier.

"Church plan" has the same meaning given that term under Title I, section 3 of Pub.L.93-406, the "Employee Retirement Income Security Act of 1974" (29 U.S.C. s.1002 (33)).

"Commissioner" means the Commissioner of Banking and Insurance.

"Community rating" means a rating system in which the premium for all persons covered by a contract is the same, based on the experience of all persons covered by that contract, without regard to age, sex, health status, occupation and geographical location.

"Creditable coverage" means, with respect to an individual, coverage of the individual under any of the following: a group health plan; a group or individual health benefits plan; Part A or Part B of Title XVIII of the federal Social Security Act (42 U.S.C. s.1395 et seq.); Title XIX of the federal Social Security Act (42 U.S.C. s.1396 et seq.), other than coverage consisting solely of benefits under section 1928 of Title XIX of the federal Social Security Act (42 U.S.C.s.1396s); Chapter 55 of Title 10, United States Code (10 U.S.C. s.1071 et seq.); a medical care program of the Indian Health Service or of a tribal organization; a State health plan offered under chapter 89 of Title 5, United States Code (5 U.S.C. s.8901 et seq.); a public health plan as defined by federal regulation; and a health benefits plan under section 5(e) of the "Peace Corps Act" (22 U.S.C. s.2504(e)); or coverage under any other type of plan as set forth by the commissioner by regulation.

Creditable coverage shall not include coverage consisting solely of the following: coverage only for accident or disability income insurance, or any combination thereof; coverage issued as a supplement to liability insurance; liability insurance, including general liability insurance and automobile liability insurance; workers' compensation or similar insurance; automobile

medical payment insurance; credit only insurance; coverage for on-site medical clinics; coverage, as specified in federal regulation, under which benefits for medical care are secondary or incidental to the insurance benefits; and other coverage expressly excluded from the definition of health benefits plan.

"Department" means the Department of Banking and Insurance.

"Dependent" means the spouse, domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3), civil union partner as defined in section 2 of P.L.2006, c.103 (C.37:1-29), or child of an eligible person, subject to applicable terms of the individual health benefits plan.

"Eligible person" means a person who is a resident who is not eligible to be covered under a group health benefits plan, group health plan, governmental plan, church plan, or Part A or Part B of Title XVIII of the Social Security Act (42 U.S.C.s.1395 et seq.).

"Federally defined eligible individual" means an eligible person: (1) for whom, as of the date on which the individual seeks coverage under P.L.1992, c.161 (C.17B:27A-2 et al.), the aggregate of the periods of creditable coverage is 18 or more months; (2) whose most recent prior creditable coverage was under a group health plan, governmental plan, church plan, or health insurance coverage offered in connection with any such plan; (3) who is not eligible for coverage under a group health plan, Part A or Part B of Title XVIII of the Social Security Act (42 U.S.C.s.1395 et seq.), or a State plan under Title XIX of the Social Security Act (42 U.S.C.s.1396 et seq.) or any successor program, and who does not have another health benefits plan, or hospital or medical service plan; (4) with respect to whom the most recent coverage within the period of aggregate creditable coverage was not terminated based on a factor relating to nonpayment of premiums or fraud; (5) who, if offered the option of continuation coverage under the COBRA continuation provision or a similar State program, elected that coverage; and (6) who has elected continuation coverage described in (5) above and has exhausted that continuation coverage.

"Financially impaired" means a carrier which, after the effective date of this act, is not insolvent, but is deemed by the commissioner to be potentially unable to fulfill its contractual obligations, or a carrier which is placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

"Governmental plan" has the meaning given that term under Title I, section 3 of Pub.L.93-406, the "Employee Retirement Income Security Act of 1974" (29 U.S.C.s.1002(32)) and any governmental plan established or

maintained for its employees by the Government of the United States or by any agency or instrumentality of that government.

"Group health benefits plan" means a health benefits plan for groups of two or more persons.

"Group health plan" means an employee welfare benefit plan, as defined in Title I, section 3 of Pub.L.93-406, the "Employee Retirement Income Security Act of 1974" (29 U.S.C. s.1002 (1)), to the extent that the plan provides medical care, and including items and services paid for as medical care to employees or their dependents directly or through insurance, reimbursement, or otherwise.

"Health benefits plan" means a hospital and medical expense insurance policy; health service corporation contract; hospital service corporation contract; medical service corporation contract; health maintenance organization subscriber contract; or other plan for medical care delivered or issued for delivery in this State. For purposes of this act, health benefits plan shall not include one or more, or any combination of, the following: coverage only for accident, or disability income insurance, or any combination thereof; coverage issued as a supplement to liability insurance; liability insurance, including general liability insurance and automobile liability insurance; stop loss or excess risk insurance; workers' compensation or similar insurance; automobile medical payment insurance; credit-only insurance; coverage for on-site medical clinics; and other similar insurance coverage, as specified in federal regulations, under which benefits for medical care are secondary or incidental to other insurance benefits. Health benefits plan shall not include the following benefits if they are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of the plan: limited scope dental or vision benefits; benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof; and such other similar, limited benefits as are specified in federal regulations. Health benefits plan shall not include hospital confinement indemnity coverage if the benefits are provided under a separate policy, certificate or contract of insurance, there is no coordination between the provision of the benefits and any exclusion of benefits under any group health benefits plan maintained by the same plan sponsor, and those benefits are paid with respect to an event without regard to whether benefits are provided with respect to such an event under any group health plan maintained by the same plan sponsor. Health benefits plan shall not include the following if it is offered as a separate policy, certificate or contract of insurance: Medicare supplemental health insurance as defined under section 1882(g)(1) of the federal Social Security Act (42 U.S.C.s.1395ss(g)(1)); and coverage sup-

plemental to the coverage provided under chapter 55 of Title 10, United States Code (10 U.S.C. s.1071 et seq.); and similar supplemental coverage provided to coverage under a group health plan.

"Health status-related factor" means any of the following factors: health status; medical condition, including both physical and mental illness; claims experience; receipt of health care; medical history; genetic information; evidence of insurability, including conditions arising out of acts of domestic violence; and disability.

"Individual health benefits plan" means: a. a health benefits plan for eligible persons and their dependents; and b. a certificate issued to an eligible person which evidences coverage under a policy or contract issued to a trust or association, regardless of the situs of delivery of the policy or contract, if the eligible person pays the premium and is not being covered under the policy or contract pursuant to continuation of benefits provisions applicable under federal or State law.

Individual health benefits plan shall not include a certificate issued under a policy or contract issued to a trust, or to the trustees of a fund, which trust or fund is an employee welfare benefit plan, to the extent the "Employee Retirement Income Security Act of 1974" (29 U.S.C. s.1001 et seq.) preempts the application of P.L.1992, c.161 (C.17B:27A-2 et al.) to that plan.

"Medicaid" means the Medicaid program established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

"Medical care" means amounts paid: (1) for the diagnosis, care, mitigation, treatment, or prevention of disease, or for the purpose of affecting any structure or function of the body; and (2) transportation primarily for and essential to medical care referred to in (1) above.

"Member" means a carrier that issues or has in force health benefits plans in New Jersey. Member shall not include a carrier whose combined average Medicare, Medicaid, and NJ FamilyCare enrollment represents more than 75% of its average total enrollment for all health benefits plans or whose combined Medicare, Medicaid, and NJ FamilyCare net earned premium for the two-year calculation period represents more than 75% of its total net earned premium for the two-year calculation period.

"Modified community rating" means a rating system in which the premium for all persons covered under a policy or contract for a specific health benefits plan and a specific date of issue of that plan is the same without regard to sex, health status, occupation, geographical location or any other factor or characteristic of covered persons, other than age.

The rating system shall provide that the premium rate charged by the carrier for the highest rated individual or class of individuals shall not be

greater than 350% of the premium rate charged for the lowest rated individual or class of individuals purchasing the same individual health benefits plan. The rate differential among the premium rates charged to individuals covered under the same individual health benefits plans shall be based on the actual or expected experience of persons covered under that plan; provided, however, that the rate differential may also be based upon age. The factors upon which the rate differential is applied shall be consistent with regulations promulgated by the commissioner, which shall include age classifications established, at a minimum, in five-year increments. There may be a reasonable differential among the premium rates charged for different family structure rating tiers within an individual health benefits plan or for different health benefits plans offered by the carrier.

"Net earned premium" means the premiums earned in this State on health benefits plans, less return premiums thereon and dividends paid or credited to policy or contract holders on the health benefits plan business. Net earned premium shall include the aggregate premiums earned on the carrier's insured group and individual business and health maintenance organization business, including premiums from any Medicare, Medicaid, or NJ FamilyCare contracts with the State or federal government, but shall not include premiums earned from contracts funded pursuant to the "Federal Employee Health Benefits Act of 1959," 5 U.S.C. ss.8901-8914, any excess risk or stop loss insurance coverage issued by a carrier in connection with any self insured health benefits plan, or Medicare supplement policies or contracts.

"NJ FamilyCare" means the NJ FamilyCare Program established pursuant to P.L.2005, c.156 (C.30:4J-8 et al.).

"Non-group person life year" means coverage of a person for 12 months by an individual health benefits plan or conversion policy or contract subject to P.L.1992, c.161 (C.17B:27A-2 et al.), Medicare cost or risk contract or Medicaid contract.

"Open enrollment" means the offering of an individual health benefits plan to any eligible person on a guaranteed issue basis, pursuant to procedures established by the board.

"Plan of operation" means the plan of operation of the program adopted by the board pursuant to this act.

"Plan sponsor" shall have the meaning given that term under Title I, section 3 of Pub.L.93-406, the "Employee Retirement Income Security Act of 1974" (29 U.S.C. s.1002 (16)(B)).

"Preexisting condition" means a condition that, during a specified period of not more than six months immediately preceding the effective date of coverage, had manifested itself in such a manner as would cause an ordi-

narily prudent person to seek medical advice, diagnosis, care or treatment, or for which medical advice, diagnosis, care or treatment was recommended or received as to that condition or as to a pregnancy existing on the effective date of coverage.

"Program" means the New Jersey Individual Health Coverage Program established pursuant to this act.

"Resident" means a person whose primary residence is in New Jersey and who is present in New Jersey for at least six months of the calendar year, or, in the case of a person who has moved to New Jersey less than six months before applying for individual health coverage, who intends to be present in New Jersey for at least six months of the calendar year.

"Two-year calculation period" means a two calendar year period, the first of which shall begin January 1, 1997 and end December 31, 1998.

10. Section 2 of P.L.1992, c.161 (C.17B:27A-3) is amended to read as follows:

C.17B:27A-3 Individual health benefits plans, applicability of act.

2. a. An individual health benefits plan issued on or after the effective date of this section of P.L.2008, c.38 shall be subject to the rating provisions established in P.L.2008, c.38; except that for the four years next following the effective date of this section, in the case of a person who is 55 years of age or older who purchases a health benefits plan on or after that effective date, the annual rate increase for that person shall be limited to the lower of 15% or the medical trend assumption used by the carrier to project claims.

In the case of an individual health benefits plan issued to a covered person prior to the effective date of P.L.2008, c.38 and renewed thereafter, for the four years next following that effective date, the annual rate increase filed for the plan shall be limited to the lower of 15% or the medical trend assumption used by the carrier to project claims.

b. (1) An individual health benefits plan issued on an open enrollment, modified community rated basis or community rated basis prior to August 1, 1993 shall not be subject to sections 3 through 8, inclusive, of P.L.1992, c.161 (C.17B:27A-4 through 17B:27A-9), unless otherwise specified therein.

(2) An individual health benefits plan issued other than on an open enrollment basis prior to August 1, 1993 shall not be subject to the provisions of this act, except that the plan shall be liable for assessments made pursuant to section 11 of P.L.1992, c.161 (C.17B:27A-12).

(3) A group conversion contract or policy issued prior to August 1, 1993 that is not issued on a modified community rated basis or community rated basis, shall not be subject to the provisions of this act, except that the contract or policy shall be liable for assessments made pursuant to section 11 of P.L.1992, c.161 (C.17B:27A-12).

(4) Notwithstanding any other provision of law to the contrary, an individual health benefits plan issued by a hospital service corporation or medical service corporation prior to the effective date of P.L.1997, c.146 (C.17B:27-54 et al.) shall not be subject to the provisions of P.L.1992, c.161 (C.17B:27A-2 et al.), except that the plan shall guarantee renewal pursuant to subsection b. of section 5 of P.L.1992, c.161 (C.17B:27A-6).

(5) Notwithstanding any other provision of law to the contrary, an individual health benefits plan issued by a hospital service corporation or medical service corporation to an eligible person or federally defined eligible individual after the effective date of P.L.1997, c.146 (C.17B:27-54 et al.) shall comply with the provisions of subsections c. and d. of section 2, subsection b. of section 3, section 5, subsection b. of section 6, and subsections c., d., and e. of section 8 of P.L.1992, c.161 (C.17B:27A-3, C.17B:27A-4, 17B:27A-6, 17B:27A-7, and 17B:27A-9), but shall not be subject to the remaining provisions of P.L.1992, c. 161.

c. After August 1, 1993, an individual who is eligible to participate in a group health benefits plan that provides coverage for hospital or medical expenses shall not be covered by an individual health benefits plan which provides benefits for hospital and medical expenses that are the same or similar to coverage provided in the group health benefits plan, except that an individual who is eligible to participate in a group health benefits plan but is currently covered by an individual health benefits plan may continue to be covered by that plan until the first anniversary date of the group health benefits plan occurring on or after January 1, 1994.

d. Except as otherwise provided in subsection c. of this section, after August 1, 1993, a person who is covered by an individual health benefits plan who is a participant in, or is eligible to participate in, a group health benefits plan that provides the same or similar coverage as the individual health benefits plan, and a person, including an employer or insurance producer, who causes another person to be covered by an individual health benefits plan which person is a participant in, or who is eligible to participate in a group health benefits plan that provides the same or similar coverage as the individual health benefits plan, shall be subject to a fine by the commissioner in an amount not less than twice the annual premium paid for the individual health benefits plan, together with any other penalties permitted by law.

e. (Deleted by amendment, P.L.1997, c.146).

11. Section 3 of P.L.1992, c.161 (C.17B:27A-4) is amended to read as follows:

C.17B:27A-4 Offering of individual health benefits required by issuer of small employer health benefits plans.

3. a. No later than 180 days after the effective date of this section of P.L.2008, c.38, a carrier shall, as a condition of issuing small employer health benefits plans in this State, also offer individual health benefits plans. The plans shall be offered on an open enrollment, modified community rated basis, pursuant to the provisions of this act and P.L.2008, c.38. Every carrier that issues small employer health benefits plans pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.) shall make a good faith effort to market individual health benefits plans.

b. A carrier shall offer to an eligible person a choice of at least three individual health benefits plans established by the board pursuant to section 6 of P.L.1992, c.161 (C.17B:27A-7). One plan shall be a basic health benefits plan. A carrier may elect to convert any individual contract or policy forms in force on the effective date of P.L.2008, c.38 to any of the benefit plans, except that the carrier may not convert more than 25% of existing contracts or policies each year, and the replacement plan shall be of no less actuarial value than the policy or contract being replaced.

Notwithstanding the provisions of this subsection to the contrary, a health maintenance organization which is a qualified health maintenance organization pursuant to the "Health Maintenance Organization Act of 1973," Pub.L.93-222 (42 U.S.C. s.300e et seq.) shall be permitted to offer a basic health benefits plan in accordance with the provisions of that law in lieu of the plans required pursuant to this subsection.

c. (1) A basic health benefits plan shall provide the benefits set forth in section 55 of P.L.1991, c.187 (C.17:48E-22.2), section 57 of P.L.1991, c.187 (C.17B:26B-2) or section 59 of P.L.1991, c.187 (C.26:2J-4.3), as the case may be.

(2) Notwithstanding the provisions of this subsection or any other law to the contrary, a carrier may, with the approval of the board, modify the coverage provided for in sections 55, 57, and 59 of P.L.1991, c.187 (C.17:48E-22.2, 17B:26B-2 and 26:2J-4.3, respectively) or provide alternative benefits or services from those required by this subsection if they are within the intent of this act or if the board changes the benefits included in the basic health benefits plan.

(3) A contract or policy for a basic health benefits plan provided for in this section may contain or provide for coinsurance or deductibles, or both, except that no deductible shall be payable in excess of a total of $250 by an individual or $500 by a family unit during any benefit year; and no coinsurance shall be payable in excess of a total of $500 by an individual or by a family unit during any benefit year.

(4) Notwithstanding the provisions of paragraph (3) of this subsection or any other law to the contrary, a carrier may provide for increased deductibles or coinsurance for a basic health benefits plan if approved by the board or if the board increases deductibles or coinsurance included in the basic health benefits plan.

(5) The provisions of section 13 of P.L.1985, c.236 (C.17:48E-13), N.J.S.17B:26-1, and section 8 of P.L.1973, c.337 (C.26:2J-8) with respect to the filing of policy forms shall not apply to health plans issued on or after the effective date of this act.

(6) The provisions of section 27 of P.L.1985, c.236 (C.17:48E-27) and section 7 of P.L.1988, c.71 (C.17:48E-27.1) with respect to rate filings shall not apply to individual health plans issued on or after the effective date of this act.

d. Every group conversion contract or policy issued after the effective date of this act shall be issued pursuant to this section; except that this requirement shall not apply to any group conversion contract or policy in which a portion of the premium is chargeable to, or subsidized by, the group policy from which the conversion is made.

e. (Deleted by amendment, P.L.2008, c.38).

f. In addition to the rider packages provided for in subsection c. of section 6 of P.L.1992, c.161 (C.17B:27A-7), every carrier may offer, in connection with the health benefits plans required to be offered by this section, any number of riders which may add benefits or increase the actuarial value of any of the plans. Any such rider or amendment thereof shall be filed with the board for informational purposes before the rider may be sold. The added premium for each rider shall be listed separately from the premium for the standard plan.

The commissioner shall disapprove any rider filed pursuant to this subsection that is unjust, unfair, inequitable, unreasonably discriminatory, misleading, contrary to law or the public policy of this State. The commissioner's determination shall be in writing and shall be appealable.

12. Section 2 of P.L.2001, c.368 (C.17B:27A-4.5) is amended to read as follows:

C.17B:27A-4.5 Carrier offering plans pursuant to C.17B:27A-2 et seq. to offer EPO; coverages.

2. a. Notwithstanding the provisions of P.L.1992, c.161 (C.17B:27A-2 et al.), every carrier that writes individual health benefits plans pursuant to P.L.1992, c.161 shall offer a health benefits plan in the individual health insurance market that includes only the coverages enumerated in this section, as follows:

90 days hospital room and board - $500 copayment per hospital stay;
Outpatient and ambulatory surgery - $250 copayment per surgery;
Physicians' fees connected with hospital care, including general acute care and surgery;
Physicians' fees connected with outpatient and ambulatory surgery;
Anesthesia and the administration of anesthesia;
Coverage for newborns;
Treatment for complications of pregnancy;
Intravenous solutions, blood and blood plasma;
Oxygen and the administration of oxygen;
Radiation and x-ray therapy;
Inpatient physical therapy and hydrotherapy;
Outpatient physical therapy - 30 visits annually per covered person- $20 copayment per treatment;
Dialysis - inpatient or outpatient;
Inpatient diagnostic tests and $500 annual aggregate per covered person for out-of-hospital diagnostic tests;
Laboratory fees for treatment in hospital;
Delivery room fees;
Operating room fees;
Special care unit;
Treatment room fees;
Emergency room services for medically necessary treatment - $100 copayment per visit;
Pharmaceuticals dispensed in hospital;
Dressings;
Splints;
Treatment for biologically-based mental illness, as defined in subsection a. of section 6 of P.L.1999, c.106 (C.17B:27A-7.5) - 90 days inpatient with no coinsurance - $500 copayment per inpatient stay, 30 days outpatient with 30% coinsurance;
Alcohol and Substance Abuse Treatment - 30 days inpatient or outpatient - 30% coinsurance;

Childhood immunizations in accordance with the provisions of subsection b. of section 7 of P.L.1995, c.316 (C.26:2-137.1) and adult immunizations;
Wellness benefit - $600 annual aggregate per covered person, $50 annual deductible, 20% coinsurance per service; and
Physicians visits for diagnosed illness or injury - to a $700 annual aggregate per covered person.

b. A carrier shall offer the benefits on an indemnity basis, with the option that: (1) coverage is restricted to health care providers in the carrier's network, including an exclusive provider organization, or the carrier's preferred provider organization; or (2) coverage is provided through health care providers in the carrier's network or preferred provider organization with an out-of-network option with 30% coinsurance in addition to whatever other coinsurance may be applicable under the policy.

c. With respect to all policies or contracts issued pursuant to this section, the premium rate charged by a carrier to the highest rated individual or class of individuals shall not be greater than 350% of the premium rate charged for the lowest rated individual or class of individuals purchasing this health benefits plan, provided, however, that the only factors upon which the rate differential may be based are age, gender, and geography. Rates applicable to policies or contracts issued pursuant to this section shall reflect past and prospective loss experience for benefits included in such policies or contracts, and shall be formulated in a manner that does not result in an unfair subsidization of rates applicable to policies issued pursuant to the provisions of P.L.1992, c.161 (C.17B:27A-2 et seq.) as the result of differences in levels of benefits offered.

d. Carriers may offer enhanced or additional benefits for an additional premium amount in the form of a rider or riders, each of which shall be comprised of a combination of enhanced or additional benefits, in a manner which will avoid adverse selection to the extent possible.

e. The provisions of P.L.1992, c.161 (C.17B:27A-2 et al.) shall apply to this section to the extent that they are not contrary to the provisions of this section, including but not limited to, provisions relating to preexisting conditions, guaranteed issue, and calculation of loss ratio.

f. No later than one year following enactment of this act, every carrier shall make an informational filing with the commissioner, which shall include the policy form, the premiums to be charged for the coverage, and the anticipated loss ratio. If the commissioner has not disapproved the form within 30 days, the form shall be deemed approved.

g. Every carrier that writes individual health benefits plans pursuant to P.L.1992, c.161 (C.17B:27A-2 et al.) shall make available and shall

make a good faith effort to market the contract or policy established pursuant to this section. A carrier who is in violation of this section shall be subject to the provisions of N.J.S.17B:30-1.

13. Section 4 of P.L.2001, c.368 (C.17B:27A-4.7) is amended to read as follows:

C.17B:27A-4.7 Carrier offering plans pursuant to C.17B:27A-2 et seq. may offer additional plan with certain limited benefits.

4. In addition to the health benefits plans offered by a carrier on the effective date of this act, a carrier that writes individual health benefits plans pursuant to P.L.1992, c.161 (C.17B:27A-2 et al.) may also offer one or more of the plans through the carrier's network of providers, with no reimbursement for any out-of-network benefits other than emergency care, urgent care, and continuity of care. A carrier's network of providers shall be subject to review and approval or disapproval by the Commissioner of Banking and Insurance, in consultation with the Commissioner of Health and Senior Services, pursuant to regulations promulgated by the Department of Banking and Insurance, including review and approval or disapproval before plans with benefits provided through a carrier's network of providers pursuant to this section may be offered by the carrier. Policies or contracts written on this basis shall be rated in a separate rating pool for the purposes of establishing a premium, but for the purpose of determining a carrier's losses, these policies or contracts shall be aggregated with the losses on the carrier's other business written pursuant to the provisions of P.L.1992, c.161 (C.17B:27A-2 et al.).

14. Section 5 of P.L.1992, c.161 (C.17B:27A-6) is amended to read as follows:

C.17B:27A-6 Individual health benefits plans, requirements.

5. An individual health benefits plan issued pursuant to section 3 of this act is subject to the following provisions:

a. The health benefits plan shall guarantee coverage for an eligible person and his dependents on a modified community rated basis.

b. A health benefits plan shall be renewable with respect to an eligible person and his dependents at the option of the policy or contract holder. A carrier may terminate a health benefits plan under the following circumstances:

(1) the policy or contract holder has failed to pay premiums in accordance with the terms of the policy or contract or the carrier has not received timely premium payments;

(2) the policy or contract holder has performed an act or practice that constitutes fraud or made an intentional misrepresentation of material fact under the terms of the coverage.

c. A carrier may not renew a health benefits plan only under the following circumstances:

(1) termination of eligibility of the policy or contract holder if the person is no longer a resident or becomes eligible for a group health benefits plan, group health plan, governmental plan or church plan;

(2) cancellation or amendment by the board of the specific individual health benefits plan;

(3) approval by the commissioner of a request by the individual carrier to not renew a particular type of health benefits plan, in accordance with rules adopted by the commissioner. After receiving approval by the commissioner, a carrier may not renew a type of health benefits plan only if the carrier: (a) provides notice to each covered individual provided coverage of this type of the nonrenewal at least 90 days prior to the date of the nonrenewal of the coverage; (b) offers to each individual provided coverage of this type the option to purchase any other individual health benefits plan currently being offered by the carrier; and (c) in exercising the option to not renew coverage of this type and in offering coverage as required under (b) above, the carrier acts uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for coverage;

(4) approval by the commissioner of a request by the individual carrier to cease doing business in the individual health benefits market. A carrier may not renew all individual health benefits plans only if the carrier: (a) first receives approval from the commissioner; and (b) provides notice to each individual of the nonrenewal at least 180 days prior to the date of the expiration of such coverage. A carrier ceasing to do business in the individual health benefits market may not provide for the issuance of any health benefits plan in the individual or small employer markets during the five-year period beginning on the date of the termination of the last health benefits plan not so renewed; and

(5) In the case of a health benefits plan made available by a health maintenance organization carrier, the carrier shall not be required to renew coverage to an eligible individual who no longer resides, lives, or works in the service area, or in an area for which the carrier is authorized to do business, but only if coverage is terminated under this paragraph uniformly without regard to any health status-related factor of covered individuals.

15. Section 6 of P.L.1992, c.161 (C.17B:27A-7) is amended to read as follows:

C.17B:27A-7 Establishment of policy; contract forms; high deductible health plan; benefit levels.

6. The commissioner shall approve the policy and contract forms and benefit levels to be made available by all carriers for the health benefits plans required to be issued pursuant to section 3 of P.L.1992, c.161 (C.17B:27A-4), and shall adopt such modifications to one or more plans as the board determines are necessary to make available a "high deductible health plan" or plans consistent with section 301 of Title III of the "Health Insurance Portability and Accountability Act of 1996," Pub.L.104-191 (26 U.S.C. s.220), regarding tax-deductible medical savings accounts, within 60 days after the enactment of P.L.1997, c.414 (C.54A:3-4 et al.). The commissioner shall provide the board with an informational filing of the policy and contract forms and benefit levels it approves.

a. The individual health benefits plans established by the board may include cost containment measures such as, but not limited to: utilization review of health care services, including review of medical necessity of hospital and physician services; case management benefit alternatives; selective contracting with hospitals, physicians, and other health care providers; and reasonable benefit differentials applicable to participating and nonparticipating providers; and other managed care provisions.

b. An individual health benefits plan offered pursuant to section 3 of P.L.1992, c.161 (C.17B:27A-4) shall contain a limitation of no more than 12 months on coverage for preexisting conditions. An individual health benefits plan offered pursuant to section 3 of P.L.1992, c.161 (C.17B:27A-4) shall not contain a preexisting condition limitation of any period under the following circumstances:

(1) to an individual who has, under creditable coverage, with no intervening lapse in coverage of more than 31 days, been treated or diagnosed by a physician for a condition under that plan or satisfied a 12-month preexisting condition limitation; or

(2) to a federally defined eligible individual who applies for an individual health benefits plan within 63 days of termination of the prior coverage.

c. In addition to the standard individual health benefits plans provided for in section 3 of P.L.1992, c.161 (C.17B:27A-4), the board may develop up to five rider packages. Premium rates for the rider packages shall be determined in accordance with section 8 of P.L.1992, c.161 (C.17B:27A-9).

d. After the board's establishment of the individual health benefits plans required pursuant to section 3 of P.L.1992, c.161 (C.17B:27A-4), and notwithstanding any law to the contrary, a carrier shall file the policy or contract forms with the commissioner and certify to the commissioner that the

health benefits plans to be used by the carrier are in substantial compliance with the provisions in the corresponding approved plans. The certification shall be signed by the chief executive officer of the carrier. Upon receipt by the commissioner of the certification, the certified plans may be used until the commissioner, after notice and hearing, disapproves their continued use.

e. Effective immediately for an individual health benefits plan issued on or after the effective date of P.L.2005, c.248 (C.17:48E-35.27 et al.) and effective on the first 12-month anniversary date of an individual health benefits plan in effect on the effective date of P.L.2005, c.248 (C.17:48E-35.27 et al.), the individual health benefits plans required pursuant to section 3 of P.L.1992, c.161 (C.17B:27A-4), including any plan offered by a federally qualified health maintenance organization, shall contain benefits for expenses incurred in the following:

(1) Screening by blood lead measurement for lead poisoning for children, including confirmatory blood lead testing as specified by the Department of Health and Senior Services pursuant to section 7 of P.L.1995, c.316 (C.26:2-137.1); and medical evaluation and any necessary medical follow-up and treatment for lead poisoned children.

(2) All childhood immunizations as recommended by the Advisory Committee on Immunization Practices of the United States Public Health Service and the Department of Health and Senior Services pursuant to section 7 of P.L.1995, c.316 (C.26:2-137.1). A carrier shall notify its insureds, in writing, of any change in the health care services provided with respect to childhood immunizations and any related changes in premium. Such notification shall be in a form and manner to be determined by the Commissioner of Banking and Insurance.

(3) Screening for newborn hearing loss by appropriate electrophysiologic screening measures and periodic monitoring of infants for delayed onset hearing loss, pursuant to P.L.2001, c.373 (C.26:2-103.1 et al.). Payment for this screening service shall be separate and distinct from payment for routine new baby care in the form of a newborn hearing screening fee as negotiated with the provider and facility.

The benefits provided pursuant to this subsection shall be provided to the same extent as for any other medical condition under the health benefits plan, except that a deductible shall not be applied for benefits provided pursuant to this subsection; however, with respect to a health benefits plan that qualifies as a high deductible health plan for which qualified medical expenses are paid using a health savings account established pursuant to section 223 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.223), a deductible shall not be applied for any benefits provided pursuant to this subsection that rep-

resent preventive care as permitted by that federal law, and shall not be applied as provided pursuant to section 14 of P.L.2005, c.248 (C.17B:27A-7.11). This subsection shall apply to all individual health benefits plans in which the carrier has reserved the right to change the premium.

f. Effective immediately for a health benefits plan issued on or after the effective date of P.L.2001, c.361 (C.17:48-6z et al.) and effective on the first 12-month anniversary date of a health benefits plan in effect on the effective date of P.L.2001, c.361 (C.17:48-6z et al.), the health benefits plans required pursuant to section 3 of P.L.1992, c.161 (C.17B:27A-4) that provide benefits for expenses incurred in the purchase of prescription drugs shall provide benefits for expenses incurred in the purchase of specialized non-standard infant formulas, when the covered infant's physician has diagnosed the infant as having multiple food protein intolerance and has determined such formula to be medically necessary, and when the covered infant has not been responsive to trials of standard non-cow milk-based formulas, including soybean and goat milk. The coverage may be subject to utilization review, including periodic review, of the continued medical necessity of the specialized infant formula.

The benefits shall be provided to the same extent as for any other prescribed items under the health benefits plan.

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

g. Effective immediately for an individual health benefits plan issued on or after the effective date of P.L.2005, c.248 (C.17:48E-35.27 et al.) and effective on the first 12-month anniversary date of an individual health benefits plan in effect on the effective date of P.L.2005, c.248 (C.17:48E-35.27 et al.), the health benefits plans required pursuant to section 3 of P.L.1992, c.161 (C.17B:27A-4) that qualify as high deductible health plans for which qualified medical expenses are paid using a health savings account established pursuant to section 223 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.223), including any plan offered by a federally qualified health maintenance organization, shall contain benefits for expenses incurred in connection with any medically necessary benefits provided in-network which represent preventive care as permitted by that federal law.

The benefits provided pursuant to this subsection shall be provided to the same extent as for any other medical condition under the health benefits plan, except that a deductible shall not be applied for benefits provided pursuant to this subsection. This subsection shall apply to all individual health benefits plans in which the carrier has reserved the right to change the premium.

16. Section 8 of P.L.1992, c.161 (C.17B:27A-9) is amended to read as follows:

C.17B:27A-9 Determination of rates.

8. a. (Deleted by amendment, P.L.2008, c.38).

b. The board shall make application on behalf of all carriers for any other subsidies, discounts, or funds that may be provided for under State or federal law or regulation. A carrier may include subsidies or funds granted to the board to reduce its premium rates for individual health benefits plans subject to this act.

c. A carrier shall not issue individual health benefits plans on a new contract or policy form pursuant to this act until an informational filing of a full schedule of rates which applies to the contract or policy form has been filed with the commissioner. The commissioner shall provide a copy of the informational filing to the Attorney General and the board.

d. A carrier desiring to increase or decrease premiums for any contract or policy form may implement that increase or decrease upon making an informational filing with the commissioner of that increase or decrease, along with the actuarial assumptions and methods used by the carrier in establishing that increase or decrease. The commissioner may disapprove any informational filing on a finding that it is incomplete and not in substantial compliance with P.L.1992, c.161 (C.17B:27A-2 et al.), or that the rates are inadequate or unfairly discriminatory.

e. (1) Rates shall be formulated on contracts or policies required pursuant to section 3 of this act so that the anticipated minimum loss ratio for a contract or policy form shall not be less than 80% of the premium. The carrier shall submit with its rate filing supporting data, as determined by the commissioner, and a certification by a member of the American Academy of Actuaries, or other individuals in a format acceptable to the commissioner, that the carrier is in compliance with the provisions of this subsection.

(2) Each calendar year, a carrier shall return, in the form of aggregate benefits for all of the policy or contract forms offered by the carrier pursuant to subsection a. of section 3 of P.L.1992, c.161 (C.17:B:27A-4), at least 80% of the aggregate premiums collected for all of the policy or contract forms during that calendar year. Carriers shall annually report, no later than August 1 of each year, the loss ratio calculated pursuant to this section for all of the policy or contract forms for the previous calendar year. In each case in which the loss ratio fails to comply with the 80% loss ratio requirement, the carrier shall issue a dividend or credit against future premiums for all policy or contract holders, as applicable, in an amount sufficient to assure that the

aggregate benefits paid in the previous calendar year plus the amount of the dividends and credits equal 80% of the aggregate premiums collected for the policy or contract forms in the previous calendar year. All dividends and credits shall be distributed by December 31 of the year following the calendar year in which the loss ratio requirements were not satisfied. The annual report required by this subsection shall include a carrier's calculation of the dividends and credits applicable to all policy or contract forms, as well as an explanation of the carrier's plan to issue dividends or credits. The instructions and format for calculating and reporting loss ratios and issuing dividends or credits shall be specified by the commissioner by regulation. Those regulations shall include provisions for the distribution of a dividend or credit in the event of cancellation or termination by a policyholder.

f. (Deleted by amendment, P.L.2008, c.38).

17. Section 10 of P.L.1992, c.161 (C.17B:27A-11) is amended to read as follows:

C.17B:27A-11 Powers, authority of program, board.

10. The program shall have the general powers and authority granted under the laws of New Jersey to insurance companies, health service corporations and health maintenance organizations licensed or approved to transact business in this State, except that the program shall not have the power to issue health benefits plans directly to either groups or individuals.

The board shall have the specific authority to:

a. assess members their proportionate share of program losses and administrative expenses in accordance with the provisions of section 11 of this act, and make advance interim assessments, as may be reasonable and necessary for organizational and reasonable operating expenses and estimated losses. An interim assessment shall be credited as an offset against any regular assessment due following the close of the fiscal year;

b. establish rules, conditions, and procedures pertaining to the sharing of program losses and administrative expenses among the members of the program;

c. (Deleted by amendment, P.L.2008, c.38).

d. define the provisions of individual health benefits plans in accordance with the requirements of this act;

e. enter into contracts which are necessary or proper to carry out the provisions and purposes of this act;

f. establish a procedure for the joint distribution of information on individual health benefits plans issued pursuant to section 3 of this act;

g. establish, at the board's discretion, standards for the application of a means test for individual health benefits plans issued pursuant to section 3 of this act;

h. establish, at the board's discretion, reasonable guidelines for the purchase of new individual health benefits plans by persons who already are enrolled in or insured by another individual health benefits plan;

i. establish minimum requirements for performance standards for carriers that are reimbursed for losses submitted to the program and provide for performance audits from time to time;

j. sue or be sued, including taking any legal actions necessary or proper for recovery of an assessment for, on behalf of, or against the program or a member;

k. appoint from among its members appropriate legal, actuarial, and other committees as necessary to provide technical and other assistance in the operation of the program, in policy and other contract design, and any other function within the authority of the program;

l. borrow money to effect the purposes of the program. Any notes or other evidence of indebtedness of the program not in default shall be legal investments for carriers and may be carried as admitted assets; and

m. contract for an independent actuary and any other professional services the board deems necessary to carry out its duties under P.L.1992, c.161 (C.17B:27A-2 et al.).

18. Section 11 of P.L.1992, c.161 (C.17B:27A-12) is amended to read as follows:

C.17B:27A-12 Procedures for equitable sharing of program losses.

11. The board shall establish procedures for the equitable sharing of program losses among all members in accordance with their total market share as follows:

a. (1) By March 1, 1999, and following the close of each two-year calculation period thereafter, or on a different date established by the board:

(a) every carrier issuing health benefits plans in this State shall file with the board its net earned premium for the preceding two-year calculation period; and

(b) every carrier issuing individual health benefits plans in the State shall file with the board the net earned premium on health benefits plans issued pursuant to paragraph (1) of subsection b. of section 2 and section 3 of this act and the claims paid. If the claims paid for all health benefits plans during the two-year calculation period exceed 115% of the net earned

premium and any investment income thereon for the two-year calculation period, the amount of the excess shall be the net paid loss for the carrier that shall be reimbursable under this act.

(2) Every member shall be liable for an assessment to reimburse carriers issuing individual health benefits plans in this State which sustain net paid losses during the two-year calculation period, unless the member has received an exemption from the board pursuant to subsection d. of this section and has written a minimum number of non-group person life years as provided for in that subsection. The assessment of each member shall be in the proportion that the net earned premium of the member for the two-year calculation period preceding the assessment bears to the net earned premium of all members for the two-year calculation period preceding the assessment. Notwithstanding the provisions of this subsection to the contrary, a medical service corporation or a hospital service corporation shall not be liable for an assessment to reimburse carriers which sustain net paid losses.

(3) A member that is financially impaired may seek from the commissioner a deferment in whole or in part from any assessment issued by the board. The commissioner may defer, in whole or in part, the assessment of the member if, in the opinion of the commissioner, the payment of the assessment would endanger the ability of the member to fulfill its contractual obligations. If an assessment against a member is deferred in whole or in part, the amount by which the assessment is deferred may be assessed against the other members in a manner consistent with the basis for assessment set forth in this section. The member receiving the deferment shall remain liable to the program for the amount deferred.

b. The participation in the program as a member, the establishment of rates, forms or procedures, or any other joint or collective action required by this act shall not be the basis of any legal action, criminal or civil liability, or penalty against the program, a member of the board or a member of the program either jointly or separately except as otherwise provided in this act.

c. Payment of an assessment made under this section shall be a condition of issuing health benefits plans in the State for a carrier. Failure to pay the assessment shall be grounds for forfeiture of a carrier's authorization to issue health benefits plans of any kind in the State, as well as any other penalties permitted by law.

d. (1) Notwithstanding the provisions of this act to the contrary, a carrier may apply to the board, by a date established by the board, for an exemption from the assessment and reimbursement for losses provided for in this section. A carrier which applies for an exemption shall agree to cover a minimum number of non-group person life years on an open enrollment

community rated basis, under a managed care or indemnity plan, as specified in this subsection, provided that any indemnity plan so issued conforms with sections 2 through 7, inclusive, of P.L.1992, c.161 (C.17B:27A-3 through 17B:27A-8). For the purposes of this subsection, non-group persons include individually enrolled persons, conversion policies issued pursuant to this act, Medicare cost and risk lives and Medicaid recipients; except that in determining whether the carrier meets the minimum number of non-group person life years required to be covered pursuant to this subsection, the number of Medicaid recipients and Medicare cost and risk lives shall not exceed 50% of the total. Pursuant to regulations adopted by the board, the carrier shall determine the number of non-group person life years it has covered by adding the number of non-group persons covered on the last day of each calendar quarter of the two-year calculation period, taking into account the limitations on counting Medicaid recipients and Medicare cost and risk lives, and dividing the total by eight.

(2) Notwithstanding the provisions of paragraph (1) of this subsection to the contrary, a health maintenance organization qualified pursuant to the "Health Maintenance Organization Act of 1973," Pub.L.93-222 (42 U.S.C. s.300e et seq.) and tax exempt pursuant to paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.501, may include up to one third Medicaid recipients and up to one third Medicare recipients in determining whether it meets its minimum number of non-group person life years.

(3) The minimum number of non-group person life years required to be covered, as determined by the board, shall equal the total number of non-group person life years of community rated, individually enrolled or insured persons, including Medicare cost and risk lives and enrolled Medicaid lives, of all carriers subject to this act for the two-year calculation period, multiplied by the proportion that that carrier's net earned premium bears to the net earned premium of all carriers for that two-year calculation period, including those carriers that are exempt from the assessment.

(4) On or before March 1 of the first year of each two-year calculation period, every carrier seeking an exemption pursuant to this subsection shall file with the board a statement of its net earned premium for the two-year calculation period. The board shall determine each carrier's minimum number of non-group person life years in accordance with this subsection.

(5) On or before March 1 of each year immediately following the close of a two-year calculation period, every carrier that was granted an exemption for the preceding two-year calculation period shall file with the board

the number of non-group person life years, by category, covered for the two-year calculation period.

To the extent that the carrier has failed to cover the minimum number of non-group person life years established by the board, the carrier shall be assessed by the board on a pro rata basis for any differential between the minimum number established by the board and the actual number covered by the carrier.

(6) A carrier that applies for the exemption shall be deemed to be in compliance with the requirements of this subsection if it has covered 100% of the minimum number of non-group person life years required.

(7) Any carrier that writes both managed care and indemnity business that is granted an exemption pursuant to this subsection may satisfy its obligation to cover a minimum number of non-group person life years by issuing either managed care or indemnity business, or both.

e. (Deleted by amendment, P.L.1997, c.146).

f. The loss assessment for the 2007-2008 two-year calculation period shall be the last loss assessment authorized under this section, and no further loss assessments shall be calculated or collected; provided, however, that nothing in this subsection shall relieve a carrier of its obligations for loss assessments authorized under this section prior to the effective date of this section of P.L.2008, c.38.

19. Section 5 of P.L.1995, c.196 (C.17B:27A-16.5) is amended to read as follows:

C.17B:27A-16.5 Hospital, medical insurance policy renewals; filing of rates.

5. A domestic mutual insurer which has converted from a health service corporation pursuant to the provisions of sections 2 through 4 of P.L.1995, c.196 (C.17:48E-46 through C.17:48E-48) shall not renew individual hospital or medical insurance policies or health service contracts originally issued prior to November 30, 1992, until it has made an informational filing with the commissioner. The rates shall be formulated so that the anticipated minimum loss ratio for such policy or contract form shall not be less than 80% of the premium. Such domestic mutual insurer shall submit with its rate filing supporting data and a certification that the insurer is in compliance with the anticipated loss ratio requirement. The content and form of the supporting data and certification required pursuant to subsection e. of section 8 of P.L.1992, c.161 (C.17B:27A-9) shall satisfy the requirements of this section. Any other insurer may irrevocably elect to

become subject to the provisions of this section by written notice to the commissioner in a format specified by the commissioner.

20. Section 1 of P.L.1992, c.162 (C.17B:27A-17) is amended to read as follows:

C.17B:27A-17 Definitions relative to small employer health benefits plans.

1. As used in this act:

"Actuarial certification" means a written statement by a member of the American Academy of Actuaries or other individual acceptable to the commissioner that a small employer carrier is in compliance with the provisions of section 9 of P.L.1992, c.162 (C.17B:27A-25), based upon examination, including a review of the appropriate records and actuarial assumptions and methods used by the small employer carrier in establishing premium rates for applicable health benefits plans.

"Anticipated loss ratio" means the ratio of the present value of the expected benefits, not including dividends, to the present value of the expected premiums, not reduced by dividends, over the entire period for which rates are computed to provide coverage. For purposes of this ratio, the present values must incorporate realistic rates of interest which are determined before federal taxes but after investment expenses.

"Board" means the board of directors of the program.

"Carrier" means any entity subject to the insurance laws and regulations of this State, or subject to the jurisdiction of the commissioner, that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including an insurance company authorized to issue health insurance, a health maintenance organization, a hospital service corporation, medical service corporation and health service corporation, or any other entity providing a plan of health insurance, health benefits or health services. The term "carrier" shall not include a joint insurance fund established pursuant to State law. For purposes of this act, carriers that are affiliated companies shall be treated as one carrier, except that any insurance company, health service corporation, hospital service corporation, or medical service corporation that is an affiliate of a health maintenance organization located in New Jersey or any health maintenance organization located in New Jersey that is affiliated with an insurance company, health service corporation, hospital service corporation, or medical service corporation shall treat the health maintenance organization as a separate carrier.

"Church plan" has the same meaning given that term under Title I, section 3 of Pub.L.93-406, the "Employee Retirement Income Security Act of 1974" (29 U.S.C.s.1002(33)).

"Commissioner" means the Commissioner of Banking and Insurance.

"Community rating" or "community rated" means a rating methodology in which the premium charged by a carrier for all persons covered by a policy or contract form is the same based upon the experience of the entire pool of risks covered by that policy or contract form without regard to age, gender, health status, residence or occupation.

"Creditable coverage" means, with respect to an individual, coverage of the individual under any of the following: a group health plan; a group or individual health benefits plan; Part A or part B of Title XVIII of the federal Social Security Act (42 U.S.C. s.1395 et seq.); Title XIX of the federal Social Security Act (42 U.S.C. s.1396 et seq.), other than coverage consisting solely of benefits under section 1928 of Title XIX of the federal Social Security Act (42 U.S.C.s.1396s); chapter 55 of Title 10, United States Code (10 U.S.C. s.1071 et seq.); a medical care program of the Indian Health Service or of a tribal organization; a state health plan offered under chapter 89 of Title 5, United States Code (5 U.S.C. s.8901 et seq.); a public health plan as defined by federal regulation; a health benefits plan under section 5(e) of the "Peace Corps Act" (22 U.S.C. s.2504(e)); or coverage under any other type of plan as set forth by the commissioner by regulation.

Creditable coverage shall not include coverage consisting solely of the following: coverage only for accident or disability income insurance, or any combination thereof; coverage issued as a supplement to liability insurance; liability insurance, including general liability insurance and automobile liability insurance; workers' compensation or similar insurance; automobile medical payment insurance; credit only insurance; coverage for on-site medical clinics; coverage, as specified in federal regulation, under which benefits for medical care are secondary or incidental to the insurance benefits; and other coverage expressly excluded from the definition of health benefits plan.

"Department" means the Department of Banking and Insurance.

"Dependent" means the spouse, domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3), civil union partner as defined in section 2 of P.L.2006, c.103 (C.37:1-29), or child of an eligible employee, subject to applicable terms of the health benefits plan covering the employee.

"Eligible employee" means a full-time employee who works a normal work week of 25 or more hours. The term includes a sole proprietor, a partner of a partnership, or an independent contractor, if the sole proprietor,

partner, or independent contractor is included as an employee under a health benefits plan of a small employer, but does not include employees who work less than 25 hours a week, work on a temporary or substitute basis or are participating in an employee welfare arrangement established pursuant to a collective bargaining agreement.

"Enrollment date" means, with respect to a person covered under a health benefits plan, the date of enrollment of the person in the health benefits plan or, if earlier, the first day of the waiting period for such enrollment.

"Financially impaired" means a carrier which, after the effective date of this act, is not insolvent, but is deemed by the commissioner to be potentially unable to fulfill its contractual obligations or a carrier which is placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

"Governmental plan" has the meaning given that term under Title I, section 3 of Pub.L.93-406, the "Employee Retirement Income Security Act of 1974" (29 U.S.C.s.1002(32)) and any governmental plan established or maintained for its employees by the Government of the United States or by any agency or instrumentality of that government.

"Group health plan" means an employee welfare benefit plan, as defined in Title I of section 3 of Pub.L.93-406, the "Employee Retirement Income Security Act of 1974" (29 U.S.C. s.1002(1)), to the extent that the plan provides medical care and including items and services paid for as medical care to employees or their dependents directly or through insurance, reimbursement or otherwise.

"Health benefits plan" means any hospital and medical expense insurance policy or certificate; health, hospital, or medical service corporation contract or certificate; or health maintenance organization subscriber contract or certificate delivered or issued for delivery in this State by any carrier to a small employer group pursuant to section 3 of P.L.1992, c.162 (C.17B:27A-19). For purposes of this act, "health benefits plan" shall not include one or more, or any combination of, the following: coverage only for accident or disability income insurance, or any combination thereof; coverage issued as a supplement to liability insurance; liability insurance, including general liability insurance and automobile liability insurance; workers' compensation or similar insurance; automobile medical payment insurance; credit-only insurance; coverage for on-site medical clinics; and other similar insurance coverage, as specified in federal regulations, under which benefits for medical care are secondary or incidental to other insurance benefits. Health benefits plan shall not include the following benefits if they are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of the plan: limited scope dental

or vision benefits; benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof; and such other similar, limited benefits as are specified in federal regulations. Health benefits plan shall not include hospital confinement indemnity coverage if the benefits are provided under a separate policy, certificate or contract of insurance, there is no coordination between the provision of the benefits and any exclusion of benefits under any group health benefits plan maintained by the same plan sponsor, and those benefits are paid with respect to an event without regard to whether benefits are provided with respect to such an event under any group health plan maintained by the same plan sponsor. Health benefits plan shall not include the following if it is offered as a separate policy, certificate or contract of insurance: Medicare supplemental health insurance as defined under section 1882(g)(1) of the federal Social Security Act (42 U.S.C.s.1395 ss(g)(1)); and coverage supplemental to the coverage provided under chapter 55 of Title 10, United States Code (10 U.S.C. s.1071 et seq.); and similar supplemental coverage provided to coverage under a group health plan.

"Health status-related factor" means any of the following factors: health status; medical condition, including both physical and mental illness; claims experience; receipt of health care; medical history; genetic information; evidence of insurability, including conditions arising out of acts of domestic violence; and disability.

"Late enrollee" means an eligible employee or dependent who requests enrollment in a health benefits plan of a small employer following the initial minimum 30-day enrollment period provided under the terms of the health benefits plan. An eligible employee or dependent shall not be considered a late enrollee if the individual: a. was covered under another employer's health benefits plan at the time he was eligible to enroll and stated at the time of the initial enrollment that coverage under that other employer's health benefits plan was the reason for declining enrollment, but only if the plan sponsor or carrier required such a statement at that time and provided the employee with notice of that requirement and the consequences of that requirement at that time; b. has lost coverage under that other employer's health benefits plan as a result of termination of employment or eligibility, reduction in the number of hours of employment, involuntary termination, the termination of the other plan's coverage, death of a spouse, or divorce or legal separation; and c. requests enrollment within 90 days after termination of coverage provided under another employer's health benefits plan. An eligible employee or dependent also shall not be considered a late enrollee if the individual is employed by an employer

which offers multiple health benefits plans and the individual elects a different plan during an open enrollment period; the individual had coverage under a COBRA continuation provision and the coverage under that provision was exhausted and the employee requests enrollment not later than 30 days after the date of exhaustion of COBRA coverage; or if a court of competent jurisdiction has ordered coverage to be provided for a spouse or minor child under a covered employee's health benefits plan and request for enrollment is made within 30 days after issuance of that court order.

"Medical care" means amounts paid: (1) for the diagnosis, care, mitigation, treatment, or prevention of disease, or for the purpose of affecting any structure or function of the body; and (2) transportation primarily for and essential to medical care referred to in (1) above.

"Member" means all carriers issuing health benefits plans in this State on or after the effective date of this act.

"Multiple employer arrangement" means an arrangement established or maintained to provide health benefits to employees and their dependents of two or more employers, under an insured plan purchased from a carrier in which the carrier assumes all or a substantial portion of the risk, as determined by the commissioner, and shall include, but is not limited to, a multiple employer welfare arrangement, or MEWA, multiple employer trust or other form of benefit trust.

"Plan of operation" means the plan of operation of the program including articles, bylaws and operating rules approved pursuant to section 14 of P.L.1992, c.162 (C.17B:27A-30).

"Plan sponsor" has the meaning given that term under Title I of section 3 of Pub.L.93-406, the "Employee Retirement Income Security Act of 1974" (29 U.S.C.s.1002(16)(B)).

"Preexisting condition exclusion" means, with respect to coverage, a limitation or exclusion of benefits relating to a condition based on the fact that the condition was present before the date of enrollment for that coverage, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before that date. Genetic information shall not be treated as a preexisting condition in the absence of a diagnosis of the condition related to that information.

"Program" means the New Jersey Small Employer Health Benefits Program established pursuant to section 12 of P.L.1992, c.162 (C.17B:27A-28).

"Small employer" means, in connection with a group health plan with respect to a calendar year and a plan year, any person, firm, corporation, partnership, or political subdivision that is actively engaged in business that employed an average of at least two but not more than 50 eligible employ-

ees on business days during the preceding calendar year and who employs at least two employees on the first day of the plan year, and the majority of the employees are employed in New Jersey. All persons treated as a single employer under subsection (b), (c), (m) or (o) of section 414 of the Internal Revenue Code of 1986 (26 U.S.C.s.414) shall be treated as one employer. Subsequent to the issuance of a health benefits plan to a small employer and for the purpose of determining continued eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, provisions of P.L.1992, c.162 (C.17B:27A-17 et seq.) that apply to a small employer shall continue to apply at least until the plan anniversary following the date the small employer no longer meets the requirements of this definition. In the case of an employer that was not in existence during the preceding calendar year, the determination of whether the employer is a small or large employer shall be based on the average number of employees that it is reasonably expected that the employer will employ on business days in the current calendar year. Any reference in P.L.1992, c.162 (C.17B:27A-17 et seq.) to an employer shall include a reference to any predecessor of such employer.

"Small employer carrier" means any carrier that offers health benefits plans covering eligible employees of one or more small employers.

"Small employer health benefits plan" means a health benefits plan for small employers approved by the commissioner pursuant to section 17 of P.L.1992, c.162 (C.17B:27A-33).

"Stop loss" or "excess risk insurance" means an insurance policy designed to reimburse a self-funded arrangement of one or more small employers for catastrophic, excess or unexpected expenses, wherein neither the employees nor other individuals are third party beneficiaries under the insurance policy. In order to be considered stop loss or excess risk insurance for the purposes of P.L.1992, c.162 (C.17B:27A-17 et seq.), the policy shall establish a per person attachment point or retention or aggregate attachment point or retention, or both, which meet the following requirements:

a. If the policy establishes a per person attachment point or retention, that specific attachment point or retention shall not be less than $20,000 per covered person per plan year; and

b. If the policy establishes an aggregate attachment point or retention, that aggregate attachment point or retention shall not be less than 125% of expected claims per plan year.

"Supplemental limited benefit insurance" means insurance that is provided in addition to a health benefits plan on an indemnity non-expense incurred basis.

21. Section 3 of P.L.1992, c.162 (C.17B:27A-19) is amended to read as follows:

C.17B:27A-19 Health benefits plans offered to small employers; exceptions.

3. a. Except as provided in subsection f. of this section, every small employer carrier shall, as a condition of transacting business in this State, offer to every small employer at least three of the health benefit plans established by the board, as provided in this section, and also offer and make a good faith effort to market individual health benefits plans as provided in section 3 of P.L.1992, c.161 (C.17B:27A-4). The board shall establish a standard policy form for each of the plans, which except as otherwise provided in subsection j. of this section, shall be the only plans offered to small groups on or after January 1, 1994. One policy form shall contain the benefits provided for in sections 55, 57, and 59 of P.L.1991, c.187 (C.17:48E-22.2, 17B:26B-2 and 26:2J-4.3). In the case of indemnity carriers, one policy form shall be established which contains benefits and cost sharing levels which are equivalent to the health benefits plans of health maintenance organizations pursuant to the "Health Maintenance Organization Act of 1973," Pub.L.93-222 (42 U.S.C. s.300e et seq.). The remaining policy forms shall contain basic hospital and medical-surgical benefits, including, but not limited to:

(1) Basic inpatient and outpatient hospital care;

(2) Basic and extended medical-surgical benefits;

(3) Diagnostic tests, including X-rays;

(4) Maternity benefits, including prenatal and postnatal care; and

(5) Preventive medicine, including periodic physical examinations and inoculations.

At least three of the forms shall provide for major medical benefits in varying lifetime aggregates, one of which shall provide at least $1,000,000 in lifetime aggregate benefits. The policy forms provided pursuant to this section shall contain benefits representing progressively greater actuarial values.

Notwithstanding the provisions of this subsection to the contrary, the board also may establish additional policy forms by which a small employer carrier, other than a health maintenance organization, may provide indemnity benefits for health maintenance organization enrollees by direct contract with the enrollees' small employer through a dual arrangement with the health maintenance organization. The dual arrangement shall be filed with the commissioner for approval. The additional policy forms shall be consistent with the general requirements of P.L.1992, c.162 (C.17B:27A-17 et seq.).

b. Initially, a carrier shall offer a plan within 90 days of the approval of such plan by the commissioner. Thereafter, the plans shall be available

to all small employers on a continuing basis. Every small employer which elects to be covered under any health benefits plan who pays the premium therefor and who satisfies the participation requirements of the plan shall be issued a policy or contract by the carrier.

c. The carrier may establish a premium payment plan which provides installment payments and which may contain reasonable provisions to ensure payment security, provided that provisions to ensure payment security are uniformly applied.

d. In addition to the standard policies described in subsection a. of this section, the board may develop up to five rider packages. Any such package which a carrier chooses to offer shall be issued to a small employer who pays the premium therefor, and shall be subject to the rating methodology set forth in section 9 of P.L.1992, c.162 (C.17B:27A-25).

e. (Deleted by amendment, P.L.2008, c.38).

f. Notwithstanding the provisions of this section to the contrary, a health maintenance organization which is a qualified health maintenance organization pursuant to the "Health Maintenance Organization Act of 1973," Pub.L.93-222 (42 U.S.C.s.300e et seq.) shall be permitted to offer health benefits plans formulated by the board and approved by the commissioner which are in accordance with the provisions of that law in lieu of the plans required pursuant to this section.

Notwithstanding the provisions of this section to the contrary, a health maintenance organization which is approved pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.) shall be permitted to offer health benefits plans formulated by the board and approved by the commissioner which are in accordance with the provisions of that law in lieu of the plans required pursuant to this section, except that the plans shall provide the same level of benefits as required for a federally qualified health maintenance organization, including any requirements concerning copayments by enrollees.

g. A carrier shall not be required to own or control a health maintenance organization or otherwise affiliate with a health maintenance organization in order to comply with the provisions of this section, but the carrier shall be required to offer at least three of the health benefits plans which are formulated by the board and approved by the commissioner, including one plan which contains benefits and cost sharing levels that are equivalent to those required for health maintenance organizations.

h. Notwithstanding the provisions of subsection a. of this section to the contrary, the board may modify the benefits provided for in sections 55, 57 and 59 of P.L.1991, c.187 (C.17:48E-22.2, 17B:26B-2 and 26:2J-4.3).

i. (1) In addition to the rider packages provided for in subsection d. of this section, every carrier may offer, in connection with the health benefits plans required to be offered by this section, any number of riders which may revise the coverage offered by the plans in any way, provided, however, that any form of such rider or amendment thereof which decreases benefits or decreases the actuarial value of a plan shall be filed for informational purposes with the board and for approval by the commissioner before such rider may be sold. Any rider or amendment thereof which adds benefits or increases the actuarial value of a plan shall be filed with the board for informational purposes before such rider may be sold. The added premium or reduction in premium for each rider, as applicable, shall be listed separately from the premium for the standard plan.

The commissioner shall disapprove any rider filed pursuant to this subsection that is unjust, unfair, inequitable, unreasonably discriminatory, misleading, contrary to law or the public policy of this State. The commissioner shall not approve any rider which reduces benefits below those required by sections 55, 57 and 59 of P.L.1991, c.187 (C.17:48E-22.2, 17B:26B-2 and 26:2J-4.3) and required to be sold pursuant to this section. The commissioner's determination shall be in writing and shall be appealable.

(2) The benefit riders provided for in paragraph (1) of this subsection shall be subject to the provisions of section 2, subsection b. of section 3, and sections 6, 7, 8, 9 and 11 of P.L.1992, c.162 (C.17B:27A-18, 17B:27A-19, 17B:27A-22, 17B:27A-23, 17B:27A-24, 17B:27A-25, and 17B:27A-27).

j. (1) Notwithstanding the provisions of P.L.1992, c.162 (C.17B:27A-17 et seq.) to the contrary, a health benefits plan issued by or through a carrier, association, or multiple employer arrangement prior to January 1, 1994 or, if the requirements of subparagraph (c) of paragraph (6) of this subsection are met, issued by or through an out-of-State trust prior to January 1, 1994, at the option of a small employer policy or contract holder, may be renewed or continued after February 28, 1994, or in the case of such a health benefits plan whose anniversary date occurred between March 1, 1994 and the effective date of P.L.1994, c.11 (C.17B:27A-19.1 et al.), may be reinstated within 60 days of that anniversary date and renewed or continued if, beginning on the first 12-month anniversary date occurring on or after the sixtieth day after the board adopts regulations concerning the implementation of the rating factors permitted by section 9 of P.L.1992, c.162 (C.17B:27A-25) and, regardless of the situs of delivery of the health benefits plan, the health benefits plan renewed, continued or reinstated pursuant to this subsection complies with the provisions of section 2, subsection b. of section 3, and sections 6, 7, 8, 9 and 11 of P.L.1992, c.162 (C.17B:27A-

18, 17B:27A-19, 17B:27A-22, 17B:27A-23, 17B:27A-24, 17B:27A-25 and 17B:27A-27) and section 7 of P.L.1995, c.340 (C.17B:27A-19.3).

Nothing in this subsection shall be construed to require an association, multiple employer arrangement or out-of-State trust to provide health benefits coverage to small employers that are not contemplated by the organizational documents, bylaws, or other regulations governing the purpose and operation of the association, multiple employer arrangement or out-of-State trust. Notwithstanding the foregoing provision to the contrary, an association, multiple employer arrangement or out-of-State trust that offers health benefits coverage to its members' employees and dependents:

(a) shall offer coverage to all eligible employees and their dependents within the membership of the association, multiple employer arrangement or out-of-State trust;

(b) shall not use actual or expected health status in determining its membership; and

(c) shall make available to its small employer members at least one of the standard benefits plans, as determined by the commissioner, in addition to any health benefits plan permitted to be renewed or continued pursuant to this subsection.

(2) Notwithstanding the provisions of this subsection to the contrary, a carrier or out-of-State trust which writes the health benefits plans required pursuant to subsection a. of this section shall be required to offer those plans to any small employer, association or multiple employer arrangement.

(3) (a) A carrier, association, multiple employer arrangement or out-of-State trust may withdraw a health benefits plan marketed to small employers that was in effect on December 31, 1993 with the approval of the commissioner. The commissioner shall approve a request to withdraw a plan, consistent with regulations adopted by the commissioner, only on the grounds that retention of the plan would cause an unreasonable financial burden to the issuing carrier, taking into account the rating provisions of section 9 of P.L.1992, c.162 (C.17B:27A-25) and section 7 of P.L.1995, c.340 (C.17B:27A-19.3).

(b) A carrier which has renewed, continued or reinstated a health benefits plan pursuant to this subsection that has not been newly issued to a new small employer group since January 1, 1994, may, upon approval of the commissioner, continue to establish its rates for that plan based on the loss experience of that plan if the carrier does not issue that health benefits plan to any new small employer groups.

(4) (Deleted by amendment, P.L.1995, c.340).

(5) A health benefits plan that otherwise conforms to the requirements of this subsection shall be deemed to be in compliance with this subsection, notwithstanding any change in the plan's deductible or copayment.

(6) (a) Except as otherwise provided in subparagraphs (b) and (c) of this paragraph, a health benefits plan renewed, continued or reinstated pursuant to this subsection shall be filed with the commissioner for informational purposes within 30 days after its renewal date. No later than 60 days after the board adopts regulations concerning the implementation of the rating factors permitted by section 9 of P.L.1992, c.162 (C.17B:27A-25) the filing shall be amended to show any modifications in the plan that are necessary to comply with the provisions of this subsection. The commissioner shall monitor compliance of any such plan with the requirements of this subsection, except that the board shall enforce the loss ratio requirements.

(b) A health benefits plan filed with the commissioner pursuant to subparagraph (a) of this paragraph may be amended as to its benefit structure if the amendment does not reduce the actuarial value and benefits coverage of the health benefits plan below that of the lowest standard health benefits plan established by the board pursuant to subsection a. of this section. The amendment shall be filed with the commissioner for approval pursuant to the terms of sections 4, 8, 12 and 25 of P.L.1995, c.73 (C.17:48-8.2, 17:48A-9.2, 17:48E-13.2 and 26:2J-43), N.J.S.17B:26-1 and N.J.S.17B:27-49, as applicable, and shall comply with the provisions of sections 2 and 9 of P.L.1992, c.162 (C.17B:27A-18 and 17B:27A-25) and section 7 of P.L.1995, c.340 (C.17B:27A-19.3).

(c) A health benefits plan issued by a carrier through an out-of-State trust shall be permitted to be renewed or continued pursuant to paragraph (1) of this subsection upon approval by the commissioner and only if the benefits offered under the plan are at least equal to the actuarial value and benefits coverage of the lowest standard health benefits plan established by the board pursuant to subsection a. of this section. For the purposes of meeting the requirements of this subparagraph, carriers shall be required to file with the commissioner the health benefits plans issued through an out-of-State trust no later than 180 days after the date of enactment of P.L.1995, c.340. A health benefits plan issued by a carrier through an out-of-State trust that is not filed with the commissioner pursuant to this subparagraph, shall not be permitted to be continued or renewed after the 180-day period.

(7) Notwithstanding the provisions of P.L.1992, c.162 (C.17B:27A-17 et seq.) to the contrary, an association, multiple employer arrangement or out-of-State trust may offer a health benefits plan authorized to be renewed, continued or reinstated pursuant to this subsection to small employer

groups that are otherwise eligible pursuant to paragraph (1) of subsection j. of this section during the period for which such health benefits plan is otherwise authorized to be renewed, continued or reinstated.

(8) Notwithstanding the provisions of P.L.1992, c.162 (C.17B:27A-17 et seq.) to the contrary, a carrier, association, multiple employer arrangement or out-of-State trust may offer coverage under a health benefits plan authorized to be renewed, continued or reinstated pursuant to this subsection to new employees of small employer groups covered by the health benefits plan in accordance with the provisions of paragraph (1) of this subsection.

(9) Notwithstanding the provisions of P.L.1992, c.162 (C.17B:27A-17 et seq.) or P.L.1992, c.161 (C.17B:27A-2 et al.) to the contrary, any individual, who is eligible for small employer coverage under a policy issued, renewed, continued or reinstated pursuant to this subsection, but who would be subject to a preexisting condition exclusion under the small employer health benefits plan, or who is a member of a small employer group who has been denied coverage under the small employer group health benefits plan for health reasons, may elect to purchase or continue coverage under an individual health benefits plan until such time as the group health benefits plan covering the small employer group of which the individual is a member complies with the provisions of P.L.1992, c.162 (C.17B:27A-17 et seq.).

(10) In a case in which an association made available a health benefits plan on or before March 1, 1994 and subsequently changed the issuing carrier between March 1, 1994 and the effective date of P.L.1995, c.340, the new issuing carrier shall be deemed to have been eligible to continue and renew the plan pursuant to paragraph (1) of this subsection.

(11) In a case in which an association, multiple employer arrangement or out-of-State trust made available a health benefits plan on or before March 1, 1994 and subsequently changes the issuing carrier for that plan after the effective date of P.L.1995, c.340, the new issuing carrier shall file the health benefits plan with the commissioner for approval in order to be deemed eligible to continue and renew that plan pursuant to paragraph (1) of this subsection.

(12) In a case in which a small employer purchased a health benefits plan directly from a carrier on or before March 1, 1994 and subsequently changes the issuing carrier for that plan after the effective date of P.L.1995, c.340, the new issuing carrier shall file the health benefits plan with the commissioner for approval in order to be deemed eligible to continue and renew that plan pursuant to paragraph (1) of this subsection.

Notwithstanding the provisions of subparagraph (b) of paragraph (6) of this subsection to the contrary, a small employer who changes its health benefits plan's issuing carrier pursuant to the provisions of this paragraph,

shall not, upon changing carriers, modify the benefit structure of that health benefits plan within six months of the date the issuing carrier was changed.

k. Effective immediately for a health benefits plan issued on or after the effective date of P.L.2005, c.248 (C.17:48E-35.27 et al.) and effective on the first 12-month anniversary date of a health benefits plan in effect on the effective date of P.L.2005, c.248 (C.17:48E-35.27 et al.), the health benefits plans required pursuant to this section, including any plans offered by a State approved or federally qualified health maintenance organization, shall contain benefits for expenses incurred in the following:

(1) Screening by blood lead measurement for lead poisoning for children, including confirmatory blood lead testing as specified by the Department of Health and Senior Services pursuant to section 7 of P.L.1995, c.316 (C.26:2-137.1); and medical evaluation and any necessary medical follow-up and treatment for lead poisoned children.

(2) All childhood immunizations as recommended by the Advisory Committee on Immunization Practices of the United States Public Health Service and the Department of Health and Senior Services pursuant to section 7 of P.L.1995, c.316 (C.26:2-137.1). A carrier shall notify its insureds, in writing, of any change in the health care services provided with respect to childhood immunizations and any related changes in premium. Such notification shall be in a form and manner to be determined by the Commissioner of Banking and Insurance.

(3) Screening for newborn hearing loss by appropriate electrophysiologic screening measures and periodic monitoring of infants for delayed onset hearing loss, pursuant to P.L.2001, c.373 (C.26:2-103.1 et al.). Payment for this screening service shall be separate and distinct from payment for routine new baby care in the form of a newborn hearing screening fee as negotiated with the provider and facility.

The benefits provided pursuant to this subsection shall be provided to the same extent as for any other medical condition under the health benefits plan, except that a deductible shall not be applied for benefits provided pursuant to this subsection; however, with respect to a small employer health benefits plan that qualifies as a high deductible health plan for which qualified medical expenses are paid using a health savings account established pursuant to section 223 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.223), a deductible shall not be applied for any benefits that represent preventive care as permitted by that federal law, and shall not be applied as provided pursuant to section 16 of P.L.2005, c.248 (C.17B:27A-19.14). This subsection shall apply to all small employer health benefits plans in which the carrier has reserved the right to change the premium.

l. The board shall consider including benefits for speech-language pathology and audiology services, as rendered by speech-language pathologists and audiologists within the scope of their practices, in at least one of the standard policies and in at least one of the five riders to be developed under this section.

m. Effective immediately for a health benefits plan issued on or after the effective date of P.L.2001, c.361 (C.17:48-6z et al.) and effective on the first 12-month anniversary date of a health benefits plan in effect on the effective date of P.L.2001, c.361 (C.17:48-6z et al.), the health benefits plans required pursuant to this section that provide benefits for expenses incurred in the purchase of prescription drugs shall provide benefits for expenses incurred in the purchase of specialized non-standard infant formulas, when the covered infant's physician has diagnosed the infant as having multiple food protein intolerance and has determined such formula to be medically necessary, and when the covered infant has not been responsive to trials of standard non-cow milk-based formulas, including soybean and goat milk. The coverage may be subject to utilization review, including periodic review, of the continued medical necessity of the specialized infant formula.

The benefits shall be provided to the same extent as for any other prescribed items under the health benefits plan.

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

n. Effective immediately for a health benefits plan issued on or after the effective date of P.L.2005, c.248 (C.17:48E-35.27 et al.) and effective on the first 12-month anniversary date of a small employer health benefits plan in effect on the effective date of P.L.2005, c.248 (C.17:48E-35.27 et al.), the health benefits plans required pursuant to this section that qualify as high deductible health plans for which qualified medical expenses are paid using a health savings account established pursuant to section 223 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.223), including any plans offered by a State approved or federally qualified health maintenance organization, shall contain benefits for expenses incurred in connection with any medically necessary benefits provided in-network that represent preventive care as permitted by that federal law.

The benefits provided pursuant to this subsection shall be provided to the same extent as for any other medical condition under the health benefits plan, except that no deductible shall be applied for benefits provided pursuant to this subsection. This subsection shall apply to all small employer health benefits plans in which the carrier has reserved the right to change the premium.

22. Section 5 of P.L.2001, c.368 (C.17B:27A-19.11) is amended to read as follows:

C.17B:27A-19.11 Carrier offering plans pursuant to C.17B:27A-17 et seq. may offer additional plan with certain limited benefits.

5. In addition to the standard health benefits plans offered by a carrier on the effective date of this act, a carrier that writes small employer health benefits plans pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.) may also offer one or more of the plans through the carrier's network of providers, with no reimbursement for any out-of-network benefits other than emergency care, urgent care, and continuity of care. A carrier's network of providers shall be subject to review and approval or disapproval by the Commissioner of Banking and Insurance, in consultation with the Commissioner of Health and Senior Services, pursuant to regulations promulgated by the Department of Banking and Insurance, including review and approval or disapproval before plans with benefits provided through a carrier's network of providers pursuant to this section may be offered by the carrier. Policies or contracts written on this basis shall be rated in a separate rating pool for the purposes of establishing a premium, but for the purpose of determining a carrier's losses, these policies or contracts shall be aggregated with the losses on the carrier's other business written pursuant to the provisions of P.L.1992, c.162 (C.17B:27A-17 et seq.).

23. Section 7 of P.L.1992, c.162 (C.17B:27A-23) is amended to read as follows:

C.17B:27A-23 Policies, contracts renewable; exceptions.

7. Every policy or contract issued to small employers in this State pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.) shall be renewable with respect to all eligible employees or dependents at the option of the policy or contract holder, or small employer except that a carrier may discontinue or not renew a health benefits plan in accordance with the provisions of this section:

a. A carrier may discontinue such coverage only if:

(1) The policyholder, contract holder, or employer has failed to pay premiums or contributions in accordance with the terms of the health benefits plan or the carrier has not received timely premium payments; or

(2) The policyholder, contract holder, or employer has performed an act or practice that constitutes fraud or made an intentional misrepresentation of material fact under the terms of the coverage;

b. (Deleted by amendment, P.L.1997, c.146).

c. The number of employees covered under the health benefits plan is less than the number or percentage of employees required by participation requirements under the health benefits policy or contract;

d. Noncompliance with a carrier's employment contribution requirements;

e. Any carrier doing business pursuant to the provisions of this act ceases doing business in the small employer market, if the following conditions are satisfied:

(1) The carrier gives notice to cease doing business in the small employer market to the commissioner not later than eight months prior to the date of the planned withdrawal from the small employer market, during which time the carrier shall continue to be governed by this act with respect to business written pursuant to this act. For the purposes of this subsection, "date of withdrawal" means the date upon which the first notice to small employers is sent by the carrier pursuant to paragraph (2) of this subsection;

(2) No later than two months following the date of the notification to the commissioner that the carrier intends to cease doing business in the small employer market, the carrier shall mail a notice to every small business employer insured by the carrier, and all covered persons, that the policy or contract of insurance will not be renewed. This notice shall be sent by certified mail to the small business employer not less than six months in advance of the effective date of the nonrenewal date of the policy or contract;

(3) Any carrier that ceases to do business pursuant to this act shall be prohibited from writing new business in the small employer and individual health benefits plan markets for a period of five years from the date of termination of the last health insurance coverage not so renewed;

f. In the case of policies or contracts issued in connection with membership in an association or trust of employers, an employer ceases to maintain its membership in the association or trust, but only if such coverage is terminated under this provision uniformly without regard to any health status-related factor relating to any covered individual;

g. (Deleted by amendment, P.L.1995, c.50).

h. A decision by the small employer carrier to cease offering and not renew a particular type of group health benefits plan in the small employer market, if the board discontinues a standard health benefits plan or as permitted or required pursuant to subsection j. of section 3 of P.L.1992, c.162 (C.17B:27A-19), and pursuant to regulations adopted by the commissioner;

i. In the case of a health maintenance organization plan issued to a small employer:

(1) an eligible person who no longer resides, lives, or works in the carrier's approved service area, but only if coverage is terminated under this paragraph uniformly without regard to any health status-related factor of covered individuals; or

(2) a small employer that no longer has any enrollee in connection with such plan who lives, resides, or works in the service area of the carrier and the carrier would deny enrollment with respect to such plan pursuant to subsection a. of section 10 of P.L.1992, c.162 (C.17B:27A-26).

24. Section 9 of P.L.1992, c.162 (C.17B:27A-25) is amended to read as follows:

C.17B:27A-25 Premium rates; other plan requirements.

9. a. (1) (Deleted by amendment, P.L.1997, c.146).

(2) (Deleted by amendment, P.L.1997, c.146).

(3) (a) For all policies or contracts providing health benefits plans for small employers issued pursuant to section 3 of P.L.1992, c.162 (C.17B:27A-19), and including policies or contracts offered by a carrier to a small employer who is a member of a Small Employer Purchasing Alliance pursuant to the provisions of P.L.2001, c.225 (C.17B:27A-25.1 et al.) the premium rate charged by a carrier to the highest rated small group purchasing a small employer health benefits plan issued pursuant to section 3 of P.L.1992, c.162 (C.17B:27A-19) shall not be greater than 200% of the premium rate charged for the lowest rated small group purchasing that same health benefits plan; provided, however, that the only factors upon which the rate differential may be based are age, gender and geography. Such factors shall be applied in a manner consistent with regulations adopted by the commissioner. For the purposes of this paragraph (3), policies or contracts offered by a carrier to a small employer who is a member of a Small Employer Purchasing Alliance shall be rated separately from the carrier's other small employer health benefits policies or contracts.

(b) A health benefits plan issued pursuant to subsection j. of section 3 of P.L.1992, c.162 (C.17B:27A-19) shall be rated in accordance with the provisions of section 7 of P.L.1995, c.340 (C.17B:27A-19.3), for the purposes of meeting the requirements of this paragraph.

(4) (Deleted by amendment, P.L.1994, c.11).

(5) Any policy or contract issued after January 1, 1994 to a small employer who was not previously covered by a health benefits plan issued by the issuing small employer carrier, shall be subject to the same premium

rate restrictions as provided in paragraph (3) of this subsection, which rate restrictions shall be effective on the date the policy or contract is issued.

(6) The board shall establish, pursuant to section 17 of P.L.1993, c.162 (C.17B:27A-51):

(a) up to six geographic territories, none of which is smaller than a county; and

(b) age classifications which, at a minimum, shall be in five-year increments.

b. (Deleted by amendment, P.L.1993, c.162).

c. (Deleted by amendment, P.L.1995, c.298).

d. Notwithstanding any other provision of law to the contrary, this act shall apply to a carrier which provides a health benefits plan to one or more small employers through a policy issued to an association or trust of employers.

A carrier which provides a health benefits plan to one or more small employers through a policy issued to an association or trust of employers after the effective date of P.L.1992, c.162 (C.17B:27A-17 et seq.), shall be required to offer small employer health benefits plans to non-association or trust employers in the same manner as any other small employer carrier is required pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.).

e. Nothing contained herein shall prohibit the use of premium rate structures to establish different premium rates for individuals and family units.

f. No insurance contract or policy subject to this act, including a contract or policy entered into with a small employer who is a member of a Small Employer Purchasing Alliance pursuant to the provisions of P.L.2001, c.225 (C.17B:27A-25.1 et al.), may be entered into unless and until the carrier has made an informational filing with the commissioner of a schedule of premiums, not to exceed 12 months in duration, to be paid pursuant to such contract or policy, of the carrier's rating plan and classification system in connection with such contract or policy, and of the actuarial assumptions and methods used by the carrier in establishing premium rates for such contract or policy.

g. (1) Beginning January 1, 1995, a carrier desiring to increase or decrease premiums for any policy form or benefit rider offered pursuant to subsection i. of section 3 of P.L.1992, c.162 (C.17B:27A-19) subject to this act may implement such increase or decrease upon making an informational filing with the commissioner of such increase or decrease, along with the actuarial assumptions and methods used by the carrier in establishing such increase or decrease, provided that the anticipated minimum loss ratio for

all policy forms shall not be less than 80% of the premium therefor as provided in paragraph (2) of this subsection. The commissioner may disapprove any informational filing on a finding that it is incomplete and not in substantial compliance with P.L.1992, c.162 (C.17B:27A-17 et seq.), or that the rates are inadequate or unfairly discriminatory. Until December 31, 1996, the informational filing shall also include the carrier's rating plan and classification system in connection with such increase or decrease.

(2) Each calendar year, a carrier shall return, in the form of aggregate benefits for all of the standard policy forms offered by the carrier pursuant to subsection a. of section 3 of P.L.1992, c.162 (C.17B:27A-19), at least 80% of the aggregate premiums collected for all of the standard policy forms, other than alliance policy forms, and at least 80% of the aggregate premiums collected for all of the non-standard policy forms during that calendar year. A carrier shall return at least 80% of the premiums collected for all of the alliances during that calendar year, which loss ratio may be calculated in the aggregate for all of the alliances or separately for each alliance. Carriers shall annually report, no later than August 1st of each year, the loss ratio calculated pursuant to this section for all of the standard, other than alliance policy forms, non-standard policy forms and alliance policy forms for the previous calendar year, provided that a carrier may annually report the loss ratio calculated pursuant to this section for all of the alliances in the aggregate or separately for each alliance. In each case where the loss ratio fails to substantially comply with the 80% loss ratio requirement, the carrier shall issue a dividend or credit against future premiums for all policyholders with the standard, other than alliance policy forms, nonstandard policy forms or alliance policy forms, as applicable, in an amount sufficient to assure that the aggregate benefits paid in the previous calendar year plus the amount of the dividends and credits shall equal 80% of the aggregate premiums collected for the respective policy forms in the previous calendar year. All dividends and credits must be distributed by December 31 of the year following the calendar year in which the loss ratio requirements were not satisfied. The annual report required by this paragraph shall include a carrier's calculation of the dividends and credits applicable to standard, other than alliance policy forms, non-standard policy forms and alliance policy forms, as well as an explanation of the carrier's plan to issue dividends or credits. The instructions and format for calculating and reporting loss ratios and issuing dividends or credits shall be specified by the commissioner by regulation. Such regulations shall include provisions for the distribution of a dividend or credit in the event of cancellation or termination by a policyholder. For purposes of this paragraph, "alliance policy

forms" means policies purchased by small employers who are members of Small Employer Purchasing Alliances.

(3) The loss ratio of a health benefits plan issued pursuant to subsection j. of section 3 of P.L.1992, c.162 (C.17B:27A-19) shall be calculated in accordance with the provisions of section 7 of P.L.1995, c.340 (C.17B:27A-19.3), for the purposes of meeting the requirements of this subsection.

h. (Deleted by amendment, P.L.1993, c.162).

i. The provisions of this act shall apply to health benefits plans which are delivered, issued for delivery, renewed or continued on or after January 1, 1994.

j. (Deleted by amendment, P.L.1995, c.340).

k. A carrier who negotiates a reduced premium rate with a Small Employer Purchasing Alliance for members of that alliance shall provide a reduction in the premium rate filed in accordance with paragraph (3) of subsection a. of this section, expressed as a percentage, which reduction shall be based on volume or other efficiencies or economies of scale and shall not be based on health status-related factors.

C.17:22A-41.1 Notification by insurance producer to purchaser of compensation received by producer.

25. a. An insurance producer licensed pursuant to P.L.2001, c.210 (C.17:22A-26 et al.) who sells, solicits, or negotiates health insurance policies or contracts to residents of this State shall notify the purchaser of the insurance, in writing, of the amount of any commission, service fee, brokerage, or other valuable consideration that the producer will receive as a result of the sale, solicitation or negotiation of the health insurance policy or contract. If the commission, fee, brokerage, or other valuable consideration is based on a percentage of premium, the insurance producer shall include that information in the notification to the purchaser.

b. The commissioner may specify, by regulation, the information that shall be provided by an insurance producer in the notification to a purchaser of health insurance and the procedure for providing the notification.

C.30:4J-18 Enhanced outreach, enrollment initiative for certain programs.

26. The Commissioner of Human Services shall establish an enhanced NJ FamilyCare outreach and enrollment initiative to increase public awareness about the availability of, and benefits to enrolling in, Medicaid, NJ FamilyCare, and the NJ FamilyCare Advantage buy-in programs.

The initiative shall include culturally sensitive, Statewide and local media public awareness campaigns addressing the availability of health

care coverage for parents and children under the Medicaid and NJ FamilyCare programs and health care coverage for children under the NJ FamilyCare Advantage buy-in program.

The initiative shall also include the provision of training and support services, upon request, to community groups, legislative district offices, and community-based health care providers to enable these parties to assist in enrolling parents and children in the applicable programs.

C.30:4J-19 Outreach, Enrollment, and Retention Working Group.

27. The Commissioner of Human Services shall establish an Outreach, Enrollment, and Retention Working Group to develop a plan to carry out ongoing and sustainable measures to strengthen outreach to low and moderate income families who may be eligible for Medicaid, NJ FamilyCare, or NJ FamilyCare Advantage, to maximize enrollment in these programs, and to ensure retention of enrollees in these programs.

a. The members of the working group shall include:

(1) The Commissioners of Human Services, Health and Senior Services, Banking and Insurance, Labor and Workforce Development, Education, and Community Affairs, the Secretary of Agriculture, and the Child Advocate, or their designees, who shall serve ex officio; and

(2) Six public members appointed by the Commissioner of Human Services who shall include: one person who represents racial and ethnic minorities in this State; one person who represents managed care organizations that participate in the Medicaid and NJ FamilyCare programs; one person who represents the vendor under contract with the Division of Medical Assistance and Health Services to provide NJ FamilyCare eligibility, enrollment, and health benefit coordinator services to the division; one person who represents New Jersey Policy Perspective; one person who represents the Association for Children of New Jersey; and one person who represents Legal Services of New Jersey.

b. As part of the plan, the working group shall:

(1) determine if there are obstacles to enrollment of minorities in the State in the Medicaid, NJ FamilyCare and NJ FamilyCare Advantage programs due to ethnic and cultural differences and, if so, develop strategies for the Department of Human Services to overcome these obstacles and increase enrollment among minorities;

(2) recommend outreach strategies to identify and enroll all eligible children in the Medicaid, NJ FamilyCare and NJ FamilyCare Advantage programs and to retain enrollment of children and their parents in the programs;

(3) establish monthly enrollment goals for the number of children who need to be enrolled in Medicaid, NJ FamilyCare, and NJ FamilyCare Advantage in order to ensure that as many children as possible who are eligible for these programs are enrolled within a reasonable period of time, in accordance with the mandate established pursuant to section 2 of P.L.2008, c.38 (C.26:15-2); and

(4) make such other recommendations to the Commissioner of Human Services as the working group determines necessary and appropriate to achieve the purposes of this section.

c. The working group shall organize as soon as practicable following the appointment of its members and shall select a chairperson and vice-chairperson from among the members. The chairperson shall appoint a secretary who need not be a member of the working group.

(1) The public members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties and within the limits of funds available to the working group.

(2) The working group shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes.

d. Upon completion of the plan, the working group shall report on its activities to the chairmen of the Senate and Assembly standing reference committees on health and human services, and include a copy of the plan and any recommendations for legislative action it deems appropriate.

e. The Commissioner of Human Services shall post the plan on the department's Internet website and include a table showing the monthly enrollment goals established in the plan and the actual new and continued enrollments for that month. The commissioner shall update the table monthly.

f. The Department of Human Services shall provide staff support to the working group.

28. There is appropriated to the Department of Human Services from the General Fund $1 million for the purpose of carrying out the enhanced NJ FamilyCare outreach, enrollment, and retention initiative established pursuant to section 26 of this act.

29. Section 1 of P.L.2005 c.375 (C.17:48-6.19) is amended to read as follows:

C.17:48-6.19 Coverage for certain dependents until age 31 by hospital service corporation.

1. a. As used in this section, "dependent" means a subscriber's child by blood or by law who:

(1) is 30 years of age or younger;

(2) is unmarried;

(3) has no dependent of his own;

(4) is a resident of this State or is enrolled as a full-time student at an accredited public or private institution of higher education; and

(5) (a) is not actually provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Pub.L.74-271 (42 U.S.C. s.1395 et seq.) at the time dependent coverage pursuant to this section begins or will begin; and

(b) there is evidence of prior creditable coverage or receipt of benefits under a benefits plan or by law as set forth in subparagraph (a) of this paragraph.

b. (1) A hospital service corporation contract that provides coverage for a subscriber's dependent under which coverage of the dependent terminates at a specific age on or before the dependent's 30th birthday, and is delivered, issued, executed or renewed in this State pursuant to P.L.1938, c.366 (C.17:48-1 et seq.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance on or after the effective date of this section of P.L.2008, c.38, shall, upon application of the dependent as set forth in subsection c. of this section, provide coverage to the dependent after that specific age, until the dependent's 31st birthday.

(2) Nothing herein shall be construed to require:

(a) coverage for services provided to a dependent before the effective date of this section of P.L.2008, c.38; or

(b) that an employer or other group policyholder pay all or part of the cost of coverage for a dependent as provided pursuant to this section.

c. (1) A dependent covered by a subscriber's contract, which coverage under the contract terminates at a specific age on or before the dependent's 30th birthday, may make a written election for coverage as a dependent pursuant to this section, until the dependent's 30th birthday:

(a) within 30 days prior to the termination of coverage at the specific age provided in the contract;

(b) within 30 days after meeting the requirements for dependent status as set forth in subsection a. of this section, when coverage for the dependent under the contract previously terminated; or

(c) during an open enrollment period, as provided pursuant to the contract, if the dependent meets the requirements for dependent status as set forth in subsection a. of this section during the open enrollment period.

(2) (Deleted by amendment, P.L.2008, c.38)

d. (1) Coverage for a dependent who makes a written election for coverage pursuant to subsection c. of this section shall consist of coverage which is identical to the coverage provided to that dependent prior to the termination of coverage at the specific age provided in the contract. If coverage is modified under the contract for any similarly situated dependents for coverage prior to the termination of coverage at the specific age provided in the contract, the coverage shall also be modified in the same manner for the dependent.

(2) Coverage for a dependent who makes a written election for coverage pursuant to subsection c. of this section shall not be conditioned upon, or discriminate on the basis of, lack of evidence of insurability.

e. (1) The subscriber's contract may require payment of a premium by the subscriber or dependent, as appropriate, subject to the approval of the Commissioner of Banking and Insurance, for any period of coverage relating to a dependent's written election for coverage pursuant to subsection c. of this section. The payment shall not exceed 102% of the applicable portion of the premium previously paid for that dependent's coverage under the contract prior to the termination of coverage at the specific age provided in the contract.

(2) The applicable portion of the premium previously paid for the dependent's coverage under the contract shall be determined pursuant to regulations promulgated by the Commissioner of Banking and Insurance, based upon the difference between the contract's rating tiers for adult and dependent coverage or family coverage, as appropriate, and single coverage, or based upon any other formula or dependent rating tier deemed appropriate by the commissioner which provides a substantially similar result.

(3) Payments of the premium may, at the election of the payor, be made in monthly installments.

f. Coverage for a dependent provided pursuant to this section shall be provided until the earlier of the following:

(1) the date upon which the dependent is disqualified for dependent status as set forth in subsection a. of this section;

(2) the date upon which coverage ceases under the contract by reason of a failure to make a timely payment of any premium required under the

contract by the subscriber or dependent for coverage provided pursuant to this section. The payment of any premium shall be considered to be timely if made within 30 days after the due date or within a longer period as may be provided for by the contract; or

(3) the date upon which the contract, under which coverage is provided to a dependent, ceases to provide coverage to the subscriber.

Nothing herein shall be construed to permit a hospital service corporation to refuse a written election for coverage by a dependent pursuant to subsection c. of this section, based upon the dependent's prior disqualification pursuant to paragraph (1) of this subsection, other than a disqualification based on age or lack of evidence of prior, creditable coverage or receipt of benefits.

g. Notice regarding coverage for a dependent as provided pursuant to this section shall be provided to a subscriber by the hospital service corporation:

(1) in the certificate of coverage or other equivalent document prepared for subscribers and delivered on or about the date of commencement of the subscribers' coverage; and

(2) (Deleted by amendment, P.L.2008, c.38)

(3) in a notice delivered to subscribers on a quarterly basis.

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

30. Section 2 of P.L.2005, c.375 (C.17:48A-7.13) is amended to read as follows:

C.17:48A-7.13 Coverage for certain dependents until age 31 by medical service corporation.

2. a. As used in this section, "dependent" means a subscriber's child by blood or by law who:

(1) is 30 years of age or younger;

(2) is unmarried;

(3) has no dependent of his own;

(4) is a resident of this State or is enrolled as a full-time student at an accredited public or private institution of higher education; and

(5) (a) is not actually provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Pub.L.74-271 (42 U.S.C. s.1395 et seq.) at the time dependent coverage pursuant to this section begins or will begin; and

(b) there is evidence of prior, creditable coverage or receipt of benefits under a benefits plan or by law as set forth in subparagraph (a) of this paragraph.

b. (1) A medical service corporation contract that provides coverage for a subscriber's dependent under which coverage of the dependent terminates at a specific age on or before the dependent's 30th birthday, and is delivered, issued, executed or renewed in this State pursuant to P.L.1940, c.74 (C.17:48A-1 et seq.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance on or after the effective date of this section of P.L.2008, c.38, shall, upon application of the dependent as set forth in subsection c. of this section, provide coverage to the dependent after that specific age, until the dependent's 31st birthday.

(2) Nothing herein shall be construed to require:

(a) coverage for services provided to a dependent before the effective date of this section of P.L.2008, c.38; or

(b) that an employer or other group policyholder pay all or part of the cost of coverage for a dependent as provided pursuant to this section.

c. (1) A dependent covered by a subscriber's contract, which coverage under the contract terminates at a specific age on or before the dependent's 30th birthday, may make a written election for coverage as a dependent pursuant to this section, until the dependent's 30th birthday:

(a) within 30 days prior to the termination of coverage at the specific age provided in the contract;

(b) within 30 days after meeting the requirements for dependent status as set forth in subsection a. of this section, when coverage for the dependent under the contract previously terminated; or

(c) during an open enrollment period, as provided pursuant to the contract, if the dependent meets the requirements for dependent status as set forth in subsection a. of this section during the open enrollment period.

(2) (Deleted by amendment, P.L.2008, c.38)

d. (1) Coverage for a dependent who makes a written election for coverage pursuant to subsection c. of this section shall consist of coverage which is identical to the coverage provided to that dependent prior to the termination of coverage at the specific age provided in the contract. If coverage is modified under the contract for any similarly situated dependents for coverage prior to the termination of coverage at the specific age provided in the contract, the coverage shall also be modified in the same manner for the dependent.

(2) Coverage for a dependent who makes a written election for coverage pursuant to subsection c. of this section shall not be conditioned upon, or discriminate on the basis of, lack of evidence of insurability.

e. (1) The subscriber's contract may require payment of a premium by the subscriber or dependent, as appropriate, subject to the approval of the Commissioner of Banking and Insurance, for any period of coverage relating to a dependent's written election for coverage pursuant to subsection c. of this section. The premium shall not exceed 102% of the applicable portion of the premium previously paid for that dependent's coverage under the contract prior to the termination of coverage at the specific age provided in the contract.

(2) The applicable portion of the premium previously paid for the dependent's coverage under the contract shall be determined pursuant to regulations promulgated by the Commissioner of Banking and Insurance, based upon the difference between the contract's rating tiers for adult and dependent coverage or family coverage, as appropriate, and single coverage, or based upon any other formula or dependent rating tier deemed appropriate by the commissioner which provides a substantially similar result.

(3) Payments of the premium may, at the election of the payor, be made in monthly installments.

f. Coverage for a dependent provided pursuant to this section shall be provided until the earlier of the following:

(1) the date upon which the dependent is disqualified for dependent status as set forth in subsection a. of this section;

(2) the date upon which coverage ceases under the contract by reason of a failure to make a timely payment of any premium required under the contract by the subscriber or dependent for coverage provided pursuant to this section. The payment of any premium shall be considered to be timely if made within 30 days after the due date or within a longer period as may be provided for by the contract; or

(3) the date upon which the contract, under which coverage is provided to a dependent, ceases to provide coverage to the subscriber.

Nothing herein shall be construed to permit a medical service corporation to refuse a written election for coverage by a dependent pursuant to subsection c. of this section, based upon the dependent's prior disqualification pursuant to paragraph (1) of this subsection, other than a disqualification based on age or lack of evidence of prior, creditable coverage or receipt of benefits.

g. Notice regarding coverage for a dependent as provided pursuant to this section shall be provided to a subscriber by the medical service corporation:

(1) in the certificate of coverage or other equivalent document prepared for subscribers and delivered on or about the date of commencement of the subscribers' coverage; and

(2) (Deleted by amendment, P.L.2008, c.38)

(3) in a notice delivered to subscribers on a quarterly basis.

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

31. Section 3 of P.L.2005, c.375 (C.17:48E-30.1) is amended to read as follows:

C.17:48E-30.1 Coverage for certain dependents until age 31 by health service corporation.

3. a. As used in this section, "dependent" means a subscriber's child by blood or by law who:

(1) is 30 years of age or younger;

(2) is unmarried;

(3) has no dependent of his own;

(4) is a resident of this State or is enrolled as a full-time student at an accredited public or private institution of higher education; and

(5) (a) is not actually provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Pub.L.74-271 (42 U.S.C. s.1395 et seq.) at the time the dependent coverage pursuant to this section begins or will begin; and

(b) there is evidence of prior, creditable coverage or receipt of benefits under a benefits plan or by law as set forth in subparagraph (a) of this paragraph.

b. (1) A health service corporation contract that provides coverage for a subscriber's dependent under which coverage of the dependent terminates at a specific age on or before the dependent's 30th birthday, and is delivered, issued, executed or renewed in this State pursuant to P.L.1985, c.236 (C.17:48E-1 et al.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance on or after the effective date of this section of P.L.2008, c.38, shall, upon application of the dependent as set forth in subsection c. of this section, provide coverage to the dependent after that specific age, until the dependent's 31st birthday.

(2) Nothing herein shall be construed to require:

(a) coverage for services provided to a dependent before the effective date of this section of P.L.2008, c.38; or

(b) that an employer or other group policyholder pay all or part of the cost of coverage for a dependent as provided pursuant to this section.

c. (1) A dependent covered by a subscriber's contract, which coverage under the contract terminates at a specific age on or before the dependent's

30th birthday, may make a written election for coverage as a dependent pursuant to this section, until the dependent's 30th birthday:

(a) within 30 days prior to the termination of coverage at the specific age provided in the contract;

(b) within 30 days after meeting the requirements for dependent status as set forth in subsection a. of this section, when coverage for the dependent under the contract previously terminated; or

(c) during an open enrollment period, as provided pursuant to the contract, if the dependent meets the requirements for dependent status as set forth in subsection a. of this section during the open enrollment period.

(2) (Deleted by amendment, P.L.2008, c.38)

d. (1) Coverage for a dependent who makes a written election for coverage pursuant to subsection c. of this section shall consist of coverage which is identical to the coverage provided to that dependent prior to the termination of coverage at the specific age provided in the contract. If coverage is modified under the contract for any similarly situated dependents for coverage prior to the termination of coverage at the specific age provided in the contract, the coverage shall also be modified in the same manner for the dependent.

(2) Coverage for a dependent who makes a written election for coverage pursuant to subsection c. of this section shall not be conditioned upon, or discriminate on the basis of, lack of evidence of insurability.

e. (1) The subscriber's contract may require payment of a premium by the subscriber or dependent, as appropriate, subject to the approval of the Commissioner of Banking and Insurance, for any period of coverage relating to a dependent's written election for coverage pursuant to subsection c. of this section. The premium shall not exceed 102% of the applicable portion of the premium previously paid for that dependent's coverage under the contract prior to the termination of coverage at the specific age provided in the contract.

(2) The applicable portion of the premium previously paid for the dependent's coverage under the contract shall be determined pursuant to regulations promulgated by the Commissioner of Banking and Insurance, based upon the difference between the contract's rating tiers for adult and dependent coverage or family coverage, as appropriate, and single coverage, or based upon any other formula or dependent rating tier deemed appropriate by the commissioner which provides a substantially similar result.

(3) Payments of the premium may, at the election of the payor, be made in monthly installments.

f. Coverage for a dependent provided pursuant to this section shall be provided until the earlier of the following:

(1) the date upon which the dependent is disqualified for dependent status as set forth in subsection a. of this section;

(2) the date upon which coverage ceases under the contract by reason of a failure to make a timely payment of any premium required under the contract by the subscriber or dependent for coverage provided pursuant to this section. The payment of any premium shall be considered to be timely if made within 30 days after the due date or within a longer period as may be provided for by the contract; or

(3) the date upon which the contract, under which coverage is provided to a dependent, ceases to provide coverage to the subscriber.

Nothing herein shall be construed to permit a health service corporation to refuse a written election for coverage by a dependent pursuant to subsection c. of this section, based upon the dependent's prior disqualification pursuant to paragraph (1) of this subsection, other than a disqualification based on age or lack of evidence of prior, creditable coverage or receipt of benefits.

g. Notice regarding coverage for a dependent as provided pursuant to this section shall be provided to a subscriber by the health service corporation:

(1) in the certificate of coverage or other equivalent document prepared for subscribers and delivered on or about the date of commencement of the subscribers' coverage; and

(2) (Deleted by amendment, P.L.2008, c.38)

(3) in a notice delivered to subscribers on a quarterly basis.

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

32. Section 4 of P.L.2005, c.375 (C.17B:27-30.5) is amended to read as follows:

C.17B:27-30.5 Coverage for certain dependents until age 31 by group health insurance policy.

4. a. As used in this section, "dependent" means an insured's child by blood or by law who:

(1) is 30 years of age or younger;

(2) is unmarried;

(3) has no dependent of his own;

(4) is a resident of this State or is enrolled as a full-time student at an accredited public or private institution of higher education; and

(5) (a) is not actually provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual

health benefits plan, group health plan, church plan or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Pub.L.74-271 (42 U.S.C. s.1395 et seq.) at the time dependent coverage pursuant to this section begins or will begin; and

(b) there is evidence of prior, creditable coverage or receipt of benefits under a benefits plan or by law as set forth in subparagraph (a) of this paragraph.

b. (1) A group health insurance policy that provides coverage for an insured's dependent under which coverage of the dependent terminates at a specific age on or before the dependent's 30th birthday, and is delivered, issued, executed or renewed in this State pursuant to chapter 27 of Title 17B of the New Jersey Statutes, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance on or after the effective date of this section of P.L.2008, c.38, shall, upon application of the dependent as set forth in subsection c. of this section, provide coverage to the dependent after that specific age, until the dependent's 31st birthday.

(2) Nothing herein shall be construed to require:

(a) coverage for services provided to a dependent before the effective date of this section of P.L.2008, c.38; or

(b) that an employer or other group policyholder pay all or part of the cost of coverage for a dependent as provided pursuant to this section.

c. (1) A dependent covered by an insured's policy, which coverage under the policy terminates at a specific age on or before the dependent's 30th birthday, may make a written election for coverage as a dependent pursuant to this section, until the dependent's 30th birthday:

(a) within 30 days prior to the termination of coverage at the specific age provided in the policy;

(b) within 30 days after meeting the requirements for dependent status as set forth in subsection a. of this section, when coverage for the dependent under the policy previously terminated; or

(c) during an open enrollment period, as provided pursuant to the policy, if the dependent meets the requirements for dependent status as set forth in subsection a. of this section during the open enrollment period.

(2) (Deleted by amendment, P.L.2008, c.38)

d. (1) Coverage for a dependent who makes a written election for coverage pursuant to subsection c. of this section shall consist of coverage which is identical to the coverage provided to that dependent prior to the termination of coverage at the specific age provided in the policy. If coverage is modified under the policy for any similarly situated dependents for coverage prior to the termination of coverage at the specific age provided in

the policy, the coverage shall also be modified in the same manner for the dependent.

(2) Coverage for a dependent who makes a written election for coverage pursuant to subsection c. of this section shall not be conditioned upon, or discriminate on the basis of, lack of evidence of insurability.

e. (1) The insured's policy may require payment of a premium by the insured or dependent, as appropriate, subject to the approval of the Commissioner of Banking and Insurance, for any period of coverage relating to a dependent's written election for coverage pursuant to subsection c. of this section. The premium shall not exceed 102% of the applicable portion of the premium previously paid for that dependent's coverage under the policy prior to the termination of coverage at the specific age provided in the policy.

(2) The applicable portion of the premium previously paid for the dependent's coverage under the policy shall be determined pursuant to regulations promulgated by the Commissioner of Banking and Insurance, based upon the difference between the policy's rating tiers for adult and dependent coverage or family coverage, as appropriate, and single coverage, or based upon any other formula or dependent rating tier deemed appropriate by the commissioner which provides a substantially similar result.

(3) Payments of the premium may, at the election of the payor, be made in monthly installments.

f. Coverage for a dependent provided pursuant to this section shall be provided until the earlier of the following:

(1) the date upon which the dependent is disqualified for dependent status as set forth in subsection a. of this section;

(2) the date upon which coverage ceases under the policy by reason of a failure to make a timely payment of any premium required under the policy by the insured or dependent for coverage provided pursuant to this section. The payment of any premium shall be considered to be timely if made within 30 days after the due date or within a longer period as may be provided for by the policy; or

(3) the date upon which the policy, under which coverage is provided to a dependent, ceases to provide coverage to the insured.

Nothing herein shall be construed to permit an insurer to refuse a written election for coverage by a dependent pursuant to subsection c. of this section, based upon the dependent's prior disqualification pursuant to paragraph (1) of this subsection, other than a disqualification based on age or lack of evidence of prior, creditable coverage or receipt of benefits.

g. Notice regarding coverage for a dependent as provided pursuant to this section shall be provided to an insured by the insurer:

(1) in the certificate of coverage or other equivalent document prepared for insureds and delivered on or about the date of commencement of the insureds' coverage.

(2) (Deleted by amendment, P.L.2008, c.38)

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

33. Section 5 of P.L.2005, c.375 (C.17B:27A-19.16) is amended to read as follows:

C.17B:27A-19.16 Coverage for certain dependents until age 31 by small employer health benefits plan.

5. a. As used in this section, "dependent" means a covered person's child by blood or by law who:

(1) is 30 years of age or younger;

(2) is unmarried;

(3) has no dependent of his own;

(4) is a resident of this State or is enrolled as a full-time student at an accredited public or private institution of higher education; and

(5) (a) is not actually provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Pub.L.74-271 (42 U.S.C. s.1395 et seq.) at the time dependent coverage pursuant to this section begins or will begin; and

(b) there is evidence of prior, creditable coverage or receipt of benefits under a benefits plan or by law as set forth in subparagraph (a) of this paragraph.

b. (1) A small employer health benefits plan that provides coverage for a covered person's dependent under which coverage of the dependent terminates at a specific age on or before the dependent's 30th birthday, and is delivered, issued, executed or renewed in this State pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.) or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance on or after the effective date of this section of P.L.2008, c.38, shall, upon application of the dependent as set forth in subsection c. of this section, provide coverage to the dependent after that specific age, until the dependent's 31st birthday.

(2) Nothing herein shall be construed to require:

(a) coverage for services provided to a dependent before the effective date of this section of P.L.2008, c.38; or

(b) that an employer pay all or part of the cost of coverage for a dependent as provided pursuant to this section.

c. (1) A dependent covered by a covered person's plan, which coverage under the plan terminates at a specific age on or before the dependent's 30th birthday, may make a written election for coverage as a dependent pursuant to this section, until the dependent's 30th birthday:

(a) within 30 days prior to the termination of coverage at the specific age provided in the plan;

(b) within 30 days after meeting the requirements for dependent status as set forth in subsection a. of this section, when coverage for the dependent under the plan previously terminated; or

(c) during a 30-day period in each year following the year coverage terminates at the specific age as provided in the plan, which period shall begin on the anniversary date on which the dependent's coverage terminates at the specific age as provided in the plan, if the dependent meets the requirements for dependent status as set forth in subsection a. of this section during the 30-day period.

(2) (Deleted by amendment, P.L.2008, c.38)

d. (1) Coverage for a dependent who makes a written election for coverage pursuant to subsection c. of this section shall consist of coverage which is identical to the coverage provided to that dependent prior to the termination of coverage at the specific age provided in the plan. If coverage is modified under the plan for any similarly situated dependents for coverage prior to the termination of coverage at the specific age provided in the plan, the coverage shall also be modified in the same manner for the dependent.

(2) Coverage for a dependent who makes a written election for coverage pursuant to subsection c. of this section shall not be conditioned upon, or discriminate on the basis of, lack of evidence of insurability.

e. (1) The covered person's plan may require payment of a premium by the covered person or dependent, as appropriate, subject to the approval of the Commissioner of Banking and Insurance, for any period of coverage relating to a dependent's written election for coverage pursuant to subsection c. of this section. The premium shall not exceed 102% of the applicable portion of the premium previously paid for that dependent's coverage under the plan prior to the termination of coverage at the specific age provided in the plan.

(2) The applicable portion of the premium previously paid for the dependent's coverage under the plan shall be determined pursuant to regulations promulgated by the Commissioner of Banking and Insurance, based

upon the difference between the plan's rating tiers for adult and dependent coverage or family coverage, as appropriate, and single coverage, or based upon any other formula or dependent rating tier deemed appropriate by the commissioner which provides a substantially similar result.

(3) Payments of the premium may, at the election of the payor, be made in monthly installments.

f. Coverage for a dependent provided pursuant to this section shall be provided until the earlier of the following:

(1) the date upon which the dependent is disqualified for dependent status as set forth in subsection a. of this section;

(2) the date upon which coverage ceases under the plan by reason of a failure to make a timely payment of any premium required under the plan by the covered person or dependent for coverage provided pursuant to this section. The payment of any premium shall be considered to be timely if made within 30 days after the due date or within a longer period as may be provided for by the plan; or

(3) the date upon which the plan, under which coverage is provided to a dependent, ceases to provide coverage to the covered person.

Nothing herein shall be construed to permit a carrier to refuse a written election for coverage by a dependent pursuant to subsection c. of this section, based upon the dependent's prior disqualification pursuant to paragraph (1) of this subsection, other than a disqualification based on age or lack of evidence of prior, creditable coverage or receipt of benefits.

g. Notice regarding coverage for a dependent as provided pursuant to this section shall be provided to a covered person by the carrier:

(1) in the certificate of coverage or other equivalent document prepared for covered persons and delivered on or about the date of commencement of the covered persons' coverage; and

(2) (Deleted by amendment, P.L.2008, c.38)

(3) in a notice delivered to covered persons on a quarterly basis.

h. This section shall apply to those plans in which the carrier has reserved the right to change the premium.

34. Section 6 of P.L.2005, c.375 (C.26:2J-10.3) is amended to read as follows:

C.26:2J-10.3 Coverage for certain dependents until age 31 by health maintenance organization.

6. a. As used in this section, "dependent" means an enrollee's child by blood or by law who:

(1) is 30 years of age or younger;

(2) is unmarried;

(3) has no dependent of his own;

(4) is a resident of this State or is enrolled as a full-time student at an accredited public or private institution of higher education; and

(5) (a) is not actually provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Pub.L.74-271 (42 U.S.C. s.1395 et seq.) at the time dependent coverage pursuant to this section begins or will begin; and

(b) there is evidence of prior, creditable coverage or receipt of benefits under a benefits plan or by law as set forth in subparagraph (a) of this paragraph.

b. (1) A health maintenance organization contract that provides coverage for an enrollee's dependent under which coverage of the dependent terminates at a specific age before the dependent's 30th birthday, and is delivered, issued, executed or renewed in this State pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.) on or after the effective date of this section of P.L.2008, c.38, shall, upon the application of the dependent as set forth in subsection c. of this section, provide coverage to the dependent after that specific age, until the dependent's 31st birthday.

(2) Nothing herein shall be construed to require:

(a) coverage for services provided to a dependent before the effective date of this section of P.L.2008, c.38; or

(b) that an employer or other group contract holder pay all or part of the cost of coverage for a dependent as provided pursuant to this section.

c. (1) A dependent covered by an enrollee's contract, which coverage under the contract terminates at a specific age on or before the dependent's 30th birthday, may make a written election for coverage as a dependent pursuant to this section, until the dependent's 30th birthday:

(a) within 30 days prior to the termination of coverage at the specific age provided in the contract;

(b) within 30 days after meeting the requirements for dependent status as set forth in subsection a. of this section, when coverage for the dependent under the contract previously terminated; or

(c) during an open enrollment period, as provided pursuant to the contract, if the dependent meets the requirements for dependent status as set forth in subsection a. of this section during the open enrollment period.

(2) (Deleted by amendment, P.L.2008, c.38)

d. (1) Coverage for a dependent who makes a written election for coverage pursuant to subsection c. of this section shall consist of coverage which is identical to the coverage provided to that dependent prior to the termination of coverage at the specific age provided in the contract. If coverage is modified under the contract for any similarly situated dependents for coverage prior to the termination of coverage at the specific age provided in the contract, the coverage shall also be modified in the same manner for the dependent.

(2) Coverage for a dependent who makes a written election for coverage pursuant to subsection c. of this section shall not be conditioned upon, or discriminate on the basis of, lack of evidence of insurability.

e. (1) The enrollee's contract may require payment under the schedule of charges by the enrollee or dependent, as appropriate, subject to the approval of the Commissioner of Banking and Insurance, for any period of coverage relating to a dependent's written election for coverage pursuant to subsection c. of this section. The payment shall not exceed 102% of the applicable portion of the schedule of charges previously paid for that dependent's coverage under the contract prior to the termination of coverage at the specific age provided in the contract.

(2) The applicable portion of the schedule of charges previously paid for the dependent's coverage under the contract shall be determined pursuant to regulations promulgated by the Commissioner of Banking and Insurance, based upon the difference between the contract's rating tiers for adult and dependent coverage or family coverage, as appropriate, and single coverage, or based upon any other formula or dependent rating tier deemed appropriate by the commissioner which provides a substantially similar result.

(3) Payments under the schedule of charges may, at the election of the payor, be made in monthly installments.

f. Coverage for a dependent provided pursuant to this section shall be provided until the earlier of the following:

(1) the date upon which the dependent is disqualified for dependent status as set forth in subsection a. of this section;

(2) the date upon which coverage ceases under the contract by reason of a failure to make a timely payment under any schedule of charges required under the contract by the enrollee or dependent for coverage provided pursuant to this section. The payment under any schedule of charges shall be considered to be timely if made within 30 days after the due date or within a longer period as may be provided for by the contract; or

(3) the date upon which the contract, under which coverage is provided to a dependent, ceases to provide coverage to the enrollee.

Nothing herein shall be construed to permit a health maintenance organization to refuse a written election for coverage by a dependent pursuant to subsection c. of this section, based upon the dependent's prior disqualification pursuant to paragraph (1) of this subsection, other than a disqualification based on age or lack of evidence of prior, creditable coverage or receipt of benefits.

g. Notice regarding coverage for a dependent as provided pursuant to this section shall be provided to an enrollee by the health maintenance organization:

(1) in the certificate of coverage or other equivalent document prepared for enrollees and delivered on or about the date of commencement of the enrollees' coverage; and

(2) (Deleted by amendment, P.L.2008, c.38)

(3) in a notice delivered to enrollees on a quarterly basis.

h. This section shall apply to those contracts in which the health maintenance organization has reserved the right to change the schedule of charges.

35. Section 7 of P.L.2005, c.375 (C.52:14-17.29k) is amended to read as follows:

C.52:14-17.29k Coverage for certain dependents until age 31 by insurers covered by SHBP.

7. a. As used in this section, "dependent" means a covered person's child by blood or by law who:

(1) is 30 years of age or younger;

(2) is unmarried;

(3) has no dependent of his own;

(4) is a resident of this State or is enrolled as a full-time student at an accredited public or private institution of higher education; and

(5) (a) is not actually provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Pub.L.74-271 (42 U.S.C. s.1395 et seq.) at the time dependent coverage pursuant to this section begins or will begin; and

(b) there is evidence of prior, creditable coverage or receipt of benefits under a benefits plan or by law as set forth in subparagraph (a) of this paragraph.

b. The State Health Benefits Commission shall ensure that every contract purchased or renewed by the commission on or after the effective date of P.L.2005, c.375 (C.17:48-6.19 et al.), prohibits the termination of cover-

age of a dependent before the dependent's 23rd birthday by reason of age, and complies with the provisions of this section of P.L.2008, c.38 concerning the coverage of a dependent by written election, as set forth in subsection d. of this section, until the dependent's 31st birthday.

c. Nothing within this section shall be construed to: (1) prevent any contract purchased or renewed by the commission from providing coverage for a dependent which terminates at a specific age after the dependent child's 23rd birthday; or (2) require coverage for services provided to a dependent before the effective date of this section of P.L.2008, c.38.

d. A dependent covered by a covered person's contract, which coverage under the contract terminates at a specific age on or before the dependent's 30th birthday, may make a written election for coverage as a dependent pursuant to this section, until the dependent's 30th birthday:

(a) within 30 days prior to the termination of coverage at the specific age provided in the contract;

(b) within 30 days after meeting the requirements for dependent status as set forth in subsection a. of this section, when coverage for the dependent under the contract previously terminated; or

(c) during an open enrollment period, as provided pursuant to the contract, if the dependent meets the requirements for dependent status as set forth in subsection a. of this section.

e. (1) Coverage for a dependent who makes a written election for coverage pursuant to subsection d. of this section shall consist of coverage which is identical to the coverage provided to that dependent prior to the termination of coverage at the specific age provided in the contract. If coverage is modified under the contract for any similarly situated dependents for coverage prior to the termination of coverage at the specific age provided in the contract, the coverage shall also be modified in the same manner for the dependent.

(2) Coverage for a dependent who makes a written election for coverage pursuant to subsection d. of this section shall not be conditioned upon, or discriminate on the basis of, lack of evidence of insurability.

f. (1) The covered person's contract may require payment of a premium by the covered person or dependent, as appropriate, for any period of coverage relating to a dependent's written election for coverage pursuant to subsection d. of this section. The premium shall not exceed 102% of the applicable portion of the premium previously paid for that dependent's coverage under the contract prior to the termination of coverage at the specific age provided in the contract.

(2) The applicable portion of the premium previously paid for the dependent's coverage under the contract shall be determined by the commis-

sion, based upon the difference between the contract's rating tiers for adult and dependent coverage or family coverage, as appropriate, and single coverage, or based upon any other formula or dependent rating tier deemed appropriate by the commission which provides a substantially similar result.

(3) Payments of the premium may, at the election of the payor, be made in monthly installments.

g. Coverage for a dependent provided pursuant to this section shall be provided until the earlier of the following:

(1) the date upon which the dependent is disqualified for dependent status as set forth in subsection a. of this section;

(2) the date upon which coverage ceases under the contract by reason of a failure to make a timely payment of any premium required under the contract by the covered person or dependent for coverage provided pursuant to this section. The payment of any premium shall be considered to be timely if made within 30 days after the due date or within a longer period as may be provided for by the contract; or

(3) the date upon which the contract, under which coverage is provided to a dependent, ceases to provide coverage to the covered person.

Nothing herein shall be construed to permit the commission to refuse a written election for coverage by a dependent pursuant to subsection d. of this section, based upon the dependent's prior disqualification pursuant to paragraph (1) of this subsection, other than a disqualification based on age or lack of evidence of prior, creditable coverage or receipt of benefits.

h. Notice regarding coverage for a dependent as provided pursuant to this section shall be provided to a covered person by the commission:

(1) in the certificate of coverage or other equivalent document prepared for covered persons and delivered on or about the date of commencement of the covered persons' coverage; and

(2) in a notice delivered to covered persons on a quarterly basis.

C.17B:27A-2.1 Regulations.

36. The Commissioner of Banking and Insurance shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt regulations necessary to implement sections 9 through 25 and sections 29 through 34 of this act.

C.17B:27A-2.2 Effective date.

37. Sections 1 through 8, 26 through 28, 36 and this section of this act shall take effect immediately and sections 9 through 25 and 29 through 35 of this act shall take effect on the 180th day after enactment, except that the 80%

minimum loss ratio requirements in sections 16, 19, and 24 of this act shall take effect on January 1 next following the date of enactment. Sections 9 through 25 and 29 through 35 shall apply to all contracts and policies that are delivered, issued, executed or renewed or approved for issuance or renewal in this State on or after the effective date provided herein, but the Commissioner of Banking and Insurance may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved July 8, 2008.

CHAPTER 39

AN ACT concerning State support for school facilities projects and amending and supplementing P.L.2000, c.72.

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

1. Section 1 of P.L.2000, c.72 (C.18A:7G-1) is amended to read as follows:

C.18A:7G-1 Short title.

1. Sections 1 through 30 and 57 through 71 of P.L.2000, c.72 (C.18A:7G-1 et al.), sections 14 through 17 of P.L.2007, c.137 (C.18A:7G-45 through C.18A:7G-48), and sections 8 through 11 of P.L.2008, c.39 (C.18A:7G-14.1 et al.) shall be known and may be cited as the "Educational Facilities Construction and Financing Act."

2. Section 5 of P.L.2000, c.72 (C.18A:7G-5) is amended to read as follows:

C.18A:7G-5 Undertaking and financing of school facilities in certain districts.

5. a. The development authority shall undertake and the financing authority shall finance the school facilities projects of SDA districts.

b. In the case of a district other than an SDA district, State support for the project shall be determined pursuant to section 9 or section 15 of P.L.2000, c.72 (C.18A:7G-9 or C.18A:7G-15), as applicable.

c. Notwithstanding any provision of N.J.S.18A:18A-16 to the contrary, the procedures for obtaining approval of a school facilities project

shall be as set forth in this act; provided that any district whose school facilities project is not constructed by the development authority shall also be required to comply with the provisions of N.J.S.18A:18A-16.

d. (1) Any district seeking to initiate a school facilities project shall apply to the commissioner for approval of the project. The application may include, but not be limited to: a description of the school facilities project; a schematic drawing of the project or, at the option of the district, preliminary plans and specifications; a delineation and description of each of the functional components of the project; educational specifications detailing the programmatic needs of each proposed space; the number of unhoused students to be housed in the project; the area allowances per FTE student as calculated pursuant to section 8 of P.L.2000, c.72 (C.18A:7G-8); and the estimated cost to complete the project as determined by the district.

(2) In the case of an SDA district school facilities project, based upon its educational priority ranking and the Statewide strategic plan established pursuant to subsection m. of this section, the commissioner may authorize the development authority to undertake preconstruction activities which may include, but need not be limited to, site identification, investigation, and acquisition, feasibility studies, land-related design work, design work, site remediation, demolition, and acquisition of temporary facilities. Upon receipt of the authorization, the development authority may initiate the preconstruction activities required to prepare the application for commissioner approval of the school facilities project.

e. The commissioner shall review each proposed school facilities project to determine whether it is consistent with the district's long-range facilities plan and whether it complies with the facilities efficiency standards and the area allowances per FTE student derived from those standards; and in the case of an SDA district the commissioner shall also review the project's educational priority ranking and the Statewide strategic plan developed pursuant to paragraphs (2) and (3) of subsection m. of this section; and in the case of a district other than an SDA district the commissioner shall also review the project's priority pursuant to paragraph (4) of subsection m. of this section. The commissioner shall make a decision on a district's application within 90 days from the date he determines that the application is fully and accurately completed and that all information necessary for a decision has been filed by the district, or from the date of the last revision made by the district. If the commissioner is not able to make a decision within 90 days, he shall notify the district in writing explaining the reason for the delay and indicating the date on which a decision on the project will be made, provided that the date shall not be later than 60 days from

the expiration of the original 90 days set forth in this subsection. If the decision is not made by the subsequent date indicated by the commissioner, then the project shall be deemed approved and the preliminary eligible costs for new construction shall be calculated by using the proposed square footage of the building as the approved area for unhoused students.

f. If the commissioner determines that the school facilities project complies with the facilities efficiency standards and the district's long-range facilities plan and does not exceed the area allowance per FTE student derived from those standards, the commissioner shall calculate the preliminary eligible costs of the project pursuant to the formulas set forth in section 7 of P.L.2000, c.72 (C.18A:7G-7); except that (1) in the case of a county special services school district or a county vocational school district, the commissioner shall calculate the preliminary eligible costs to equal the amount determined by the board of school estimate and approved by the board of chosen freeholders pursuant to section 14 of P.L.1971, c.271 (C.18A:46-42) or N.J.S.18A:54-31 as appropriate, and (2) in the case of an SDA district, the commissioner shall calculate the preliminary eligible costs to equal the estimated cost as determined by the development authority.

g. If the commissioner determines that the school facilities project is inconsistent with the facilities efficiency standards or exceeds the area allowances per FTE student derived from those standards, the commissioner shall notify the district.

(1) The commissioner shall approve area allowances in excess of the area allowances per FTE student derived from the facilities efficiency standards if the board of education or State district superintendent, as appropriate, demonstrates that school facilities needs related to required programs cannot be addressed within the facilities efficiency standards and that all other proposed spaces are consistent with those standards. The commissioner shall approve area allowances in excess of the area allowances per FTE student derived from the facilities efficiency standards if the additional area allowances are necessary to accommodate centralized facilities to be shared among two or more school buildings within the district and the centralized facilities represent a more cost effective alternative.

(2) The commissioner may waive a facilities efficiency standard if the board of education or State district superintendent, as appropriate, demonstrates to the commissioner's satisfaction that the waiver will not adversely affect the educational adequacy of the school facility, including the ability to deliver the programs and services necessary to enable all students to achieve the core curriculum content standards.

(3) To house the district's central administration, a district may request an adjustment to the approved areas for unhoused students of 2.17 square feet for each FTE student in the projected total district school enrollment if the proposed administrative offices will be housed in a school facility and the district demonstrates either that the existing central administrative offices are obsolete or that it is more practical to convert those offices to instructional space. To the extent that existing administrative space will continue to be used for administrative purposes, the space shall be included in the formulas set forth in section 7 of P.L.2000, c.72 (C.18A:7G-7).

If the commissioner approves excess facilities efficiency standards or additional area allowances pursuant to paragraph (1), (2), or (3) of this subsection, the commissioner shall calculate the preliminary eligible costs based upon the additional area allowances or excess facilities efficiency standards pursuant to the formulas set forth in section 7 of P.L.2000, c.72 (C.18A:7G-7). In the event that the commissioner does not approve the excess facilities efficiency standards or additional area allowances, the district may either: modify its submission so that the school facilities project meets the facilities efficiency standards; or pay for the excess costs.

(4) The commissioner shall approve spaces in excess of, or inconsistent with, the facilities efficiency standards, hereinafter referred to as nonconforming spaces, upon a determination by the district that the spaces are necessary to comply with State or federal law concerning individuals with disabilities, including that the spaces are necessary to provide in-district programs and services for current disabled pupils who are being served in out-of-district placements or in-district programs and services for the projected disabled pupil population. A district may apply for additional State aid for nonconforming spaces that will permit pupils with disabilities to be educated to the greatest extent possible in the same buildings or classes with their nondisabled peers. The nonconforming spaces may: (a) allow for the return of pupils with disabilities from private facilities; (b) permit the retention of pupils with disabilities who would otherwise be placed in private facilities; (c) provide space for regional programs in a host school building that houses both disabled and nondisabled pupils; and (d) provide space for the coordination of regional programs by a county special services school district, educational services commission, jointure commission, or other agency authorized by law to provide regional educational services in a school building that houses both disabled and nondisabled pupils. A district's State support ratio shall be adjusted to equal the lesser of the sum of its district aid percentage as defined in section 3 of P.L.2000, c.72

(C.18A:7G-3) plus 0.25, or 100% for any nonconforming spaces approved by the commissioner pursuant to this paragraph.

h. Upon approval of a school facilities project and determination of the preliminary eligible costs:

(1) In the case of a district other than an SDA district, the commissioner shall notify the district whether the school facilities project is approved and, if so approved, the preliminary eligible costs and the excess costs, if any. Following the determination of preliminary eligible costs and the notification of project approval, the district may appeal to the commissioner for an increase in those costs if the detailed plans and specifications completed by a design professional for the school facilities project indicate that the cost of constructing that portion of the project which is consistent with the facilities efficiency standards and does not exceed the area allowances per FTE student exceeds the preliminary eligible costs as determined by the commissioner for the project by 10% or more. The district shall file its appeal within 30 days of the preparation of the plans and specifications. If the district chooses not to file an appeal, then the final eligible costs shall equal the preliminary eligible costs.

The appeal shall outline the reasons why the preliminary eligible costs calculated for the project are inadequate and estimate the amount of the adjustment which needs to be made to the preliminary eligible costs. The commissioner shall forward the appeal information to the development authority for its review and recommendation. If the additional costs are the result of factors that are within the control of the district or are the result of design factors that are not required to meet the facilities efficiency standards, the development authority shall recommend to the commissioner that the preliminary eligible costs be accepted as the final eligible costs. If the development authority determines the additional costs are not within the control of the district or are the result of design factors required to meet the facilities efficiency standards, the development authority shall recommend to the commissioner a final eligible cost based on its experience for districts with similar characteristics, provided that, notwithstanding anything to the contrary, the commissioner shall not approve an adjustment to the preliminary eligible costs which exceeds 10% of the preliminary eligible costs. The commissioner shall make a determination on the appeal within 30 days of its receipt. If the commissioner does not approve an adjustment to the school facilities project's preliminary eligible costs, the commissioner shall issue his findings in writing on the reasons for the denial and on why the preliminary eligible costs as originally calculated are sufficient.

(2) In the case of an SDA district, the commissioner shall promptly prepare and submit to the development authority a preliminary project report which shall consist, at a minimum, of the following information: a complete description of the school facilities project; the actual location of the project; the total square footage of the project together with a breakdown of total square footage by functional component; the preliminary eligible costs of the project; the project's priority ranking determined pursuant to subsection m. of this section; any other factors to be considered by the development authority in undertaking the project; and the name and address of the person from the district to contact in regard to the project.

i. Upon receipt by the development authority of the preliminary project report, the development authority, upon consultation with the district, shall prepare detailed plans and specifications and schedules which contain the development authority's estimated cost and schedule to complete the school facilities project. The development authority shall transmit to the commissioner its recommendations in regard to the project which shall, at a minimum, contain the detailed plans and specifications; whether the school facilities project can be completed within the preliminary eligible costs; and any other factors which the development authority determines should be considered by the commissioner.

(1) In the event that the development authority determines that the school facilities project can be completed within the preliminary eligible costs: the final eligible costs shall be deemed to equal the preliminary eligible costs; the commissioner shall be deemed to have given final approval to the project; and the preliminary project report shall be deemed to be the final project report delivered to the development authority pursuant to subsection j. of this section.

(2) In the event that the development authority determines that the school facilities project cannot be completed within the preliminary eligible costs, prior to the submission of its recommendations to the commissioner, the development authority shall, in consultation with the district and the commissioner, determine whether changes can be made in the project which will result in a reduction in costs while at the same time meeting the facilities efficiency standards approved by the commissioner.

(a) If the development authority determines that changes in the school facilities project are possible so that the project can be accomplished within the scope of the preliminary eligible costs while still meeting the facilities efficiency standards, the development authority shall so advise the commissioner, whereupon the commissioner shall: calculate the final eligible costs to equal the preliminary eligible costs; give final approval to the project

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with the changes noted; and issue a final project report to the development authority pursuant to subsection j. of this section.

(b) If the development authority determines that it is not possible to make changes in the school facilities project so that it can be completed within the preliminary eligible costs either because the additional costs are the result of factors outside the control of the district or the additional costs are required to meet the facilities efficiency standards, the development authority shall recommend to the commissioner that the preliminary eligible costs be increased accordingly, whereupon the commissioner shall: calculate the final eligible costs to equal the sum of the preliminary eligible costs plus the increase recommended by the development authority; give final approval to the project; and issue a final project report to the development authority pursuant to subsection j. of this section.

(c) If the additional costs are the result of factors that are within the control of the district or are the result of design factors that are not required to meet the facilities efficiency standards or approved pursuant to paragraph (1) of subsection g. of this section, the development authority shall recommend to the commissioner that the preliminary eligible costs be accepted, whereupon the commissioner shall: calculate the final eligible costs to equal the preliminary eligible costs and specify the excess costs which are to be borne by the district; give final approval to the school facilities project; and issue a final project report to the development authority pursuant to subsection j. of this section; provided that the commissioner may approve final eligible costs which are in excess of the preliminary eligible costs if, in his judgment, the action is necessary to meet the educational needs of the district.

(d) For a school facilities project undertaken by the development authority, the development authority shall be responsible for any costs of construction, but only from the proceeds of bonds issued by the financing authority pursuant to P.L.2000, c.72 (C.18A:7G-1 et al.) and P.L.2007, c.137 (C.52:18A-235 et al.), which exceed the amount originally projected by the development authority and approved for financing by the development authority, provided that the excess is the result of an underestimate of labor or materials costs by the development authority. After receipt by the development authority of the final project report, the district shall be responsible only for the costs associated with changes, if any, made at the request of the district to the scope of the school facilities project.

j. The development authority shall not commence the construction of a school facilities project unless the commissioner transmits to the development authority a final project report and the district complies with the

approval requirements for the local share, if any, pursuant to section 11 of P.L.2000, c.72 (C.18A:7G-11). The final project report shall contain all of the information contained in the preliminary project report and, in addition, shall contain: the final eligible costs; the excess costs, if any; the total costs which equals the final eligible costs plus excess costs, if any; the State share; and the local share.

k. For the SDA districts, the State share shall be 100% of the final eligible costs. For all other districts, the State share shall be an amount equal to the district aid percentage; except that the State share shall not be less than 40% of the final eligible costs.

If any district which is included in district factor group A or B, other than an SDA district, is having difficulty financing the local share of a school facilities project, the district may apply to the commissioner to receive 100% State support for the project and the commissioner may request the approval of the Legislature to increase the State share of the project to 100%.

l. The local share for school facilities projects constructed by the authority or a redevelopment entity shall equal the final eligible costs plus any excess costs less the State share.

m. (1) Within 90 days of the effective date of P.L.2007, c.137 (C.52:18A-235 et al.), the commissioner shall develop an educational facilities needs assessment for each SDA district. The assessment shall be updated periodically by the commissioner in accordance with the schedule the commissioner deems appropriate for the district; except that each assessment shall at a minimum be updated within five years of the development of the district's most recent prior educational facilities needs assessment. The assessment shall be transmitted to the development authority to be used to initiate the planning activities required prior to the establishment of the educational priority ranking of school facilities projects pursuant to paragraph (2) of this subsection.

(2) Following the approval of an SDA district's long-range facilities plan or of an amendment to that plan, but prior to authorization of preconstruction activities for a school facilities project included in the plan or amendment, the commissioner shall establish, in consultation with the SDA district, an educational priority ranking of all school facilities projects in the SDA district based upon the commissioner's determination of critical need in accordance with priority project categories developed by the commissioner. The priority project categories shall include, but not be limited to, health and safety, overcrowding in the early childhood, elementary, middle, and high school grade levels, spaces necessary to provide in-district programs and services for current disabled students who are being served in out-of-district

placements or in-district programs and services for the projected disabled student population, rehabilitation, and educational adequacy.

(3) Upon the commissioner's determination of the educational priority ranking of school facilities projects in SDA districts pursuant to paragraph (2) of this subsection, the development authority, in consultation with the commissioner, the SDA districts, and the governing bodies of the municipalities in which the SDA districts are situate, shall establish a Statewide strategic plan to be used in the sequencing of SDA district school facilities projects based upon the projects' educational priority rankings and issues which impact the development authority's ability to complete the projects including, but not limited to, the construction schedule and other appropriate factors. The development authority shall revise the Statewide strategic plan and the sequencing of SDA district school facilities projects in accordance with that plan no less than once every five years.

Any amendment to an SDA district's long-range facilities plan that is submitted to the commissioner in the period between the five-year updates of the long-range facilities plan shall be considered by the development authority, in consultation with the commissioner, for incorporation into the Statewide strategic plan. In making a determination on whether or not to amend the Statewide strategic plan, the development authority shall consider the cost of the amendment, the impact of the amendment upon the school development plans for other districts, and other appropriate factors.

(4) In the case of a district other than an SDA district, the commissioner shall establish a priority process for the financing of school facilities projects based upon the commissioner's determination of critical need in accordance with priority project categories developed by the commissioner. The priority project categories shall include, but not be limited to, health and safety, overcrowding in the elementary, middle, and high school grade levels, spaces necessary to provide in-district programs and services for current disabled students who are being served in out-of-district placements or in-district programs and services for the projected disabled student population, and full-day kindergarten facilities in the case of school districts required to provide full-day preschool pursuant to section 12 of P.L.2007, c.260 (C.18A:7F-54).

n. The provisions of the "Public School Contracts Law," N.J.S.18A:18A-1 et seq., shall be applicable to any school facilities project constructed by a district but shall not be applicable to projects constructed by the development authority or a redevelopment entity pursuant to the provisions of this act.

o. In the case of a school facilities project of a district other than an SDA district, any proceeds of school bonds issued by the district for the

purpose of funding the project which remain unspent upon completion of the project shall be used by the district to reduce the outstanding principal amount of the school bonds.

p. Upon completion by the development authority of a school facilities project, if the cost of construction and completion of the project is less than the total costs, the district shall be entitled to receive a portion of the local share based on a pro rata share of the difference based on the ratio of the State share to the local share.

q. The development authority shall determine the cause of any costs of construction which exceed the amount originally projected by the development authority and approved for financing by the financing authority.

r. (Deleted by amendment, P.L.2007, c.137).

s. (Deleted by amendment, P.L.2007, c.137).

3. Section 9 of P.L.2000, c.72 (C.18A:7G-9) is amended to read as follows:

C.18A:7G-9 Distribution of State debt service aid.

9. a. State debt service aid for capital investment in school facilities for a district other than an SDA district which elects not to finance the project under section 15 of P.L.2000, c.72 (C.18A:7G-15), shall be distributed upon a determination of preliminary eligible costs by the commissioner, according to the following formula:

Aid is the sum of A for each issuance of school bonds issued for a school facilities project approved by the commissioner after the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.)

where

$A = B \times AC/P \times DAP \times M$, with $AC/P = 1$

whenever AC/P would otherwise yield a number greater than one,

and where:

B is the district's debt service for the individual issuance for the fiscal year;

AC is the preliminary eligible costs determined pursuant to section 7 of P.L.2000, c.72 (C.18A:7G-7);

P is the principal of the individual issuance plus any other funding sources approved for the school facilities project;

DAP is the district's district aid percentage as defined pursuant to section 3 of P.L.2000, c.72 (C.18A:7G-3) and where DAP shall not be less than 40%; and

M is a factor representing the degree to which a district has fulfilled maintenance requirements for a school facilities project determined pursuant to subsection b. of this section.

For county special services school districts, DAP shall be that of the county vocational school district in the same county.

b. The maintenance factor (M) shall be 1.0 except when one of the following conditions applies, in which case the maintenance factor shall be as specified:

(1) Effective ten years from the date of the enactment of P.L.2000, c.72 (C.18A:7G-1 et al.), the maintenance factor for aid for reconstruction, remodeling, alteration, modernization, renovation or repair, or for an addition to a school facility, shall be zero for all school facilities projects for which the district fails to demonstrate over the ten years preceding issuance a net investment in maintenance of the related school facility of at least 2% of the replacement cost of the school facility, determined pursuant to subsection b. of section 7 of P.L.2000, c.72 (C.18A:7G-7) using the area cost allowance of the year ten years preceding the year in which the school bonds are issued.

(2) For new construction, additions, and school facilities aided under subsection b. of section 7 of P.L.2000, c.72 (C.18A:7G-7) supported by financing issued for projects approved by the commissioner after the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.), beginning in the fourth year after occupancy of the school facility, the maintenance factor shall be reduced according to the following schedule for all school facilities projects for which the district fails to demonstrate in the prior fiscal year an investment in maintenance of the related school facility of at least two-tenths of 1% of the replacement cost of the school facility, determined pursuant to subsection b. of section 7 of P.L.2000, c.72 (C.18A:7G-7).

Maintenance Percentage	Maintenance Factor (M)
.199% - .151%	75%
.150% - .100%	50%
Less than .100%	Zero

(3) Within one year of the enactment of P.L.2000, c.72 (C.18A:7G-1 et al.), the commissioner shall promulgate rules requiring districts to develop a long-range maintenance plan and specifying the expenditures that qualify as an appropriate investment in maintenance for the purposes of this subsection.

c. Any district which obtained approval from the commissioner since September 1, 1998 and prior to the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) of the educational specifications for a school facilities project or obtained approval from the Department of Community Affairs or

the appropriately licensed municipal code official since September 1, 1998 of the final construction plans and specifications, and the district has issued debt, may elect to have the final eligible costs of the project determined pursuant to section 5 of P.L.2000, c.72 (C.18A:7G-5) and to receive debt service aid under this section or under section 10 of P.L.2000, c.72 (C.18A:7G-10).

Any district which received approval from the commissioner for a school facilities project at any time prior to the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.), and has not issued debt, other than short term notes, may submit an application pursuant to section 5 of P.L.2000, c.72 (C.18A:7G-5) to have the final eligible costs of the project determined pursuant to that section and to have the New Jersey Economic Development Authority construct the project; or, at its discretion, the district may choose to receive debt service aid under this section or under section 10 of P.L.2000, c.72 (C.18A:7G-10) or to receive a grant under section 15 of P.L.2000, c.72 (C.18A:7G-15).

For the purposes of this subsection, the "issuance of debt" shall include lease purchase agreements in excess of five years.

d. For school bonds issued for a school facilities project after the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) and prior to the effective date of P.L.2008, c.39 (C.18A:7G-14.1 et al.), State debt service aid shall be calculated in accordance with the provisions of this section as the same read before the effective date of P.L.2008, c.39 (C.18A:7G-14.1 et al.).

4. Section 14 of P.L.2000, c.72 (C.18A:7G-14) is amended to read as follows:

C.18A:7G-14 Powers of financing authority; powers of development authority.

14. Notwithstanding any other provisions of law to the contrary:

a. The financing authority shall have the power, pursuant to the provisions of P.L.2000, c.72 (C.18A:7G-1 et al.), P.L.1974, c.80 (C.34:1B-1 et seq.) and P.L.2007, c.137 (C.52:18A-235 et al.), to issue bonds and refunding bonds, incur indebtedness and borrow money secured, in whole or in part, by moneys received pursuant to sections 17, 18 and 19 of P.L.2000, c.72 (C.18A:7G-17, C.18A:7G-18 and C.18A:7G-19) for the purposes of: financing all or a portion of the costs of school facilities projects and any costs related to the issuance thereof, including, but not limited to, the administrative, insurance, operating and other expenses of the financing authority to undertake the financing, and the development authority to undertake the planning, design, and construction of school facilities projects; lending moneys to local units to pay the costs of all or a portion of school

facilities projects and any costs related to the issuance thereof; funding the grants to be made pursuant to section 15 of P.L.2000, c.72 (C.18A:7G-15); and financing the acquisition of school facilities projects to permit the refinancing of debt by the district pursuant to section 16 of P.L.2000, c.72 (C.18A:7G-16). The aggregate principal amount of the bonds, notes or other obligations issued by the financing authority as authorized pursuant to P.L.2000, c.72 (C.18A:7G-1 et al.) shall not exceed: $100,000,000 for the State share of costs for county vocational school district school facilities projects; $6,000,000,000 for the State share of costs for Abbott district school facilities projects; and $2,500,000,000 for the State share of costs for school facilities projects in all other districts. The aggregate principal amount of the bonds, notes or other obligations issued by the financing authority as authorized pursuant to P.L.2008, c.39 (C.18A:7G-14.1 et al.) shall not exceed: $2,900,000,000 for the State share of costs of SDA district school facilities projects; and $1,000,000,000 for the State share of costs for school facilities projects in all other districts, $50,000,000 of which shall be allocated for the State share of costs for county vocational school district school facilities projects. This limitation shall not include any bonds, notes or other obligations issued for refunding purposes.

The financing authority may establish reserve funds to further secure bonds and refunding bonds issued pursuant to this section and may issue bonds to pay for the administrative, insurance and operating costs of the financing authority and the development authority in carrying out the provisions of this act. In addition to its bonds and refunding bonds, the financing authority shall have the power to issue subordinated indebtedness, which shall be subordinate in lien to the lien of any or all of its bonds or refunding bonds as the financing authority may determine.

b. The financing authority shall issue the bonds or refunding bonds in such manner as it shall determine in accordance with the provisions of P.L.2000, c.72 (C.18A:7G-1 et al.), P.L.1974, c.80 (C.34:1B-1 et seq.), and P.L.2007, c.137 (C.52:18A-235 et al.); provided that notwithstanding any other law to the contrary, no resolution adopted by the financing authority authorizing the issuance of bonds or refunding bonds pursuant to this section shall be adopted or otherwise made effective without the approval in writing of the State Treasurer; and refunding bonds issued to refund bonds issued pursuant to this section shall be issued on such terms and conditions as may be determined by the financing authority and the State Treasurer. The financing authority may, in any resolution authorizing the issuance of bonds or refunding bonds issued pursuant to this section, pledge the contract with the State Treasurer provided for pursuant to section 18 of P.L.2000, c.72

(C.18A:7G-18), or any part thereof, or may pledge all or any part of the repayments of loans made to local units pursuant to section 19 of P.L.2000, c.72 (C.18A:7G-19) for the payment or redemption of the bonds or refunding bonds, and covenant as to the use and disposition of money available to the financing authority for payment of the bonds and refunding bonds. All costs associated with the issuance of bonds and refunding bonds by the financing authority for the purposes set forth in this act may be paid by the financing authority from amounts it receives from the proceeds of the bonds or refunding bonds, and from amounts it receives pursuant to sections 17, 18, and 19 of P.L.2000, c.72 (C.18A:7G-17, C.18A:7G-18 and C.18A:7G-19). The costs may include, but shall not be limited to, any costs relating to the issuance of the bonds or refunding bonds, administrative costs of the financing authority attributable to the making and administering of loans and grants to fund school facilities projects, and costs attributable to the agreements entered into pursuant to subsection d. of this section.

c. Each issue of bonds or refunding bonds of the financing authority shall be special obligations of the financing authority payable out of particular revenues, receipts or funds, subject only to any agreements with the holders of bonds or refunding bonds, and may be secured by other sources of revenue, including, but not limited to, one or more of the following:

(1) Pledge of the revenues and other receipts to be derived from the payment of local unit obligations and any other payment made to the financing authority pursuant to agreements with any local unit, or a pledge or assignment of any local unit obligations, and the rights and interest of the financing authority therein;

(2) Pledge of rentals, receipts and other revenues to be derived from leases or other contractual arrangements with any person or entity, public or private, including one or more local units, or a pledge or assignment of those leases or other contractual arrangements and the rights and interests of the financing authority therein;

(3) Pledge of all moneys, funds, accounts, securities and other funds, including the proceeds of the bonds;

(4) Pledge of the receipts to be derived from payments of State aid to the financing authority pursuant to section 21 of P.L.2000, c.72 (C.18A:7G-21);

(5) Pledge of the contract or contracts with the State Treasurer pursuant to section 18 of P.L.2000, c.72 (C.18A:7G-18);

(6) Pledge of any sums remitted to the local unit by donation from any person or entity, public or private, subject to the approval of the State Treasurer;

(7) A mortgage on all or any part of the property, real or personal, comprising a school facilities project then owned or thereafter to be acquired, or a pledge or assignment of mortgages made to the financing authority by any person or entity, public or private, including one or more local units and rights and interests of the financing authority therein; and

(8) The receipt of any grants, reimbursements or other payments from the federal government.

d. The resolution authorizing the issuance of bonds or refunding bonds pursuant to this section may also provide for the financing authority to enter into any revolving credit agreement, agreement establishing a line of credit or letter of credit, reimbursement agreement, interest rate exchange agreement, currency exchange agreement, interest rate floor or cap, options, puts or calls to hedge payment, currency, rate, spread or similar exposure or similar agreements, float agreements, forward agreements, insurance contracts, surety bonds, commitments to purchase or sell bonds, purchase or sale agreements, or commitments or other contracts or agreements and other security agreements approved by the financing authority in connection with the issuance of the bonds or refunding bonds pursuant to this section. In addition, the financing authority may, in anticipation of the issuance of the bonds or the receipt of appropriations, grants, reimbursements or other funds, including, without limitation, grants from the federal government for school facilities projects, issue notes, the principal of or interest on which, or both, shall be payable out of the proceeds of notes, bonds or other obligations of the financing authority or appropriations, grants, reimbursements or other funds or revenues of the financing authority.

e. The financing authority is authorized to engage, subject to the approval of the State Treasurer and in such manner as the State Treasurer shall determine, the services of financial advisors and experts, placement agents, underwriters, appraisers, and other advisors, consultants and agents as may be necessary to effectuate the financing of school facilities projects.

f. Bonds and refunding bonds issued by the financing authority pursuant to this section shall be special and limited obligations of the financing authority payable from, and secured by, funds and moneys determined by the financing authority in accordance with this section. Notwithstanding any other provision of law or agreement to the contrary, any bonds and refunding bonds issued by the financing authority pursuant to this section shall not be secured by the same property as bonds and refunding bonds issued by the financing authority to finance projects other than school facilities projects. Neither the members of the financing authority nor any other person executing the bonds or refunding bonds shall be personally

liable with respect to payment of interest and principal on these bonds or refunding bonds. Bonds or refunding bonds issued pursuant to this section shall not be a debt or liability of the State or any agency or instrumentality thereof, except as otherwise provided by this subsection, either legal, moral or otherwise, and nothing contained in this act shall be construed to authorize the financing authority to incur any indebtedness on behalf of or in any way to obligate the State or any political subdivision thereof, and all bonds and refunding bonds issued by the financing authority shall contain a statement to that effect on their face.

g. The State hereby pledges and covenants with the holders of any bonds or refunding bonds issued pursuant to this act that it will not limit or alter the rights or powers vested in the financing authority by this act, nor limit or alter the rights or powers of the State Treasurer in any manner which would jeopardize the interest of the holders or any trustee of the holders, or inhibit or prevent performance or fulfillment by the financing authority or the State Treasurer with respect to the terms of any agreement made with the holders of the bonds or refunding bonds or agreements made pursuant to subsection d. of this section; except that the failure of the Legislature to appropriate moneys for any purpose of this act shall not be deemed a violation of this section.

h. The financing authority and the development authority may charge to and collect from local units, districts, the State and any other person, any fees and charges in connection with the financing authority's or development authority's actions undertaken with respect to school facilities projects, including, but not limited to, fees and charges for the financing authority's administrative, organization, insurance, operating and other expenses incident to the financing of school facilities projects, and the development authority's administrative, organization, insurance, operating, planning, design, construction management, acquisition, construction, completion and placing into service and maintenance of school facilities projects. Notwithstanding any provision of this act to the contrary, no SDA district shall be responsible for the payment of any fees and charges related to the development authority's operating expenses.

i. Upon the issuance by the financing authority of bonds pursuant to this section, other than refunding bonds, the net proceeds of the bonds shall be transferred to the development authority.

5. Section 15 of P.L.2000, c.72 (C.18A:7G-15) is amended to read as follows:

C.18A:7G-15 Election by district to receive one-time grant for State share.

15. a. In the case of a district other than an SDA district, for any project approved by the commissioner after the effective date of this act, the district may elect to receive a one-time grant for the State share of the project in accordance with the provisions of subsection b. of this section rather than annual debt service aid under section 9 of P.L.2000, c.72 (C.18A:7G-9). The State share payable to the district shall equal the product of the project's final eligible costs and the district aid percentage or 40%, whichever is greater.

b. The commissioner shall establish a process for the annual allocation of grant funding. Under that process, the commissioner shall annually notify districts of the date on which the commissioner shall begin to receive applications for grant funding. A district shall have 90 days from that date to submit an application to the commissioner. The commissioner shall make a decision on a district's application within 90 days of the submission of all such applications and shall allocate the grant funding in accordance with the priority process established pursuant to paragraph (4) of subsection m. of section 5 of P.L.2000, c.72 (C.18A:7G-5).

c. The development authority shall provide grant funding for the State's share of the final eligible costs of a school facilities project pursuant to an agreement between the district and the development authority which shall, in addition to other terms and conditions, set forth the terms of disbursement of the State share. The funding of the State share shall not commence until the district secures financing for the local share.

6. Section 17 of P.L.2000, c.72 (C.18A:7G-17) is amended to read as follows:

C.18A:7G-17 Annual payment to financing authority by State.

17. In each fiscal year the State Treasurer shall pay from the General Fund to the financing authority, in accordance with a contract between the State Treasurer and the financing authority as authorized pursuant to section 18 of P.L.2000, c.72 (C.18A:7G-18), an amount equal to the debt service amount due to be paid in the State fiscal year on the bonds or refunding bonds of the financing authority issued or incurred pursuant to section 14 of P.L.2000, c.72 (C.18A:7G-14) and any additional costs authorized pursuant to that section; provided that all such payments from the General Fund shall be subject to and dependent upon appropriations being made from time to time by the Legislature for those purposes, and provided further that all payments shall be used only to pay for the costs of school facilities projects and the costs of financing those projects.

In regard to the increase in the amount of bonds authorized to be issued by the financing authority pursuant to P.L.2008, c.39 for the State share of costs for school facilities projects, debt service on the bonds or refunding bonds issued or incurred by the financing authority pursuant to section 14 of P.L.2000, c.72 (C.18A:7G-14) and any additional costs authorized pursuant to that section shall first be payable from revenues received from the gross income tax pursuant to the "New Jersey Gross Income Tax Act," P.L.1976, c.47 (C.54A:1-1 et seq.), except for debt service and additional costs for the administrative, insurance, operating, and other expenses of the financing authority and the development authority incurred in connection with school facilities projects.

7. Section 54 of P.L.2000, c.72 (C.34:1B-5.9) is amended to read as follows:

C.34:1B-5.9 Bonds deemed fully negotiable.

54. Notwithstanding the provisions of any law to the contrary, any bonds issued pursuant to P.L.2000, c.72 (C.18A:7G-1 et al.) or P.L.2007, c.137 (C.52:18A-235 et al.) or P.L.2008, c.39 (C.18A:7G-14.1 et al.) shall be fully negotiable within the meaning and for all purposes of Title 12A of the New Jersey Statutes, and each holder or owner of such a bond or other obligation, or of any coupon appurtenant thereto, by accepting the bond or coupon shall be conclusively deemed to have agreed that the bond or coupon is and shall be fully negotiable within the meaning and for all purposes of Title 12A.

C.18A:7G-14.1 Priority for projects of certain county vocational school districts.

8. The school facilities projects of a county vocational school district that did not receive State support for its projects from the $100,000,000 of bond proceeds originally allocated for the State share of county vocational school district school facilities projects pursuant to section 14 of P.L.2000, c.72 (C.18A:7G-14) shall receive priority in the allocation of the bond proceeds authorized for the State share of county vocational school district school facilities projects pursuant to P.L.2008, c.39 (C.18A:7G-14.1 et al.) provided that the county vocational school district demonstrates to the commissioner the need for the school facilities projects.

C.18A:7G-13.1 Audits conducted of certain projects.

9. The development authority, in consultation with the State Comptroller, shall cause an audit to be conducted of a school facilities project financed pursuant to P.L.2000, c.72 (C.18A:7G-1 et al.) which has a State

share that exceeds $10,000,000. This provision shall not be construed to limit the authority of the development authority or the State Comptroller to conduct audits of other school facilities projects as provided by law.

10. The development authority, in consultation with the commissioner and program stakeholders, shall conduct a study on the potential cost savings in the school construction program in SDA and other school districts that could be realized through the use of standardized design elements, components, and construction materials. The study shall include, but not be limited to, consideration of the opportunities to save design time, facilitate construction inspections, and ensure maintenance protocol ease through:

a. utilization of standard building details including, but not limited to, gymnasia, media centers, and cafeterias;

b. use of bulk supply agreements with original manufacturers; and

c. use of consistent preventive maintenance protocols to ensure maximum efficiency and lifespan of building components and systems.

The development authority shall submit the report on or before April 1, 2009 to the Governor, the Joint Budget Oversight Committee, the President of the Senate, the Speaker of the General Assembly, and the commissioner.

C.18A:7G-15.1 Rules, regulations.

11. 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 rules and regulations as the commissioner deems necessary to implement the process for the allocation of grant funding as established pursuant to subsection b. of section 15 of P.L.2000, c.72 (C.18A:7G-15) which shall be effective for a period not to exceed 12 months. The regulations shall thereafter be amended, adopted, or readopted by the State Board of Education in accordance with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).

12. This act shall take effect immediately.

Approved July 9, 2008.

CHAPTER 40

AN ACT concerning the sale of "Jersey Fresh" and other New Jersey agricultural or horticultural products and supplementing Title 4 and Title 27 of the Revised Statutes.

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

C.27:23-48 New Jersey Turnpike Authority, sale of "Jersey Fresh" products at certain service areas.

1. a. The New Jersey Turnpike Authority shall adopt, in consultation with the Department of Agriculture and pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to provide for and encourage the sale of agricultural products labeled "Jersey Fresh" and other agricultural or horticultural products grown and raised in the State, at service areas along the Garden State Parkway and the New Jersey Turnpike. These rules and regulations shall include, but need not be limited to, provisions allowing for:

(1) the selection of appropriate service areas;

(2) the designation of locations for such sales at selected service areas;

(3) procedures for growers and sellers of agricultural or horticultural products to use these designated sales locations; and

(4) compliance with the rules and regulations adopted by the State Board of Agriculture pursuant to section 3 of P.L.2008, c.40 (C.4:1-11.2).

b. To the extent necessary, appropriate, and practicable, the New Jersey Turnpike Authority shall initiate discussions with contracted vendors at service areas concerning the promotion and sale of agricultural products labeled "Jersey Fresh" and other agricultural or horticultural products at service areas and shall incorporate any necessary provisions in the contracts of the vendors to allow for the promotion and sale of these products at service areas along the Garden State Parkway and the New Jersey Turnpike.

C.27:25A-43 South Jersey Transportation Authority, sale of "Jersey Fresh" products at service areas along Atlantic City Expressway.

2. a. The South Jersey Transportation Authority shall adopt, in consultation with the Department of Agriculture and pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to provide for and encourage the sale of agricultural products labeled "Jersey Fresh" and other agricultural or horticultural products grown and raised in the State, at service areas along the Atlantic City Expressway. These rules and regulations shall include, but need not be limited to, provisions allowing for:

(1) the selection of appropriate service areas;

(2) the designation of locations for such sales at selected service areas;

(3) procedures for growers and sellers of agricultural or horticultural products to use these designated sales locations; and

(4) compliance with the rules and regulations adopted by the State Board of Agriculture pursuant to section 3 of P.L.2008, c.40 (C.4:1-11.2).

b. To the extent necessary, appropriate, and practicable, the South Jersey Turnpike Authority shall initiate discussions with contracted vendors at service areas concerning the promotion and sale of agricultural products labeled "Jersey Fresh" and other agricultural or horticultural products at service areas and shall incorporate any necessary provisions in the contracts of the vendors to allow for the promotion and sale of these products at service areas along the Atlantic City Expressway.

C.4:1-11.2 Rules, regulations.

3. The State Board 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 provide for the buying and selling of agricultural or horticultural products at service areas along toll roads in the State that may be transported in or out of State from those service areas.

4. This act shall take effect immediately.

Approved July 15, 2008.

CHAPTER 41

AN ACT renaming the "police court of the Palisades Interstate park" as the "Court of Palisades Interstate Park," and amending R.S.32:14-22 through R.S.32:14-26.

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

1. R.S.32:14-22 is amended to read as follows:

"Court of Palisades Interstate Park."

32:14-22. There shall be, in that portion of the Palisades Interstate Park lying within the State of New Jersey, a court, which shall be known as the "Court of Palisades Interstate Park."

2. R.S.32:14-23 is amended to read as follows:

Jurisdiction of Court of Palisades Interstate Park.

32:14-23. The Court of Palisades Interstate Park shall possess and have all the powers and jurisdiction of municipal courts in this State, with

respect to crimes, disorderly conduct and violations of the motor vehicle and traffic or other laws of this State, committed, occurring or happening within the portion of the Palisades Interstate Park lying within this State. The court shall also have jurisdiction of prosecutions for violations of any of the rules and regulations of the Palisades Interstate Park Commission as authorized and provided for in section 32:14-20 of this Title.

3. R.S.32:14-24 is amended to read as follows:

Locations of court.

32:14-24. The court may be held in any portion of the Palisades Interstate Park lying within this State, or in any municipality of the county in which any part of the park may lie.

4. R.S.32:14-25 is amended to read as follows:

Judges of court; appointment; terms; powers.

32:14-25. The Governor, with the advice and consent of the Senate, shall appoint a judge or judges, not exceeding three, of the court, which court shall have all the powers, privileges and duties of municipal courts of this State. The term of such judge or judges shall be for three years; provided, however, that nothing herein shall be construed to extend any shorter term for which any judge may already have been appointed.

5. R.S.32:14-26 is amended to read as follows:

Per diem of judges of court.

32:14-26. The Palisades Interstate Park Commission shall pay the judge or judges of the court a per diem compensation to be determined by the commission.

6. This act shall take effect immediately.

Approved July 15, 2008.

CHAPTER 42

AN ACT concerning law enforcement powers of United States Park Police, supplementing chapter 154 of Title 2A of the New Jersey Statutes, and amending P.L.1983, c.268.

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

C.2A:154-6 Powers of United States Park Police relative to arrest of offenders.

1. Full-time law enforcement officers employed by the Department of the Interior as park police who are empowered to effect an arrest with or without a warrant for violations of the United States Code and who are authorized to carry firearms in the performance of their duties shall be empowered to act as an officer for the arrest of offenders against the laws of this State:

a. where the person reasonably believes that a crime of the first, second, or third degree is or is about to be committed or attempted in his presence; and

b. where the person reasonably believes that a crime of the fourth degree, a disorderly persons offense, a petty disorderly persons offense, or a violation of Title 39 of the Revised Statutes is or is about to be committed or attempted in his presence on Ellis Island or in Liberty State Park within 500 feet of the ferry terminal serving passengers bound for the Statue of Liberty National Monument or Ellis Island or in Liberty State Park within 500 feet of the access bridge to Ellis Island while that officer is in performance of his official duties.

2. Section 1 of P.L.1983, c.268 (C.2A:154-5) is amended to read as follows:

C.2A:154-5 Empowerment of federal law enforcement officers.

1. The following persons employed as full-time law enforcement officers by the Federal Government, who are empowered to effect an arrest with or without warrant for violations of the United States Code and who are authorized to carry firearms in the performance of their duties, shall be empowered to act as an officer for the arrest of offenders against the laws of this State where the person reasonably believes that a crime of the first, second or third degree is or is about to be committed or attempted in his presence:

Federal Bureau of Investigation special agents;

United States Secret Service special agents;

Immigration and Naturalization Service special agents, investigators and patrol officers;

United States Marshal Service deputies;

Drug Enforcement Administration special agents;

United States Postal inspectors;

United States Postal police officers while in the performance of their official duties;

United States Customs Service special agents, inspectors and patrol officers;

United States General Services Administration special agents;

United States Department of Agriculture special agents;

Bureau of Alcohol, Tobacco and Firearms special agents;

Internal Revenue Service special agents and inspectors;

Department of the Interior special agents, investigators, and park rangers;

Federal Reserve law enforcement officers while in the performance of their official duties; and

United States Department of Defense police officers.

3. This act shall take effect immediately.

Approved July 15, 2008.

CHAPTER 43

AN ACT concerning the rights of nursing home residents and amending P.L.1976, c.120.

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

1. Section 5 of P.L.1976, c.120 (C.30:13-5) is amended to read as follows:

C.30:13-5 Rights of nursing home residents.

5. Every resident of a nursing home shall:

a. Have the right to manage his own financial affairs unless he or his guardian authorizes the administrator of the nursing home to manage such resident's financial affairs. Such authorization shall be in writing and shall be attested by a witness that is unconnected with the nursing home, its operations, its staff personnel and the administrator thereof, in any manner whatsoever.

b. Have the right to wear his own clothing. If clothing is provided to the resident by the nursing home, it shall be of a proper fit.

c. Have the right to retain and use his personal property in his immediate living quarters, unless the nursing home can demonstrate that it is unsafe or impractical to do so.

d. Have the right to receive and send unopened correspondence and, upon request, to obtain assistance in the reading and writing of such correspondence.

e. Have the right to unaccompanied access to a telephone at a reasonable hour, including the right to a private phone at the resident's expense.

f. Have the right to privacy.

g. Have the right to retain the services of his own personal physician at his own expense or under a health care plan. Every resident shall have the right to obtain from his own physician or the physician attached to the nursing home complete and current information concerning his medical diagnosis, treatment and prognosis in terms and language the resident can reasonably be expected to understand, except when the physician deems it medically inadvisable to give such information to the resident and records the reason for such decision in the resident's medical record. In such a case, the physician shall inform the resident's next-of-kin or guardian. The resident shall be afforded the opportunity to participate in the planning of his total care and medical treatment to the extent that his condition permits. A resident shall have the right to refuse treatment. A resident shall have the right to refuse to participate in experimental research, but if he chooses to participate, his informed written consent must be obtained. Every resident shall have the right to confidentiality and privacy concerning his medical condition and treatment, except that records concerning said medical condition and treatment may be disclosed to another nursing home or health care facility on transfer, or as required by law or third-party payment contracts.

h. Have the right to unrestricted communication, including personal visitation with any persons of his choice, at any reasonable hour.

i. Have the right to present grievances on behalf of himself or others to the nursing home administrator, State governmental agencies or other persons without threat of discharge or reprisal in any form or manner whatsoever. The administrator shall provide all residents or their guardians with the name, address, and telephone number of the appropriate State governmental office where complaints may be lodged. Such telephone number shall be posted in a conspicuous place near every public telephone in the nursing home.

j. Have the right to a safe and decent living environment and considerate and respectful care that recognizes the dignity and individuality of the resident, including the right to expect and receive appropriate assessment,

management and treatment of pain as an integral component of that person's care consistent with sound nursing and medical practices.

k. Have the right to refuse to perform services for the nursing home that are not included for therapeutic purposes in his plan of care as recorded in his medical record by his physician.

l. Have the right to reasonable opportunity for interaction with members of the opposite sex. If married, the resident shall enjoy reasonable privacy in visits by his spouse and, if both are residents of the nursing home, they shall be afforded the opportunity, where feasible, to share a room, unless medically inadvisable.

m. Not be deprived of any constitutional, civil or legal right solely by reason of admission to a nursing home.

n. Have the right to receive, upon request, food that meets the resident's religious dietary requirements, provided that the request is made prior to or upon admission to the nursing home, and if the resident is not a Medicaid recipient, that the resident agrees to assume any additional cost incurred by the nursing home in order to meet those dietary requirements. If the resident is a Medicaid recipient upon admission, or becomes eligible for Medicaid after admission, the nursing home shall include the cost of the religious dietary requirements in its Medicaid cost report for consideration under applicable reimbursement processes. 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 on the 60th day after enactment.

Approved July 15, 2008.

CHAPTER 44

AN ACT concerning New Jersey Route No. 23 and repealing P.L.2007, c.238.

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

Repealer.

1. P.L.2007, c.238 is repealed.

2. This act shall take effect immediately.

Approved July 15, 2008.

CHAPTER 45

AN ACT concerning certified public accountants, amending and supplementing P.L.1997, c.259 and repealing section 15 of P.L.1997, c.259.

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

1. Section 3 of P.L.1997, c.259 (C.45:2B-44) is amended to read as follows:

C.45:2B-44 Definitions relative to the practice of accounting.

3. As used in this act:

"Attest" means providing any of the following financial statement services: any audit or other engagement to be performed in accordance with the Statements on Auditing Standards (SAS); any review of a financial statement to be performed in accordance with the Statements on Standards for Accounting and Review Services (SSARS); any examination of prospective financial information to be performed in accordance with the Statements on Standards for Attestation Engagements (SSAE); and any engagement to be performed in accordance with the auditing standards of the Public Company Accounting Oversight Board (PCAOB). The statements on standards specified herein shall be adopted by regulation by the board and shall be in accordance with standards developed for general application by recognized national accountancy organizations such as the American Institute of Certified Public Accountants and the PCAOB.

"Board" means the New Jersey State Board of Accountancy.

"Compilation" means providing a service, to be performed in accordance with Statements on Standards for Accounting and Review Services (SSARS), by presenting, in the form of financial statements, information that is the representation of management or owners without undertaking to express any assurance on the statements.

"Financial statements" means statements and related footnotes that purport to present an actual or a prospective financial position at a particular time, or results of operations, cash flow, or changes in financial position

for a period of time, in conformity with generally accepted accounting principles or another comprehensive basis of accounting. The term includes specific elements, accounts or items of such statements, but does not include: incidental financial data included in management advisory service reports to support recommendations to a client; or tax returns and supporting schedules.

"Firm" means a sole proprietorship, a professional corporation, a partnership, a limited liability company, a limited liability partnership, or any other lawful form of business organization.

"Home office" means the location specified by the client as the address to which a service described in subsection d. of section 6 of P.L.2008, c.45 (C.45:2B-50.1) is directed.

"License" means a license or registration issued to an individual or firm permitting the individual or firm to practice public accountancy.

"Licensee" means the holder of a license issued pursuant to this act.

"Manager" means a manager of a limited liability company.

"Member" means a member of a limited liability company.

"Nonlicensee" means a person not licensed as a certified public accountant or a public accountant of any state or possession of the United States or the District of Columbia.

"Owner of a firm" means any person with an equity or equivalent interest in a firm, such as a shareholder with respect to a corporation or a partner with respect to a partnership, or an individual with respect to a sole proprietorship.

"Practice of public accountancy" means the performance or the offering to perform attest services for a client or potential client, by a licensee, registered firm or individual qualifying for practice privileges under section 6 of P.L.2008, c.45 (C.45:2B-50.1). The "practice of public accountancy" also means the performance or the offering to perform by a licensee or individual qualifying for practice privileges under section 6 of P.L.2008, c.45 (C.45:2B-50.1) of one or more of the following: a compilation of a financial statement to be performed in accordance with SSARS, management advisory, financial advisory or consulting services, or the preparation of tax returns or the furnishing of advice on tax matters.

"Practice unit" means any office of a firm registered with the board to engage in the practice of public accountancy in the State of New Jersey.

"Principal place of business" means the office location designated by a licensee for purposes of substantial equivalency and reciprocity.

"Quality review" means a study, appraisal or review of one or more aspects of the professional work of a licensee, or individual qualifying for practice privileges under section 6 of P.L.2008, c.45 (C.45:2B-50.1), or reg-

istered firm that performs attest or compilation services, by a person who is a certified public accountant or public accountant and who is not affiliated with the licensee, the individual qualified for practice privileges under section 6 of P.L.2008, c.45 (C.45:2B-50.1), or registered firm being reviewed.

"Report" when used with reference to financial statements, means an opinion, report, or other form of language that states or implies assurance as to the reliability of any financial statement and that also includes or is accompanied by any statement or implication that the person or firm issuing it has special knowledge or competence in accounting or auditing. Such a statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the person or firm is an accountant or auditor, or from the language of the report itself. The term "report" includes any form of language which disclaims an opinion when that form of language is conventionally understood to imply any positive assurance as to the reliability of the financial statement referred to or special competence on the part of the person or firm issuing that language, or both; and it includes any other form of language that is conventionally understood to imply that assurance or that special knowledge or competence, or both.

2. Section 13 of P.L.1997, c.259 (C.45:2B-54) is amended to read as follows:

C.45:2B-54 Requirements for registration of firm in practice of attest services or public accountancy.

13. a. The board shall only grant or renew registration to a firm engaged in the practice of attest services or public accountancy if that firm meets the requirements provided in this section.

(1) A firm shall register with the board if it:

(a) Has an office in this State engaged in the practice of attest services;

(b) Has an office in this State that uses the title "Certified Public Accountant," "CPA," "Certified Public Accountant firm," or "CPA firm;" or

(c) Does not have an office in this State, but performs services described in subsection d. of section 6 of P.L.2008, c.45 (C.45:2B-50.1) for a client having its home office in this State.

(2) A firm that does not have an office in this State may perform compilation services or review financial statements in accordance with the Statements on Standards for Accounting and Review Services (SSARS), and may practice public accountancy as authorized under this section, for a client having its home office in this State and may use the title "Certified

Public Accountant," "CPA," "Certified Public Account firm," or "CPA firm," without registering with the board if:

(a) It has the qualifications described in section 26 of P.L.1997, c.259 (C.45:2B-67) and in subsection a. of section 5 of P.L.1999, c.215 (C.45:2B-54.1); and

(b) It performs those services through an individual with practice privileges under section 6 of P.L.2008, c.45 (C.45:2B-50.1).

(3) A firm that is not subject to the requirements of paragraph (1) or (2) of this subsection may perform other professional services included in the practice of public accountancy while using the title "Certified Public Accountant," "CPA," "Certified Public Account firm," or "CPA firm" in this State without registering with the board if:

(a) It performs those services through an individual with practice privileges under subsection d. of section 6 of P.L.2008, c.45 (C.45:2B-50.1); and

(b) It can lawfully do so in the state where those individuals with practice privileges have their principal place of business.

(4) A firm with an office in this State that is engaged in the practice of public accountancy but not performing attest services, shall be eligible to register with the board as a firm of certified public accountants.

b. A firm seeking to register with the board shall meet the following requirements:

(1) At least one owner of the firm shall be a certified public accountant in good standing, and licensed to practice public accountancy in this State, except that this requirement is waived for firms that perform services for which firm registration is required under subparagraph (c) of paragraph (1) of subsection a. of this section through an individual who qualifies for the practice privilege under section 6 of P.L.2008, c.45 (C.45:2B-50.1);

(2) Each owner of the firm, other than a nonlicensee, shall be a certified public accountant of any state or possession of the United States or the District of Columbia in good standing, and licensed to practice public accountancy where licensed;

(3) There shall be a certified public accountant in the firm who has ultimate responsibility for each attest engagement. On all firm applications and renewal forms, a licensee or an individual who qualifies for the practice privilege under section 6 of P.L.2008, c.45 (C.45:2B-50.1) shall be designated as responsible and in charge of all professional matters relating to the practice of accountancy by the registered firm. Each resident manager in charge of a practice unit of a firm in this State and each owner thereof, other than a nonlicensee, personally engaged within this State in the practice of public accountancy shall be a certified public accountant in good

standing, and licensed to practice public accountancy in this State, or shall be an individual who qualifies for the practice privilege under section 6 of P.L.2008, c.45 (C.45:2B-50.1).

c. Application for registration of a firm shall be made upon the affidavit of an owner of the firm who is a certified public accountant in good standing and licensed to practice public accountancy in this State or who qualifies for the practice privilege under section 6 of P.L.2008, c.45 (C.45:2B-50.1). The board shall in each case determine whether the applicant is eligible for registration. A firm which is so registered may use the words "certified public accountant" or the abbreviation "CPAs" in connection with its firm name. Notification shall be given to the board within 90 days after admission or withdrawal of an owner licensed and practicing in this State from any firm so registered.

3. Section 14 of P.L.1997, c.259 (C.45:2B-55) is amended to read as follows:

C.45:2B-55 Requirements for registration as firm of public accountants.

14. a. A firm engaged in this State in the practice of attest services and not otherwise registered with the board or exempt from registration under section 13 of P.L.1997, c.259 (C.45:2B-54) shall be required to register with the board as a firm of public accountants. A firm engaged in the practice of public accountancy, but not performing attest services, shall be eligible to register with the board as a firm of public accountants. In either case, the firm shall meet the following requirements:

(1) At least one owner of a firm shall be a public accountant or certified public accountant in good standing, and licensed to practice public accountancy in this State;

(2) Each owner of the firm, other than a nonlicensee, shall be a public accountant or certified public accountant of any state or possession of the United States or the District of Columbia in good standing, and licensed to practice public accountancy where licensed;

(3) There shall be a public accountant or certified public accountant in the firm who has ultimate responsibility for each attest engagement. On all firm applications and renewal forms, a licensee shall be designated as responsible and in charge of all professional matters relating to the practice of accountancy by the registered firm. Each resident manager in charge of a practice unit of a firm in this State and each owner thereof, other than a nonlicensee, personally engaged within this State in the practice of public accounting shall be a public accountant or a certified public accountant of

this State in good standing and licensed to practice public accountancy in this State.

b. Application for registration of a firm shall be made upon the affidavit of an owner of the firm who is a public accountant or certified public accountant of this State in good standing and licensed to practice public accountancy in this State. The board shall in each case determine whether the applicant is eligible for registration. A firm which is so registered may use the words "public accountant" or the abbreviation "PAs" in connection with its firm name. Notification shall be given to the board within 90 days after admission or withdrawal of an owner licensed and practicing in this State from any firm so registered.

4. Section 20 of P.L.1997, c.259 (C.45:2B-61) is amended to read as follows:

C.45:2B-61 Issuance of report on financial statements prohibited; exceptions.

20. a. No individual or firm shall issue a report on financial statements of any other individual, firm, organization, or governmental unit unless that person or firm holds a valid license or registration issued under this act, qualifies for the practice privilege under section 6 of P.L.2008, c.45 (C.45:2B-50.1), or is exempt from registration under section 13 of P.L.1997, c.259 (C.45:2B-54), except that this prohibition shall not apply to: an officer, partner, member, manager or employee of any firm or organization affixing that person's own signature to any statement or report in reference to the financial affairs of that firm or organization with any wording designating the position, title or office that the person holds in the firm or organization; any act of a public official or employee in the performance of that person's duties; the performance by any person of other services involving the use of accounting skills, including the preparation of tax returns or financial statements prepared without the issuance of reports, or providing a management advisory service.

b. The prohibition contained in subsection a. of this section is applicable to the issuance, by a person not holding a valid license or a firm not holding a valid registration, of a report using any form of language conventionally used by licensees respecting review of financial statements or compilation of financial statements.

5. Section 21 of P.L.1997, c.259 (C.45:2B-62) is amended to read as follows:

C.45:2B-62 Use of title, designation requires licensure, registration; exceptions.

21. a. No person shall use or assume the title or designation "certified public accountant," or the abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant unless that person holds a current license as a certified public accountant under this act or qualifies for the practice privilege under section 6 of P.L.2008, c.45 (C.45:2B-50.1).

b. No firm shall use or assume the title or designation "certified public accountant," or the abbreviation "CPA," unless otherwise provided for by law, or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the firm is composed of certified public accountants, unless the firm holds a current registration issued under this act or is exempt from registration under section 13 of P.L.1997, c.259 (C.45:2B-54).

c. No person shall use or assume the title or designation "public accountant," or the abbreviation "PA," or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a public accountant unless that person holds a current license as a public accountant under this act.

d. No firm shall use or assume the title or designation "public accountant," or the abbreviation "PA," unless otherwise provided for by law, or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the firm is composed of public accountants, unless the firm holds a current registration issued under this act.

e. No person or firm shall use or assume the title or designation "certified accountant," "chartered accountant," "enrolled accountant," "licensed accountant," "registered accountant," "accredited accountant," or any other title or designation likely to be confused with the titles "certified public accountant" or "public accountant," or use any of the abbreviations "CA," "LA," "RA," "AA," or similar abbreviations likely to be confused with the abbreviations "CPA" or "PA," unless that person or firm holds a current license or registration issued under this act, qualifies for the practice privilege under section 6 of P.L.2008, c.45 (C.45:2B-50.1), or is exempt from registration under section 13 of P.L.1997, c.259 (C.45:2B-54).

f. No person or firm shall use or assume the title "enrolled agent" or "EA," unless so designated by the Internal Revenue Service.

g. No person or firm shall use or assume any title or designation that includes the words "accountant," "auditor," or "accounting" in connection with any other language, including the language of a report, that implies that the person or firm holds such a certificate, permit, or registration or has

special competence as an accountant or auditor, unless that person or firm holds a current license or registration issued under this act, qualifies for the practice privilege under section 6 of P.L.2008, c.45 (C.45:2B-50.1), or is exempt from registration under section 13 of P.L.1997, c.259 (C.45:2B-54), except that this subsection shall not prohibit any officer, partner, member, manager, or employee of any firm or organization from affixing that person's own signature to any statement in reference to the financial affairs of that firm or organization with any wording designating the positions, title, or office that the person holds in the firm or organization, nor shall this subsection prohibit any act of a public official or employee in the performance of the person's duties.

h. No person holding a license or firm holding a registration under this act shall engage in the practice of public accountancy using a professional or firm name or designation that is misleading with regard to the form in which the firm is organized, or about the persons who are partners, officers, members, managers or shareholders of the firm, or about any other matter, except that names of one or more former partners, members, managers, or shareholders may be included in the name of a firm or its successor.

i. The provisions of this section shall not apply to a person or firm holding a certification, designation, degree, or license granted in a foreign country, entitling the holder thereof to engage in the practice of public accountancy or its equivalent in that country, whose activities in this State are limited to the provision of professional services to persons or firms who are residents of, governments of, or business entities of the country in which the person holds that entitlement, so long as that person or firm issues no reports with respect to the financial statements of any other persons, firms, or governmental units in this State, and does not use in this State any titles or designation other than the one under which the person practices in the foreign country, followed by a translation of that title or designation into the English language, if it is in a different language, and by the name of that country.

j. A financial services corporation, the voting stock of which is traded on a recognized exchange or over-the-counter, may use the truthful fact in advertising that the firm employs certified public accountants.

k. Notwithstanding any other provision of this section, it shall not be a violation of P.L.1997, c.259 (C.45:2B-42 et seq.) for a firm that has not registered with the board and that does not have an office in this State to provide professional services in this State so long as it complies with paragraph (2) or paragraph (3) of subsection a. of section 13 of P.L.1997, c.259 (C.45:2B-54).

C.45:2B-50.1 Standards for individual with principal place of business out-of-State.

6. a. An individual whose principal place of business is not in this State shall be presumed to have qualifications substantially equivalent to this State's requirements for certified public accountants and shall have all the privileges of licensed certified public accountants of this State without the need to obtain a license under P.L.1997, c.259 (C.45:2B-42 et seq.) or to notify the board or pay any fee if that individual:

(1) Holds a valid license as a certified public accountant from any state which the National Association of State Boards of Accountancy's (NASBA) National Qualification Appraisal Service has verified to be in substantial equivalence with the certified public accountant licensure requirements of the American Institute of Certified Public Accountants AICPA/NASBA Uniform Accountancy Act; or

(2) Holds a valid license as a certified public accountant from any state which the NASBA's National Qualification Appraisal Service has not verified to be in substantial equivalence with the certified public accountant licensure requirements of the AICPA/NASBA Uniform Accountancy Act, but that individual obtains from the NASBA's National Qualification Appraisal Service verification that the individual's personal certified public accountant qualifications are substantially equivalent to the certified public accountant licensure requirements of the AICPA/NASBA Uniform Accountancy Act.

b. In accordance with the provisions of this section and notwithstanding any other provision of law, an individual who offers or renders professional services, whether in person or by mail, telephone, or electronic means, shall be granted practice privileges in this State and no notice or other submission shall be required of that individual. Such individual shall be subject to the requirements of subsection c. of this section.

c. An individual licensee of another state exercising the privilege afforded by this section and the firm that employs that licensee hereby simultaneously consent, as a condition of exercising that privilege:

(1) To the personal and subject matter jurisdiction and disciplinary authority of the board;

(2) To comply with P.L.1997, c.259 (C.45:2B-42 et seq.) and the regulations promulgated pursuant to that act;

(3) That in the event the license from the state of the individual's principal place of business is no longer valid, the individual will cease offering or rendering professional services in this State individually and on behalf of a firm; and

(4) To the appointment of the state board or other authority that issued the individual's license as the individual's agent upon which process may be served in any action or proceeding by this State's board against the licensee.

d. An individual who has been granted the practice privilege under this section who, for any entity with its home office in this State, performs any of the following services:

(1) A financial statement audit or other engagement to be performed in accordance with the Statements on Auditing Standards (SAS);

(2) An examination of prospective financial information to be performed in accordance with the Statements on Standards for Attestation Engagements (SSAE); or

(3) An engagement to be performed in accordance with the Public Company Accounting Oversight Board (PCAOB) Auditing Standards;

may only do so through a firm which has registered with the board under section 13 of P.L.1997, c.259 (C.45:2B-54).

e. A licensee of this State offering or rendering services or using a title provided in section 21 of P.L.1997, c.259 (C.45:2B-62) in another state shall be subject to disciplinary action in this State for an action committed in another state for which the licensee would be subject to discipline for an act committed in that state. The board shall investigate any complaint made by the board of accountancy or other licensing authority of another state.

f. Any individual who passed the Uniform Certified Public Accountant Examination and holds a valid license issued by any other state prior to January 1, 2012 shall be exempt from the 150 hour education requirement in subsection c. of section 8 of P.L.1997, c.259 (C.45:2B-49).

Repealer.

7. Section 15 of P.L.1997, c.259 (C.45:2B-56) is repealed.

8. This act shall take effect on the 365th day next following enactment.

Approved July 15, 2008.

CHAPTER 46

AN ACT concerning affordable housing, revising and supplementing various parts of the statutory law.

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

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

C.40A:12A-3 Definitions.

3. As used in this act:

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

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

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

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

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

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

quisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith.

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

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

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

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

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

"Redeveloper" means any person, firm, corporation or public body that shall enter into or propose to enter into a contract with a municipality or other redevelopment entity for the redevelopment or rehabilitation of an area in need of redevelopment, or an area in need of rehabilitation, or any part thereof, under the provisions of this act, or for any construction or other work forming part of a redevelopment or rehabilitation project.

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

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

"Redevelopment area" or "area in need of redevelopment" means an area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) or determined heretofore to be a "blighted area" pursuant to P.L.1949, c.187 (C.40:55-21.1 et seq.) repealed by this act, both determinations as made pursuant to the authority of Article VIII, Section III, paragraph 1 of the Constitution. A redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

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

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

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

"Rehabilitation" means an undertaking, by means of extensive repair, reconstruction or renovation of existing structures, with or without the introduction of new construction or the enlargement of existing structures, in any area that has been determined to be in need of rehabilitation or redevel-

opment, to eliminate substandard structural or housing conditions and arrest the deterioration of that area.

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

2. Section 7 of P.L.1992, c.79 (C.40A:12A-7) is amended to read as follows:

C.40A:12A-7 Adoption of redevelopment plan.

7. a. No redevelopment project shall be undertaken or carried out except in accordance with a redevelopment plan adopted by ordinance of the municipal governing body, upon its finding that the specifically delineated project area is located in an area in need of redevelopment or in an area in need of rehabilitation, or in both, according to criteria set forth in section 5 or section 14 of P.L.1992, c.79 (C.40A:12A-5 or 40A:12A-14), as appropriate.

The redevelopment plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

(1) Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.

(2) Proposed land uses and building requirements in the project area.

(3) Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.

(4) An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.

(5) Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.).

(6) As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to section 4 of

P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.

(7) A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan. Displaced residents of housing units provided under any State or federal housing subsidy program, or pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), provided they are deemed to be eligible, shall have first priority for those replacement units provided under the plan; provided that any such replacement unit shall not be credited against a prospective municipal obligation under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), if the housing unit which is removed had previously been credited toward satisfying the municipal fair share obligation. To the extent reasonably feasible, replacement housing shall be provided within or in close proximity to the redevelopment area. A municipality shall report annually to the Department of Community Affairs on its progress in implementing the plan for provision of comparable, affordable replacement housing required pursuant to this section.

b. A redevelopment plan may include the provision of affordable housing in accordance with the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) and the housing element of the municipal master plan.

c. The redevelopment plan shall describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.). The redevelopment plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area. When the redevelopment plan supersedes any provision of the development regulations, the ordinance adopting the redevelopment plan shall contain an explicit amendment to the zoning district map included in the zoning ordinance. The zoning district map as amended shall indicate the redevelopment area to which the redevelopment plan applies. Notwithstanding the provisions of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or of other law, no notice beyond that required for adoption of ordinances by the municipality shall be required for the hearing on or adoption of the redevelopment plan or subsequent amendments thereof.

d. All provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan.

e. Prior to the adoption of a redevelopment plan, or revision or amendment thereto, the planning board shall transmit to the governing body, within 45 days after referral, a report containing its recommendation concerning the redevelopment plan. This report shall include an identification of any provisions in the proposed redevelopment plan which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate. The governing body, when considering the adoption of a redevelopment plan or revision or amendment thereof, shall review the report of the planning board and may approve or disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following the recommendations. Failure of the planning board to transmit its report within the required 45 days shall relieve the governing body from the requirements of this subsection with regard to the pertinent proposed redevelopment plan or revision or amendment thereof. Nothing in this subsection shall diminish the applicability of the provisions of subsection d. of this section with respect to any redevelopment plan or revision or amendment thereof.

f. The governing body of a municipality may direct the planning board to prepare a redevelopment plan or an amendment or revision to a redevelopment plan for a designated redevelopment area. After completing the redevelopment plan, the planning board shall transmit the proposed plan to the governing body for its adoption. The governing body, when considering the proposed plan, may amend or revise any portion of the proposed redevelopment plan by an affirmative vote of the majority of its full authorized membership and shall record in its minutes the reasons for each amendment or revision. When a redevelopment plan or amendment to a redevelopment plan is referred to the governing body by the planning board under this subsection, the governing body shall be relieved of the referral requirements of subsection e. of this section.

3. Section 4 of P.L.1968, c.410 (C.52:14B-4) is amended to read as follows:

C.52:14B-4 Adoption, amendment, repeal of rules.

4. (a) Prior to the adoption, amendment, or repeal of any rule, except as may be otherwise provided, the agency shall:

(1) Give at least 30 days' notice of its intended action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon. The notice shall be mailed to all persons who have made timely requests of the agency for advance notice of its rule-making proceedings and in addition to other public notice required by law shall be published in the New Jersey Register. Notice shall also be distributed to the news media maintaining a press office to cover the State House Complex, and made available electronically through the largest nonproprietary cooperative public computer network. Each agency shall additionally publicize the intended action and shall adopt rules to prescribe the manner in which it will do so, and inform those persons most likely to be affected by or interested in the intended action. Methods that may be employed include publication of the notice in newspapers of general circulation or in trade, industry, governmental or professional publications, distribution of press releases to the news media and posting of notices in appropriate locations. The rules shall prescribe the circumstances under which each additional method shall be employed;

(2) Prepare for public distribution at the time the notice appears in the Register a statement setting forth a summary of the proposed rule, a clear and concise explanation of the purpose and effect of the rule, the specific legal authority under which its adoption is authorized, a description of the expected socio-economic impact of the rule, a regulatory flexibility analysis, or the statement of finding that a regulatory flexibility analysis is not required, as provided in section 4 of P.L.1986, c.169 (C.52:14B-19), a jobs impact statement which shall include an assessment of the number of jobs to be generated or lost if the proposed rule takes effect, an agriculture industry impact statement as provided in section 7 of P.L.1998, c.48 (C.4:1C-10.3), and a housing affordability impact statement and a smart growth development impact statement, as provided in section 31 of P.L.2008, c.46 (C.52:14B-4.1b);

(3) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. The agency shall consider fully all written and oral submissions respecting the proposed rule. If within 30 days of the publication of the proposed rule sufficient public interest is demonstrated in an extension of the time for submissions, the agency shall provide an additional 30 day period for the receipt of submissions by inter-

ested parties. The agency shall not adopt the proposed rule until after the end of that 30 day extension.

The agency shall conduct a public hearing on the proposed rule at the request of a committee of the Legislature, or a governmental agency or subdivision, or if sufficient public interest is shown, provided such request is made to the agency within 30 days following publication of the proposed rule in the Register. The agency shall provide at least 15 days' notice of such hearing, which shall be conducted in accordance with the provisions of subsection (g) of this section.

The head of each agency shall adopt as part of its rules of practice adopted pursuant to section 3 of P.L.1968, c.410 (C.52:14B-3) definite standards of what constitutes sufficient public interest for conducting a public hearing and for granting an extension pursuant to this paragraph; and

(4) Prepare for public distribution a report listing all parties offering written or oral submissions concerning the rule, summarizing the content of the submissions and providing the agency's response to the data, views and arguments contained in the submissions.

(b) A rule prescribing the organization of an agency may be adopted at any time without prior notice or hearing. Such rules shall be effective upon filing in accordance with section 5 of P.L.1968, c.410 (C.52:14B-5) or upon any later date specified by the agency.

(c) If an agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than 30 days' notice and states in writing its reasons for that finding, and the Governor concurs in writing that an imminent peril exists, it may proceed without prior notice or hearing, or upon any abbreviated notice and hearing that it finds practicable, to adopt the rule. The rule shall be effective for a period of not more than 60 days unless each house of the Legislature passes a resolution concurring in its extension for a period of not more than 60 additional days. The rule shall not be effective for more than 120 days unless repromulgated in accordance with normal rule-making procedures.

(d) No rule hereafter adopted is valid unless adopted in substantial compliance with P.L.1968, c.410 (C.52:14B-1 et seq.). A proceeding to contest any rule on the ground of noncompliance with the procedural requirements of P.L.1968, c.410 (C.52:14B-1 et seq.) shall be commenced within one year from the effective date of the rule.

(e) An agency may file a notice of intent with respect to a proposed rule-making proceeding with the Office of Administrative Law, for publication in the New Jersey Register at any time prior to the formal notice of action required in subsection (a) of this section. The notice shall be for the purpose of

eliciting the views of interested parties on an action prior to the filing of a formal rule proposal. An agency may use informal conferences and consultations as means of obtaining the viewpoints and advice of interested persons with respect to contemplated rule-making. An agency may also appoint committees of experts or interested persons or representatives of the general public to advise it with respect to any contemplated rule-making.

(f) An interested person may petition an agency to adopt a new rule, or amend or repeal any existing rule. Each agency shall prescribe by rule the form for the petition and the procedure for the submission, consideration and disposition of the petition. The petition shall state clearly and concisely:

(1) The substance or nature of the rule-making which is requested;

(2) The reasons for the request and the petitioner's interest in the request;

(3) References to the authority of the agency to take the requested action.

The petitioner may provide the text of the proposed new rule, amended rule or repealed rule.

Within 60 days following receipt of any such petition, the agency shall either; (i) deny the petition, giving a written statement of its reasons; (ii) grant the petition and initiate a rule-making proceeding within 90 days of granting the petition; or (iii) refer the matter for further deliberations which shall be concluded within 90 days of referring the matter for further deliberations. Upon conclusion of such further deliberations, the agency shall either deny the petition and provide a written statement of its reasons or grant the petition and initiate a rule-making proceeding within 90 days. Upon the receipt of the petition, the agency shall file a notice stating the name of the petitioner and the nature of the request with the Office of Administrative Law for publication in the New Jersey Register. Notice of formal agency action on such petition shall also be filed with the Office of Administrative Law for publication in the Register.

If an agency fails to act in accordance with the time frame set forth in the preceding paragraph, upon written request by the petitioner, the Director of the Office of Administrative Law shall order a public hearing on the rule-making petition and shall provide the agency with a notice of the director's intent to hold the public hearing if the agency does not. If the agency does not provide notice of a hearing within 15 days of the director's notice, the director shall schedule and provide the public with a notice of that hearing at least 15 days prior thereto. If the public hearing is held by the Office of Administrative Law, it shall be conducted by an administrative law judge, a person on assignment from another agency, a person from the Office of Administrative Law assigned pursuant to subsection o. of section 5 of P.L.1978, c.67 (C.52:14F-5), or an independent contractor assigned by

the director. The petitioner and the agency shall participate in the public hearing and shall present a summary of their positions on the petition, a summary of the factual information on which their positions on the petition are based and shall respond to questions posed by any interested party. The hearing procedure shall otherwise be consistent with the requirements for the conduct of a public hearing as prescribed in subsection (g) of section 4 of P.L.1968, c.410 (C.52:14B-4), except that the person assigned to conduct the hearing shall make a report summarizing the factual record presented and the arguments for and against proceeding with a rule proposal based upon the petition. This report shall be filed with the agency and delivered or mailed to the petitioner. A copy of the report shall be filed with the Legislature along with the petition for rule-making.

(g) All public hearings shall be conducted by a hearing officer, who may be an official of the agency, a member of its staff, a person on assignment from another agency, a person from the Office of Administrative Law assigned pursuant to subsection o. of section 5 of P.L.1978, c.67 (C.52:14F-5) or an independent contractor. The hearing officer shall have the responsibility to make recommendations to the agency regarding the adoption, amendment or repeal of a rule. These recommendations shall be made public. At the beginning of each hearing, or series of hearings, the agency, if it has made a proposal, shall present a summary of the factual information on which its proposal is based, and shall respond to questions posed by any interested party. Hearings shall be conducted at such times and in locations which shall afford interested parties the opportunity to attend. A verbatim record of each hearing shall be maintained, and copies of the record shall be available to the public at no more than the actual cost, which shall be that of the agency where the petition for rule-making originated.

4. Section 2 of P.L.1985, c.222 (C.52:27D-302) is amended to read as follows:

C.52:27D-302 Findings.

2. The Legislature finds that:

a. The New Jersey Supreme Court, through its rulings in South Burlington County NAACP v. Mount Laurel, 67 N.J. 151 (1975) and South Burlington County NAACP v. Mount Laurel, 92 N.J. 158 (1983), has determined that every municipality in a growth area has a constitutional obligation to provide through its land use regulations a realistic opportunity for a fair share of its region's present and prospective needs for housing for low and moderate income families.

b. In the second Mount Laurel ruling, the Supreme Court stated that the determination of the methods for satisfying this constitutional obligation "is better left to the Legislature," that the court has "always preferred legislative to judicial action in their field," and that the judicial role in upholding the Mount Laurel doctrine "could decrease as a result of legislative and executive action."

c. The interest of all citizens, including low and moderate income families in need of affordable housing, and the needs of the workforce, would be best served by a comprehensive planning and implementation response to this constitutional obligation.

d. There are a number of essential ingredients to a comprehensive planning and implementation response, including the establishment of reasonable fair share housing guidelines and standards, the initial determination of fair share by officials at the municipal level and the preparation of a municipal housing element, State review of the local fair share study and housing element, and continuous State funding for low and moderate income housing to replace the federal housing subsidy programs which have been almost completely eliminated.

e. The State can maximize the number of low and moderate income units provided in New Jersey by allowing its municipalities to adopt appropriate phasing schedules for meeting their fair share, so long as the municipalities permit a timely achievement of an appropriate fair share of the regional need for low and moderate income housing as required by the Mt. Laurel I and II opinions and other relevant court decisions.

f. The State can also maximize the number of low and moderate income units by creating new affordable housing and by rehabilitating existing, but substandard, housing in the State. Because the Legislature has determined, pursuant to P.L.2008, c.46 (C.52:27D-329.1 et al.), that it is no longer appropriate or in harmony with the *Mount Laurel* doctrine to permit the transfer of the fair share obligations among municipalities within a housing region, it is necessary and appropriate to create a new program to create new affordable housing and to foster the rehabilitation of existing, but substandard, housing.

g. Since the urban areas are vitally important to the State, construction, conversion and rehabilitation of housing in our urban centers should be encouraged. However, the provision of housing in urban areas must be balanced with the need to provide housing throughout the State for the free mobility of citizens.

h. The Supreme Court of New Jersey in its Mount Laurel decisions demands that municipal land use regulations affirmatively afford a reason-

able opportunity for a variety and choice of housing including low and moderate cost housing, to meet the needs of people desiring to live there. While provision for the actual construction of that housing by municipalities is not required, they are encouraged but not mandated to expend their own resources to help provide low and moderate income housing.

i. Certain amendments to the enabling act of the Council on Affordable Housing are necessary to provide guidance to the council to ensure consistency with the legislative intent, while at the same time clarifying the limitations of the council in its rulemaking. Although the court has remarked in several decisions that the Legislature has granted the council considerable deference in its rulemaking, the Legislature retains its power and obligation to clarify and amend the enabling act from which the council derives its rulemaking power, from time to time, in order to better guide the council.

j. The Legislature finds that the use of regional contribution agreements, which permits municipalities to transfer a certain portion of their fair share housing obligation outside of the municipal borders, should no longer be utilized as a mechanism for the creation of affordable housing by the council.

5. Section 4 of P.L.1985, c.222 (C.52:27D-304) is amended to read as follows:

C.52:27D-304 Definitions.

4. As used in this act:

a. "Council" means the Council on Affordable Housing established in this act, which shall have primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in this State.

b. "Housing region" means a geographic area of not less than two nor more than four contiguous, whole counties which exhibit significant social, economic and income similarities, and which constitute to the greatest extent practicable the primary metropolitan statistical areas as last defined by the United States Census Bureau prior to the effective date of P.L.1985, c.222 (C.52:27D-301 et al.).

c. "Low income housing" means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 50% or less of the median gross household income for households of the same size within the housing region in which the housing is located.

d. "Moderate income housing" means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to more than 50% but less than 80% of the median gross household income for households of the same size within the housing region in which the housing is located.

e. "Resolution of participation" means a resolution adopted by a municipality in which the municipality chooses to prepare a fair share plan and housing element in accordance with this act.

f. "Inclusionary development" means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low and moderate income households.

g. "Conversion" means the conversion of existing commercial, industrial, or residential structures for low and moderate income housing purposes where a substantial percentage of the housing units are provided for a reasonable income range of low and moderate income households.

h. "Development" means any development for which permission may be required pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

i. "Agency" means the New Jersey Housing and Mortgage Finance Agency established by P.L.1983, c.530 (C.55:14K-1 et seq.).

j. "Prospective need" means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. In determining prospective need, consideration shall be given to approvals of development applications, real property transfers and economic projections prepared by the State Planning Commission established by sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.).

k. "Disabled person" means a person with a physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect, aging or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a service or guide dog, wheelchair, or other remedial appliance or device.

l. "Adaptable" means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the "State Uniform Construction Code

Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c.350 (C.52:27D-123.15).

m. "Very low income housing" means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30% or less of the median gross household income for households of the same size within the housing region in which the housing is located.

6. Section 7 of P.L.1985, c.222 (C.52:27D-307) is amended to read as follows:

C.52:27D-307 Duties of council.

7. It shall be the duty of the council, seven months after the confirmation of the last member initially appointed to the council, or January 1, 1986, whichever is earlier, and from time to time thereafter, to:

a. Determine housing regions of the State;

b. Estimate the present and prospective need for low and moderate income housing at the State and regional levels;

c. Adopt criteria and guidelines for:

(1) Municipal determination of its present and prospective fair share of the housing need in a given region which shall be computed for a 10-year period.

Municipal fair share shall be determined after crediting on a one-to-one basis each current unit of low and moderate income housing of adequate standard, including any such housing constructed or acquired as part of a housing program specifically intended to provide housing for low and moderate income households. Notwithstanding any other law to the contrary, a municipality shall be entitled to a credit for a unit if it demonstrates that (a) the municipality issued a certificate of occupancy for the unit, which was either newly constructed or rehabilitated between April 1, 1980 and December 15, 1986; (b) a construction code official certifies, based upon a visual exterior survey, that the unit is in compliance with pertinent construction code standards with respect to structural elements, roofing, siding, doors and windows; (c) the household occupying the unit certifies in writing, under penalty of perjury, that it receives no greater income than that established pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304) to qualify for moderate income housing; and (d) the unit for which credit is sought is affordable to low and moderate income households under the standards established by the council at the time of filing of the petition for

substantive certification. It shall be sufficient if the certification required in subparagraph (c) is signed by one member of the household. A certification submitted pursuant to this paragraph shall be reviewable only by the council or its staff and shall not be a public record;

Nothing in P.L.1995, c.81 shall affect the validity of substantive certification granted by the council prior to November 21, 1994, or of a judgment of compliance entered by any court of competent jurisdiction prior to that date. Additionally, any municipality that received substantive certification or a judgment of compliance prior to November 21, 1994 and filed a motion prior to November 21, 1994 to amend substantive certification or a judgment of compliance for the purpose of obtaining credits, shall be entitled to a determination of its right to credits pursuant to the standards established by the Legislature prior to P.L.1995, c.81. Any municipality that filed a motion prior to November 21, 1994 for the purpose of obtaining credits, which motion was supported by the results of a completed survey performed pursuant to council rules, shall be entitled to a determination of its right to credits pursuant to the standards established by the Legislature prior to P.L.1995, c.81;

(2) Municipal adjustment of the present and prospective fair share based upon available vacant and developable land, infrastructure considerations or environmental or historic preservation factors and adjustments shall be made whenever:

(a) The preservation of historically or important architecture and sites and their environs or environmentally sensitive lands may be jeopardized,

(b) The established pattern of development in the community would be drastically altered,

(c) Adequate land for recreational, conservation or agricultural and farmland preservation purposes would not be provided,

(d) Adequate open space would not be provided,

(e) The pattern of development is contrary to the planning designations in the State Development and Redevelopment Plan prepared pursuant to sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.),

(f) Vacant and developable land is not available in the municipality, and

(g) Adequate public facilities and infrastructure capacities are not available, or would result in costs prohibitive to the public if provided;

(3) (Deleted by amendment, P.L.1993, c.31).

d. Provide population and household projections for the State and housing regions;

e. In its discretion, place a limit, based on a percentage of existing housing stock in a municipality and any other criteria including employ-

ment opportunities which the council deems appropriate, upon the aggregate number of units which may be allocated to a municipality as its fair share of the region's present and prospective need for low and moderate income housing. No municipality shall be required to address a fair share of housing units affordable to households with a gross household income of less than 80% of the median gross household income beyond 1,000 units within ten years from the grant of substantive certification, unless it is demonstrated, following objection by an interested party and an evidentiary hearing, based upon the facts and circumstances of the affected municipality that it is likely that the municipality through its zoning powers could create a realistic opportunity for more than 1,000 low and moderate income units within that ten-year period. For the purposes of this section, the facts and circumstances which shall determine whether a municipality's fair share shall exceed 1,000 units, as provided above, shall be a finding that the municipality has issued more than 5,000 certificates of occupancy for residential units in the ten-year period preceding the petition for substantive certification in connection with which the objection was filed.

For the purpose of crediting low and moderate income housing units in order to arrive at a determination of present and prospective fair share, as set forth in paragraph (1) of subsection c. of this section, housing units comprised in a community residence for the developmentally disabled, as defined in section 2 of P.L.1977, c.448 (C.30:11B-2), shall be fully credited pursuant to rules promulgated or to be promulgated by the council, to the extent that the units are affordable to persons of low and moderate income and are available to the general public.

The council, with respect to any municipality seeking substantive certification, shall require that a minimum percentage of housing units in any residential development resulting from a zoning change made to a previously non-residentially-zoned property, where the change in zoning precedes or follows the application for residential development by no more than 24 months, be reserved for occupancy by low or moderate income households, which percentage shall be determined by the council based on economic feasibility with consideration for the proposed density of development.

In carrying out the above duties, including, but not limited to, present and prospective need estimations the council shall give appropriate weight to pertinent research studies, government reports, decisions of other branches of government, implementation of the State Development and Redevelopment Plan prepared pursuant to sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.) and public comment. To assist the council, the State Planning Commission established under that act shall

provide the council annually with economic growth, development and decline projections for each housing region for the next ten years. The council shall develop procedures for periodically adjusting regional need based upon the low and moderate income housing that is provided in the region through any federal, State, municipal or private housing program.

No housing unit subject to the provisions of section 5 of P.L.2005, c.350 (C.52:27D-123.15) and to the provisions of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) shall be eligible for inclusion in the municipal fair share plan certified by the council unless the unit complies with the requirements set forth thereunder.

C.52:27D-329.1 Coordination, review of housing elements.

7. The council shall coordinate and review the housing elements as filed pursuant to section 11 of P.L.1985, c.222 (C.52:27D-311), and the housing activities under section 20 of P.L.1985, c.222 (C.52:27D-320), at least once every three years, to ensure that at least 13 percent of the housing units made available for occupancy by low-income and moderate income households will be reserved for occupancy by very low income households, as that term is defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304). Nothing in this section shall require that a specific percentage of the units in any specific project be reserved as very low income housing; provided, however, that a municipality shall not receive bonus credits for the provision of housing units reserved for occupancy by very low income households unless the 13 percent target has been exceeded within that municipality. The council shall coordinate all efforts to meet the goal of this section in a manner that will result in a balanced number of housing units being reserved for very low income households throughout all housing regions. For the purposes of this section, housing activities under section 20 of P.L.1985, c.222 (C.52:27D-320) shall include any project-based assistance provided from the "New Jersey Affordable Housing Trust Fund" pursuant to P.L.2004, c.140 (C.52:27D-287.1 et al.), regardless of whether the housing activity is counted toward the municipal obligation under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.).

C.52:27D-329.2 Authorization of municipality to impose, collect development fees.

8. a. The council may authorize a municipality that has petitioned for substantive certification, or that has been so authorized by a court of competent jurisdiction, and which has adopted a municipal development fee ordinance to impose and collect development fees from developers of resi-

dential property, in accordance with rules promulgated by the council. Each amount collected shall be deposited and shall be accounted for separately, by payer and date of deposit.

A municipality may not spend or commit to spend any affordable housing development fees, including Statewide non-residential fees collected and deposited into the municipal affordable housing trust fund, without first obtaining the council's approval of the expenditure. The council shall promulgate regulations regarding the establishment, administration and enforcement of the expenditure of affordable housing development fees by municipalities. The council shall have exclusive jurisdiction regarding the enforcement of these regulations, provided that any municipality which is not in compliance with the regulations adopted by the council may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320).

b. A municipality shall deposit all fees collected, whether or not such collections were derived from fees imposed upon non-residential or residential construction into a trust fund dedicated to those purposes as required under this section, and such additional purposes as may be approved by the council.

c. (1) A municipality may only spend development fees for an activity approved by the council to address the municipal fair share obligation.

(2) Municipal development trust funds shall not be expended to reimburse municipalities for activities which occurred prior to the authorization of a municipality to collect development fees.

(3) A municipality shall set aside a portion of its development fee trust fund for the purpose of providing affordability assistance to low and moderate income households in affordable units included in a municipal fair share plan, in accordance with rules of the council.

(a) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, common maintenance expenses for units located in condominiums, rental assistance, and any other program authorized by the council.

(b) Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low income units in a municipal fair share plan to make them affordable to households earning 30 percent or less of median income. The use of development fees in this manner shall not entitle a municipality to bonus credits except as may be provided by the rules of the council.

(4) A municipality may contract with a private or public entity to administer any part of its housing element and fair share plan, including the requirement for affordability assistance, or any program or activity for which the municipality expends development fee proceeds, in accordance with rules of the council.

(5) Not more than 20 percent of the revenues collected from development fees shall be expended on administration, in accordance with rules of the council.

d. The council shall establish a time by which all development fees collected within a calendar year shall be expended; provided, however, that all fees shall be committed for expenditure within four years from the date of collection. A municipality that fails to commit to expend the balance required in the development fee trust fund by the time set forth in this section shall be required by the council to transfer the remaining unspent balance at the end of the four-year period to the "New Jersey Affordable Housing Trust Fund," established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320), as amended by P.L.2008, c.46 (C.52:27D-329.1 et al.), to be used in the housing region of the transferring municipality for the authorized purposes of that fund.

e. Notwithstanding any provision of this section, or regulations of the council, a municipality shall not collect a development fee from a developer whenever that developer is providing for the construction of affordable units, either on-site or elsewhere within the municipality.

This section shall not apply to the collection of a Statewide development fee imposed upon non-residential development pursuant to sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1 et seq.) by the State Treasurer, when such collection is not authorized to be retained by a municipality.

C.52:27D-329.3 Collection of payments-in-lieu authorized.

9. a. The council may authorize a municipality that has petitioned for substantive certification to impose and collect payments-in-lieu of constructing affordable units on site upon the construction of residential development, which payments may be imposed and collected as provided pursuant to the rules of the council. Payment-in-lieu fees shall be deposited into a trust fund, and accounted for separately from any other fees collected by a municipality. Whenever a payment-in-lieu is charged by a municipality pursuant to this subsection, a development fee authorized pursuant to section 8 of P.L.2008, c.46 (C.52:27D-329.2) shall not be charged in connection with the same development.

b. A municipality shall commit to expend collections from payments-in-lieu imposed pursuant to subsection a. of this section within four years of the date of collection. The council may extend this deadline if the municipality submits sufficient proof of building or other permits, or other efforts concerning land acquisition or project development. The council shall provide such administrative assistance as may be required to aid in the construction of affordable housing units. A municipality that fails to commit to expend the amounts collected pursuant to this section within the timeframes established shall be required to transfer any unexpended revenue collected pursuant to subsection a. of this section to the "New Jersey Affordable Housing Trust Fund," established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320), to be used within the same housing region for the authorized purposes of that fund, in accordance with regulations promulgated by the council.

C.52:27D-329.4 Maintenance, publication of up-to-date municipal status report.

10. The council shall maintain on its website, and also publish on a regular basis, an up-to-date municipal status report concerning the petitions for substantive certification of each municipality that has submitted to the council's jurisdiction, and shall collect and publish information concerning the number of housing units actually constructed, construction starts, certificates of occupancy granted, rental units maintained, and the number of housing units transferred or sold within the previous 12-month period. With respect to units actually constructed, the information shall specify the characteristics of the housing, including housing type, tenure, affordability level, number of bedrooms, and whether occupancy is reserved for families, senior citizens, or other special populations. No later than 60 months after the effective date of P.L.2008, c.46 (C.52:27D-329.1 et al.), the council shall require each municipality, as a condition of substantive certification, to provide, in a standardized electronic media format as determined by the council, the details of the fair share plan as adopted by the municipality and approved by the council. The council shall publish and maintain such approved plans on its website.

C.52:27D-329.5 Short title.

11. Sections 11 through 14 of P.L.2008, c.46 (C.52:27D-329.5 through C.52:27D-329.8) shall be known and may be cited as the "Housing Rehabilitation and Assistance Program Act."

C.52:27D-329.6 Findings, declarations relative to housing rehabilitation and assistance.

12. The Legislature finds and declares that:

a. The transfer of a portion of the fair share obligations among municipalities has proven to not be a viable method of ensuring that an adequate supply and variety of housing choices are provided in municipalities experiencing growth. Therefore, the use of a regional contribution agreement shall no longer be permitted under P.L.1985, c.222 (C.52:27D-301 et al.).

b. Although the elimination of the regional contribution agreement as a tool for the production of affordable housing pursuant to P.L.1985, c.222 (C.52:27D-301 et al.), will impact on some proposed agreements awaiting approval, it is for a public purpose and for the public good that such contracts be declared void for the current and future housing obligation rounds.

c. There is a need to assist municipalities in the rehabilitation of housing for occupancy by low and moderate income households. To this end, a specific program for housing rehabilitation by municipalities would best serve this need. It is the intent of the Legislature that this program, as well as funds earmarked for the purposes of the program, will be utilized, especially in urban areas which were the main recipients of regional contribution agreements, to continue to upgrade housing stock in order to provide a wide variety and choice of housing for persons living in those areas.

d. There is also a need to provide funding to municipalities to create additional incentives and assistance for the production of safe, decent, and affordable rental and other housing.

C.52:27D-329.7 Urban Housing Assistance Program, "Urban Housing Assistance Fund"; rules, regulations.

13. a. There is established within the Department of Community Affairs an Urban Housing Assistance Program for the purposes of assisting certain municipalities in the provision of housing through the rehabilitation of existing buildings or the construction of affordable housing.

b. Within the program there shall be established a trust fund to be known as the "Urban Housing Assistance Fund," into which may be deposited:

(1) monies which may be available to the fund from any other programs established for the purposes of housing rehabilitation, other than monies from the "New Jersey Affordable Housing Trust Fund," established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320);

(2) monies appropriated by the Legislature to the fund; and

(3) any other funds made available through State or federal housing programs for the purposes of producing affordable housing, other than monies from the "New Jersey Affordable Housing Trust Fund," established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320).

c. The Commissioner of Community Affairs shall develop a strategic five-year plan for the program aimed at developing strategies to assist municipalities in creating rehabilitation programs and other programs to produce safe, decent housing within the municipality.

d. The commissioner may award a housing rehabilitation grant to a municipality that qualifies for aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) and that has submitted a valid application to the Department of Community Affairs which details the manner in which the municipality will utilize funding in order to meet the municipality's need to rehabilitate or create safe, decent, and affordable housing.

e. The commissioner shall promulgate rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of P.L.2008, c.46 (C.52:27D-329.1 et al.); provided that the regulations shall permit a municipality broad discretion in shaping its housing rehabilitation and construction program, but shall not permit a municipality to provide assistance to any household having an income greater than 120% of median household income for the housing region. The department may require a return of a grant upon its determination that a municipality is not performing in accordance with its grant or with the regulations.

C.52:27D-329.8 Annual appropriation.

14. a. There shall be appropriated annually from the amounts collected by the State Treasurer from the imposition of Statewide non-residential development fees and retained by the State pursuant to P.L.2008, c.46 (C.52:27D-329.1 et al.), the sum of $20,000,000 for deposit into the "Urban Housing Assistance Fund," established pursuant to section 13 of P.L.2008, c.46 (C.52:27D-329.7), to be used for the purposes authorized under that section. Any surplus amounts remaining after crediting the "Urban Housing Assistance Fund," in the amount required under this section from the collection of Statewide non-residential development fees, shall be annually appropriated to the "New Jersey Affordable Housing Trust Fund," established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320).

b. In the event the full amount required to be transferred pursuant to subsection a. of this section is not transferred in any fiscal year, the Legislature shall subsequently appropriate in the same fiscal year from the General Fund an amount equal to the difference between the amount actually transferred and the amount required to be transferred pursuant to subsection a. of this section, so that the total funds made available to the "Urban Housing

Assistance Fund" annually shall be equal to the amount established pursuant to subsection a. of this section.

15. Section 11 of P.L.1985, c.222 (C.52:27D-311) is amended to read as follows:

C.52:27D-311 Provision of fair share by municipality.

11. a. In adopting its housing element, the municipality may provide for its fair share of low and moderate income housing by means of any technique or combination of techniques which provide a realistic opportunity for the provision of the fair share. The housing element shall contain an analysis demonstrating that it will provide such a realistic opportunity, and the municipality shall establish that its land use and other relevant ordinances have been revised to incorporate the provisions for low and moderate income housing. In preparing the housing element, the municipality shall consider the following techniques for providing low and moderate income housing within the municipality, as well as such other techniques as may be published by the council or proposed by the municipality:

(1) Rezoning for densities necessary to assure the economic viability of any inclusionary developments, either through mandatory set-asides or density bonuses, as may be necessary to meet all or part of the municipality's fair share in accordance with the regulations of the council and the provisions of subsection h. of this section;

(2) Determination of the total residential zoning necessary to assure that the municipality's fair share is achieved;

(3) Determination of measures that the municipality will take to assure that low and moderate income units remain affordable to low and moderate income households for an appropriate period of not less than six years;

(4) A plan for infrastructure expansion and rehabilitation if necessary to assure the achievement of the municipality's fair share of low and moderate income housing;

(5) Donation or use of municipally owned land or land condemned by the municipality for purposes of providing low and moderate income housing;

(6) Tax abatements for purposes of providing low and moderate income housing;

(7) Utilization of funds obtained from any State or federal subsidy toward the construction of low and moderate income housing;

(8) Utilization of municipally generated funds toward the construction of low and moderate income housing; and

(9) The purchase of privately owned real property used for residential purposes at the value of all liens secured by the property, excluding any tax liens, notwithstanding that the total amount of debt secured by liens exceeds the appraised value of the property, pursuant to regulations promulgated by the Commissioner of Community Affairs pursuant to subsection b. of section 41 of P.L.2000, c.126 (C.52:27D-311.2).

b. The municipality may provide for a phasing schedule for the achievement of its fair share of low and moderate income housing.

c. (Deleted by amendment, P.L.2008, c.46)

d. Nothing in P.L.1985, c.222 (C.52:27D-301 et al.) shall require a municipality to raise or expend municipal revenues in order to provide low and moderate income housing.

e. When a municipality's housing element includes the provision of rental housing units in a community residence for the developmentally disabled, as defined in section 2 of P.L.1977, c.448 (C.30:11B-2), which will be affordable to persons of low and moderate income, and for which adequate measures to retain such affordability pursuant to paragraph (3) of subsection a. of this section are included in the housing element, those housing units shall be fully credited as permitted under the rules of the council towards the fulfillment of the municipality's fair share of low and moderate income housing.

f. It having been determined by the Legislature that the provision of housing under P.L.1985, c.222 (C.52:27D-301 et al.) is a public purpose, a municipality or municipalities may utilize public monies to make donations, grants or loans of public funds for the rehabilitation of deficient housing units and the provision of new or substantially rehabilitated housing for low and moderate income persons, providing that any private advantage is incidental.

g. A municipality which has received substantive certification from the council, and which has actually effected the construction of the affordable housing units it is obligated to provide, may amend its affordable housing element or zoning ordinances without the approval of the council.

h. Whenever affordable housing units are proposed to be provided through an inclusionary development, a municipality shall provide, through its zoning powers, incentives to the developer, which shall include increased densities and reduced costs, in accordance with the regulations of the council and this subsection.

i. The council, upon the application of a municipality and a developer, may approve reduced affordable housing set-asides or increased densities to ensure the economic feasibility of an inclusionary development.

16. Section 12 of P.L.1985, c.222 (C.52:27D-312) is amended to read as follows:

C.52:27D-312 Regional contribution agreements.

12. a. Except as prohibited under P.L.2008, c.46 (C.52:27D-329.1 et al.), a municipality may propose the transfer of up to 50% of its fair share to another municipality within its housing region by means of a contractual agreement into which two municipalities voluntarily enter. A municipality may also propose a transfer by contracting with the agency or another governmental entity designated by the council if the council determines that the municipality has exhausted all possibilities within its housing region. A municipality proposing to transfer to another municipality, whether directly or by means of a contract with the agency or another governmental entity designated by the council, shall provide the council with the housing element and statement required under subsection c. of section 11 of P.L.1985, c.222 (C.52:27D-311), and shall request the council to determine a match with a municipality filing a statement of intent pursuant to subsection e. of this section. Except as provided in subsection b. of this section, the agreement may be entered into upon obtaining substantive certification under section 14 of P.L.1985, c.222 (C.52:27D-314), or anytime thereafter. The regional contribution agreement entered into shall specify how the housing shall be provided by the second municipality, hereinafter the receiving municipality, and the amount of contributions to be made by the first municipality, hereinafter the sending municipality.

b. A municipality which is a defendant in an exclusionary zoning suit and which has not obtained substantive certification pursuant to P.L.1985, c.222 may request the court to be permitted to fulfill a portion of its fair share by entering into a regional contribution agreement. If the court believes the request to be reasonable, the court shall request the council to review the proposed agreement and to determine a match with a receiving municipality or municipalities pursuant to this section. The court may establish time limitations for the council's review, and shall retain jurisdiction over the matter during the period of council review. If the court determines that the agreement provides a realistic opportunity for the provision of low and moderate income housing within the housing region, it shall provide the sending municipality a credit against its fair share for housing to be provided through the agreement in the manner provided in this section. The agreement shall be entered into prior to the entry of a final judgment in the litigation. In cases in which a final judgment was entered prior to the date P.L.1985, c.222 takes effect and in which an appeal is pending, a municipal-

ity may request consideration of a regional contribution agreement; provided that it is entered into within 120 days after P.L.1985, c.222 takes effect. In a case in which a final judgment has been entered, the court shall consider whether or not the agreement constitutes an expeditious means of providing part of the fair share. Notwithstanding this subsection, no consideration shall be given to any regional contribution agreement of which the council did not complete its review and formally approve a recommendation to the court prior to the effective date of P.L.2008, c.46 (C.52:27D-329.1 et al.).

c. Except as prohibited under P.L.2008, c.46 (C.52:27D-329.1 et al.), regional contribution agreements shall be approved by the council, after review by the county planning board or agency of the county in which the receiving municipality is located. The council shall determine whether or not the agreement provides a realistic opportunity for the provision of low and moderate income housing within convenient access to employment opportunities. The council shall refer the agreement to the county planning board or agency which shall review whether or not the transfer agreement is in accordance with sound, comprehensive regional planning. In its review, the county planning board or agency shall consider the master plan and zoning ordinance of the sending and receiving municipalities, its own county master plan, and the State development and redevelopment plan. In the event that there is no county planning board or agency in the county in which the receiving municipality is located, the council shall also determine whether or not the agreement is in accordance with sound, comprehensive regional planning. After it has been determined that the agreement provides a realistic opportunity for low and moderate income housing within convenient access to employment opportunities, and that the agreement is consistent with sound, comprehensive regional planning, the council shall approve the regional contribution agreement by resolution. All determinations of a county planning board or agency shall be in writing and shall be made within such time limits as the council may prescribe, beyond which the council shall make those determinations and no fee shall be paid to the county planning board or agency pursuant to this subsection.

d. In approving a regional contribution agreement, the council shall set forth in its resolution a schedule of the contributions to be appropriated annually by the sending municipality. A copy of the adopted resolution shall be filed promptly with the Director of the Division of Local Government Services in the Department of Community Affairs, and the director shall thereafter not approve an annual budget of a sending municipality if it does not include appropriations necessary to meet the terms of the resolution. Amounts appropriated by a sending municipality for a regional contri-

bution agreement pursuant to this section are exempt from the limitations on increases in final appropriations imposed under P.L.1976, c.68 (C.40A:4-45.1 et seq.).

e. The council shall maintain current lists of municipalities which have stated an intent to enter into regional contribution agreements as receiving municipalities, and shall establish procedures for filing statements of intent with the council. No receiving municipality shall be required to accept a greater number of low and moderate income units through an agreement than it has expressed a willingness to accept in its statement, but the number stated shall not be less than a reasonable minimum number of units, not to exceed 100, as established by the council. The council shall require a project plan from a receiving municipality prior to the entering into of the agreement, and shall submit the project plan to the agency for its review as to the feasibility of the plan prior to the council's approval of the agreement. The agency may recommend and the council may approve as part of the project plan a provision that the time limitations for contractual guarantees or resale controls for low and moderate income units included in the project shall be less than 30 years, if it is determined that modification is necessary to assure the economic viability of the project.

f. The council shall establish guidelines for the duration and amount of contributions in regional contribution agreements. In doing so, the council shall give substantial consideration to the average of: (1) the median amount required to rehabilitate a low and moderate income unit up to code enforcement standards; (2) the average internal subsidization required for a developer to provide a low income housing unit in an inclusionary development; (3) the average internal subsidization required for a developer to provide a moderate income housing unit in an inclusionary development. Contributions may be prorated in municipal appropriations occurring over a period not to exceed ten years and may include an amount agreed upon to compensate or partially compensate the receiving municipality for infrastructure or other costs generated to the receiving municipality by the development. Appropriations shall be made and paid directly to the receiving municipality or municipalities or to the agency or other governmental entity designated by the council, as the case may be.

g. The council shall require receiving municipalities to file annual reports with the agency setting forth the progress in implementing a project funded under a regional contribution agreement, and the agency shall provide the council with its evaluation of each report. The council shall take such actions as may be necessary to enforce a regional contribution agreement with respect to the timely implementation of the project by the receiving municipality.

No consideration shall be given to any regional contribution agreement for which the council did not complete its review and grant approval prior to the effective date of P.L.2008, c.46 (C.52:27D-329.1 et al.). On or after the effective date of P.L.2008, c.46 (C.52:27D-329.1 et al.), no regional contribution agreement shall be entered into by a municipality, or approved by the council or the court.

17. Section 20 of P.L.1985, c.222 (C.52:27D-320) is amended to read as follows:

C.52:27D-320 "New Jersey Affordable Housing Trust Fund."

20. There is established in the Department of Community Affairs a separate trust fund, to be used for the exclusive purposes as provided in this section, and which shall be known as the "New Jersey Affordable Housing Trust Fund." The fund shall be a non-lapsing, revolving trust fund, and all monies deposited or received for purposes of the fund shall be accounted for separately, by source and amount, and remain in the fund until appropriated for such purposes. The fund shall be the repository of all State funds appropriated for affordable housing purposes, including the proceeds from the receipts of the additional fee collected pursuant to paragraph (2) of subsection a. of section 3 of P.L.1968, c.49 (C.46:15-7), proceeds from available receipts of the Statewide non-residential development fees collected pursuant to section 35 of P.L.2008, c.46 (C.40:55D-8.4), monies lapsing or reverting from municipal development trust funds, or other monies as may be dedicated, earmarked, or appropriated by the Legislature for the purposes of the fund. All references in any law, order, rule, regulation, contract, loan, document, or otherwise, to the "Neighborhood Preservation Nonlapsing Revolving Fund" shall mean the "New Jersey Affordable Housing Trust Fund." The department shall be permitted to utilize annually up to 7.5 percent of the monies available in the fund for the payment of any necessary administrative costs related to the administration of the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), the State Housing Commission, or any costs related to administration of P.L.2008, c.46 (C.52:27D-329.1 et al.).

a. Except as permitted pursuant to subsection g. of this section, the commissioner shall award grants or loans from this fund for housing projects and programs in municipalities whose housing elements have received substantive certification from the council, in municipalities receiving State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.), in municipalities subject to builder's remedy as defined in section 28 of P.L.1985, c.222 (C.52:27D-328) or in receiving municipalities in cases where the council

has approved a regional contribution agreement and a project plan developed by the receiving municipality.

Of those monies deposited into the "New Jersey Affordable Housing Trust Fund" that are derived from municipal development fee trust funds, or from available collections of Statewide non-residential development fees, a priority for funding shall be established for projects in municipalities that have petitioned the council for substantive certification.

Programs and projects in any municipality shall be funded only after receipt by the commissioner of a written statement in support of the program or project from the municipal governing body.

b. The commissioner shall establish rules and regulations governing the qualifications of applicants, the application procedures, and the criteria for awarding grants and loans and the standards for establishing the amount, terms and conditions of each grant or loan.

c. For any period which the council may approve, the commissioner may assist affordable housing programs which are not located in municipalities whose housing elements have been granted substantive certification or which are not in furtherance of a regional contribution agreement; provided that the affordable housing program will meet all or part of a municipal low and moderate income housing obligation.

d. Amounts deposited in the "New Jersey Affordable Housing Trust Fund" shall be targeted to regions based on the region's percentage of the State's low and moderate income housing need as determined by the council. Amounts in the fund shall be applied for the following purposes in designated neighborhoods:

(1) Rehabilitation of substandard housing units occupied or to be occupied by low and moderate income households;

(2) Creation of accessory apartments to be occupied by low and moderate income households;

(3) Conversion of non-residential space to residential purposes; provided a substantial percentage of the resulting housing units are to be occupied by low and moderate income households;

(4) Acquisition of real property, demolition and removal of buildings, or construction of new housing that will be occupied by low and moderate income households, or any combination thereof;

(5) Grants of assistance to eligible municipalities for costs of necessary studies, surveys, plans and permits; engineering, architectural and other technical services; costs of land acquisition and any buildings thereon; and costs of site preparation, demolition and infrastructure development for projects undertaken pursuant to an approved regional contribution agreement;

(6) Assistance to a local housing authority, nonprofit or limited dividend housing corporation or association or a qualified entity acting as a receiver under P.L.2003, c.295 (C.2A:42-114 et al.) for rehabilitation or restoration of housing units which it administers which: (a) are unusable or in a serious state of disrepair; (b) can be restored in an economically feasible and sound manner; and (c) can be retained in a safe, decent and sanitary manner, upon completion of rehabilitation or restoration; and

(7) Other housing programs for low and moderate income housing, including, without limitation, (a) infrastructure projects directly facilitating the construction of low and moderate income housing not to exceed a reasonable percentage of the construction costs of the low and moderate income housing to be provided and (b) alteration of dwelling units occupied or to be occupied by households of low or moderate income and the common areas of the premises in which they are located in order to make them accessible to handicapped persons.

e. Any grant or loan agreement entered into pursuant to this section shall incorporate contractual guarantees and procedures by which the division will ensure that any unit of housing provided for low and moderate income households shall continue to be occupied by low and moderate income households for at least 20 years following the award of the loan or grant, except that the division may approve a guarantee for a period of less than 20 years where necessary to ensure project feasibility.

f. Notwithstanding the provisions of any other law, rule or regulation to the contrary, in making grants or loans under this section, the department shall not require that tenants be certified as low or moderate income or that contractual guarantees or deed restrictions be in place to ensure continued low and moderate income occupancy as a condition of providing housing assistance from any program administered by the department, when that assistance is provided for a project of moderate rehabilitation if the project (1) contains 30 or fewer rental units and (2) is located in a census tract in which the median household income is 60 percent or less of the median income for the housing region in which the census tract is located, as determined for a three person household by the council in accordance with the latest federal decennial census. A list of eligible census tracts shall be maintained by the department and shall be adjusted upon publication of median income figures by census tract after each federal decennial census.

g. In addition to other grants or loans awarded pursuant to this section, and without regard to any limitations on such grants or loans for any other purposes herein imposed, the commissioner shall annually allocate such amounts as may be necessary in the commissioner's discretion, and in

accordance with section 3 of P.L.2004, c.140 (C.52:27D-287.3), to fund rental assistance grants under the program created pursuant to P.L.2004, c.140 (C.52:27D-287.1 et al.). Such rental assistance grants shall be deemed necessary and authorized pursuant to P.L.1985, c.222 (C.52:27D-301 et al.), in order to meet the housing needs of certain low income households who may not be eligible to occupy other housing produced pursuant to P.L.1985, c.222 (C.52:27D-301 et al.).

h. The department and the State Treasurer shall submit the "New Jersey Affordable Housing Trust Fund" for an audit annually by the State Auditor or State Comptroller, at the discretion of the Treasurer. In addition, the department shall prepare an annual report for each fiscal year, and submit it by November 30th of each year to the Governor and the Legislature, and the Joint Committee on Housing Affordability, or its successor, and post the information to its web site, of all activity of the fund, including details of the grants and loans by number of units, number and income ranges of recipients of grants or loans, location of the housing renovated or constructed using monies from the fund, the number of units upon which affordability controls were placed, and the length of those controls. The report also shall include details pertaining to those monies allocated from the fund for use by the State rental assistance program pursuant to section 3 of P.L.2004, c.140 (C.52:27D-287.3) and subsection g. of this section.

C.52:27D-329.9 Developments, certain, in certain regional planning entities.

18. a. Notwithstanding any rules of the council to the contrary, for developments consisting of newly-constructed residential units located, or to be located, within the jurisdiction of any regional planning entity required to adopt a master plan or comprehensive management plan pursuant to statutory law, including the New Jersey Meadowlands Commission pursuant to subsection (i) of section 6 of P.L.1968, c.404 (C.13:17-6), the Pinelands Commission pursuant to section 7 of the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-8), the Fort Monmouth Economic Revitalization Planning Authority pursuant to section 5 of P.L.2006, c.16 (C.52:27I-5), or its successor, and the Highlands Water Protection and Planning Council pursuant to section 11 of P.L.2004, c.120 (C.13:20-11), but excluding joint planning boards formed pursuant to section 64 of P.L.1975, c.291 (C.40:55D-77), there shall be required to be reserved for occupancy by low or moderate income households at least 20 percent of the residential units constructed, to the extent this is economically feasible.

b. A developer of a project consisting of newly-constructed residential units being financed in whole or in part with State funds, including, but not

limited to, transit villages designated by the Department of Transportation, units constructed on State-owned property, and urban transit hubs as defined pursuant to section 2 of P.L.2007, c.346 (C.34:1B-208), shall be required to reserve at least 20 percent of the residential units constructed for occupancy by low or moderate income households, as those terms are defined in section 4 of P.L.1985, c.222 (C.52:27D-304), with affordability controls as required under the rules of the council, unless the municipality in which the property is located has received substantive certification from the council and such a reservation is not required under the approved affordable housing plan, or the municipality has been given a judgment of repose or a judgment of compliance by the court, and such a reservation is not required under the approved affordable housing plan.

c. (1) The Legislature recognizes that regional planning entities are appropriately positioned to take a broader role in the planning and provision of affordable housing based on regional planning considerations. In recognition of the value of sound regional planning, including the desire to foster economic growth, create a variety and choice of housing near public transportation, protect critical environmental resources, including farmland and open space preservation, and maximize the use of existing infrastructure, there is created a new program to foster regional planning entities.

(2) The regional planning entities identified in subsection a. of this section shall identify and coordinate regional affordable housing opportunities in cooperation with municipalities in areas with convenient access to infrastructure, employment opportunities, and public transportation. Coordination of affordable housing opportunities may include methods to regionally provide housing in line with regional concerns, such as transit needs or opportunities, environmental concerns, or such other factors as the council may permit; provided, however, that such provision by such a regional entity may not result in more than a 50 percent change in the fair share obligation of any municipality; provided that this limitation shall not apply to affordable housing units directly attributable to development by the New Jersey Sports and Exposition Authority within the New Jersey Meadowlands District.

(3) In addition to the entities identified in subsection a. of this section, the Casino Reinvestment Development Authority, in conjunction with the Atlantic County Planning Board, shall identify and coordinate regional affordable housing opportunities directly attributable to Atlantic City casino development, which may be provided anywhere within Atlantic County, subject to the restrictions of paragraph (4) of this subsection.

(4) The coordination of affordable housing opportunities by regional entities as identified in this section shall not include activities which would

provide housing units to be located in those municipalities that are eligible to receive aid under the "Special Municipal Aid Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.), or are coextensive with a school district which qualified for designation as a "special needs district" pursuant to the "Quality Education Act of 1990," P.L.1990, c.52 (C.18A:7D-1 et al.), or at any time in the last 10 years have been qualified to receive assistance under P.L.1978, c.14 (C.52:27D-178 et seq.) and that fall within the jurisdiction of any of the regional entities specified in subsection a. of this section.

C.52:27D-321.1 Allocation of low income tax credits.

19. Notwithstanding any rules of the New Jersey Housing and Mortgage Finance Agency to the contrary, the allocation of low income tax credits shall be made by the agency to the full extent such credits are permitted to be allocated under federal law, including allocations of 4 percent or 9 percent federal low income tax credits, and including allocations allowable for partial credits. The affordable portion of any mixed income or mixed use development that is part of a fair share housing plan approved by the council, or a court-approved judgment of repose or compliance, including, but not limited to, a development that has received a density bonus, shall be permitted to receive allocations of low income tax credits, provided that the applicant can conclusively demonstrate that the market rate residential or commercial units are unable to internally subsidize the affordable units, and the affordable units are developed contemporaneously with the commercial or market rate residential units.

C.52:27D-321.2 Maintenance, publishing of annual report by NJHMFA.

20. The New Jersey Housing and Mortgage Finance Agency shall maintain on its website and publish annually a report concerning its activities during the year in promotion of affordable housing, including any activity pursuant to section 21 of P.L.1985, c.222 (C.52:27D-321). The report shall detail the number and amounts of grants, loans, the average loan amount made, the amounts of low income tax credits allocated by the agency, by location, and the number of proposed units, and any additional information which the agency deems informative to the public.

C.52:27D-329.10 Short title.

21. Sections 21 through 30 of P.L.2008, c.46 (C.52:27D-329.10 through C.52:27D-329.19) shall be known and may be cited as the "Strategic Housing Plan Act."

C.52:27D-329.11 Findings relative to strategic housing plan.

22. The Legislature finds that:

a. High housing prices, escalating property taxes, increasing municipal fees, rising energy costs, and the costs to implement various State rules and regulations have put housing out of the reach of many citizens;

b. The State of New Jersey suffers from a serious lack of housing affordable to its low and moderate income households, reflected in the large number of households living in overcrowded and substandard housing conditions, or burdened by unreasonable and excessive housing costs;

c. As housing costs have increased in many parts of the State, and the process of urban revitalization has taken hold in many of the State's cities, these problems have become more severe and have come to affect a wide range of households at many income levels;

d. While new housing affordable to households at all income levels is urgently needed, the need to preserve existing housing owned or rented by low and moderate income households, much of which is at risk of loss, is also urgent;

e. The production of new housing and the preservation of the existing housing stock, including but not limited to subsidized affordable housing, has a significant positive impact on the health and well-being of the State as a whole, in particular its older cities and their neighborhoods, and should be encouraged as a matter of public policy by the State government;

f. Although the State has devoted substantial public resources for many years towards alleviating the housing needs of lower income households, the effective use of those resources and their impact on urban revitalization has been limited by inadequate strategic planning in the allocation of public resources, as well as inadequate coordination with and leveraging of private resources;

g. The development of a strategic housing plan that will establish priorities to effectively target State resources should significantly enhance the impact of those resources in meeting the State's housing needs and fostering urban revitalization;

h. A strategic housing plan should provide for a means of coordinating the activities of the many State departments and agencies whose activities affect the ability of the State to meet its housing needs;

i. The active involvement of individuals outside State government with knowledge and experience in all phases of housing preservation, development, and management, as well as planning and urban revitalization, in the preparation and adoption of the plan, and the monitoring of State activities pursuant to the plan, should significantly enhance the value and ef-

fectiveness of the plan in increasing the State's ability to meet its housing needs and foster urban revitalization.

C.52:27D-329.12 Definitions relative to strategic housing planning.

23. As used in sections 21 through 30 of P.L.2008, c.46 (C.52:27D-329.10 through C.52:27D-329.19):

"Agency" means the New Jersey Housing and Mortgage Finance Agency.

"Commission" means the State Housing Commission established pursuant to section 24 of P.L.2008, c.46 (C.52:27D-329.13).

"Council" means the New Jersey Council on Affordable Housing.

"Department" means the Department of Community Affairs.

"Middle income housing" means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to or more than 80% but less than 120% of the median gross household income for households of the same size within the housing region in which the housing is located.

"Plan" means the Annual Strategic Housing Plan prepared pursuant to section 27 of P.L.2008, c.46 (C.52:27D-329.16).

"Report" means the Annual Housing Performance Report required to be prepared pursuant to section 29 of P.L.2008, c.46 (C.52:27D-329.18).

"Senior Deputy Commissioner for Housing" means the position established within the department which is charged with overseeing all housing programs.

"Working group" means the interdepartmental working group created pursuant to section 26 of P.L.2008, c.46 (C.52:27D-329.15).

C.52:27D-329.13 State Housing Commission.

24. a. The State Housing Commission 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 Community Affairs, but notwithstanding this allocation, the commission shall be independent of any supervision or control by the department except as expressly authorized under P.L.2008, c.46 (C.52:27D-329.1 et al.). The commission shall consist of 15 public members and shall also include the Commissioner of Community Affairs, the Commissioner of Environmental Protection, the Commissioner of Human Services, the Commissioner of

Transportation, the Commissioner of Education, the Chairman of the State Planning Commission, and the State Treasurer, who shall be nonvoting, ex-officio members of the commission. The non-public members may each designate a qualified employee to serve in their stead.

Thirteen of the public members shall be appointed by the Governor with the advice and consent of the Senate as follows: four members shall be individuals qualified by expertise in housing preservation, development, and management and who do not hold public office or public employment, and one of the four shall have particular experience in addressing the needs of the homeless; two of the four members shall be individuals qualified by expertise in urban revitalization and redevelopment and who do not hold public office, one of whom shall be a nonprofit builder, and another member of the four shall be a for-profit developer; two members shall be elected local officials at the time of initial appointment, one of whom shall be an elected official in a municipality having a population greater than 50,000; two members shall be individuals who do not hold public office and are qualified by their position and experience to represent the interests of low and moderate income and middle income families and individuals; one member shall be an individual who does not hold public office and who is qualified by expertise in planning and land use, one member who does not hold public office shall be a licensed real estate broker or a licensed real estate salesperson, and one member who shall be an executive director of a public housing authority within the State. Two additional public members who do not hold public office or public employment shall be appointed as follows: one member by the Speaker of the General Assembly and one member by the President of the Senate. The public members of the commission shall reflect the diversity of housing sector professionals.

b. The Governor shall nominate 13 public members of the commission, within 90 days following the effective date of P.L.2008, c.46 (C.52:27D-329.1 et al.), and shall designate a public member to preside over the commission until a chair and vice-chair are elected by the members of the commission. The Speaker of the General Assembly and the President of the Senate shall each appoint a member, respectively, within 90 days following the effective date of P.L.2008, c.46 (C.52:27D-329.1 et al.).

c. Each public member of the commission shall serve for a term of three years, except that of the initial members so appointed: three members appointed by the Governor shall serve for terms of one year; one member appointed by the President of the Senate, one member appointed by the Speaker of the General Assembly and five members appointed by the Governor shall serve for terms of two years; and the remaining appointees shall

serve for terms of three years. Public members shall be eligible for reappointment. They shall serve until their successors are appointed and qualified, and 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.

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. Each member of the commission may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

d. The commission shall elect annually a chair and vice-chair from among the public members of the commission, who shall serve for one year and until a successor is elected.

e. The executive secretary of the commission shall be the Senior Deputy Commissioner for Housing. In the event the commissioner designates the Senior Deputy Commissioner for Housing to serve in his or her stead as a member of the commission, the Senior Deputy Commissioner for Housing shall designate a qualified employee of the department to serve as executive secretary of the commission. Eight of the voting members of the commission shall constitute a quorum and a vote of the majority of the members present shall be necessary for any action taken by the commission.

f. The duties of the commission shall be as follows:

(1) To provide guidance and direction with respect to the policies and strategies to be pursued by State agencies with respect to housing which are incorporated into the plan.

(2) To prepare and adopt the Annual Strategic Housing Plan as set forth in section 28 of P.L.2008, c.46 (C.52:27D-329.17).

(3) To hold such public hearings and other activities as may be desirable to ensure adequate public input into the preparation of the plan and increase public awareness of the strategies and activities contained in the plan.

(4) To gather and disseminate such information on housing needs and strategies as may be useful for the work of the commission and informative to the public.

C.52:27D-329.14 Department to provide staff services.

25. The department shall provide such staff services as may be needed for the commission to carry out its responsibilities, including assembly of necessary information and statistics, preparation of draft reports and analyses, and preparation of the draft plan for review by the members of the

commission, acting under the supervision of the Senior Deputy Commissioner for Housing.

C.52:27D-329.15 Interdepartmental working group.

26. a. An interdepartmental working group is established for the purpose of supporting the activities of the commission and its preparation of the draft plan.

b. The membership of the working group shall consist of the commissioners or executive directors of the following departments or agencies of State government: the Department of Community Affairs, the Council on Affordable Housing, the New Jersey Housing and Mortgage Finance Agency, the Department of Human Services, the Department of Children and Families, the Department of Health and Senior Services, the Public Advocate, the Department of Education, the Department of Environmental Protection, the Department of Transportation, the Office of Smart Growth, the Department of the Treasury, the Highlands Council, the Pinelands Commission, and the New Jersey Meadowlands Commission.

c. The Commissioner of Community Affairs may appoint the Senior Deputy Commissioner for Housing as his or her representative to serve on the working group.

d. Each other commissioner or executive director may appoint a representative to serve on the working group, who shall be a senior employee of the department or agency with substantial background, experience, or training relevant to the mission of the working group.

e. The working group shall be chaired by the Commissioner of Community Affairs or by the Senior Deputy Commissioner for Housing as the commissioner's designee, if so appointed.

f. Meetings of the working group shall be called by the chair as needed during the course of preparation of the plan or the annual performance report.

g. Each department or agency constituting the working group shall make available such personnel and information as may be necessary to enable the working group to perform its responsibilities.

C.52:27D-329.16 Annual Strategic Housing Plan.

27. a. It shall be the duty of the commission annually to prepare and adopt an Annual Strategic Housing Plan as set forth in this section.

The objectives of the plan shall be as follows:

(1) To ensure that quality housing for people of all income levels is made available throughout the State of New Jersey.

(2) To overcome the shortage of housing affordable to low, moderate, and middle income households, in order to ensure the viability of New Jersey's communities and maintain the State's economic strength.

(3) To meet the need for safe and accessible affordable housing and supportive services for people with disabilities.

(4) To foster a full range of quality housing choices for people of diverse incomes through mixed income development in urban areas and in locations appropriate for growth, including transit hubs and corridors, and areas of job concentration.

(5) To address the needs of communities that have been historically underserved and segregated due to barriers and trends in the housing market, and frame strategies to address the needs of those communities.

(6) To facilitate the preservation of existing affordable rental housing, including both subsidized and private market rental housing.

(7) To further the preservation of low and moderate income and middle income homeownership, including strategies to protect lower income homeowners from the loss of their homes through foreclosure.

b. In addressing these objectives, the plan shall explicitly take into consideration the needs of the following distinct populations:

(1) Households earning below 50% of the area median income, with particular emphasis on households earning less than 30% of the area median income;

(2) Low income senior citizens of 62 years of age or older;

(3) Low income persons with disabilities, including but not limited to physical disability, developmental disability, mental illness, co-occurring mental illness and substance abuse disorder, and HIV/AIDS;

(4) Homeless persons and families, and persons deemed at high risk of homelessness;

(5) Low and moderate income and middle income households unable to find housing near work or transportation;

(6) Low and moderate income and middle income persons and families in existing affordable housing that is at risk of becoming unaffordable or being lost for any reason;

(7) Any other part of the population that the commission finds to have significant housing needs, either Statewide or in particular areas of the State.

c. The plan shall include, but not be limited to, the following:

(1) The identification of all funds which any agency or department of the State controls and uses for housing construction, rehabilitation, preservation, operating or rental subsidies and supportive services, including

bond proceeds, the allocation of federal Low Income Housing Tax Credits, and the use of administrative funds by the agency or the department;

(2) Goals for the number and type of housing units to be constructed, rehabilitated, or preserved each year for the underserved populations identified in subsection b. of this section, taking into account realistic assessments of financial resources and delivery capacity survey, and shall include an assessment aimed at identifying and estimating the number of substandard housing units within the State;

(3) Specific recommendations for the manner in which all funds identified in paragraph (1) of this subsection should be prioritized and used, either through new construction, rehabilitation, preservation, rental subsidies, or other activities, to address the needs of the underserved populations set forth in subsection b. of this section;

(4) Specific actions needed to ensure the integrated use of State government resources that can be used to create or preserve affordable housing, provide supportive services, facilitate the use of housing for urban revitalization, and prevent homelessness, including an identification of the specific agencies and programs responsible for each action;

(5) An assessment of the State's performance during the preceding year;

(6) Recommendations for changes to any program or use of funds which the State controls available for land use planning, housing construction, rehabilitation, preservation, operating or rental subsidies and supportive services, including both procedural and substantive changes, and the specific agencies responsible for each change;

(7) Recommendations for State and local actions to promote the creation and preservation of subsidized affordable and market-rate housing by private sector, non-profit, and government agencies, with particular reference to changes to programs, regulations, and other activities that impede such activities;

(8) Recommendations for State and local actions for programs and strategies through which the provision of affordable and mixed-income housing can better further citywide and neighborhood revitalization in the State's urban areas; and

(9) Identification of strategies that local government can take to create or preserve affordable housing, including specific recommendations for the use of monies collected through developer fees in local housing development trust funds.

d. The plan shall provide for both annual and long-term targets and priorities.

C.52:27D-329.17 Plan drafted, adopted and transmitted by commission.

28. a. The commission shall complete a draft plan on or before October 1 of each year. The commission shall adopt the plan by a vote of a majority of its members and transmit the plan to the Governor and the Joint Committee on Housing Affordability, or its successor, on or before the next January 1. The plan shall cover the fiscal year from July 1 to June 30th, beginning with July 1 of the preceding year, except that the first annual plan shall be transmitted on the first January 1 that falls after the annual anniversary of the effective date of P.L.2008, c.46 (C.52:27D-329.1 et al.).

b. With respect to the plans for the second through fourth years following the initial plan, the commission may adopt and submit either a plan de novo or an update to, or revision of, the initial year's plan, based on its judgment as to the extent of housing needs, funding resources, or other conditions that have or have not changed since the initial plan was prepared. In the fifth year following the initial plan, and every five years thereafter, the commission shall adopt and submit a complete plan de novo.

c. The plan and all supporting documentation thereof shall be made available both in printed form by the department and in downloadable form on the department's web site.

C.52:27D-329.18 Annual Housing Performance Report.

29. a. On or before January 1 of each year, beginning with the first January 1 that falls after the annual anniversary of the effective date of P.L.2008, c.46 (C.52:27D-329.1 et al.), the department, in consultation with the commission and the working group, shall prepare and submit to the Governor and the Joint Committee on Housing Affordability, or its successor, an Annual Housing Performance Report. Within 30 days following receipt of the Annual Housing Performance Report, a hearing shall be held by the Joint Committee on Housing Affordability, or its successor, to provide an opportunity for public comment and discussion.

b. The report shall include, but shall not be limited to, the following information:

(1) All housing units constructed, rehabilitated, or preserved in which funds controlled by any agency of the State were utilized, including the number of units by:

(a) Location;

(b) Affordability and income ranges of occupants;

(c) Target population; i.e., small family, large family, senior citizens, people with disabilities;

(d) Type of housing, including ownership, rental, and other forms of tenure; physical type such as single family or multifamily; and whether the unit was newly constructed, rehabilitated, or preserved; and

(e) The amount and source of all State-controlled funds used.

(2) All bond issuance activity by the agency, including interest rates and the use of bond proceeds.

(3) All other activities, including financial support, technical assistance, or other support conducted by the State to further affordable housing.

(4) Municipal performance pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), including the number of units listed for the distinct populations as enumerated in subsection b. of section 27 of P.L.2008, c.46 (C.52:27D-329.16), and the monies collected and the use of all developer fee proceeds deposited into municipal housing trust funds.

(5) For every report issued subsequent to the end of the first year for which a plan has been prepared pursuant to sections 27 and 28 of P.L.2008, c.46 (C.52:27D-329.16 and C.52:27D-329.17):

(a) A comparison between the goals, strategies, and priorities set forth in the plan and the outcomes of programs and strategies carried out by the State during the year, and a statement of the reasons for any differences between the plan and the State's programs and strategies; and

(b) A description of the manner in which the State has addressed the recommendations, if any, for procedural or substantive changes to any State program or activity set forth in the plan.

(6) Statistical appendices providing information on individual projects and funding allocations.

c. The report, appendices, and all supporting documentation thereof shall be made available both in printed form from the department and in downloadable form on the department's web site.

C.52:27D-329.19 Senior Deputy Commissioner for Housing.

30. a. The position of Senior Deputy Commissioner for Housing is established within the department, which position shall be filled by an individual with recognized and extensive experience in housing policy, planning, and development with particular emphasis on the planning and development of housing affordable to low, moderate, and middle income households.

b. The Senior Deputy Commissioner for Housing shall exercise oversight over the housing programs of the department, including, but not limited to, programs of the agency and the council.

c. The commissioner may appoint the Senior Deputy Commissioner for Housing as his or her designee to chair the agency, the commission, or the council, in which capacity or capacities the Senior Deputy Commissioner for Housing will have all of the powers vested in those positions by law.

C.52:14B-4.1b Housing affordability impact analysis.

31. a. In proposing a rule for adoption, the agency involved shall issue a housing affordability impact analysis regarding the rule, which shall be included in the notice of a proposed rule as required by subsection (a) of section 4 of P.L.1968, c.410 (C.52:14B-4). Each housing affordability impact analysis shall contain:

(1) A description of the types and an estimate of the number of housing units to which the proposed rule will apply; and

(2) A description of the estimated increase or decrease in the average cost of housing which will be affected by the regulation.

This subsection shall not apply to any proposed rule which the agency finds would impose an insignificant impact, either because the scope of the regulation is minimal, or there is an extreme unlikelihood that the regulation would evoke a change in the average costs associated with housing. The agency's finding and an indication of the basis for its finding shall be included in the notice of a proposed rule as required by subsection (a) of section 4 of P.L.1968, c.410 (C.52:14B-4).

b. In proposing a rule for adoption, the agency involved shall issue a smart growth development impact analysis regarding the rule, which shall be included in the notice of a proposed rule as required by subsection (a) of section 4 of P.L.1968, c.410 (C.52:14B-4). Each smart growth development impact analysis shall contain:

(1) A description of the types and an estimate of the number of housing units to which the proposed rule will apply;

(2) A description of the estimated increase or decrease in the availability of affordable housing which will be affected by the regulation; and

(3) A description as to whether the proposed rule will affect in any manner new construction within Planning Area 1 or 2, or within designated centers, under the State Development and Redevelopment Plan.

This subsection shall not apply to any proposed rule which the agency finds would impose an insignificant impact, either because the scope of the regulation is minimal, or there is an extreme unlikelihood that the regulation would evoke a change in the housing production within Planning Area 1 or 2, or within designated centers, under the State Development and Redevelopment Plan. The agency's finding and an indication of the basis for

its finding shall be included in the notice of a proposed rule as required by subsection (a) of section 4 of P.L.1968, c.410 (C.52:14B-4).

For the purposes of complying with this subsection, and in order to avoid duplicative action, an agency may consider a series of closely related rules as one rule.

c. For the purposes of this section, "types" means housing groups distinguished by the following categories: housing reserved for occupancy by very low, low and moderate and middle income households, respectively; single family, two-family, and multi-family housing; rental housing and for-sale housing.

C.40:55D-8.1 Short title.

32. Sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1 through C.40:55D-8.7) shall be known and may be cited as the "Statewide Non-residential Development Fee Act."

C.40:55D-8.2 Findings, declarations relative to Statewide non-residential development fees.

33. The Legislature finds and declares:

a. The collection of development fees from builders of residential and non-residential properties has been authorized by the court through the powers delegated to the Council on Affordable Housing established pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.).

b. New Jersey's land resources are becoming more scarce, while its redevelopment needs are increasing. In order to balance the needs of developing and redeveloping communities, a reasonable method of providing for the housing needs of low and moderate income and middle income households, without mandating the inclusion of housing in every non-residential project, must be established.

c. A Statewide non-residential development fee program which permits municipalities under the council's jurisdiction to retain these fees for use in the municipality will provide a fair and balanced funding method to address the State's affordable housing needs, while providing an incentive to all municipalities to seek substantive certification from the council.

d. Whereas pursuant to P.L.1977, c.110 (C.5:12-1 et seq.), organizations are directed to invest in the Casino Reinvestment Development Authority to ensure that the development of housing for families of low and moderate income shall be provided. The Casino Reinvestment Development Authority, in consultation with the council, shall work to effectuate the purpose and intent of P.L.1985, c.222 (C.52:27D-301 et al.).

C.40:55D-8.3 Definitions relative to Statewide non-residential development fees.

34. As used in sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1 through C.40:55D-8.7):

"Construction" means new construction and additions, but does not include alterations, reconstruction, renovations, and repairs as those terms are defined under the State Uniform Construction Code promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

"Commissioner" means the Commissioner of Community Affairs.

"Council" means the Council on Affordable Housing, established pursuant to P.L.1985, c.222 (C.52:27D-301 et al.).

"Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

"Equalized assessed value" means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).

"Mixed use development" means any development which includes both a non-residential development component and a residential development component, and shall include developments for which (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities may be considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including but not limited to lots separated by a street, a river, or another geographical feature.

"Non-residential development" means: (1) any building or structure, or portion thereof, including but not limited to any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code promulgated to effectuate the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), including any subsequent amendments or revisions thereto; (2) hotels, motels, vacation timeshares, and child-care facilities; and (3) the entirety of all continuing care facilities within a continuing care retirement community which is subject to the "Continuing Care Retirement Commu-

nity Regulation and Financial Disclosure Act," P.L.1986, c.103 (C.52:27D-330 et seq.).

"Non-residential development fee" means the fee authorized to be imposed pursuant to sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1 through C.40:55D-8.7).

"Relating to the provision of housing" shall be liberally construed to include the construction, maintenance, or operation of housing, including but not limited to the provision of services to such housing and the funding of any of the above.

"Spending plan" means a method of allocating funds collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to P.L.2008, c.46 (C.52:27D-329.1 et al.) for the purpose of meeting the housing needs of low and moderate income individuals.

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

C.40:55D-8.4 Fee imposed on construction resulting in non-residential development; exemptions.

35. a. Beginning on the effective date of P.L.2008, c.46 (C.52:27D-329.1 et al.), a fee is imposed on all construction resulting in non-residential development, as follows:

(1) A fee equal to two and one-half percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots; or

(2) A fee equal to two and one-half percent of the increase in equalized assessed value, of the additions to existing structures to be used for non-residential purposes.

b. All non-residential construction of buildings or structures on property used by churches, synagogues, mosques, and other houses of worship, and property used for educational purposes, which is tax-exempt pursuant to R.S.54:4-3.6, shall be exempt from the imposition of a non-residential development fee pursuant to this section, provided that the property continues to maintain its tax exempt status under that statute for a period of at least three years from the date of issuance of the certificate of occupancy. In addition, the following shall be exempt from the imposition of a non-residential development fee:

(1) parking lots and parking structures, regardless of whether the parking lot or parking structure is constructed in conjunction with a non-residential development, such as an office building, or whether the parking lot is developed as an independent non-residential development;

(2) any non-residential development which is an amenity to be made available to the public, including, but not limited to, recreational facilities, community centers, and senior centers, which are developed in conjunction with or funded by a non-residential developer;

(3) non-residential construction resulting from a relocation of or an on-site improvement to a nonprofit hospital or a nursing home facility;

(4) projects that are located within a specifically delineated urban transit hub, as defined pursuant to section 2 of P.L.2007, c.346 (C.34:1B-208);

(5) projects that are located within an eligible municipality, as defined under section 2 of P.L.2007, c.346 (C.34:1B-208), when a majority of the project is located within a one-half mile radius of the midpoint of a platform area for a light rail system; and

(6) projects determined by the New Jersey Transit Corporation to be consistent with a transit village plan developed by a transit village designated by the Department of Transportation.

A developer of a non-residential development exempted from the non-residential development fee pursuant to this section shall be subject to it at such time the basis for the exemption set forth in this subsection no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development whichever is later.

For purposes of this subsection, "recreational facilities and community center" means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including but not limited to ball fields, meeting halls, and classrooms, accommodating either organized or informal activity; and "senior center" means any recreational facility or community center with activities and services oriented towards serving senior citizens.

If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.

c. (1) Unless authorized to pay directly to the municipality in which the non-residential construction is occurring in accordance with paragraph (2) of this subsection, developers shall pay non-residential development fees imposed pursuant to P.L.2008, c.46 (C.52:27D-329.1 et al.) to the Treasurer, in accordance with subsection g. of this section in a manner and on such forms

as required by the Treasurer, provided that a certified proof concerning the payment shall be furnished by the Treasurer, to the municipality.

(2) The council shall maintain on its website a list of each municipality that is authorized to use the development fees collected pursuant to this section and that has a confirmed status of compliance with the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), which compliance shall include a spending plan authorized by the council for all development fees collected.

d. The payment of non-residential development fees required pursuant to sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1 through C.40:55D-8.7) shall be made prior to the issuance of a certificate of occupancy for such development. A final certificate of occupancy shall not be issued for any non-residential development until such time as the fee imposed pursuant to this section has been paid by the developer. A non-residential developer may deposit with the appropriate entity the development fees as calculated by the municipality under protest, and the local code enforcement official shall thereafter issue the certificate of occupancy provided that the construction is otherwise eligible for a certificate of occupancy.

e. The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which may be subject to a non-residential development fee. Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the non-residential development. The construction official responsible for the issuance of a final certificate of occupancy shall notify the local assessor of any and all requests for the scheduling of a final inspection on property which may be subject to a non-residential development fee. Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the non-residential development in accordance with the regulations adopted by the Treasurer pursuant to P.L.1971, c.424 (C.54:1-35.35); calculate the non-residential development fee pursuant to sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1 through C.40:55D-8.7); and thereafter notify the developer of the amount of the non-residential development fee. Should the municipality fail to determine or notify the developer of the amount of the non-residential development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6). Upon tender of the estimated non-residential development fee, provided the developer is in full

compliance with all other applicable laws, the municipality shall issue a final certificate of occupancy for the subject property. Failure of the municipality to comply with the timeframes or procedures set forth in this subsection may subject it to penalties to be imposed by the commissioner; any penalties so imposed shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 as amended by section 17 of P.L.2008, c.46 (C.52:27D-320).

A developer of a mixed use development shall be required to pay the Statewide non-residential development fee relating to the non-residential development component of a mixed use development subject to the provisions of P.L.2008, c.46 (C.52:27D-329.1 et al.).

Non-residential construction which is connected with the relocation of the facilities of a for-profit hospital shall be subject to the fee authorized to be imposed under this section to the extent of the increase in equalized assessed valuation in accordance with regulations to be promulgated by the Director of the Division of Taxation, Department of the Treasury.

f. Any municipality that is not in compliance with the requirements established pursuant to sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1 through C.40:55D-8.7), or regulations of the council adopted thereto, may be subject to forfeiture of any or all funds remaining within its municipal development trust fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 as amended by section 17 of P.L.2008, c.46 (C.52:27D-320).

g. The Treasurer shall credit to the "Urban Housing Assistance Fund," established pursuant to section 13 of P.L.2008, c.46 (C.52:27D-329.7) annually from the receipts of the fees authorized to be imposed pursuant to this section an amount equal to $20 million; all receipts in excess of this amount shall be deposited into the "New Jersey Affordable Housing Trust Fund," established pursuant to section 20 of P.L.1985, c.222 as amended by section 17 of P.L.2008, c.46 (C.52:27D-320), to be used for the purposes of that fund.

The Treasurer shall adopt such regulations as necessary to effectuate sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1 through C.40:55D-8.7), in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.40:55D-8.5 Regulations.

36. a. The commissioner, in consultation with the council, shall promulgate, in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such regulations as are necessary for the prompt and effective implementation of the provisions and purposes of

P.L.2008, c.46 (C.52:27D-329.1 et al.), including, but not limited to, provisions for the payment of any necessary administrative costs related to the assessment of properties and collection of any development fees by a municipality.

b. Notwithstanding the authority granted to the commissioner herein, the council shall adopt and promulgate, in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such regulations as are necessary for the effectuation of P.L.2008, c.46 (C.52:27D-329.1 et al.), including but not limited to, regulations necessary for the establishment, implementation, review, monitoring, and enforcement of a municipal affordable housing trust fund and spending plan.

C.40:55D-8.6 Inapplicability of C.40:55D-8.1 through C.40:55D-8.7.

37. a. The provisions of sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1 through C.40:55D-8.7) shall not apply to:

(1) Non-residential property for which a certificate of occupancy has been issued prior to the effective date of P.L.2008, c.46 (C.52:27D-329.1 et al.); or

(2) A non-residential planned development which has received approval of a general development plan pursuant to section 5 of P.L.1987, c.129 (C.40:55D-45.3), or a nonresidential development for which the developer has entered into a developer's agreement pursuant to a development approval granted pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.) or for which the redeveloper has entered into a redevelopment agreement pursuant to P.L.1992, c.79 (C.40A:12A-1 et al.) prior to the effective date of P.L.2008, c.46 (C.52:27D-329.1 et al.); provided, however, that the general development plan, developer's agreement, redevelopment agreement, or any development agreement pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) provides that the developer or redeveloper pay a fee for affordable housing of at least one percent of the equalized assessed value of the improvements which are the subject of the development plan, developer's agreement, or redevelopment agreement.

b. A developer may challenge non-residential development fees imposed pursuant to P.L.2008, c.46 (C.52:27D-329.1 et al.) by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the municipality or by the State, as the case may be. Appeals from a determination of the director may be made to the tax court in accordance with the provisions of the State Uniform Tax Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

c. Whenever non-residential development is situated on real property that has been previously developed with a building, structure, or other improvement, the non-residential development fee shall be equal to two and a half (2.5) percent of the equalized assessed value of the land and improvements on the property where the non-residential development is situated at the time the final certificate of occupancy is issued, less the equalized assessed value of the land and improvements on the property where the non-residential development is situated, as determined by the tax assessor of the municipality at the time the developer or owner, including any previous owners, first sought approval for a construction permit, including, but not limited to, demolition permits, pursuant to the State Uniform Construction Code, or approval under the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.). If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

Whenever the developer of a non-residential development has made or committed itself to make a financial or other contribution relating to the provision of housing affordable to low and moderate income households prior to the enactment of P.L.2008, c.46 (C.52:27D-329.1 et al.), the non-residential development fee shall be reduced by the amount of the financial contribution and the fair market value of any other contribution made by or committed to be made by the developer. For purposes of this section, a developer is considered to have made or committed itself to make a financial or other contribution, if and only if: (1) the contribution has been transferred, including but not limited to when the funds have already been received by the municipality; (2) the developer has obligated itself to make a contribution as set forth in a written agreement with the municipality, such as a developer's agreement; or (3) the developer's obligation to make a contribution is set forth as a condition in a land use approval issued by a municipal land use agency pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

d. Unless otherwise provided for by law, no municipality shall be required to return a financial or any other contribution made by or committed to be made by the developer of a non-residential development prior to the enactment of P.L.2008, c.46 (C.52:27D-329.1 et al.) relating to the provision of housing affordable to low and moderate income households, provided that the developer does not obtain an amended, modified, or new municipal land use approval with a substantial change in the non-residential development. If the developer obtains an amended, modified, or new land use approval for non-residential development, the municipality, person, or entity shall be required to return to the developer any funds or other contribution provided by the developer for the provision of housing affordable to low and moderate

income households and the developer shall not be entitled to a reduction in the affordable housing development fee based upon that contribution.

e. The provisions of sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1 through C.40:55D-8.7) shall not be construed in any manner as affecting the method or timing of assessing real property for property taxation purposes. The payment of a non-residential development fee shall not increase the equalized assessed value of any property.

C.40:55D-8.7 Certain local ordinances void.

38. a. Except as expressly provided in P.L.2008, c.46 (C.52:27D-329.1 et al.) including subsection b. of this section, any provision of a local ordinance which imposes a fee for the development of affordable housing upon a developer of non-residential property, including any and all development fee ordinances adopted in accordance with any regulations of the Council on Affordable Housing, or any provision of an ordinance which imposes an obligation relating to the provision of housing affordable to low and moderate income households, or payment in-lieu of building as a condition of non-residential development, shall be void and of no effect. A provision of an ordinance which imposes a development fee which is not prohibited by any provision of P.L.2008, c.46 (C.52:27D-329.1 et al.) shall not be invalidated by this section.

b. No affordable housing obligation shall be imposed concerning a mixed use development that would result in an affordable housing obligation greater than that which would have been imposed if the residential portion of the mixed use development had been developed independently of the non-residential portion of the mixed use development.

c. Whenever the developer of a non-residential development regulated under P.L.1977, c.110 (C.5:12-1 et seq.) has made or committed itself to make a financial or other contribution relating to the provision of housing affordable to low and moderate income households, the non-residential development fee authorized pursuant to P.L.2008, c.46 (C.52:27D-329.1 et al.) shall be satisfied through the investment obligations made pursuant to P.L.1977, c.110 (C.5:12-1 et seq.).

39. Section 1 of P.L.1995, c.231 (C.52:27D-310.1) is amended to read as follows:

C.52:27D-310.1 Computing municipal adjustment, exclusions.

1. When computing a municipal adjustment regarding available land resources as part of the determination of a municipality's fair share of affordable housing, the Council on Affordable Housing shall exclude from designating as vacant land:

(a) any land that is owned by a local government entity that as of January 1, 1997, has adopted, prior to the institution of a lawsuit seeking a builder's remedy or prior to the filing of a petition for substantive certification of a housing element and fair share plan, a resolution authorizing an execution of agreement that the land be utilized for a public purpose other than housing;

(b) any land listed on a master plan of a municipality as being dedicated, by easement or otherwise, for purposes of conservation, park lands or open space and which is owned, leased, licensed, or in any manner operated by a county, municipality or tax-exempt, nonprofit organization including a local board of education, or by more than one municipality by joint agreement pursuant to P.L.1964, c.185 (C.40:61-35.1 et seq.), for so long as the entity maintains such ownership, lease, license, or operational control of such land;

(c) any vacant contiguous parcels of land in private ownership of a size which would accommodate fewer than five housing units if current standards of the council were applied pertaining to housing density;

(d) historic and architecturally important sites listed on the State Register of Historic Places or National Register of Historic Places prior to the submission of the petition of substantive certification;

(e) agricultural lands when the development rights to these lands have been purchased or restricted by covenant;

(f) sites designated for active recreation that are designated for recreational purposes in the municipal master plan; and

(g) environmentally sensitive lands where development is prohibited by any State or federal agency.

No municipality shall be required to utilize for affordable housing purposes land that is excluded from being designated as vacant land.

Repealer.

40. Sections 1 through 37 of P.L.1949, c.303 (C.55:14H-1 et seq.) and P.L.1950, c.108 (C.55:14H-9.1) are repealed.

41. This act shall take effect immediately.

Approved July 17, 2008.

CHAPTER 47

AN ACT authorizing the transfer of the Atlantic City convention center project and the renaming of the Atlantic City Convention Center Authority,

amending P.L.1971, c.137 and P.L.1991, c.375, amending and supplementing P.L.1981, c.459, and repealing section 13 of P.L.1981, c.459.

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

C.52:27H-31.1 Short title.

1. Sections 1 and 2, sections 12 through 19, sections 21 through 25, and section 27 of P.L.2008, c.47 (C.52:27H-31.1 et al.) shall be known and may be cited as the "Atlantic City Convention Center Transfer Act."

C.52:27H-31.2 Definitions used in C.52:27H-29 et seq.

2. (a) As used in P.L.1981, c.459 (C.52:27H-29 et seq.):

"Atlantic City convention center project" or "convention center project" means the project authorized by paragraph (9) of subsection a. of section 6 of P.L.1971, c.137 (C.5:10-6).

"Convention authority" or "authority" means the Atlantic City Convention and Visitors Authority established pursuant to section 3 of P.L.1981, c.459 (C.52:27H-31).

"New Jersey Sports and Exposition Authority" means the public body established under section 4 of P.L.1971, c.137 (C.5:10-4).

(b) As used in P.L.2008, c.47 (C.52:27H-31.1 et al.), "Luxury Tax Bond Resolution" shall mean the authority's Convention Center Luxury Tax Bond Resolution adopted on October 28, 1992, as amended and supplemented.

3. Section 6 of P.L.1971, c.137 (C.5:10-6) is amended to read as follows:

C.5:10-6 Authority projects.

6. a. The authority, pursuant to the provisions of P.L.1971, c.137 (C.5:10-1 et seq.), is hereby authorized and empowered, either alone or in conjunction with others, and provided that, in the case of an arrangement with respect to any of the projects set forth in this section which shall be in conjunction with others, the authority shall have sufficient right and power to carry out the public purposes set forth in P.L.1971, c.137 (C.5:10-1 et seq.):

(1) To establish, develop, construct, operate, acquire, own, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, a project to be located in the Hackensack meadowlands upon a site not to exceed 750 acres and upon a site or sites outside of that acreage, but either immediately contigu-

ous thereto or immediately across any public road which borders that acreage, consisting of one or more stadiums, coliseums, arenas, pavilions, stands, field houses, playing fields, recreation centers, courts, gymnasiums, clubhouses, a racetrack for the holding of horse race meetings, and other buildings, structures, facilities, properties and appurtenances related to, incidental to, necessary for, or complementary to a complex suitable for the holding of athletic contests or other sporting events, or trade shows, exhibitions, spectacles, public meetings, entertainment events or other expositions, including, but not limited to, driveways, roads, approaches, parking areas, parks, recreation areas, lodging facilities, vending facilities, restaurants, transportation structures, systems and facilities, and equipment, furnishings, and all other structures and appurtenant facilities, related to, incidental to, necessary for, or complementary to the purposes of that project or any facility thereof.

(2) To establish, develop, construct, acquire, lease or own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, a project, at a site within the State of New Jersey, consisting of a baseball stadium and other buildings, structures, facilities, properties and appurtenances related thereto, or incidental to, necessary for, or complementary to a complex suitable for the holding of professional baseball games and other athletic contests or sporting events, or trade shows, exhibitions, spectacles, public meetings, entertainment events or other expositions, such project to include driveways, roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems and facilities, and equipment, furnishings and all other structures and appurtenant facilities related to, incidental to, necessary for, or complementary to the purposes of that project or any facility thereof.

(3) To establish, develop, construct, acquire, lease or own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, projects located within the State of New Jersey, but outside of the meadowlands complex, consisting of aquariums and the buildings, structures, facilities, properties and appurtenances related thereto, or incidental to, necessary for, or complementary to those aquariums, such project to include driveways, roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems and facilities, and equipment, furnishings and all other structures and appurtenant facilities related to, incidental to, necessary for, or complementary to the purposes of that project or any facility thereof. To provide for a project authorized under this paragraph:

(a) (Deleted by amendment, P.L.1988, c.172.)

(b) The authority is authorized to enter into agreements with the State Treasurer providing for the acquisition and construction of an aquarium by the authority, including the land necessary for the aquarium, and the costs thereof, ownership of the aquarium and its land which shall be conveyed to the State upon completion, and the operation by the authority of the aquarium pursuant to a lease or other agreement with the State containing such terms and conditions as the State Treasurer may establish prior to the acquisition and construction by the authority of the aquarium and the disbursements of funds therefor. The State Treasurer is authorized to enter into a lease or other agreement to effectuate the provisions of this subparagraph.

(4) To establish, develop, construct, acquire, own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, a project consisting of an exposition or entertainment center or hotel or office complex, including any buildings, structures, properties and appurtenances related thereto, incidental thereto, necessary therefor, or complementary thereto, such project to include driveways, roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems, and equipment, furnishings and all other structures and appurtenances related to, incidental to, necessary for, or complementary to, the purposes of that project. A project authorized under this paragraph may be located within, immediately contiguous to, or immediately across any public road which borders the site of any other project of the authority, except the site of a racetrack authorized by paragraph (5) of this subsection and acquired by the authority prior to 1986.

(5) To establish, develop, construct, acquire, own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, projects consisting of (a) racetrack facilities located within the State of New Jersey, but outside of the meadowlands complex, (b) their contiguous properties, and (c) their auxiliary facilities, including, without limitation, pavilions, stands, field houses, clubhouses, training tracks for horses, racetracks for the holding of horse race meetings, fairgrounds, other exposition facilities, and other buildings, structures, facilities, properties and appurtenances related to, incidental to, necessary for, or complementary to a complex suitable for the holding of horse race meetings, other sporting events, or trade shows, exhibitions, spectacles, public meetings, entertainment events or other expositions, including, but not limited to, driveways, roads, approaches, parking areas, parks, recreation areas, lodging facilities, vending

facilities, restaurants, transportation structures, systems and facilities, equipment, furnishings, and all other structures and appurtenant facilities related to, incidental to, necessary for, or complementary to the purposes of any of those projects or any facility thereof.

Notwithstanding any law to the contrary, the acquisition of any existing racetrack facility in and licensed by the State of New Jersey shall be permitted on the condition that payments equivalent to all municipal, school board and county taxes due to each entity shall be paid by the authority to the extent and in accordance with the same payment schedule as taxes would have been paid each year, as though the racetrack facility remained in private ownership. In the event the authority conveys lands or other parts of the racetrack facility to others, the authority shall receive a reduction of such payments commensurate with the amount required to be paid by the subsequent owner of the lands and improvements disposed of by the authority. In addition, the authority shall be responsible for paying all existing local franchise fees, license and parking tax fees in effect at the time of the acquisition.

(6) To establish, develop, acquire, own, operate, manage, promote and otherwise effectuate, in whole or in part, either directly or indirectly through lessees, licensees or agents, projects consisting of events, expositions, teams, team franchises or membership in professional sports leagues.

(7) To establish, develop, construct, acquire, own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, projects consisting of facilities, at a site or sites within the State of New Jersey and either within or without the meadowlands complex, that are related to, incidental to, necessary for, or complementary to the accomplishment or purpose of any project of the authority authorized by this section, including any buildings, structures, properties and appurtenances related thereto, incidental thereto, necessary therefor, or complementary thereto, such projects to include driveways, roads, approaches, parking areas, parks, recreation areas, off-track and account wagering systems and facilities or any interest therein, vending facilities, restaurants, transportation structures, systems, and equipment, furnishings and all other structures and appurtenances related to, incidental to, necessary for, or complementary to the purposes of those projects.

(8) To establish, develop, acquire, construct, reconstruct, improve and otherwise effectuate for transfer to, and for use and operation by, Rutgers, the State University, either directly or indirectly through lessees, licensees or agents, facilities located or to be located on property owned, leased, or

otherwise used by Rutgers, the State University, consisting of an upgraded and expanded football stadium and a new track and field, soccer and lacrosse facility and the buildings, structures, properties and appurtenances related thereto, or incidental to, necessary for, or complementary to the football stadium and track and field, soccer and lacrosse facility, such facilities to include driveways, access roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems and equipment, furnishings and all other structures and appurtenances related or incidental to, necessary for, or complementary to the purposes of those facilities; provided however that construction shall not begin on the expansion of the seating capacity of Rutgers Stadium until the Commissioner of Transportation certifies that all funding necessary to complete the Route 18 project in Piscataway Township has been appropriated and construction has begun on the Route 18 project in Piscataway Township under the Department of Transportation's capital program.

(9) To acquire by purchase, lease or otherwise, and to develop, construct, operate, own, lease, manage, repair, reconstruct, restore, improve, enlarge or otherwise effectuate, either directly or through lessees, licensees or agents, a project which may hereinafter be referred to as either the Atlantic City convention center project or a convention center project in the city of Atlantic City, Atlantic County, consisting of the existing convention hall and a new convention hall or center, and associated parking areas and railroad terminal facilities and including the leasing of adjacent land for hotel facilities. In connection therewith, the authority is authorized to:

(a) Assume existing leasehold or other contractual obligations pertaining to any such facilities or properties or to make provision for the payment or retirement of any debts and obligations of the governmental entity operating any such convention hall or center or of any bonds or other obligations payable from and secured by a lien on or pledge of the luxury tax revenues;

(b) Make loans or payments in aid of construction with respect to infrastructure and site development for properties located in the area between the sites of the existing convention hall and a new convention center or located contiguous to or across any public road which borders the area;

(c) Convert the existing convention hall or any facilities, structures or properties thereof, or any part thereof, not disposed of by the authority, to any sports, exposition, exhibition, or entertainment use or to use as a forum for public events or meetings, or to any other use which the authority shall determine to be consistent with its operation of the Atlantic City convention center project;

(d) Transfer, as soon as practicable, its ownership interest or other rights and obligations, other than any bonds, notes, or other obligations, including any credit agreement, of the authority issued and outstanding, or then in effect, on the date of such transfer under the Luxury Tax Bond Resolution, in the Atlantic City convention center project to the Atlantic City Convention and Visitors Authority created under section 3 of P.L.1981, c.459 (C.52:27H-31), and cease any supervision of the Atlantic City Convention and Visitors Authority, to the extent permitted by the terms of the bonds, notes, leases or other financing documents, assignments, agreements or arrangements issued or entered into to finance or refinance, in whole or in part, or incurred in connection with the Atlantic City convention center project, as reasonably determined by the authority but subject to the diligence and reasonable determination provisions of paragraph (6) of subsection f. of this section.

(10) To provide a feasibility study for the use and development of the existing convention center in the city of Asbury Park, county of Monmouth and to provide a feasibility study for the construction, use and development of a convention center or recreational facility in any other municipality;

(11) To provide funding to public or private institutions of higher education in the State to establish, develop, acquire, construct, reconstruct or improve facilities located or to be located on property owned, leased, or otherwise used by an institution, consisting of sports facilities and the buildings, structures, properties and appurtenances related thereto, or incidental to, necessary for, or complementary to those sports facilities, such facilities to include driveways, access roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems and equipment, furnishings and all other structures and appurtenances related or incidental to, necessary for, or complementary to the purposes of those facilities.

(12) To acquire by purchase, lease, or otherwise, including all right, title and interest of the Greater Wildwood Tourism Improvement Development Authority in any property, and to develop, construct, operate, own, lease, manage, repair, reconstruct, restore, improve, enlarge or otherwise effectuate, either directly or through lessees, licensees or agents, a convention center facility in the City of Wildwood, Cape May County, consisting of and including any existing and acquired buildings, structures, properties and appurtenances and including restaurants, retail businesses, access roads, approaches, parking areas, transportation structures and systems, recreation areas, equipment, furnishings, vending facilities, and all other structures and appurtenances incidental to, necessary for, or complementary to the purpose of such Wildwood convention center facility. In connection therewith, the authority is expressly authorized to:

(a) assume any existing mortgages, leaseholds or other contractual obligations or encumbrances with respect to the site of the Wildwood convention center facility and any other existing and acquired buildings, structures, properties, and appurtenances;

(b) enter into agreements with a local public body or bodies providing for any necessary financial support or other assistance for the operation and maintenance of such Wildwood convention center facility from taxes or other sources of the local public body or bodies as shall be made available for such purposes;

(c) to the extent permitted by law and by the terms of the bonds or notes issued to finance the Wildwood convention center facility, transfer its ownership interest or other rights with respect to the convention center facility to another State authority or agency;

(d) upon payment of all outstanding bonds and notes issued therefor, transfer its ownership interest and other rights with respect thereto to such other public body as shall be authorized to own and operate such a facility; and

(e) convert any existing convention hall or any facilities, structures or properties thereof, or any part thereof, not disposed of by the authority, to any use which the authority shall determine to be consistent with the operation of the Wildwood convention center facility.

(13) To acquire by purchase, lease or otherwise, and to develop, construct, own, lease, manage, repair, reconstruct, restore, improve, enlarge or otherwise effectuate, either directly or through lessees, licensees, or agents, all right, title, or interest in the Garden State Arts Center in Holmdel, Monmouth County, and any related or auxiliary facilities and to transfer its interest in the Garden State Arts Center and any related or auxiliary facilities to such other public body that is authorized to own and operate such a facility, or other entity, according to such terms and process as the authority may establish in its discretion;

(14) (a) To establish, develop, construct, acquire, lease or own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, projects located within the State of New Jersey, but outside the meadowlands complex, provided that the authority first obtains the consent of the municipality or municipalities in which the projects are to be located, consisting of football training facilities that are comparable in quality to National Football League professional football training facilities and the buildings, structures, facilities, uses, properties and appurtenances related thereto, or identical to, necessary for, or complementary to those National Football League-quality professional football league training facilities, such

projects to include driveways, roads, approaches, parking areas, parks, recreation areas, restaurants, transportation structures, systems and facilities, and equipment, furnishings and all other structures and appurtenant facilities related to, incidental to, necessary for, or complementary to the purposes of such projects or any facility thereof.

(b) For projects developed pursuant to subparagraph (a) of paragraph (14) of this subsection, the authority shall make in-lieu-of-tax payments in each municipality affected in amounts negotiated by the authority and each municipality.

b. The authority, pursuant to the provisions of P.L.1971, c.137 (C.5:10-1 et seq.), is authorized (1) to make, as part of any of the projects, capital contributions to others for transportation and other facilities, and accommodations for the public's use of any of those projects, (2) to lease any part of any of those project sites not occupied or to be occupied by the facilities of any of those projects, for purposes determined by the authority to be consistent with or related to the purposes of those projects, including, but not limited to, hotels and other accommodations for transients and other facilities related to or incidental to any of those projects, and (3) to sell or dispose of any real or personal property, including, but not limited to, such portion of the site of any of those projects not occupied or to be occupied by the facilities of any of those projects, at not less than the fair market value of the property, except in the case of sale or disposition to the State, any political subdivision of the State or any agency or instrumentality of the State or any political subdivision of the State.

c. Revenues, moneys or other funds, if any, derived from the operation or ownership of the meadowlands complex, including the conduct of horse race meetings, shall be applied, in accordance with the resolution or resolutions authorizing or relating to the issuance of bonds or notes of the authority, to the following purposes and in the following order:

(1) The costs of operation and maintenance of the meadowlands complex and reserves therefor;

(2) Principal, sinking fund installments and redemption premiums of and interest on any bonds or notes of the authority payable from such revenues, moneys or other funds and issued for the purposes of the meadowlands complex or for the purposes of refunding the same, including reserves and payments with respect to credit agreements therefor;

(3) The costs of any major or extraordinary repairs, renewals or replacements with respect to the meadowlands complex or incidental improvements thereto, not paid pursuant to paragraph (1) above, including reserves therefor;

(4) Payments required to be made pursuant to section 18b.;

(5) Payments authorized to be made pursuant to section 18c.;

(6) Except to the extent payments with respect to bonds or notes are provided with priority in accordance with paragraph (2) of this subsection, payments required to be made in accordance with the resolution authorizing or relating to the issuance of bonds or notes of the authority, for the purposes of any project authorized by this act, including payments and reserves with respect to any bonds or notes of the authority with respect to the meadowlands complex which are not provided with priority in accordance with paragraph (2) of this subsection;

(7) Payments required to be made to repay any obligation incurred by the authority to the State;

(8) The balance remaining after application in accordance with the above shall be deposited in the General State Fund, provided that (a) there shall be appropriated for authorized State purposes from the amount so deposited that amount which shall be calculated by the State Treasurer to be the debt service savings realized with respect to the refinancing of the initial project as defined in section 1 of P.L.1973, c.286 (C.5:10-14.1) at the meadowlands complex, by the issuance of bonds of the authority guaranteed by the State, and (b) after such appropriation, 40% of any balance remaining from the amounts so deposited shall be appropriated to the Meadowlands Commission for any of its purposes authorized by P.L.1968, c.404, and any amendments or supplements thereto.

d. Revenues, moneys or other funds, if any, derived from the operation or ownership of any project other than the meadowlands complex, the Atlantic City convention center project, or the Wildwood convention center facility and other than a baseball stadium project or an office complex project located on the site of a baseball stadium shall be applied for such purposes, in such manner and subject to such conditions as shall be provided in the resolution authorizing or relating to the issuance of bonds or notes of the authority for the purposes of such project, and the balance, if any, remaining after such application may be applied, to the extent not contrary to or inconsistent with the resolution, in the following order: (1) to the purposes of the meadowlands complex, unless otherwise agreed upon by the State Treasurer and the authority, (2) to the purposes of any other project of the authority; and, the balance remaining, if any, shall be deposited in the General Fund.

e. Revenues, moneys or other funds, if any, derived from the operation, ownership, or leasing of a baseball stadium project or an office complex project located on the site of a baseball stadium shall be applied for the

purposes, in the manner and subject to the conditions as shall be provided in the resolution authorizing or relating to the issuance of bonds or notes of the authority for the purposes of a baseball stadium project or an office complex project located on the site of a baseball stadium, if any, and the balance, if any, remaining after such application shall be applied, to the extent not contrary to or inconsistent with the resolution, to the following purposes and in the following order:

(1) The costs of operation and maintenance of a baseball stadium project and an office complex project located on the site of a baseball stadium and reserves therefor;

(2) Payments made to repay the bonded indebtedness incurred by the authority for the purposes of a baseball stadium project or an office complex project located on the site of a baseball stadium;

(3) Payments equivalent to an amount required to be made by the State for payments in lieu of taxes pursuant to P.L.1977, c.272 (C.54:4-2.2a et seq.);

(4) The balance remaining after application in accordance with the above shall be deposited in the General Fund.

f. Revenues, moneys or other funds, if any, including earned interest, derived from the operation, ownership or leasing of the Atlantic City convention center project shall be applied to the costs of operating, maintaining and promoting the Atlantic City convention center project and to the other purposes set forth in paragraphs (1) through (5) of this subsection, except as provided in paragraph (6) of this subsection.

Subject to paragraph (6) of this subsection, luxury tax revenues paid to the authority by the State Treasurer pursuant to section 14 of P.L.1991, c.375 (C.5:10-14.4), including earned interest, shall be deposited by the authority in a separate fund or account and applied to the following purposes and in the following order:

(1) To pay the principal, sinking fund installments and redemption premiums of and interest on any bonds or notes of the authority, including bonds or notes of the authority issued for the purpose of refunding bonds or notes, issued for purposes of (i) the initial acquisition of the existing properties which will constitute part of the Atlantic City convention center project, if the bonds or notes shall be payable under the terms of the resolution of the authority relating thereto from luxury tax revenues, or (ii) providing improvements, additions or replacements to the Atlantic City convention center project, if the bonds or notes shall be payable under the terms of the resolution of the authority relating thereto from luxury tax revenues; and to pay any amounts due from the authority under any credit agreement entered into by the authority in connection with the bonds or notes.

(2) To pay the costs of operation, maintenance and promotion of the Atlantic City convention center project, including amounts payable as operating expenses under the Luxury Tax Bond Resolution or the terms of the bonds, notes, leases or other financing documents, assignments, agreements or arrangements issued or entered into to finance or refinance, in whole or in part, or incurred in connection with, the Atlantic City convention center project.

(3) To establish and maintain a working capital and maintenance reserve fund for the Atlantic City convention center project in an amount as shall be determined by the authority to be necessary.

(4) To repay to the State those amounts paid by the State with respect to bonds or notes of the authority issued for the purposes of the Atlantic City convention center project.

(5) The balance of any luxury tax revenues not required for any of the foregoing purposes and remaining at the end of any calendar year shall be paid to the State Treasurer for application to purposes in the city of Atlantic City pursuant to section 5 of P.L.1981, c.461 (C.40:48-8.30a).

The authority may pledge the luxury tax revenues paid to it as provided for in section 14 of P.L.1991, c.375 (C.5:10-14.4) as security for the payment of the principal of and interest or premium on the bonds or notes issued for the purposes set forth above in paragraph (1) of this subsection f. in the same manner, to the same extent and with the same effect as the pledge of any of its other revenues, receipts and funds authorized by P.L.1971, c.137 (C.5:10-1 et seq.).

(6) (a) The authority shall promptly and diligently pursue all consents, approvals, waivers or non-objections under the bonds, notes, leases, or other financing documents, assignments, agreements or arrangements issued or entered into to finance or refinance, in whole or in part, or incurred in connection with, the Atlantic City convention center project, that are required for the following actions, which actions may be implemented at the same or at different times:

(i) to permit the State Treasurer to remit to the authority, for deposit to the Luxury Tax Revenue Fund established under the Luxury Tax Bond Resolution, luxury tax revenues held by the State Treasurer in the fund established pursuant to section 5 of P.L.1979, c.273 (C.40:48-8.30) in an amount sufficient to (A) pay the principal, sinking fund installments and redemption premiums, if any, of and interest on any bonds, notes, or other obligations, including any credit agreement, of the authority issued and outstanding or entered into pursuant to the Luxury Tax Bond Resolution, and (B) maintain any reserves required to be held by the trustee pursuant to the Luxury Tax Bond Resolution, and to remit the balance of the luxury tax

revenues held by the State Treasurer in such fund, including interest thereon, to the Atlantic City Convention and Visitors Authority to be applied as provided in section 25 of P.L.2008, c.47 (C.52:27H-41.13) subject, however, to the lien of the Luxury Tax Bond Resolution, until all bonds, notes, and other obligations, including any credit agreement, of the authority issued and outstanding or entered into pursuant to the Luxury Tax Bond Resolution have been paid or defeased in full.

(ii) to permit the authority to transfer its ownership interest or other rights and obligations, other than any bonds, notes, or other obligations, including any credit agreement, of the authority issued and outstanding, or then in effect, on the date of such transfer under the Luxury Tax Bond Resolution, in the Atlantic City convention center project to the Atlantic City Convention and Visitors Authority, and cease any supervision of the Atlantic City Convention and Visitors Authority.

(iii) to implement any other provisions of P.L.2008, c.47 (C.52:27H-31.1 et al.).

(b) Upon obtaining such consents, approvals, waivers or non-objections or upon the reasonable determination by the authority or the State Treasurer that such consents, approvals or non-objections have been obtained, are unnecessary or that the absence of such consents, approvals or non-objections shall not result in a material default, the State Treasurer shall thereafter remit to the authority from the fund only those monies required to satisfy the obligations of subparagraphs (a)(i)(A) and (a)(i)(B) of this paragraph; the balance of the luxury tax revenues held by the State Treasurer in such fund, including interest thereon, shall be paid promptly to the Atlantic City Convention and Visitors Authority to be applied as provided in section 25 of P.L.2008, c.47 (C.52:27H-41.13), subject, however, to the lien of the Luxury Tax Bond Resolution until all bonds, notes, and other obligations, including any credit agreement, of the authority issued and outstanding or entered into pursuant to the Luxury Tax Bond Resolution have been paid or defeased in full.

(c) When all bonds, notes, or other obligations, including any credit agreement, of the authority issued and outstanding or entered into pursuant to the Luxury Tax Bond Resolution have been paid or defeased in full, any amounts received by the authority from the funds and accounts held under the Luxury Tax Bond Resolution shall forthwith be transferred to the Atlantic City Convention and Visitors Authority to be applied as provided in section 25 of P.L.2008, c.47 (C.52:27H-41.13).

g. Revenues, moneys or other funds, if any, derived from the ownership or operation of the Wildwood convention center facility shall be ap-

plied to the costs of operating and maintaining the Wildwood convention center facility and to the other purposes set forth in this subsection as shall be provided by resolution of the authority.

The tourism related tax revenues paid to the authority pursuant to subsection f. of section 14 of P.L.1992, c.165 (C.40:54D-14) shall be deposited by the authority in a separate fund or account and applied to any or all of the following purposes pursuant to an allocation of funds approved by the State Treasurer in writing and in advance of any application of such funds:

(1) to pay amounts due with respect to any obligations transferred to the authority pursuant to section 17 of P.L.1997, c.273 (C.40:54D-25.1) pertaining to the Wildwood convention center facility;

(2) to repay to the State those amounts paid with respect to bonds or notes of the authority issued for the purposes of the Wildwood convention center facility;

(3) to pay the cost of operation and maintenance reserve for the Wildwood convention center facility;

(4) to establish and maintain a working capital and maintenance reserve for the Wildwood convention center facility.

The balance, if any, of any tourism related tax revenues not allocated to any of the purposes set forth in the previous paragraphs and remaining at the end of the calendar year shall be paid to the State Treasurer for deposit in the General Fund.

4. Section 14 of P.L.1991, c.375 (C.5:10-14.4) is amended to read as follows:

C.5:10-14.4 Luxury tax revenues.

14. Notwithstanding the provisions of P.L.1947, c.71 (C.40:48-8.15 et seq.), in the event that the convention hall or halls or convention center project, including the site of a convention hall or convention center project to be constructed, located in any municipality which levies a luxury tax pursuant to such law, shall be purchased, leased or otherwise acquired by the New Jersey Sports and Exposition Authority and for so long as the New Jersey Sports and Exposition Authority or the Atlantic City Convention and Visitors Authority shall be the owner or be responsible for supervision of the operation of the convention hall or halls or convention center project, and, in any event, for so long as any bonds or notes issued by the New Jersey Sports and Exposition Authority for the Atlantic City convention center project, or other obligations or financing arrangements entered into or issued by the New Jersey Sports and Exposition Authority in connection with

the Atlantic City convention center project, which are payable from, or secured by such luxury taxes, or required to be paid from luxury tax revenues of the municipality remain outstanding:

a. Luxury tax revenues on deposit in the luxury tax fund created pursuant to section 5 of P.L.1979, c.273 (C.40:48-8.30), shall be remitted promptly during each year, commencing with the year in which P.L.1991, c.375 is enacted, by the State Treasurer from the luxury tax fund to the New Jersey Sports and Exposition Authority or the Atlantic City Convention and Visitors Authority or both, as the case may be, in accordance with the provisions of subsection f. of section 6 of P.L.1971, c.137 (C.5:10-6).

b. No further bonds or other obligations, other than refunding bonds, shall be issued and no lease shall be entered into, by any public body other than the Atlantic City Convention and Visitors Authority, the payment of which is to be made from or secured by the luxury tax revenues of the municipality.

c. Luxury tax revenues of the municipality which are in excess of the requirements with respect thereto of, first, the obligations of the New Jersey Sports and Exposition Authority under the bonds, notes, leases, or other financing documents, assignments, agreements or arrangements issued or entered into to finance or refinance, in whole or in part, or incurred in connection with, the Atlantic City convention center project, and thereafter, of the Atlantic City Convention and Visitors Authority, as the case may be, relating to the convention center project shall be applied to the purposes set forth in, or in accordance with, the provisions of section 25 of P.L.2008, c.47 (C.52:27H-41.13), as appropriate.

d. If the luxury tax of the municipality, including any increase thereof adopted by the municipality after the enactment of P.L.1991, c.375 (C.5:10-14.3 et al.), shall be pledged to the payment of the bonds, notes, leases, or other financing documents, assignments, agreements or arrangements issued or entered into by the New Jersey Sports and Exposition Authority or the Atlantic City Convention and Visitors Authority to finance or refinance, in whole or in part, or incurred by the New Jersey Sports and Exposition Authority or the Atlantic City Convention and Visitors Authority in connection with, the Atlantic City convention center project, the municipality shall not repeal the luxury tax, nor reduce the rate of the tax, nor eliminate from taxation any retail sales that are subject to the tax on the date of enactment of P.L.1991, c.375 (C.5:10-14.3 et al.), so long as such bonds, notes, leases, or other financing documents, assignments, agreements or arrangements shall remain outstanding.

e. As soon as practicable, and to the extent permitted by the terms of the Luxury Tax Bond Resolution and the bonds, notes, leases, or other fi-

nancing documents, assignments, agreements or arrangements issued to finance, or entered into to finance or refinance, in whole or in part, or incurred in connection with, the Atlantic City convention center project, and subject to the diligence and reasonable determination provisions of subsection f. of section 6 of P.L.1971, c.137 (C.5:10-6), the New Jersey Sports and Exposition Authority shall transfer its ownership interest or other rights in the Atlantic City convention center project to the Atlantic City Convention and Visitors Authority, and cease any supervision of the Atlantic City Convention and Visitors Authority. Upon such transfer, (i) the Atlantic City Convention and Visitors Authority shall assume all of the powers, rights, assets and duties of the authority with respect to the Atlantic City convention center project to the extent provided by P.L.2008, c.47 (C.52:27H-31.1 et al.), and such powers shall then and thereafter be vested in and shall be exercised by the Atlantic City Convention and Visitors Authority, and (ii) all debts, liabilities, obligations and contracts of the authority with respect to the Atlantic City convention center project, other than any bonds, notes, or other obligations, including any credit agreement, of the authority issued and outstanding, or then in effect, on the date of such transfer under the Luxury Tax Bond Resolution, are imposed upon the Atlantic City Convention and Visitors Authority, and all creditors of the authority and persons having claims against or contracts with the authority of any kind or character relating to the Atlantic City convention center project may enforce those debts, claims and contracts against the Atlantic City Convention and Visitors Authority as successor to the authority in the same manner as they might have had against the authority, and the rights and remedies of those holders, creditors and persons having claims against or contracts with the authority relating to the Atlantic City convention center project shall not be limited or restricted in any manner by P.L.2008, c.47 (C.52:27H-31.1 et al.). All expenses incurred in carrying out the transfer of the Atlantic City convention center project from the authority to the Atlantic City Convention and Visitors Authority pursuant to the provisions of P.L.2008, c.47 (C.52:27H-31.1 et al.), including expenses incurred to obtain any required consents, approvals, waivers or non-objections as described in subsection f. of section 6 of P.L.1971, c.137 (C.5:10-6), shall be payable solely from luxury tax revenues and other amounts held under the Luxury Tax Bond Resolution to the extent available to pay such expenses.

5. Section 1 of P.L.1981, c.459 (C.52:27H-29) is hereby amended to read as follows:

C.52:27H-29 Findings, declarations.

1. The Legislature finds that the tourist, resort and convention industry of Atlantic City has traditionally made an important contribution to the economic vitality of this State; that the recent revitalization of that industry as a result of the authorization of casino gaming in Atlantic City has resulted in significant economic benefits not only to the residents of the city and its immediate environs, but to all of the residents of the State in the form of increased business and employment opportunities and augmented State and local revenues; and that the future growth of this industry will depend in part upon the provision and operation of an attractive convention center in Atlantic City or the promotion and marketing of the city of Atlantic City and the provision of an adequate mechanism whereby the interests and efforts of the State, the city and the private sector may be effectively coordinated and the financial soundness of a convention center assured.

To this end, the Legislature declares the establishment of an authority having the requisite power to own, lease, promote, operate, maintain, transfer and sell a convention center project in Atlantic City and to promote and market the city of Atlantic City to be in the public interest of the citizens of this State.

The Legislature further finds that it is in the best interests of the State for the Atlantic City Convention and Visitors Authority established pursuant to the provisions of P.L.1981, c.459 (C.52:27H-29 et seq.), which is the entity most closely related to the facilities and operations of the Atlantic City convention center project, to acquire ownership of and assume responsibility and control over the daily operations of the project.

6. Section 2 of P.L.1981, c.459 (C.52:27H-30) is amended to read as follows:

C.52:27H-30 Short title.

2. This act shall be known and may be cited as the "Atlantic City Convention and Visitors Authority Act."

7. Section 3 of P.L.1981, c.459 (C.52:27H-31) is amended to read as follows:

C.52:27H-31 "Atlantic City Convention and Visitors Authority."

3. There is created a public body corporate and politic, with corporate succession, to be known as the "Atlantic City Convention and Visitors Authority." The authority is constituted as an instrumentality of the State exer-

cising public and essential governmental functions, and the exercise by the authority of the powers conferred by this act shall be an essential government function of the State. For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the authority is allocated within the Department of the Treasury, but, notwithstanding the allocation, the authority shall be independent of any supervision or control by the department or any officer or employee thereof.

8. Section 4 of P.L.1981, c.459 (C.52:27H-32) is amended to read as follows:

C.52:27H-32 Membership; appointment.

4. a. The authority shall consist of seven members as follows:

(1) Six public members, at least two of whom shall be representatives of the New Jersey casino industry, to be appointed by the Governor with the advice and consent of the Senate; and

(2) The Treasurer of the State of New Jersey, who shall be an ex officio member.

b. Vacancies in the membership of the authority shall be filled in the same manner as prescribed by law for the original appointment, but for the unexpired term only.

c. No more than four members of the authority shall be affiliated with the same political party. The public members of the authority shall serve for a term of five years and until a successor shall have been appointed and qualified; except that of the public members first appointed pursuant to the provisions of P.L.1991, c.375, the Governor shall designate upon appointment: two members for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years and one for a term of one year.

9. Section 6 of P.L.1981, c.459 (C.52:27H-34) is amended to read as follows:

C.52:27H-34 Quorum; officers; president.

6. a. The authority shall not be constituted and shall not take action or adopt motions or regulations until all original authorized members shall have been appointed and qualified. The powers of the authority shall be vested in the members thereof and a majority of the total authorized membership of the authority shall constitute a quorum at any meeting. Action may be taken and motions and resolutions adopted by the authority at any meeting by the affirmative vote of a majority of the quorum, unless in any case the bylaws of

the authority or any of the provisions of this act shall require a larger number. The authority may designate one or more of its agents, officers or employees to exercise, under its supervision and control, such administrative functions, powers and duties as it may deem proper, consistent with the provisions of this act and with the bylaws of the authority. No vacancy in the membership of the authority shall affect the right of the quorum to exercise all the rights and perform all the duties of the authority.

b. The chairman of the authority shall be appointed by the Governor, and the authority shall designate one of its members to serve as the vice-chairman. The authority shall appoint a president who shall serve as its chief operating officer. The president shall serve at the pleasure of the authority and shall be a person qualified by training and experience to perform the duties of the president's office, as those duties shall be prescribed by the bylaws of the authority.

10. Section 9 of P.L.1981, c.459 (C.52:27H-37) is amended to read as follows:

C.52:27H-37 Authority's powers relative to convention center project.

9. The authority shall have the power to acquire, own, lease, operate, maintain, transfer and sell the convention center project in the city of Atlantic City and to promote and market the city of Atlantic City in such manner as it shall determine to be in furtherance of the purposes of P.L.1981, c.459 (C.52:27H-29 et seq.).

11. Section 12 of P.L.1981, c.459 (C.52:27H-40) is amended to read as follows:

C.52:27H-40 Additional powers.

12. In addition to the powers granted to the authority in P.L.1981, c.459 (C.52:27H-29 et seq.), the authority may:

a. Make and alter bylaws for its organization and internal management and make rules and regulations with respect to its operations;

b. Adopt an official seal and alter the same at its pleasure;

c. Sue and be sued in its own name;

d. Make and enter into all contracts or agreements necessary or incidental to the performance of its duties;

e. Enter into agreements or other transactions with and accept grants and the cooperation of the United States or any agency thereof or any State or local agency in furtherance of the purposes of P.L.1981, c.459 (C.52:27H-29 et seq.), and do anything necessary in order to avail itself of this aid and cooperation;

f. Solicit, receive and accept aid, loans or contributions from any source of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of P.L.1981, c.459 (C.52:27H-29 et seq.) subject to the conditions upon which this aid, these loans and contributions shall be made, including but not limited to grants from any department or agency of the United States or any State or local agency for any purpose consistent with P.L.1981, c.459 (C.52:27H-29 et seq.);

g. Acquire, own, hold, sell, exchange, lease or otherwise dispose of real or personal property or any interest therein in the exercise of its powers and the performance of its duties under P.L.1981, c.459 (C.52:27H-29 et seq.);

h. Appoint such officers, employees, and agents as it may require for the performance of its duties, and fix their compensation, promote and discharge them, all without regard to the provisions of Title 11A of the New Jersey Statutes;

i. Provide advisory, consultative and technical assistance and advice to any person, firm, association, partnership or corporation, either public or private, in order to carry out the purposes of P.L.1981, c.459 (C.52:27H-29 et seq.);

j. Invest moneys of the authority not required for immediate use in those obligations, securities and other investments as the authority shall deem prudent;

k. Procure insurance coverage in such types and amounts and from such insurers as may be advisable;

l. Engage the services of attorneys, accountants, marketing analysts and financial experts and such other advisors, consultants and agents as may be necessary in its judgment, and fix their compensation;

m. Maintain an office at such place or places in the city of Atlantic City as it may designate;

n. Advertise and promote the tourist, resort, convention and casino gaming industries of the city of Atlantic City and for these purposes establish funds, adopt and collect fees and other charges and make expenditures consistent with the provisions of any contract for the operation of the convention center project; and

o. Do any act necessary to the exercise of these powers or reasonably implied therefrom.

C.52:27H-41.1 Power of authority relative to issuance of bonds, notes.

12. a. The authority shall have the power and is hereby authorized from time to time to issue its bonds or notes in such principal amounts as in the opinion of the authority shall be necessary to provide sufficient funds for

any of its corporate purposes, including the payment, funding or refunding of the principal of, or interest or redemption premiums on, any bonds or notes issued by it whether the bonds or notes or interest to be funded or refunded have or have not become due, and the establishment or increase of such reserves to secure or to pay such bonds or notes or interest thereon and all other costs or expenses of the authority incident to and necessary to carry out its corporate purposes and powers.

b. Whether or not the bonds and notes are of such form and character as to be negotiable instruments under the terms of Title 12A, Commercial Transactions, of the New Jersey Statutes, the bonds and notes are hereby made negotiable instruments within the meaning of and for all the purposes of that Title 12A, subject only to the provisions of the bonds and notes for registration.

c. Bonds or notes of the authority shall be authorized by a resolution or resolutions of the authority and may be issued in one or more series and shall bear such date, or dates, mature at such time or times, bear interest at such rate or rates of interest per annum which may be fixed or may change at such time and in accordance with a specified formula or method of determination, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable from such sources in such medium of payment at such place or places within or without the State, and be subject to such terms of redemption, with or without premium, as such resolution or resolutions may provide.

d. Bonds or notes of the authority may be sold at public or private sale at such price or prices and in such manner as the authority shall determine. Every bond shall mature and be paid not later than 35 years from the date thereof.

e. Bonds or notes may be issued under the provisions of P.L.2008, c.47 (C.52:27H-31.1 et al.) without obtaining the consent of any department, division, commission, board, bureau or agency of the State, and without any other proceeding or the happening of any other conditions or other things than those proceedings, conditions or things which are specifically required by the provisions of P.L.2008, c.47 (C.52:27H-31.1 et al.).

f. Bonds and notes of the authority issued under the provisions of P.L.2008, c.47 (C.52:27H-31.1 et al.) shall not be in any way a debt or liability of the State or of any political subdivision thereof other than the authority and shall not create or constitute any indebtedness, liability or obligation of the State or of any such political subdivision or be or constitute a pledge of the faith and credit of the State or of any such political subdivision but all such bonds and notes, unless funded or refunded by bonds or notes of the authority, shall be payable solely from revenues or funds pledged or avail-

able for their payment as authorized in P.L.2008, c.47 (C.52:27H-31.1 et al.). Each bond and note shall contain on its face a statement to the effect that the authority is obligated to pay the principal thereof or the interest thereon only from revenues, receipts or funds pledged or available for their payment as authorized in P.L.2008, c.47 (C.52:27H-31.1 et al.) and that neither the State nor any political subdivision thereof is obligated to pay such principal or interest and that neither the faith and credit nor the taxing power of the State or any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds or notes.

C.52:27H-41.2 Covenants, contracts between authority, holders of bonds, notes.

13. In any resolution of the authority authorizing or relating to the issuance of any bonds or notes, the authority, in order to secure the payment of such bonds or notes and in addition to its other powers, shall have power by provisions therein which shall constitute covenants by the authority and contracts with the holders of such bonds or notes to:

a. Secure the bonds or notes as provided in section 24 of P.L.2008, c.47 (C.52:27H-41.12);

b. Covenant against pledging all or any part of its revenues or receipts or its leases, sales agreements, service contracts or other security instruments, or its mortgages or other agreements, or the revenues or receipts under any of the foregoing or the proceeds thereof, or against mortgaging or leasing all or any part of its real or personal property then owned or thereafter acquired, or against permitting or suffering any lien on any of the foregoing;

c. Covenant with respect to limitations on any right to sell, mortgage, lease or otherwise dispose of any project or any part thereof or any property of any kind;

d. Covenant as to any bonds and notes to be issued and the limitations thereon and the terms and conditions thereof and as to the custody, application, investment, and disposition of the proceeds thereof;

e. Covenant as to the issuance of additional bonds or notes or as to limitations on the issuance of additional bonds or notes and on the incurring of other debts by it;

f. Covenant as to the payment of the principal of or interest on the bonds or notes, or any other obligations, as to the sources and methods of such payment, as to the rank or priority of any such bonds, notes or obligations with respect to any lien or security or as to the acceleration of the maturity of any such bonds, notes or obligations;

g. Provide for the replacement of lost, stolen, destroyed or mutilated bonds or notes;

h. Covenant against extending the time for the payment of bonds or notes or interest thereon;

i. Covenant as to the redemption of bonds or notes and privileges of exchange thereof for other bonds or notes of the authority;

j. Covenant as to the fixing and collection of rents, fees, rates and other charges, the amount to be raised each year or other period of time by rents, fees, rates and other charges, and as to the use and disposition to be made thereof;

k. Covenant to create or authorize the creation of special funds or monies to be held in pledge or otherwise for construction, operating expenses, payment or redemption of bonds or notes, reserves or other purposes and as to the use, investment, and disposition of the monies held in such funds;

l. Establish the procedure, if any, by which the terms of any contract or covenant with or for the benefit of the holders of bonds or notes may be amended or abrogated, the amount of bonds or notes the holders of which must consent thereto, and the manner in which such consent may be given;

m. Covenant as to the construction, improvement, operation or maintenance of any project and its other real and personal property, the replacement thereof, the insurance to be carried thereon, and the use and disposition of insurance monies;

n. Provide for the release of property, leases or other agreements, or revenues and receipts from any pledge or mortgage and to reserve rights and powers in, or the right to dispose of, property which is subject to a pledge or mortgage;

o. Provide for the rights and liabilities, powers and duties arising upon the breach of any covenant, condition or obligation and to prescribe the events of default and the terms and conditions upon which any or all of the bonds, notes or other obligations of the authority shall become or may be declared due and payable before maturity and the terms and conditions upon which any such declaration and its consequences may be waived;

p. Vest in a trustee or trustees within or without the State such property, rights, powers and duties in trust as the authority may determine, including the right to foreclose any mortgage, which may include any or all of the rights, powers and duties of any trustee appointed by the holders of any bonds or notes pursuant to P.L.2008, c.47 (C.52:27H-31.1 et al.) and to limit or abrogate the right of the holders of any bonds or notes of the authority to appoint a trustee under P.L.2008, c.47 (C.52:27H-31.1 et al.) and to limit the rights, duties and powers of such trustee;

q. Execute all mortgages, leases, sales agreements, service contracts, bills of sale, conveyances, deeds of trust and other instruments necessary or

convenient in the exercise of its powers or in the performance of its covenants or duties;

r. Pay the costs or expenses incident to the enforcement of such bonds or notes or of the provisions of such resolution or of any covenant or agreement of the authority with the holders of its bonds or notes;

s. Limit the rights of the holders of any bonds or notes to enforce any pledge or covenant securing bonds or notes; and

t. Make covenants other than, or in addition to, the covenants herein expressly authorized by P.L.2008, c.47 (C.52:27H-31.1 et al.), of like or different character, and to make such covenants to do or refrain from doing such acts and things as may be necessary, or convenient and desirable, in order to better secure bonds or notes or which, in the absolute discretion of the authority, will tend to make bonds or notes more marketable, notwithstanding that such covenants, acts or things may not be enumerated herein.

C.52:27H-41.3 Pledge by authority valid, binding.

14. Any pledge of revenues, receipts, monies, funds, levies, sales agreements, service contracts or other property or instruments made by the authority shall be valid and binding from the time when the pledge is made; the revenues, monies, funds or other property so pledged and thereafter received by the authority or a subsidiary 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 other instrument by which a pledge under this section is created need be filed or recorded except in the records of the authority.

C.52:27H-41.4 Establishment of reserves, funds, accounts.

15. The authority may establish such reserves, funds or accounts as may be, in its discretion, necessary or desirable to further the accomplishment of the purposes of the authority or to comply with the provisions of any agreement made by or any resolution of the authority.

C.52:27H-41.5 Covenant between State, holders of bonds, notes.

16. The State of New Jersey does hereby pledge to and covenant and agree with the holders of any bonds or notes issued pursuant to P.L.2008, c.47 (C.52:27H-31.1 et al.) that the State will not limit or alter the rights or powers hereby vested in the authority to acquire, construct, maintain, improve, renovate, preserve, repair and operate the Atlantic City convention

center project in any way that would jeopardize the interest of such holders, or to perform and fulfill the terms of any agreement made with the holders of such bonds or notes, or to fix, establish, charge and collect such rents, fees, rates, payments or other charges as may be convenient or necessary to produce sufficient revenues to meet all expenses of the authority and fulfill the terms of any agreement made with the holders of such bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, until the bonds and notes, together with interest thereon, are fully met and discharged or provided for.

C.52:27H-41.6 Immunity from liability.

17. Neither the members of the authority nor any person executing bonds or notes issued pursuant to P.L.2008, c.47 (C.52:27H-31.1 et al.) shall be liable personally on such bonds or notes by reason of the issuance thereof.

C.52:27H-41.7 Investment permitted.

18. The State and all public officers, governmental units and agencies thereof, all banks, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries, may legally invest any sinking funds, monies or other funds belonging to them or within their control in any bonds or notes issued pursuant to P.L.2008, c.47 (C.52:27H-31.1 et al.), and such bonds or notes shall be authorized security for any and all public deposits.

C.52:27H-41.8 Proceeds deemed trust funds.

19. All sums of money received pursuant to the authority of P.L.2008, c.47 (C.52:27H-31.1 et al.), whether as proceeds from the sale of bonds or notes or as revenues or receipts, shall be deemed to be trust funds to be held and applied solely as provided in the proceedings under which the bonds or notes are authorized. Any officer with whom or any bank or trust company with which such sums of money shall be deposited as trustee thereof shall hold and apply the same for the purposes thereof, subject to such provisions as P.L.2008, c.47 (C.52:27H-31.1 et al.) and the proceedings authorizing the bonds or the notes of any issue or the trust agreement securing the bonds or notes may provide.

20. Section 14 of P.L.1981, c.459 (C.52:27H-42) is amended to read as follows:

C.52:27H-42 Annual budget.

14. a. As soon as it is practicable after the appointment and qualification of the members of the authority, and annually thereafter, at least 20 days preceding the commencement of the authority's fiscal year on January 1 of each year, the authority shall prepare a proposed budget for its operations and activities for the ensuing fiscal year and introduce the budget by resolution. The budget shall become effective as provided in section 8 of P.L.1981, c.459 (C.52:27H-36), subject to the provisions of subsection d. of this section.

b. The budget shall set forth anticipated revenues for the ensuing fiscal year and the sources thereof, and appropriations for the same period, which appropriations shall not exceed the anticipated revenues. No revenue from any source shall be anticipated unless it can be reasonably expected to be realized during the fiscal year to which the budget applies. Appropriations shall be segregated as salaries and wages, contractual other expenses, and noncontractual other expenses.

c. An appropriation for "anticipated operating deficit of preceding year" shall appear in each annual budget in the amount by which the liabilities and disbursements of the authority for expenditures in the next preceding fiscal year exceed or are likely to exceed receipts and other revenue in that year, subtracting any expenditures provided for by surplus anticipated in the budget.

d. No proposed budget required pursuant to this section shall be approved by the authority unless it is in compliance with the terms of any bond resolution or trust agreement relating to the financing of facilities operated by the authority.

C.52:27H-41.9 Powers of convention authority.

21. a. Notwithstanding any other provision of law to the contrary, the convention authority shall have the power to issue bonds and refunding bonds, incur indebtedness and borrow money secured, in whole or in part, by money received pursuant to sections 23 and 25 of P.L.2008, c.47 (C.52:27H-41.11 and C.52:27H-41.13) for the purposes of: (1) replacing contingent State contract bonds; (2) providing funds to meet the payment obligations of the convention authority under the contingent state contract bonds or obligations of the convention authority under any replacements of the contingent State contract bonds; and (3) refunding any outstanding bonds or other obligations of the convention authority issued to finance or

refinance any portion of the Atlantic City convention center project. For the purposes of P.L.2008, c.47 (C.52:27H-31.1 et al.), "contingent State contract bonds" means the New Jersey Sports and Exposition Authority State Contract Bond, Series B Standby Deficiency Agreement Series of 2000, State Contract Bond, Equity Termination Value Standby Deficiency Agreement Series of 2000 and State Contract Bond, Swap Payment Standby Deficiency Agreement of 2000.

b. The convention authority shall issue the bonds or refunding bonds in such manner as it shall determine in accordance with the provisions of P.L.2008, c.47 (C.52:27H-31.1 et al.); provided that notwithstanding any other law to the contrary, no resolution adopted by the convention authority authorizing the issuance of bonds or refunding bonds pursuant to this section shall be adopted or otherwise made effective without the approval in writing of the State Treasurer; and refunding bonds issued to refund bonds issued pursuant to this section shall be issued on such terms and conditions as may be determined by the convention authority and the State Treasurer. The convention authority may, in any resolution authorizing the issuance of bonds or refunding bonds issued pursuant to this section, pledge the contract with the State Treasurer provided for pursuant to section 24 of P.L.2008, c.47 (C.52:27H-41.12), or any part thereof, for the payment or redemption of the bonds or refunding bonds, and covenant as to the use and disposition of money available to the convention authority for payment of the bonds and refunding bonds. All costs associated with the issuance of bonds and refunding bonds by the convention authority for the purposes set forth in P.L.2008, c.47 (C.52:27H-31.1 et al.) may be paid by the convention authority from amounts it receives from the proceeds of the bonds or refunding bonds, and from amounts it receives pursuant to sections 23 and 25 of P.L.2008, c.47 (C.52:27H-41.11 and C.52:27H-41.13). The costs may include, but shall not be limited to, any costs relating to the issuance of the bonds or refunding bonds.

c. Each issue of bonds or refunding bonds of the convention authority shall be special obligations of the convention authority payable out of particular revenues, receipts or funds, subject only to any agreements with the holders of bonds or refunding bonds, and may be secured by other sources of revenue, including, but not limited to, one or more of the following:

(1) Pledge of all moneys, funds, accounts, securities and other funds, including the proceeds of the bonds;

(2) Pledge of the contract or contracts with the State Treasurer authorized pursuant to section 24 of P.L.2008, c.47 (C.52:27H-41.12).

d. The resolution authorizing the issuance of bonds or refunding bonds pursuant to this section may also provide for the convention author-

ity to enter into any revolving credit agreement, agreement establishing a line of credit or letter of credit, reimbursement agreement, interest rate exchange agreement, currency exchange agreement, interest rate floor or cap, options, puts or calls to hedge payment, currency, rate, spread or similar exposure or similar agreements, float agreements, forward agreements, insurance contracts, surety bonds, commitments to purchase or sell bonds, purchase or sale agreements, or commitments or other contracts or agreements and other security agreements approved by the convention authority in connection with the issuance of the bonds or refunding bonds pursuant to this section. In addition, the convention authority may, in anticipation of the issuance of the bonds or the receipt of appropriations, grants, reimbursements or other funds, issue notes, the principal of or interest on which, or both, shall be payable out of the proceeds of notes, bonds or other obligations of the convention authority or appropriations, grants, reimbursements or other funds or revenues of the convention authority.

e. The convention authority is authorized to engage, subject to the approval of the State Treasurer and in such manner as the State Treasurer shall determine, the services of financial advisors and experts, placement agents, underwriters, appraisers, and other advisors, consultants and agents as may be necessary to effectuate the issuance of bonds authorized by this section.

f. Bonds and refunding bonds issued by the convention authority pursuant to this section shall be special and limited obligations of the convention authority payable from, and secured by, funds and moneys determined by the convention authority in accordance with this section. Neither the members of the convention authority nor any other person executing the bonds or refunding bonds shall be personally liable with respect to payment of interest and principal on these bonds or refunding bonds. Bonds or refunding bonds issued pursuant to this section shall not be a debt or liability of the State or any agency or instrumentality thereof, except as otherwise provided by this subsection, either legal, moral or otherwise, and nothing contained in P.L.2008, c.47 (C.52:27H-31.1 et al.) shall be construed to authorize the convention authority to incur any indebtedness on behalf of or in any way to obligate the State or any political subdivision thereof, and all bonds and refunding bonds issued by the convention authority shall contain a statement to that effect on their face.

C.52:27H-41.10 Pledge, covenant between State, holders of bonds, refunding bonds.

22. The State hereby pledges and covenants with the holders of any bonds or refunding bonds issued pursuant to P.L.2008, c.47 (C.52:27H-31.1 et al.) that it will not limit or alter the rights or powers vested in the convention authority by P.L.2008, c.47 (C.52:27H-31.1 et al.) nor limit or alter the rights or

powers of the State Treasurer in any manner which would jeopardize the interest of the holders or any trustee of the holders, or inhibit or prevent performance or fulfillment by the convention authority or the State Treasurer with respect to the terms of any agreement made with the holders of the bonds or refunding bonds or agreements made pursuant to this section; except that the failure of the Legislature to appropriate monies for any purpose of P.L.2008, c.47 (C.52:27H-31.1 et al.) shall not be deemed a violation of this section.

C.52:27H-41.11 Annual payment to convention authority.

23. In each fiscal year, the State Treasurer shall pay from the General Fund to the convention authority, in accordance with a contract between the State Treasurer and the convention authority as authorized pursuant to section 24 of P.L.2008, c.47 (C.52:27H-41.12), an amount equal to the debt service amount due to be paid in the State fiscal year on the bonds or refunding bonds of the convention authority issued or incurred pursuant to section 12 of P.L.2008, c.47 (C.52:27H-41.1) and any additional costs authorized pursuant to that section; provided that all such payments from the General Fund shall be subject to and dependent upon appropriations being made from time to time by the Legislature for those purposes, and provided further that all payments shall be used only to pay for the costs of the Atlantic City convention center project and the costs of financing such project.

C.52:27H-41.12 Authority to enter into contracts to implement payment arrangement.

24. The State Treasurer and the convention authority are authorized to enter into one or more contracts to implement the payment arrangement provided for in section 23 of P.L.2008, c.47 (C.52:27H-41.11). The contract shall provide for payment by the State Treasurer of the amounts required pursuant to section 23 of P.L.2008, c.47 (C.52:27H-41.11) and shall set forth the procedure for the transfer of money for the purpose of that payment. The contract shall contain terms and conditions as determined by the parties and shall, where appropriate, contain terms and conditions necessary and desirable to secure any bonds or refunding bonds of the convention authority issued or incurred pursuant to P.L.2008, c.47 (C.52:27H-31.1 et al.) provided that notwithstanding any other provision of law or regulation of the convention authority to the contrary, the convention authority shall be paid only such funds as shall be determined by the contract, and the incurrence of any obligation of the State under the contract, including any payments to be made thereunder from the General Fund, shall be subject to and dependent upon appropriations being made from time to time by the Legislature for the purposes of P.L.2008, c.47 (C.52:27H-31.1 et al.).

C.52:27H-41.13 Deposit, use of luxury tax revenues.

25. a. Luxury tax revenues paid to the convention authority by the State Treasurer pursuant to paragraph 6 of subsection f. of section 6 of P.L.1971, c.137 (C.5:10-6) and section 14 of P.L.1991, c.375 (C.5:10-14.4) shall be deposited by the convention authority in a separate fund or account and applied to the following purposes and in the following order:

(1) To pay the principal, sinking fund installments and redemption premiums of and interest on any bonds or notes of the convention authority, including bonds or notes of the convention authority issued for the purpose of refunding bonds or notes, issued for purposes of (a) the initial acquisition of the existing properties which constitute part of the Atlantic City convention center project, if the bonds or notes shall be payable under the terms of the resolution of the convention authority relating thereto from luxury tax revenues; or (b) providing improvements, additions or replacements to the Atlantic City convention center project, if the bonds or notes shall be payable under the terms of the resolution of the convention authority relating thereto from luxury tax revenues; and to pay any amounts due from the convention authority under any credit agreement entered into by the convention authority in connection with the bonds or notes.

(2) To pay the costs of operation and maintenance of the Atlantic City convention center project.

(3) To establish and maintain a working capital and maintenance reserve fund for the Atlantic City convention center project in an amount as shall be determined by the convention authority to be necessary.

(4) To promote and market the city of Atlantic City.

(5) For such other uses as shall be approved in convention authority bond resolutions approved after the date of enactment of P.L.2008, c.47 (C.52:27H-31.1 et al.) or as may otherwise be provided by law.

(6) To pay the debt service for such other capital projects or for improvements to those capital projects within Atlantic City, such as expansions, renovations and amenities undertaken by the Atlantic City Convention and Visitors Authority, including, but not limited to, the Boardwalk Hall, or new parking facilities.

(7) To repay to the State those amounts paid by the State with respect to bonds or notes of the convention authority issued for the purposes of the Atlantic City convention center project.

The balance of any luxury tax revenues not required for any of the foregoing purposes and remaining at the end of any calendar year shall be paid to the State Treasurer for application to authorized purposes in the city of Atlantic City pursuant to section 5 of P.L.1981, c.461 (C.40:48-8.30a).

b. The convention authority may pledge the luxury tax revenues paid to it in accordance with the provisions of paragraph 6 of subsection f. of section 6 of P.L.1971, c.137 (C.5:10-6) and section 14 of P.L.1991, c.375 (C.5:10-14.4) as security for the payment of the principal of and interest or premium on its bonds or notes issued for the purposes set forth in subsection a. of this section, in the same manner, to the same extent and with the same effect as the pledge of any of its other revenues, receipts and funds authorized by P.L.2008, c.47 (C.52:27H-31.1 et al.).

26. Section 16 of P.L.1981, c.459 (C.52:27H-44) is amended to read as follows:

C.52:27H-44 Annual report; operating and financial statement; audit.

16. On or before the last day of the third month following the close of each fiscal year, the convention authority shall submit an annual report of its activities for the preceding fiscal year to the Governor and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1). The report shall set forth a complete operating and financial statement covering its operations during the year. The president shall audit the books and accounts of the convention authority for each fiscal year, and a copy of that audit shall be filed with the Governor and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).

C.52:27H-44.1 Certification of transfer.

27. Not later than 12:01 PM of the day following the day on which the transfer of ownership of the Atlantic City convention center project from the New Jersey Sports and Exposition Authority to the Atlantic City Convention and Visitors Authority authorized under section 6 of P.L.1971, c.137 as (C.5:10-6) is completed, the President of the New Jersey Sports and Exposition Authority shall certify in writing, to the Governor, the Secretary of State, the President of the Senate and the Speaker of the General Assembly, that such transfer has been completed.

Repealer.

28. Section 13 of P.L.1981, c.459 (C.52:27H-41) is repealed.

29. This act shall take effect immediately.

Approved July 18, 2008.

CHAPTER 48

AN ACT concerning organ donation and revising parts of the statutory law.

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

C.26:6-66 Short title.

1. This act shall be known and may be cited as the "New Jersey Hero Act," referring to individuals who donate life-saving and life-enhancing organs and tissues.

C.26:6-67 Findings, declarations relative to organ and tissue donation initiatives.

2. The Legislature finds and declares that:

a. For over three decades, the State of New Jersey has supported organ and tissue donation as a public policy, because one individual can save up to eight lives by donating his or her vital organs and enhance more than 50 lives by donating tissue;

b. Although 95% of the national population indicates support for donation, a far smaller percentage have actually made a legally binding decision to be organ and tissue donors, the result of which has been the deaths of over 74,186 people nationally and 2,470 New Jersey residents since 1997 because life-saving organs were not available to them for transplant;

c. A public policy supporting organ donation is no longer adequate, given the health crisis faced by more than 98,000 people awaiting life saving organ transplants nationally, of whom more than 4,000 are New Jersey residents;

d. A new public policy of advocacy which encourages positive donation decisions is now imperative in order to save more lives;

e. The health and welfare of New Jersey's residents requires a more dynamic, comprehensive framework regarding organ donation, one with mandated educational and decisional components;

f. This comprehensive framework must incorporate the federal government's charge to organ procurement organizations to work with states in educating the public so that more individuals make positive donation decisions and document those decisions;

g. In order to insure that more New Jersey residents become donors, it is necessary to provide curriculum in both secondary schools and institutions of higher education, as well as establish educational requirements for physicians and nurses, to dispel myths associated with organ donation, pro-

vide accurate information about the donation and recovery process, and emphasize the fundamental responsibility of individuals to take appropriate action, when able to do so, to help save another person's life;

h. It is further necessary to provide residents with an accessible, secure means using the Internet, to register as organ donors in a way that ties the donation decision to a routine but necessary function, such as the receipt of a driver's license or personal identification card, so that an interaction on the issue of organ donation occurs at or around the time New Jersey residents reach the age of majority; and

i. The combined initiatives provided for in this act will effectively achieve the State's public policy goal to increase the number of organ and tissue donors in the State so that more lives can be saved or enhanced.

C.18A:7F-4.3 Information relative to organ donation given to students in grades 9 through 12.

3. a. The State Board of Education, in consultation with the organ procurement organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey, shall review the Core Curriculum Content Standards for Comprehensive Health and Physical Education to ensure that information about organ donation is included therein to students in grades 9 through 12, beginning with the 2009-2010 school year.

(1) The goals of the instruction shall be:

(a) to emphasize the benefits of organ and tissue donation to the health and well-being of society generally, and to individuals whose lives are saved by organ and tissue donations, so that students will be motivated to make an affirmative decision to register as a donor when they become adults;

(b) to fully address myths and misunderstandings regarding organ and tissue donation;

(c) to explain the options available to adults, including the option of designating a decision-maker to make the donation decision on one's behalf; and

(d) to instill an understanding of the consequences when an individual does not make a decision to become an organ donor and does not register or otherwise record a designated decision-maker;

(2) The instruction shall inform students that beginning five years from the date of enactment of P.L.2008, c.48 (C.26:6-66 et al.), the New Jersey Motor Vehicle Commission will not issue or renew a New Jersey driver's license or personal identification card unless a prospective or renewing licensee or card holder makes an acknowledgement regarding the donor decision pursuant to section 8 of P.L.2008, c.48 (C.39:3-12.4).

b. The Commissioner of Education, through the non-public school liaison in the Department of Education, shall make any related instructional materials available to private schools educating students in grades 9 through 12, or any combination thereof. Such schools are encouraged to use the instructional materials at the school; however, nothing in this subsection shall be construed to require such schools to use the materials.

4. Section 1 of P.L.2007, c.121 (C.18A:62-45) is amended to read as follows:

C.18A:62-45 Provision of organ donation information at institutions of higher education.

1. a. Beginning with the 2009-2010 school year, each public institution of higher education in the State shall provide information to its students, either through student health services or as part of the curriculum, that emphasizes the benefits to the health and well-being of society and the lives that are saved through organ donations, and that instills knowledge that will enable young adults to make an informed decision about registering to become an organ donor or designating a decision-maker to make the decision on behalf of the young adult. The information shall also instill an understanding of the outcome if no decision about becoming an organ donor or designating a decision-maker is registered or otherwise recorded. The information provided shall be prepared in collaboration with the organ procurement organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey.

b. Beginning with the 2009-2010 school year, each independent institution of higher education in the State is encouraged to provide information to its students, either through student health services or as part of the curriculum, that emphasizes the benefits to the health and well-being of society and the lives that are saved through organ donations, and that instills knowledge that will enable young adults to make an informed decision about registering to become an organ donor or designating a decision-maker to make the decision on behalf of the young adult. The information shall also instill an understanding of the outcome if no decision about becoming an organ donor or designating a decision-maker is registered or otherwise recorded. The information provided shall be prepared in collaboration with the organ procurement organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey.

C.45:9-7.5 Requirements for physician training relative to organ, tissue donation and recovery.

5. The State Board of Medical Examiners, in collaboration with the organ procurement organizations designated pursuant to 42 U.S.C.s.1320b-

8 to serve in the State of New Jersey, shall prescribe by regulation the following requirements for physician training:

a. The curriculum in each college of medicine in this State shall include instruction in organ and tissue donation and recovery designed to address clinical aspects of the donation and recovery process.

b. Completion of organ and tissue donation and recovery instruction as provided in subsection a. of this section shall be required as a condition of receiving a diploma from a college of medicine in this State.

c. A college of medicine which includes instruction in organ and tissue donation and recovery as provided in subsection a. of this section in its curricula shall offer such training for continuing education credit.

d. A physician licensed to practice medicine in this State prior to the effective date of this act, who was not required to receive and did not receive instruction in organ and tissue donation and recovery as part of a medical school curriculum, is encouraged to complete such training no later than three years after the effective date of this act. The training may be completed through an on-line, credit-based course developed by or for the organ procurement organizations, in collaboration with professional medical organizations in the State.

C.45:11-26.1 Requirements for professional nurse training relative to organ, tissue donation and recovery.

6. The New Jersey Board of Nursing, in collaboration with the organ procurement organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey, shall prescribe by regulation the following requirements for professional nurse training:

a. The curriculum in each educational program of professional nursing in this State shall include instruction in organ and tissue donation and recovery designed to address clinical aspects of the donation and recovery process.

b. Completion of organ and tissue donation and recovery instruction as provided in subsection a. of this section shall be required as a condition of receiving a degree or diploma, as applicable, in professional nursing from a nursing program in this State.

c. A nursing program which includes instruction in organ and tissue donation and recovery as provided in subsection a. of this section in its curricula shall offer such training for continuing education credit.

d. (1) A licensed professional nurse licensed to practice nursing in this State prior to the effective date of this act, who was not required to receive and did not receive instruction in organ and tissue donation and recovery as part of his nursing program curriculum, shall be required, as a condition of

relicensure, to document completion of such training to the satisfaction of the board no later than three years after the effective date of this act. The training may be completed through an on-line, one credit hour course developed by or for the organ procurement organizations and approved by the board.

(2) The board may waive the requirement in this subsection if an applicant for relicensure demonstrates to the satisfaction of the board that the applicant has attained the substantial equivalent of this requirement through completion of a similar course in his post-secondary education which meets criteria established by regulation of the board.

C.39:3-12.3 Promotion of organ, tissue donation by NJMVC, Donate Life NJ Registry established.

7. a. (1) Within nine months after the effective date of P.L.2008, c.48 (C.26:6-66 et al.), the Chief Administrator of the New Jersey Motor Vehicle Commission shall insure access by residents to an Internet-based interface that promotes organ and tissue donation and enables residents 18 years of age or older to register as donors and have their decisions immediately integrated into the current database maintained by the commission. The database shall include only affirmative donation decisions.

(2) Within one year of the effective date of P.L.2008, c.48 (C.26:6-66 et al.), the commission shall establish a system which allows New Jersey holders of driver's licenses or personal identification cards who do not have access to the Internet-based interface to add their donor designation to the Donate Life NJ Registry by submitting a paper form to the commission.

Registration shall be provided at no cost to the registrant.

b. The database and Internet-based interface established in this section shall be known as the Donate Life NJ Registry.

c. The form and content of the Internet-based interface shall be designed in collaboration with the organ procurement organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey.

d. Donor information entered into the registry shall supersede any prior conflicting information provided to the registry or on the individual's driver's license or identification card, and pursuant to section 2 of P.L.1969, c.161 (C.26:6-58) and section 1 of P.L.1987, c.244 (C.26:6-58.1) or any subsequent statute adopted pursuant thereto, registration by a donor shall constitute sufficient authorization to donate organ and tissues for transplantation and therapy and authorization of another person shall not be necessary to effectuate the gift.

e. Within one year of the effective date of P.L.2008, c.48 (C.26:6-66 et al.), the Donate Life NJ Registry and the official website of the commis-

sion shall provide links through which individuals may make voluntary contributions of $1.00 or more to the Organ and Tissue Donor Awareness Education Fund established by P.L.1999, c.386 (C.54A:9-25.17 et seq.). Such opportunities shall include both electronic and paper contributions. The links shall be provided in connection with the issuance of licenses, personal identification cards, and the registration of motor vehicles.

C.39:3-12.4 Issuance, renewal of driver's license, identification card, issue of organ, tissue donation addressed.

8. a. Beginning five years after the effective date of P.L.2008, c.48 (C.26:6-66 et al.), no driver's license or personal identification card shall be issued or renewed unless the applicant first addresses the issue of donation through an on-line portal connected to the Donate Life NJ Registry or at New Jersey Motor Vehicle Commission agencies and regional service centers. This section shall not apply to applicants for provisional licenses or personal identification cards who are under the age of 18.

b. The portal shall be accessible to applicants seven days per week, 24 hours per day, and shall provide for adequate security to protect an individual's privacy. The form and content of the portal shall be designed in collaboration with the organ procurement organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey.

c. The portal shall require a resident who has not registered as an organ donor, and who seeks a driver's license or identification card or seeks renewal thereof, to either: (1) register as an organ donor through the Donate Life NJ Registry; or (2) review information about the life-saving potential of organ and tissue donation, and the consequences when an individual does not make a decision to become an organ donor and does not register or otherwise record a designated decision-maker.

In addition to promoting organ and tissue donation, the portal shall provide information about the procedure for designating a decision-maker.

d. Any information technology system adopted by the commission after the effective date of P.L.2008, c.48 (C.26:6-66 et al.) shall accommodate the inclusion of donor information into the database and the on-going operation of the Donate Life NJ Registry.

C.39:3-12.5 Collaboration between NJMVC, departments, and organ procurement organizations.

9. a. For purposes of the development and implementation of the Donate Life NJ Registry, the New Jersey Motor Vehicle Commission shall collaborate with the organ procurement organizations designated pursuant to 42

U.S.C.s.1320b-8 to serve in the State of New Jersey in applying for any federal or private grants recommended by the organ procurement organizations.

b. The Chief Administrator of the commission shall collaborate with the organ procurement organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey to identify, and if appropriate, apply for and accept on behalf of the State any relevant grants from the federal government or any agency thereof, or from any foundation, corporation, association or individual. Any money so received may be expended by the commission, subject to any limitations imposed in such grants to effect any of the purposes of the commission upon warrant of the Director of the Division of Budget and Accounting of the Department of the Treasury on vouchers certified and approved by the director. The power herein granted shall be in addition to and shall in no way limit the authority granted to the chief administrator by other existing law.

c. The commission, and the Departments of Human Services, Health and Senior Services, and Law and Public Safety may collaborate with the organ procurement organizations designated to serve in the State of New Jersey in applying for any federal or private grants recommended by the organ procurement organizations.

10. Notwithstanding section 1 of P.L.1987, c.244 (C.26:6-58.1) to the contrary, a designated decision-maker or agent of the decedent at the time of the decedent's death who could have made an anatomical gift immediately before the decedent's death shall be given first priority for making a gift of a decedent's body or part.

11. Section 4 of P.L.1969, c.161 (C.26:6-60) is amended to read as follows:

C.26:6-60 Gift by will or other document.

4. (a) A gift of all or part of the body under section 2(a) may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

(b) A gift of all or part of the body under section 2(a) may also be made through the Donate Life NJ Registry, established pursuant to section 7 of P.L.2008, c.48 (C.39:3-12.3) or by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the

donor. If the donor cannot sign, the document may be signed for him at his direction and in his presence in the presence of two witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

(c) The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee under this subsection shall not participate in the procedures for removing or transplanting a part.

(d) Notwithstanding section 7(b), the donor may designate in his will, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose or, in the case of a gift of eyes, he may employ or authorize a practitioner of mortuary science licensed by the State Board of Mortuary Science of New Jersey, an eye bank technician or a medical student who has successfully completed a course in eye enucleation approved by the State Board of Medical Examiners to enucleate eyes for the gift after certification of death by a physician. A practitioner of mortuary science, an eye bank technician or a medical student acting in accordance with the provisions of this subsection shall not have any liability, civil or criminal, for the eye enucleation.

(e) Any gift by a person designated in section 2(b) shall be made by a document signed by him or made by his telegraphic, recorded telephonic, or other recorded message.

(f) Notwithstanding any provision of law to the contrary, the intent of a decedent to give all or any part of his body as a gift pursuant to section 2(a) of P.L.1969, c.161 (C.26:6-58), as evidenced by the possession of a donor card, donor designation on a driver's license, advance directive pursuant to P.L.1991, c.201 (C.26:2H-53 et al.), other document of gift, or by registration with a Statewide organ and tissue donor registry, shall not be revoked by any person designated in section 2(b) of P.L.1969, c.161 (C.26:6-58), nor shall the consent of any such person at the time of the donor's death or immediately thereafter be necessary to render the gift valid and effective.

12. Section 2 of P.L.1997, c.188 (C.39:2-3.4) is amended to read as follows:

C.39:2-3.4 Disclosure of personal information connected with motor vehicle record.

2. a. Notwithstanding the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) or any other law to the contrary, except as provided in this act, the Motor Vehicle Commission and any officer, employee or contractor thereof shall not knowingly disclose or otherwise make available to any person personal information about any individual obtained by the commission in connection with a motor vehicle record.

b. A person requesting a motor vehicle record including personal information shall produce proper identification and shall complete and submit a written request form provided by the chief administrator for the commission's approval. The written request form shall bear notice that the making of false statements therein is punishable and shall include, but not be limited to, the requestor's name and address; the requestor's driver's license number or corporate identification number; the requestor's reason for requesting the record; the driver's license number or the name, address and birth date of the person whose driver record is requested; the license plate number or VIN number of the vehicle for which a record is requested; any additional information determined by the chief administrator to be appropriate and the requestor's certification as to the truth of the foregoing statements. Prior to the approval of the written request form, the commission may also require the requestor to submit documentary evidence supporting the reason for the request.

In lieu of completing a written request form for each record requested, the commission may permit a person to complete and submit for approval of the chief administrator or the chief administrator's designee, on a case by case basis, a written application form for participation in a public information program on an ongoing basis. The written application form shall bear notice that the making of false statements therein is punishable and shall include, but not be limited to, the applicant's name, address and telephone number; the nature of the applicant's business activity; a description of each of the applicant's intended uses of the information contained in the motor vehicle records to be requested; the number of employees with access to the information; the name, title and signature of the authorized company representative; and any additional information determined by the chief administrator to be appropriate. The chief administrator may also require the applicant to submit a copy of its business credentials, such as license to do business or certificate of incorporation. Prior to approval by the chief administrator or the chief administrator's designee, the applicant shall certify in writing as to the truth of all statements contained in the completed application form.

c. Personal information shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions;

motor vehicle product alterations, recalls or advisories; performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of the Automobile Information Disclosure Act, Pub.L.85-506, the Motor Vehicle Information and Cost Saving Act, Pub.L.92-513, the National Traffic and Motor Vehicle Safety Act of 1966, Pub.L.89-563, the Anti-Car Theft Act of 1992, Pub.L.102-519, and the Clean Air Act, Pub.L.88-206, and may be disclosed as follows:

(1) 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 of a federal, State or local agency in carrying out its functions.

(2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and the removal of non-owner records from the original owner records of motor vehicle manufacturers.

(3) For use in the normal course of business by a legitimate business or its agents, employees or contractors, but only:

(a) to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

(b) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against the individual.

(4) For use in connection with any civil, criminal, administrative or arbitral proceeding in any federal, State or local court or agency or before any self-regulatory body, including service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, State or local court.

(5) For use in educational initiatives, research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals and, in the case of educational initiatives, only to organ procurement organizations as aggregated, non-identifying information.

(6) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting.

(7) For use in providing notice to the owners of towed or impounded vehicles.

(8) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the "Commercial Motor Vehicle Safety Act," 49 U.S.C.App.s.2710 et seq.

(9) For use in connection with the operation of private toll transportation facilities.

(10) For use by any requestor, if the requestor demonstrates it has obtained the notarized written consent of the individual to whom the information pertains.

(11) For product and service mail communications from automotive-related manufacturers, dealers and businesses, if the commission has implemented methods and procedures to ensure that:

(a) individuals are provided an opportunity, in a clear and conspicuous manner, to prohibit such uses; and

(b) product and service mail communications from automotive-related manufacturers, dealers and businesses will not be directed at individuals who exercise their option under subparagraph (a) of this paragraph.

(12) For use by an organ procurement organization designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey, or any donor registry established by any such organization, exclusively for the purposes of determining, verifying, and recording organ and tissue donor designation and identity. For these purposes, an organ procurement organization shall have electronic access at all times, without exception, to real-time organ donor designation and identification information. An organ procurement organization may also have information for research activities, pursuant to paragraph (5) of subsection c. of this section.

d. As provided by the federal "Drivers' Privacy Protection Act of 1994," Pub.L.103-322, a person authorized to receive personal information under paragraphs (1) through (10) of subsection c. of this section may resell or redisclose the personal information only for a use permitted by paragraphs (1) through (10) of subsection c. of this section subject to regulation by the commission. A person authorized to receive personal information under paragraph (11) of subsection c. of this section may resell or redisclose the personal information pursuant to paragraph (11) of subsection c. of this section subject to regulation by the commission. An organization authorized to receive personal information under paragraph (12) of subsection c. of this section may redisclose the personal information only for the purposes set forth in that paragraph.

e. As provided by the federal "Drivers' Privacy Protection Act of 1994," Pub.L.103-322, a person authorized to receive personal information

under this section who resells or rediscloses personal information covered by the provisions of this act shall keep for a period of five years records identifying each person or entity that receives information and the permitted purpose for which the information will be used and shall make such records available to the commission upon request. Any person who receives, from any source, personal information from a motor vehicle record shall release or disclose that information only in accordance with this act.

f. The release of personal information under this section shall not include an individual's social security number except in accordance with applicable State or federal law.

13. Section 1 of P.L.1978, c.181 (C.39:3-12.2) is amended to read as follows:

C.39:3-12.2 License, identification card to include designation as organ, tissue donor; educational program for employees, personnel of organ procurement organization; access to information.

1. a. The Chief Administrator of the New Jersey Motor Vehicle Commission shall provide with every new license, renewal license, identification card or renewal identification card the opportunity for each person pursuant to the provisions of the "Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et seq.) or any superseding or corresponding statute, to designate that the person shall donate his organs and tissues for purposes of transplantation and therapy upon his death.

b. The designation indicating that a person is a donor pursuant to subsection a. of this section shall be done in accordance with procedures prescribed by the chief administrator. The designation shall be displayed in print in a conspicuous form and manner on the license or identification card, and electronically, by substantially the following statement: "ORGAN DONOR" and shall constitute sufficient legal authority for the removal of a body organ or part upon the death of the licensee or identification cardholder. The designation shall be removed in accordance with procedures prescribed by the chief administrator.

c. (Deleted by amendment, P.L.1999, c.28).

d. (Deleted by amendment, P.L.2007, c.80).

e. The chief administrator, in consultation with those organ procurement organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey, shall establish and provide an annual education program for agency employees and personnel. The program shall focus on the benefits associated with organ and tissue donations, the scope and operation of New Jer-

sey's donor program, and how the agency's employees and personnel can effectively inform the public about the donor program and can best assist those wishing to participate in the donor program, including use of the Donate Life NJ Registry, established pursuant to P.L.2008, c.48 (C.26:6-66 et al.).

f. The chief administrator shall electronically record and store all organ donor designations and identification information, and shall provide the organ procurement organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey with real-time electronic access to the organ donor designation information collected pursuant to subsection a. of this section. An organ procurement organization designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey, or any donor registry established by any such organization, shall have real-time electronic access to those organ donor designations and identification at all times, without exception, for the purposes of verifying organ and tissue donation status and identity. For these purposes, the federally designated organ procurement organization shall have electronic access to each recorded donor's name, address, date of birth, gender, color of eyes, height, and driver's license number. Upon request, the chief administrator shall provide a copy of the donor's original driver's license application.

g. Those organ procurement organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey may contract with a third party, in consultation with the chief administrator, to assess, develop, and implement any system set-up necessary to support the initial and ongoing electronic access by those organizations to the donor designation and identification information required to be made available in accordance with the provisions of this section; however, the organ procurement organizations shall not be required to incur an aggregate cost in excess of $50,000 for the purposes of this subsection.

C.45:9-7.6 Ongoing Statewide organ and tissue donation awareness campaign.

14. The organ procurement organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey shall collaborate with the Medical Society of New Jersey and the Institute of Medicine and Public Health of New Jersey to establish and conduct an ongoing Statewide organ and tissue donation awareness campaign targeted at physicians in this State.

15. 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 such rules and regulations as may be necessary for the implementation of this act.

16. This act shall take effect immediately, and section 10 shall expire upon the enactment of P.L.2008, c.50.

Approved July 22, 2008.

CHAPTER 49

AN ACT concerning anatomical gifts for educational and research use and supplementing Title 26 of the Revised Statutes.

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

C.26:6-68 Short title.

1. This act shall be known and may be cited as the "Anatomical Research Recovery Organization Act."

C.26:6-69 Standards for anatomical research recovery organization.

2. It is the public policy of this State to safeguard the health and well-being of its citizens, and to ensure the respectful and consensual disposition and use of human bodies and parts donated for education, research, and the advancement of medical, dental, or mortuary science. The need for and use of such anatomical gifts for education, research, and the advancement of medical, dental, or mortuary science is of sufficient frequency so as to require that minimum standards for anatomical research recovery organizations be established.

C.26:6-70 Definitions relative to anatomical gifts for educational and research use.

3. As used in this act:

"Anatomical research recovery organization" means a nonprofit corporation engaged in the recovery of a human body or part donated for education, research, or the advancement of medical, dental, or mortuary science pursuant to P.L.1969, c.161 (C.26:6-57 et seq.) or any subsequent statute adopted pursuant thereto, where part or all of the recovery takes place in this State. Anatomical research recovery organization shall not include an accredited institution of higher education in this State that uses an anatomical gift for its own educational or research purposes and is not engaged in the distribution of a human body or part to another person or entity.

"Commissioner" means the Commissioner of Health and Senior Services.

"Department" means the Department of Health and Senior Services.

"Distribution" means the removal of a human body or part from a storage location to any other location for educational or research use, or the advancement of medical, dental, or mortuary science.

"Education" means the use of the whole body or parts for purposes of teaching or training individuals, including medical or dental professionals and students, with regard to the anatomy and characteristics of the human body.

"Human body part" or "part" means organs, tissues, eyes, bones, blood vessels, and any other portions of a deceased human body which are subject to an anatomical gift pursuant to P.L.1969, c.161 (C.26:6-57) or any subsequent statute adopted pursuant thereto, but does not include blood collected pursuant to P.L.1945, c.301 (C.26:2A-1).

"Recovery" means the obtaining of a human body or part, including, but not limited to, determining or obtaining consent or authorization for donation of the human body or part, performing surgical or other technical procedures for recovering the body or part, and processing the body or part. Recovery does not include actions taken by a medical examiner or coroner as part of his professional duties.

"Research" means the conduct of scientific testing and observation designed to result in the acquisition of generalizable knowledge. Research does not include an autopsy or other investigation conducted for the purpose of obtaining information related to the decedent.

C.26:6-71 Registration as anatomical research recovery organization.

4. a. No person shall engage in the recovery of a human body or part donated in this State for education, research, or the advancement of medical, dental, or mortuary science pursuant to P.L.1969, c.161 (C.26:6-57 et seq.) or any subsequent statute adopted pursuant thereto, unless the person is registered as an anatomical research recovery organization with the Department of Health and Senior Services pursuant to this act.

The registration required pursuant to this act shall be in addition to any license or permit required by a local board of health, other local health agency, or any State or federal agency.

b. The registration shall be valid for a one-year period and may be renewed subject to compliance with the requirements of this act. The commissioner shall establish such registration and renewal fees as may be reasonable and necessary to carry out the purposes of this act.

c. The commissioner may enter and inspect the premises of any anatomical research recovery organization and the books and records as is reasonably necessary to carry out the provisions of this act.

C.26:6-72 Requirements for operating as an anatomical research recovery organization.

5. An anatomical research recovery organization operating in this State shall demonstrate compliance with the following requirements:

a. A physician licensed in this State or the state in which the organization is incorporated shall serve as medical director, and shall be responsible for ensuring compliance with the provisions of this act, the hiring of qualified personnel, and the maintenance of records required under this act.

b. The organization shall be a federally tax-exempt nonprofit corporation.

c. The organization shall create, compile, or maintain a complete record on each donor from which it recovers a human body or part for educational or research purposes or the advancement of medical, dental or mortuary science, which shall include, at a minimum:

(1) documentation that the donor has designated the anatomical gift for educational or research purposes or for the advancement of medical, dental, or mortuary science, as specified in section 3 of P.L.1969, c.161 (C.26:6-59) or any subsequent statute adopted pursuant thereto. The documentation may be in the form of a signed document of gift, or verifiable documentation that taped telephonic consent has been obtained;

(2) documentation of the identity and address of each entity which has been in possession of the human body or part prior to the organization, such as a funeral home, coroner, hospital, organ procurement organization, or tissue bank; and

(3) documentation of the use and disposition of each human body or part, including the name and address of each person who receives a human body or part directly from the organization.

C.26:6-73 Violation.

6. It shall be a violation of this act for any person to obstruct, hinder, delay or interfere, by force or otherwise, with the performance by the commissioner of any duty under the provisions of this act.

C.26:6-74 Powers of commissioner relative to violations.

7. If the commissioner has reason to believe that a condition exists or has occurred at an anatomical research recovery organization in violation of the provisions of this act, which is dangerous to the public health, he may order the organization to correct the violation and may immediately suspend the registration of the organization until the correction is completed. If a registrant denies that a violation exists or has occurred, the registrant shall have the right to apply to the commissioner for a hearing. The hearing shall

be held and a decision rendered within 48 hours of the receipt of the request. If the commissioner rules against the registrant, the registrant may apply to a court of competent jurisdiction for injunctive relief against the commissioner's order.

C.26:6-75 Violations, penalties.

8. a. Any person who violates the provisions of this act or an order of the commissioner shall be liable for the first offense to a penalty of not more than $1,000, and for the second and each succeeding offense for a penalty of not more than $5,000. The penalties shall be sued for and collected in a summary proceeding in accordance with the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

b. In addition to any civil penalties provided under this section, the commissioner may suspend or revoke a registration made pursuant to this act for a violation of any provision of this act.

c. Except as provided in section 7 of this act, before denying to grant or renew a registration, or suspending or revoking a registration, pursuant to this act, the commissioner shall provide notice of the denial, revocation, or suspension, together with a specification of charges to the applicant or registrant, personally or by certified mail to the address of record, and the notice shall set forth the particular reasons for the denial, suspension, or revocation. The denial, suspension, or revocation shall become effective 30 days after mailing, unless the applicant or registrant, within the 30-day period, meets the requirements of the department or files with the department a written answer to the charges and gives written notice to the department of its desire for a hearing, in which case the denial, suspension, or revocation may be held in abeyance until the hearing has been concluded and a final decision rendered by the commissioner.

The commissioner shall afford the applicant or registrant an opportunity for a prompt hearing on the question of the granting, suspension, or revocation of the registration. The procedure governing the hearing shall be in accordance with the rules and regulations of the department. Either party may be represented by counsel of its own choosing, and has the right to subpoena witnesses and to compel their attendance on forms furnished by the department. The commissioner shall render a written decision stating conclusions and reasons therefor.

C.26:6-76 Rules, regulations.

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

carry out the purposes of this act. The regulations may specify qualifications for personnel, including the medical director, employed at an anatomical research recovery organization and standards related to recovery of human bodies or parts.

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

Approved July 22, 2008.

CHAPTER 50

AN ACT concerning anatomical gifts, revising parts of the statutory law and supplementing Title 26 of the Revised Statutes.

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

C.26:6-77 Short title.

1. a. This act shall be known and may be cited as the "Revised Uniform Anatomical Gift Act."

b. Whenever the term "Uniform Anatomical Gift Act" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the "Revised Uniform Anatomical Gift Act."

C.26:6-78 Definitions relative to anatomical gifts.

2. As used in this act:

"Adult" means a person who is at least 18 years of age.

"Advance directive for health care" means an advance directive for health care that is executed pursuant to P.L.1991, c.201 (C.26:2H-53 et seq.).

"Agent" means a person who is authorized to act as a health care representative by an advance directive for health care or is expressly authorized to make an anatomical gift on a donor's behalf by any other record signed by the donor.

"Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education.

"Civil union partner" means one partner in a civil union couple as defined in section 2 of P.L.2006, c.103 (C.37:1-29).

"Decedent" means a deceased person whose body or part is or may be the source of an anatomical gift, and includes a stillborn infant or fetus.

"Designated requester" means a hospital employee who has completed a course offered or approved by an organ procurement organization.

"Disinterested witness" means a witness other than: the spouse, civil union partner, domestic partner, child, parent, sibling, grandchild, grandparent, or guardian of the person who makes, amends, revokes, or refuses to make an anatomical gift; another adult who exhibited special care and concern for the decedent; or a person to whom an anatomical gift may pass pursuant to section 10 of this act.

"Document of gift" means a donor card or other record used to make an anatomical gift, and includes a statement or symbol on a driver's license, identification card, or donor registry.

"Domestic partner" means a domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3).

"Donor" means a person whose body or part is the subject of an anatomical gift.

"Donor registry" means a database that contains records of anatomical gifts.

"Driver's license" means a license or permit issued by the New Jersey Motor Vehicle Commission to operate a vehicle, whether or not conditions are attached to the license or permit.

"Eye bank" means an entity that is licensed, accredited, or regulated under federal or State law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes.

"Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of another individual, but does not include a guardian ad litem.

"Hospital" means an institution, whether operated for profit or not, whether maintained, supervised or controlled by an agency of State government or a county or municipality or not, which maintains and operates facilities for the diagnosis, treatment, or care of two or more non-related individuals suffering from illness, injury, or deformity, and where emergency, outpatient, surgical, obstetrical, convalescent, or other medical and nursing care is rendered for periods exceeding 24 hours.

"Identification card" means an identification card issued by the New Jersey Motor Vehicle Commission.

"Medical examiner" means the State Medical Examiner, a county medical examiner, or another person performing the duties of a medical examiner pursuant to P.L.1967, c.234 (C.52:17B-78 et seq.).

"Minor" means a person who is under 18 years of age.

"Organ procurement organization" means an entity designated by the United States Secretary of Health and Human Services as an organ procurement organization.

"Parent" means a parent whose parental rights have not been terminated.

"Part" means an organ, eye, or tissue of a human being, but does not include the whole body.

"Physician" means a person authorized to practice medicine or osteopathy under the laws of any state.

"Procurement organization" means an eye bank, organ procurement organization, or tissue bank.

"Prospective donor" means a person who is dead or whose death is imminent and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research, or education, but does not include an individual who has made a refusal.

"Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

"Recipient" means a person into whose body a decedent's part has been or is intended to be transplanted.

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

"Refusal" means a record created pursuant to this act that expressly states an intent to bar other persons from making an anatomical gift of a person's body or part.

"Sign" means, with the present intent to authenticate or adopt a record, to execute or adopt a tangible symbol, or to attach to or logically associate with the record an electronic symbol, sound, or process.

"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

"Technician" means a person who is determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited, or regulated under federal or State law, and includes an enucleator.

"Tissue" means a portion of the human body other than an organ or an eye, but does not include blood unless it is needed to facilitate the use of other parts or is donated for the purpose of research or education.

"Tissue bank" means an entity that is licensed, accredited, or regulated under federal or State law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue.

"Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.

C.26:6-79 Applicability of act.

3. The provisions of this act shall apply to an anatomical gift, or an amendment to, revocation of, or refusal to make an anatomical gift, whenever made.

C.26:6-80 Anatomical gift by living donor.

4. Subject to the provisions of section 8 of this act, an anatomical gift of a donor's body or part may be made during the life of the donor for the purpose of transplantation, therapy, research, or education in the manner provided in section 5 of this act by:

a. the donor, if the donor is an adult, or if the donor is a minor and is emancipated or is authorized under the laws of this State to apply for a driver's license;

b. an agent of the donor, unless the advance directive for health care or other record prohibits the agent from making an anatomical gift;

c. a parent of the donor, if the donor is an unemancipated minor; or

d. the donor's guardian.

C.26:6-81 Procedure for donor to make anatomical gift.

5. a. A person may make an anatomical gift and thereby become a donor:

(1) by authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor's driver's license or identification card;

(2) in a will;

(3) during a terminal illness or injury of the donor, by any form of communication addressed to at least two adults, at least one of whom shall be a disinterested witness; or

(4) as provided in subsection b. of this section.

b. A donor or other person authorized to make an anatomical gift pursuant to section 4 of this act may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry.

If the donor or other person is physically unable to sign a record, the record may be signed by another individual at the direction of the donor or other person and shall:

(1) be witnessed by at least two adults, at least one of whom shall be a disinterested witness, who have signed at the request of the donor or other person; and

(2) state that it has been signed and witnessed as provided in paragraph (1) of this subsection.

c. The revocation, suspension, expiration, or cancellation of a driver's license or identification card upon which an anatomical gift is indicated shall not invalidate the gift.

d. An anatomical gift made by will shall take effect upon the donor's death, whether or not the will is probated. Invalidation of the will after the donor's death shall not invalidate the gift.

C.26:6-82 Amendment, revocation of anatomical gift by donor.

6. a. Subject to the provisions of section 8 of this act, a donor or other person authorized to make an anatomical gift pursuant to section 4 of this act may amend or revoke an anatomical gift by:

(1) a record signed by:

(a) the donor or other person; or

(b) subject to the provisions of subsection b. of this section, another individual acting at the direction of the donor or the other person if the donor or other person is physically unable to sign; or

(2) a later-executed document of gift that amends or revokes a previous anatomical gift or portion of an anatomical gift, either expressly or by inconsistency.

b. A record signed pursuant to subparagraph (b) of paragraph (1) of subsection a. of this section shall:

(1) be witnessed by at least two adults, at least one of whom shall be a disinterested witness, who have signed at the request of the donor or other person; and

(2) state that it has been signed and witnessed as provided in paragraph (1) of this subsection.

c. Subject to the provisions of section 8 of this act, a donor or other person authorized to make an anatomical gift pursuant to section 4 of this act may revoke an anatomical gift by the destruction or cancellation of the document of gift, or the portion of the document of gift used to make the gift, with the intent to revoke the gift.

d. A donor may amend or revoke an anatomical gift that was not made in a will by any form of communication during a terminal illness or injury addressed to at least two adults, at least one of whom shall be a disinterested witness.

e. A donor who makes an anatomical gift in a will may amend or revoke the gift in the manner provided for amendment or revocation of wills or as provided in subsection a. of this section.

C.26:6-83 Refusal to make anatomical gift.

7. a. A person may refuse to make an anatomical gift of the person's body or part by:

(1) a record signed by:

(a) the person; or

(b) subject to subsection b. of this section, another individual acting at the person's direction if the person is physically unable to sign;

(2) the person's will, whether or not the will is admitted to probate or invalidated after the person's death; or

(3) any form of communication made by the person during the person's terminal illness or injury addressed to at least two adults, at least one of whom shall be a disinterested witness.

b. A record signed pursuant to subparagraph (b) of paragraph (1) of subsection a. of this section shall:

(1) be witnessed by at least two adults, at least one of whom shall be a disinterested witness, who have signed at the request of the person who is making a refusal; and

(2) state that it has been signed and witnessed as provided in paragraph (1) of this subsection.

c. A person who has made a refusal may amend or revoke the refusal:

(1) in the manner provided in subsection a. of this section for making a refusal;

(2) by subsequently making an anatomical gift that is inconsistent with the refusal; or

(3) by destroying or canceling the record evidencing the refusal, or the portion of the record used to make the refusal, with the intent to revoke the refusal.

d. Except as otherwise provided in subsection h. of section 8 of this act, in the absence of an express, contrary indication by the person set forth in the refusal, a person's unrevoked refusal to make an anatomical gift of the person's body or part shall preclude another individual from making an anatomical gift of the person's body or part.

C.26:6-84 Person other than donor prohibited from making anatomical gift, exceptions.

8. a. In the absence of an express, contrary indication by the donor, a person other than the donor shall be prohibited from making, amending, or

revoking an anatomical gift of a donor's body or part if the donor made an anatomical gift of the donor's body or part or an amendment to an anatomical gift of the donor's body or part.

b. A donor's revocation of an anatomical gift pursuant to section 6 of this act shall not be deemed to be a refusal and shall not preclude another person as specified in section 4 or section 9 of this act from making an anatomical gift of the donor's body or part.

c. If a person other than the donor makes an unrevoked anatomical gift of the donor's body or part pursuant to section 5 of this act or an amendment to an anatomical gift of the donor's body or part pursuant to section 6 of this act, another person shall not make, amend, or revoke the gift of the donor's body or part.

d. A revocation of an anatomical gift by a person other than the donor pursuant to section 6 of this act shall not preclude another person from making an anatomical gift of the body or part.

e. In the absence of an express, contrary indication by a donor or other person authorized to make an anatomical gift under this act, an anatomical gift of a part shall not be deemed to be a refusal to give another part nor a limitation on the making of an anatomical gift of another part at a later time by the donor or other person.

f. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under this act, an anatomical gift of a part for any of the purposes set forth in section 4 of this act shall not be deemed to limit the making of an anatomical gift of the part for any of those other purposes by the donor or other person.

g. Notwithstanding the provisions of this section to the contrary, in the event of the death of a donor who is an unemancipated minor, a parent of the donor who is reasonably available may revoke or amend an anatomical gift of the donor's body or part.

h. In the event of the death of an unemancipated minor who has signed a refusal, a parent of the minor who is reasonably available may revoke the minor's refusal.

C.26:6-85 Person authorized to make anatomical gift of a decedent's body.

9. a. (1) Subject to the provisions of this act, an anatomical gift of a decedent's body or part may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed:

(a) an agent of the decedent at the time of the decedent's death who could have made an anatomical gift immediately before the decedent's death pursuant to section 4 of this act;

(b) the spouse, civil union partner, or domestic partner of the decedent;

(c) an adult child of the decedent;

(d) either parent of the decedent;

(e) an adult sibling of the decedent;

(f) another adult who is related to the decedent by blood, marriage, or adoption, or exhibited special care and concern for the decedent;

(g) a person who was acting as the guardian of the person of the decedent at the time of the decedent's death; and

(h) any other person having the authority to dispose of the decedent's body, including the administrator of a hospital in which the decedent was a patient or resident immediately preceding death. In the absence of actual notice of contrary indication by the decedent, the administrator shall make an anatomical gift of a decedent's body or part.

(2) If there is more than one member of a class as specified in subparagraphs (a) through (g) of paragraph (1) of this subsection who is entitled to make an anatomical gift, a member of the class may make an anatomical gift unless that member or a person to whom the gift may pass pursuant to section 10 of this act knows of an objection by another member of the class. If an objection is known, the gift shall be made only by a majority of the members of the class who are reasonably available. Nothing in this subsection shall be construed to require that all members of the class authorize the making of the gift or participate in the decision to make the gift.

(3) A person may not make an anatomical gift if, at the time of the decedent's death, a person in a prior class as specified in paragraph (1) of this subsection is reasonably available to make or object to the making of an anatomical gift.

b. (1) A person authorized to make an anatomical gift pursuant to subsection a. of this section may make an anatomical gift by a document of gift signed by the person making the gift or by that person's oral communication that is electronically recorded or is contemporaneously reduced to a record and signed by the individual receiving the oral communication.

(2) Subject to the provisions of paragraph (3) of this subsection, an anatomical gift by a person authorized to make the gift pursuant to subsection a. of this section may be amended or revoked orally or in a record by any member of a prior class who is reasonably available. If more than one member of the prior class is reasonably available, the gift made by the authorized person may be:

(a) amended only if a majority of the reasonably available members agree to amending the gift; or

(b) revoked only if a majority of the reasonably available members agree to revoking the gift or if they are equally divided as to whether to revoke the gift.

(3) A revocation made pursuant to paragraph (2) of this subsection shall be effective only if, before an incision has been made to remove a part from the donor's body or before invasive procedures have begun to prepare the recipient, the procurement organization, transplant hospital, or physician or technician knows of the revocation. A procurement organization, transplant hospital, or physician or technician with knowledge of a revocation shall make a best effort to communicate that information to the other parties involved in order to stop the anatomical gift recovery process.

C.26:6-86 Recipients of anatomical gift.

10. a. An anatomical gift may be made to the following persons or entities named in the document of gift:

(1) a hospital; accredited medical school, dental school, college, or university; organ procurement organization; or other appropriate person, for research or education;

(2) subject to the provisions of subsection b. of this section, an individual designated by the person making the anatomical gift if the individual is the recipient of the part; or

(3) an eye bank or tissue bank.

b. If an anatomical gift to an individual cannot be transplanted into the individual, the part shall pass in accordance with subsection f. of this section in the absence of an express, contrary indication by the person making the anatomical gift.

c. If there is more than one purpose of an anatomical gift set forth in the document of gift but the purposes are not set forth in any priority, the gift shall be used for transplantation or therapy, if suitable. If the gift cannot be used for transplantation or therapy, the gift may be used for research or education.

d. If an anatomical gift of one or more specific parts is made in a document of gift that does not name a person or entity as described in subsection a. of this section and does not identify the purpose of the gift, the gift shall be used only for transplantation or therapy, and shall pass in accordance with subsection f. of this section.

e. If a document of gift specifies only a general intent to make an anatomical gift by words such as "donor," "organ donor," or "body donor," or by a symbol or statement of similar import, the gift shall include all parts, may be used only for transplantation or therapy, and shall pass in accordance with subsection f. of this section.

f. For the purposes of subsections b., d., and e. of this section, the following shall apply:

(1) if the part is an eye, the gift shall pass to the appropriate eye bank;

(2) if the part is tissue, the gift shall pass to the appropriate tissue bank; and

(3) if the part is an organ, the gift shall pass to the appropriate organ procurement organization as custodian of the organ.

g. An anatomical gift of an organ for transplantation or therapy, other than an anatomical gift under paragraph (2) of subsection a. of this section, shall pass to the organ procurement organization as custodian of the organ.

h. If an anatomical gift does not pass pursuant to subsections a. through g. of this section or the decedent's body or part is not used for transplantation, therapy, research, or education, custody of the body or part shall pass to the person or entity under obligation to dispose of the body or part.

i. A person or entity shall not accept an anatomical gift if the person or entity knows that the gift was not effectively made pursuant to this act or that the decedent made a refusal pursuant to this act that was not revoked. For the purposes of the subsection, if a person or entity knows that an anatomical gift was made on a document of gift, the person or entity shall be deemed to know of any amendment or revocation of the gift or any refusal to make an anatomical gift on the same document of gift.

j. Except as otherwise provided in paragraph (2) of subsection a. of this section, nothing in this act shall be construed to affect the allocation of organs for transplantation or therapy.

C.26:6-87 Search for potential donor, document of refusal; permitted entities.

11. a. Upon the request of an organ procurement organization, the following persons shall make a reasonable search of an individual who the person reasonably believes is dead or whose death is imminent for a document of gift or other information identifying the individual as a donor or as an individual who made a refusal:

(1) a law enforcement officer, firefighter, paramedic, or other emergency rescuer finding the individual; and

(2) if no other source of the information is immediately available, a hospital, as soon as practical after the individual's arrival at the hospital.

b. If a document of gift or a refusal to make an anatomical gift is located by the search required pursuant to subsection a. of this section, the person responsible for conducting the search shall make the document of gift or refusal immediately available to the organ procurement organization.

c. A person shall not be subject to criminal or civil liability, but may be subject to administrative sanctions, for a failure to discharge the duties imposed pursuant to this section.

C.26:6-88 Delivery of document of gift or a refusal.

12. a. A document of gift need not be delivered during the donor's lifetime to be effective.

b. Upon or after an individual's death, a person in possession of a document of gift or a refusal to make an anatomical gift with respect to the individual shall allow examination and copying of the document of gift or refusal by a person authorized to make or object to the making of an anatomical gift with respect to the individual or by a person to whom the gift may pass pursuant to section 10 of this act.

C.26:6-89 Notification by hospital relative to donor status.

13. a. A hospital shall notify an organ procurement organization or a third party designated by that organization of a person whose death is imminent or who has died in the hospital, in a timely manner sufficient to ensure that the examination, evaluation, and ascertainment of donor status as set forth in subsection d. of this section can be completed within a time frame compatible with the donation of organs and tissues for transplant. The notification shall be made without regard to whether the person has executed an advance directive for health care.

b. When a hospital refers a person who is dead or whose death is imminent to an organ procurement organization, the organization shall make a reasonable search of the records of the New Jersey Motor Vehicle Commission and any donor registry that it knows exists for the geographical area in which the person resides in order to ascertain whether the person has made an anatomical gift.

c. (1) If the patient has a validly executed donor card, donor designation on a driver's license, advance directive for health care, will, other document of gift, or registration with a Statewide organ and tissue donor registry, the procurement organization representative or the designated requester shall attempt to notify a person listed in section 9 of this act of the gift.

If no document of gift is known to the procurement organization representative or the designated requester, one of those two individuals shall ask the persons listed in section 9 of this act whether the decedent had a validly executed document of gift. If there is no evidence of an anatomical gift or refusal by the decedent, the procurement organization representative or the

designated requester shall attempt to notify a person listed in section 9 of this act of the option to donate organs or tissues.

(2) The person in charge of the hospital or that person's designated representative shall indicate in the medical record of the decedent whether or not a document of gift is known to exist, or otherwise whether consent was granted, the name of the person granting or refusing the consent, and that person's relationship to the decedent.

d. When a hospital refers an individual who is dead or whose death is imminent to a procurement organization, and the organization has determined based upon a medical record review that the individual may be a prospective donor, then the organization may conduct any blood or tissue test or minimally invasive examination that is reasonably necessary to evaluate the medical suitability of a part that is or may be the subject of an anatomical gift for transplantation, therapy, research, or education from a donor or a prospective donor. The hospital shall not withdraw any measures that are necessary to maintain the medical suitability of the part until the procurement organization has had the opportunity to advise the applicable persons as set forth in section 9 of this act of the option to make an anatomical gift or has ascertained that the individual expressed a contrary intent. The results of such tests and examinations shall be used or disclosed only for purposes of evaluating medical suitability for donation and to facilitate the donation process, and as required or permitted by existing law.

e. At any time after a donor's death, the person to whom an anatomical gift may pass pursuant to section 10 of this act may conduct any test or examination that is reasonably necessary to evaluate the medical suitability of the body or part for its intended purpose.

f. An examination conducted pursuant to this section may include an examination of all medical and dental records of the donor or prospective donor.

g. Upon the death of a minor who was a donor or had signed a refusal, the procurement organization shall, unless it knows the minor is emancipated, conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke the refusal.

h. Subject to the provisions of this act, the rights of a person or entity to whom a part passes pursuant to section 10 of this act shall be superior to the rights of all others with respect to that part. The person or entity may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and the provisions of this act, a person or entity who accepts an anatomical gift of an entire body may allow embalming, burial or

cremation, and the use of remains in a funeral service. If the gift is of a part, the person or entity to which the part passes pursuant to section 10 of this act, upon the death of the donor and before embalming, burial or cremation, shall cause the part to be removed without unnecessary mutilation.

i. Neither the physician or registered professional nurse who attends the decedent at death nor the physician or registered professional nurse who determines the time of the decedent's death may participate in the procedures for removing or transplanting a part from the decedent.

j. A physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove.

k. Each hospital or other licensed health care facility in this State shall be authorized to enter into such agreements or affiliations with procurement organizations as are necessary for the coordination of procurement and use of anatomical gifts.

C.26:6-90 Notification of death to procurement organization.

14. A person who seeks to facilitate the making of an anatomical gift, for the purposes of transplantation or therapy, from a decedent who was not a hospital patient at the time of death shall notify the procurement organization at or around the time of the person's death in order to allow the organization to at least initially evaluate the potential donation and coordinate the donation process, as applicable.

C.26:6-91 Immunity from liability.

15. a. A person or entity shall be immune from liability for actions taken in accordance with, or in a good faith attempt to act in accordance with, the provisions of this act or the applicable anatomical gift law of another state.

b. Neither the person making an anatomical gift nor the donor's estate shall be liable for any injury or damage that results from the making or use of the gift.

c. In determining whether an anatomical gift has been made, amended, or revoked pursuant to this act, a person or entity shall rely upon representations made by an individual as specified in section 9 of this act relating to the individual's relationship to the donor or prospective donor unless the person knows that the representation is untrue.

C.26:6-92 Valid document of gift.

16. a. A document of gift shall be valid if executed in accordance with:

(1) the provisions of this act;

(2) the laws of the state or country in which it is executed; or

(3) the laws of the state or country in which the person making the anatomical gift is domiciled, has a place of residence, or is a citizen at the time that the document of gift is executed.

b. The law of this State shall govern the interpretation of a valid document of gift to which the provisions of this act apply.

c. A person shall presume that a document of gift or amendment of an anatomical gift is valid unless the person knows that it was not validly executed or was revoked.

C.26:6-93 Requirements relative to donations from individuals having an advance directive.

17. If a hospital patient who is a prospective donor has executed an advance directive for health care, or has otherwise specified by record the circumstances under which the patient would want life support to be withheld or withdrawn from that person, and the terms of the advance directive or other record are in conflict with the option of making an anatomical gift by precluding the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy, the following requirements shall apply:

a. If the patient is determined to have decision making capacity pursuant to the provisions of P.L.1991, c.201 (C.26:2H-53 et seq.), then the patient shall, after consultation with the patient's attending physician about the donor option and all other relevant factors in end-of-life decision making, make a determination concerning the withholding or withdrawing of treatment pursuant to existing law;

b. If the patient is determined to lack decision making capacity pursuant to section 8 of P.L.1991, c.201 (C.26:2H-60), then an agent acting pursuant to the patient's advance directive or other record or, if no such agent has been designated by the patient or the agent is not reasonably available, another person authorized by law other than this act to make decisions on behalf of the patient with regard to the patient's health care shall act for the patient to resolve the conflict.

The parties specified in this subsection shall seek to resolve the conflict as set forth therein as expeditiously as possible. Information relevant to the resolution of the conflict shall be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift for the patient pursuant to section 9 of this act.

Measures necessary to ensure the medical suitability of the part shall not be withheld or withdrawn from the patient prior to resolution of the conflict if the withholding or withdrawing is not contraindicated by the requirements of providing appropriate end-of-life care.

C.26:6-94 Cooperation of medical examiner with procurement organization.

18. a. Each medical examiner shall cooperate with any procurement organization to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education.

b. A part shall not be removed from the body of a decedent under a medical examiner's jurisdiction for transplantation, therapy, research, or education, nor delivered to a person for research or education, unless the part is the subject of an anatomical gift. The provisions of this section shall not be construed to preclude a medical examiner from performing an investigation as provided in P.L.1967, c.234 (C.52:17B-78 et seq.) of a decedent under the medical examiner's jurisdiction.

c. Upon the request of a procurement organization, the medical examiner shall release to the procurement organization the name, contact information, and available medical and social history of a decedent whose body is under the medical examiner's jurisdiction. If the decedent's body or part is medically suitable for transplantation, therapy, research, or education, the medical examiner shall release the post-mortem examination results to the procurement organization. The procurement organization shall make a subsequent disclosure of the post-mortem examination results or other information received from the medical examiner only if relevant to transplantation, therapy, research, or education.

C.26:6-95 Application, construction.

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

C.26:6-96 Acts modified, limited, superseded.

20. This act shall be deemed to modify, limit, and supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. s.7001 et seq., but not to modify, limit, or supersede Section 101(a) of that act, 15 U.S.C. s.7001(a), or to authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. s.7003(b).

21. N.J.S.2C:20-2 is amended to read as follows:

Consolidation of theft and computer criminal activity offenses; grading, provisions applicable to theft generally.

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 $75,000.00 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 $75,000.00 or more; or

(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.

(2) Theft constitutes a crime of the third degree if:

(a) The amount involved exceeds $500.00 but is less than $75,000.00;

(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 $75,000.00 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;

(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 $75,000.00;

(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; or

(l) The property stolen consists of anhydrous ammonia and the actor intends it to be used to manufacture methamphetamine.

(3) Theft constitutes a crime of the fourth degree if the amount involved is at least $200.00 but does not exceed $500.00. If the amount involved was less than $200.00 the offense constitutes a disorderly persons offense.

(4) 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.

22. Section 1 of P.L.2007, c.36 (C.2C:22-2) is amended to read as follows:

C.2C:22-2 Disposition of body parts, criminal penalties imposed for certain offenses.

1. a. A person who knowingly, for valuable consideration, purchases or sells a part for transplantation or therapy, if removal of a part from a donor is intended to occur after the donor's death, is 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, as well as the term of imprisonment provided under N.J.S.2C:43-6, or both.

Nothing in this subsection shall be construed to prohibit a person from charging a reasonable amount for the removal, processing, disposal, preservation, quality control, storage, transportation, or implantation of a part.

b. A person who intentionally falsifies, forges, conceals, defaces, or obliterates 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.), an amendment or revocation of such a document, or any death record or document of medical or social history pertaining to the body or part of the donor, or a refusal to make a gift, in order to obtain a financial benefit or gain, is guilty of a crime of the second degree and, notwithstanding the provisions of N.J.S.2C:43-3, shall be subject to a fine of not more than $50,000, as well as the term of imprisonment provided under N.J.S.2C:43-6, or both.

c. As used in this section, the terms "decedent," "donor," "part," and "person" have the meaning ascribed to them in section 2 of P.L.2008, c.50 (C.26:6-78).

23. Section 6 of P.L.1995, c.257 (C.26:6-58.5) is amended to read as follows:

C.26:6-58.5 Transplant recovery technician's recovery of human body part.

6. A technician as defined in section 2 of P.L.2008, c.50 (C.26:6-78) may recover a human body part for any purpose specified in P.L.2008, c.50 (C.26:6-77 et al.). A physician shall not be required to be present during the recovery procedure. Nothing in this section shall be construed to limit a physician or other person authorized by law to recover human body parts pursuant to law.

24. R.S.39:3-10 is amended to read as follows:

Licensing of drivers; classifications.

39:3-10. No person shall drive a motor vehicle on a public highway in this State unless the person is under supervision while participating in a behind-the-wheel driving course pursuant to section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a validated permit, or a provisional or basic driver's license issued to him in accordance with this article.

No person under 18 years of age shall be issued a basic license to drive motor vehicles, nor shall a person be issued a validated permit, including a validated examination permit, until he has passed a satisfactory examination and other requirements as to his ability as an operator. The examination shall include a test of the applicant's vision, his ability to understand traffic control devices, his knowledge of safe driving practices and of the effects that ingestion of alcohol or drugs has on a person's ability to operate a motor vehicle, his knowledge of such portions of the mechanism of motor vehicles as is necessary to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant and of the laws and ordinary usages of the road. No person shall sit for an examination for any permit without exhibiting photo identification deemed acceptable by the commission, unless that person is a high school student participating in a course of driving education approved by the State Department of Education and conducted in a public, parochial or private school of this State, pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). The commission may waive the written law knowledge examination for any person 18 years of age or older possessing a valid driver's license issued by any other state, the District of Columbia or the United States Territories of American Samoa, Guam, Puerto Rico or the Virgin Islands. The commission shall be required to provide that person with a booklet that highlights those motor vehicle laws unique to New Jersey. A road test shall be required for a provisional license and serve as a demonstration of the applicant's ability to operate a vehicle of the class designated. No person shall sit for a road test unless that person exhibits photo identification deemed acceptable by the commission. A high school student who has completed a course of behind-the-wheel automobile driving education approved by the State Department of Education and conducted in a public, parochial or private school of this State, who has been issued a special learner's permit pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1) prior to January 1, 2003, shall not be required to exhibit photo identification in order to sit for a road test. The commission may waive the road test for any person 18 years of age or older possessing a valid driver's license issued by any other state, the District of Columbia or the United States Territories of American Samoa, Guam, Puerto Rico or the Virgin Islands. The

road test shall be given on public streets, where practicable and feasible, but may be preceded by an off-street screening process to assess basic skills. The commission shall approve locations for the road test which pose no more than a minimal risk of injury to the applicant, the examiner and other motorists. No new locations for the road test shall be approved unless the test can be given on public streets.

The commission shall issue a basic driver's license to operate a motor vehicle other than a motorcycle to a person over 18 years of age who previously has not been licensed to drive a motor vehicle in this State or another jurisdiction only if that person has: (1) operated a passenger automobile in compliance with the requirements of this title for not less than one year, not including any period of suspension or postponement, from the date of issuance of a provisional license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed more than two motor vehicle points; (3) not been convicted in the previous year for a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a), P.L.1992, c.189 (C.39:4-50.14), R.S.39:4-129, N.J.S.2C:11-5, subsection c. of N.J.S.2C:12-1, or any other motor vehicle-related violation the commission determines to be significant and applicable pursuant to regulation; and (4) passed an examination of his ability to operate a motor vehicle pursuant to this section.

The commission shall expand the driver's license examination by 20%. The additional questions to be added shall consist solely of questions developed in conjunction with the State Department of Health and Senior Services concerning the use of alcohol or drugs as related to highway safety. The commission shall develop in conjunction with the State Department of Health and Senior Services supplements to the driver's manual which shall include information necessary to answer any question on the driver's license examination concerning alcohol or drugs as related to highway safety.

Up to 20 questions may be added to the examination on subjects to be determined by the commission that are of particular relevance to youthful drivers, after consultation with the Director of the Office of Highway Traffic Safety.

The commission shall expand the driver's license examination to include a question asking whether the applicant is aware of the provisions of the "Revised Uniform Anatomical Gift Act," P.L.2008, c.50 (C.26:6-77 et al.) and the procedure for indicating on the driver's license the intention to make a donation of body organs or tissues pursuant to P.L.1978, c.181 (C.39:3-12.2).

Any person applying for a driver's license to operate a motor vehicle or motorized bicycle in this State shall surrender to the commission any current driver's license issued to him by another state or jurisdiction upon his receipt of a driver's license for this State. The commission shall refuse to

issue a driver's license if the applicant fails to comply with this provision. An applicant for a permit or license who is less than 18 years of age, and who holds a permit or license for a passenger automobile issued by another state or country that is valid or has expired within a time period designated by the commission, shall be subject to the permit and license requirements and penalties applicable to State permit and license applicants who are of the same age; except that if the other state or country has permit or license standards substantially similar to those of this State, the credentials of the other state or country shall be acceptable.

The commission shall create classified licensing of drivers covering the following classifications:

a. Motorcycles, except that for the purposes of this section, motorcycle shall not include any three-wheeled motor vehicle equipped with a single cab with glazing enclosing the occupant, seats similar to those of a passenger vehicle or truck, seat belts and automotive steering.

b. Omnibuses as classified by R.S.39:3-10.1 and school buses classified under N.J.S.18A:39-1 et seq.

c. (Deleted by amendment, P.L.1999, c.28).

d. All motor vehicles not included in classifications a. and b. A license issued pursuant to this classification d. shall be referred to as the "basic driver's license."

Every applicant for a license under classification b. shall be a holder of a basic driver's license. Any issuance of a license under classification b. shall be by endorsement on the basic driver's license.

A driver's license for motorcycles may be issued separately, but if issued to the holder of a basic driver's license, it shall be by endorsement on the basic driver's license.

The commission, upon payment of the lawful fee and after it or a person authorized by it has examined the applicant and is satisfied of the applicant's ability as an operator, may, in its discretion, issue a license to the applicant to drive a motor vehicle. The license shall authorize him to drive any registered vehicle, of the kind or kinds indicated, and shall expire, except as otherwise provided, on the last day of the 48th calendar month following the calendar month in which such license was issued.

The commission may, at its discretion and for good cause shown, issue licenses which shall expire on a date fixed by it. If the commission issues a license to a person who has demonstrated authorization to be present in the United States for a period of time shorter than the standard period of the license, the commission shall fix the expiration date of the license at a date based on the period in which the person is authorized to be present in the

United States under federal immigration laws. The commission may renew such a license only if it is demonstrated that the person's continued presence in the United States is authorized under federal law. The fee for licenses with expiration dates fixed by the commission shall be fixed by the commission in amounts proportionately less or greater than the fee herein established.

The required fee for a license for the 48-month period shall be as follows:

Motorcycle license or endorsement: $18.

Omnibus or school bus endorsement: $18.

Basic driver's license: $18.

The commission shall waive the payment of fees for issuance of omnibus endorsements whenever an applicant establishes to the commission's satisfaction that said applicant will use the omnibus endorsement exclusively for operating omnibuses owned by a nonprofit organization duly incorporated under Title 15 or 16 of the Revised Statutes or Title 15A of the New Jersey Statutes.

The commission shall issue licenses for the following license period on and after the first day of the calendar month immediately preceding the commencement of such period, such licenses to be effective immediately.

All applications for renewals of licenses shall be made in a manner prescribed by the commission and in accordance with procedures established by it.

The commission in its discretion may refuse to grant a permit or license to drive motor vehicles to a person who is, in its estimation, not a proper person to be granted such a permit or license, but no defect of the applicant shall debar him from receiving a permit or license unless it can be shown by tests approved by the commission that the defect incapacitates him from safely operating a motor vehicle.

In addition to requiring an applicant for a driver's license to submit satisfactory proof of identity and age, the commission also shall require the applicant to provide, as a condition for obtaining a permit and license, satisfactory proof that the applicant's presence in the United States is authorized under federal law.

If the commission has reasonable cause to suspect that any document presented by an applicant as proof of identity, age or legal residency is altered, false or otherwise invalid, the commission shall refuse to grant the permit or license until such time as the document may be verified by the issuing agency to the commission's satisfaction.

A person violating this section shall be subject to a fine not exceeding $500 or imprisonment in the county jail for not more than 60 days, but if that person has never been licensed to drive in this State or any other jurisdiction, he shall be subject to a fine of not less than $200 and, in addition,

the court shall issue an order to the commission requiring the commission to refuse to issue a license to operate a motor vehicle to the person for a period of not less than 180 days. The penalties provided for by this paragraph shall not be applicable in cases where failure to have actual possession of the operator's license is due to an administrative or technical error by the commission.

Nothing in this section shall be construed to alter or extend the expiration of any license issued prior to the date this amendatory and supplementary act becomes operative.

25. Section 1 of P.L.1978, c.181 (C.39:3-12.2) is amended to read as follows:

C.39:3-12.2 License to include designation as organ, tissue donor, education program, access to information.

1. a. The Chief Administrator of the New Jersey Motor Vehicle Commission shall provide with every new license, renewal license, identification card or renewal identification card the opportunity for each person pursuant to the provisions of the "Revised Uniform Anatomical Gift Act," P.L.2008, c.50 (C.26:6-77 et al.), to designate that the person shall donate all or any organs or tissues for the purposes of transplantation or therapy.

b. The designation indicating that a person is a donor pursuant to subsection a. of this section shall be done in accordance with procedures prescribed by the chief administrator. The designation shall be displayed in print in a conspicuous form and manner on the license or identification card, and electronically, by substantially the following statement: "ORGAN DONOR" and shall constitute sufficient legal authority for the removal of organs or tissues for the purposes of transplantation or therapy upon the death of the licensee or identification cardholder. The designation shall be removed in accordance with procedures prescribed by the chief administrator.

c. (Deleted by amendment, P.L.1999, c.28).

d. (Deleted by amendment, P.L.2007, c.80).

e. The chief administrator, in consultation with those organ procurement organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey, shall establish and provide an annual education program for agency employees and personnel. The program shall focus on the benefits associated with organ and tissue donations, the scope and operation of New Jersey's donor program, and how the agency's employees and personnel can effectively inform the public about the donor program

and can best assist those wishing to participate in the donor program, including use of the Donate Life NJ Registry, established pursuant to P.L.2008, c.48 (C.26:6-66 et al.).

f. The chief administrator shall electronically record and store all organ donor designations and identification information, and shall provide the organ procurement organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey with real-time electronic access to the organ donor designation information collected pursuant to subsection a. of this section. An organ procurement organization designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey, or any donor registry established by any such organization, shall have real-time electronic access to those organ donor designations and identification at all times, without exception, for the purposes of verifying organ and tissue donation status and identity. For these purposes, the federally designated organ procurement organization shall have electronic access to each recorded donor's name, address, date of birth, gender, color of eyes, height, and driver's license number. Upon request, the chief administrator shall provide a copy of the donor's original driver's license application.

g. Those organ procurement organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey may contract with a third party, in consultation with the chief administrator, to assess, develop, and implement any system set-up necessary to support the initial and ongoing electronic access by those organizations to the donor designation and identification information required to be made available in accordance with the provisions of this section; however, the organ procurement organizations shall not be required to incur an aggregate cost in excess of $50,000 for the purposes of this subsection.

26. R.S.39:3-41 is amended to read as follows:

Driver's manual made available; contents.

39:3-41. a. At the time of the issuance of an examination permit or a special learner's permit to operate a motor vehicle, the director shall make available to each applicant for the examination permit or special learner's permit a driver's manual containing information required to be known and followed by licensed drivers relating to licensing requirements.

b. At the time of any required examination for renewal of a driver's license, the director shall upon request make available to each applicant for renewal a copy of the manual and any supplements thereto.

c. The driver's manual and any supplements thereto or any other booklet or writing prepared in connection with examinations for drivers' licenses or for renewals of drivers' licenses shall contain all information necessary to answer any question on an examination for a driver's license or for a renewal of a driver's license.

d. The director, following consultation with the organ procurement organizations designated pursuant to 42 U.S.C. s.1320b-8 to serve in the State of New Jersey, shall include in the driver's manual information explaining the provisions of the "Revised Uniform Anatomical Gift Act," P.L.2008, c.50 (C.26:6-77 et al.), the beneficial uses of donated organs and tissues, and the procedure for indicating on the driver's license the intention to make such a donation pursuant to P.L.1978, c.181 (C.39:3-12.2). The director may distribute all remaining copies of the existing driver's manual before reprinting the manual with the information required pursuant to this subsection.

27. Section 1 of P.L.1993, c.276 (C.52:17B-88.7) is amended to read as follows:

C.52:17B-88.7 Procedures performed on anatomical gift, time, manner.

1. Notwithstanding any provision of law to the contrary, if a deceased person whose death is under investigation pursuant to section 9 of P.L.1967, c.234 (C.52:17B-86) is a donor of all or part of his body as evidenced by an advance directive, will, card or other document, or as otherwise provided in the "Revised Uniform Anatomical Gift Act," P.L.2008, c.50 (C.26:6-77 et al.), the State Medical Examiner or the county medical examiner, or his designee, who has notice of the donation shall perform an examination, autopsy or analysis of tissues or organs only in a manner and within a time period compatible with their preservation for the purposes of transplantation.

Repealer.

28. The following are repealed:
P.L.1969, c.161 (C.26:6-57 et seq.); and
P.L.1987, c.244 (C.26:6-58.1 et seq.).

29. This act shall take effect immediately.

Approved July 22, 2008.

CHAPTER 51

AN ACT designating U.S. Route No. 9 in Cape May County as the "Police Unity Tour Memorial Highway."

WHEREAS, The Police Unity Tour was created in 1997 to raise public awareness of the National Law Enforcement Officers Memorial located in Washington, D.C., and to raise monetary support for the National Law Enforcement Officers Memorial Fund, both established by Congress in recognition of the service and sacrifice of law enforcement officers across this nation who have died in the line of duty; and

WHEREAS, The Police Unity Tour, a non-profit organization, has grown since its inception from a few members in a local chapter in New Jersey to over 750 members in eight chapters located throughout the country; and

WHEREAS, The Police Unity Tour continues to honor the many officers who have died in the line of duty and raise public awareness and financial support for the national memorial and memorial fund with a fundraising bicycle ride to the national memorial in Washington, D.C.; and

WHEREAS, The members of the Police Unity Tour, Chapter Two, carry on this tradition and make the annual journey to the national memorial, traveling along Route 9 in Cape May County and stopping at various locations throughout the county to honor fallen officers; and

WHEREAS, It is altogether fitting and proper that the State of New Jersey commemorate the sacrifice made by the many law enforcement officers who have lost their lives in the line of duty in this State, and recognize the members of the Police Unity Tour, who tirelessly honor the memory and service of their fallen brothers and sisters, by designating U.S. Route No. 9 in Cape May County as "Police Unity Tour Memorial Highway;" now, therefore,

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

1. The Commissioner of Transportation shall designate U.S. Route No. 9 in Cape May County as the "Police Unity Tour Memorial Highway" and erect appropriate signs bearing the designation and the dedication of the highway in honor of the Police Unity Tour.

2. No State or other public funds shall be used for producing, purchasing, or erecting signs pursuant to section 1 of this act. The Commissioner of Transportation is authorized to receive gifts, grants, or other financial aid in any form from any private source for the purpose of funding the costs associated with producing, purchasing, and erecting signs pursuant to section 1 of this act.

3. This act shall take effect immediately.

Approved August 5, 2008.

CHAPTER 52

AN ACT concerning sunken or abandoned vessels, amending and supplementing P.L.1975, c.369, and amending various sections of statutory law.

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

1. Section 4 of P.L.1962, c.73 (C.12:7-34.39) is amended to read as follows:

C.12:7-34.39 Application for vessel number; certificate; display.

4. (a) The owner of a vessel required to be numbered in this State shall file an application with the New Jersey Motor Vehicle Commission on forms approved by it. The application shall be signed by the owner and shall be accompanied by the fee prescribed by this act for such vessel. Upon receipt of the application in the approved form and the prescribed fee, the New Jersey Motor Vehicle Commission shall enter the same upon the records of its office and issue to the applicant a pocket-size, laminated or otherwise water resistant certificate of number, which shall state the name and address of the owner, a description of the vessel, its use, and the number assigned.

(b) Except as provided herein, the certificate of number shall be available at all times for inspection on the vessel for which issued whenever such vessel is in operation. The certificate of number for vessels less than 26 feet in length and leased or rented to another for the latter's noncommercial use of less than 24 hours may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative; provided such substitute as the New Jersey Motor Vehicle Commission may prescribe by regulation is carried on board.

(c) The number assigned to a vessel shall be displayed on each side of the bow thereof, as prescribed by regulations of the New Jersey Motor Vehicle Commission, using letters and numerals not less than three inches in height; except that this provision shall not apply to a one-design class racing sailboat, without power installed either inboard or outboard, which is required to be numbered under section 3 of P.L.1962, c.73 (C.12:7-34.38). No other number shall be displayed on the bow.

(d) No application for a vessel number shall be approved if the applicant or owner has been found to have violated section 3 of P.L.1975, c.369 (C.12:7C-9) or subsection b. of section 10 of P.L.1975, c.369 (C.12:7C-16), until the New Jersey Motor Vehicle Commission has been notified by the appropriate municipality or harbor commission that all outstanding charges for vessel removal, storage, and destruction costs have been satisfied.

2. Section 3 of P.L.1995, c.401 (C.12:7-72) is amended to read as follows:

C.12:7-72 Issuance of license to operate power vessel; requirements.

3. a. (1) Upon proper application therefor, the Chief Administrator of the New Jersey Motor Vehicle Commission shall license a person to operate a power vessel on the nontidal waters of this State. A person shall not make any misstatement of fact in an application for a power vessel operator's license.

(2) The New Jersey Motor Vehicle Commission shall not issue or renew the license of any person who has been found to have violated section 3 of P.L.1975, c.369 (C.12:7C-9) or subsection b. of section 10 of P.L.1975, c.369 (C.12:7C-16), until the New Jersey Motor Vehicle Commission has been notified by the appropriate municipality or harbor commission that all outstanding charges for vessel removal, storage, and destruction costs have been satisfied.

b. Except as provided pursuant to subsections c. and g. of this section:

(1) A person shall not operate a power vessel on the nontidal waters of this State without being licensed by the Chief Administrator of the New Jersey Motor Vehicle Commission; and

(2) A person under 16 years of age shall not be licensed to operate a power vessel on the nontidal waters of this State.

c. A person is not required to be licensed pursuant to subsection b. of this section when operating a power vessel:

(1) powered solely by a motor of less than one horsepower or an electric motor of 12 volts or less;

(2) that is 12 feet or greater in length and powered by a motor, or combination of motors, of less than 10 horsepower;

(3) while actually competing in an authorized race held under the auspices of a duly incorporated yacht club or racing association in accordance with rules and regulations prescribed by the Division of State Police in the Department of Law and Public Safety and pursuant to a permit duly issued by that division;

(4) if the person is an out-of-State resident and has written proof, while operating the power vessel, of successful completion of a boat safety course substantially similar to the boat safety course administered pursuant to section 1 of P.L.1987, c.453 (C.12:7-60).

d. Except as provided pursuant to subsection c. of this section, a person shall have in his possession a proper license at all times when operating a power vessel on nontidal waters and shall exhibit the license to any law enforcement officer upon request. Failure of a person to exhibit such license upon request shall be presumptive evidence that the person is not a licensed operator.

e. A person who violates the provisions of subsection b. of this section shall be subject to a fine of not more than $500 or to a term of imprisonment not to exceed 60 days, or both, except that:

(1) A person who has never been licensed to operate a power vessel on the nontidal waters of this State or any other jurisdiction shall be subject to a fine of not less than $200 and, in addition, the court shall issue an order to the Chief Administrator of the New Jersey Motor Vehicle Commission requiring the chief administrator to refuse to issue a license to operate a power vessel on the nontidal waters of this State to that person for a period of not less than 180 days; and

(2) A person who can exhibit to the court before which the person is summoned to answer to the charge a valid operator's license issued to that person which was valid on the day that person was charged shall be subject to a fine of not more than $100, in addition to any reasonable court costs the

court may impose. Notwithstanding the provisions of this subsection, the court may, in its discretion, dismiss a charge regarding the failure to exhibit an operator's license brought pursuant to the provisions of this section.

f. The penalties provided for pursuant to subsection e. of this section shall not be applicable in cases where failure to have actual possession of the operator's license is due to an administrative or technical error by the New Jersey Motor Vehicle Commission.

g. A person who is under 16 years of age and was issued an operator's license pursuant to section 7 of P.L.1954, c.236 (C.12:7-34.7) before July 1, 1996 may operate a power vessel equipped with an outboard motor until the expiration date of that license.

3. Section 13 of P.L.1995, c.401 (C.12:7-82) is amended to read as follows:

C.12:7-82 Revocation, suspension of privilege to operate power vessel; conditions.

13. a. A court may revoke or suspend the privilege of a person to operate a power vessel if that person has been convicted of homicide in connection with the operation of a motor vehicle or of operating a motor vehicle while under the influence of intoxicating liquor or a narcotic, hallucinogenic or habit producing drug.

b. A court may revoke or suspend the privilege of a person to operate a power vessel if that person has been charged with a homicide in connection with the operation of a motor vehicle or of operating a vessel or motor vehicle while under the influence of intoxicating liquor or a narcotic, hallucinogenic or habit producing drug, pending disposition of that charge, or for any other violation of any of the provisions of chapter 7 of Title 12 of the Revised Statutes or of any rule or regulation prescribed thereunder by the Chief Administrator of the New Jersey Motor Vehicle Commission or the commission.

c. A court shall revoke or suspend the privilege of a person to operate a power vessel if that person has been charged with or convicted of homicide in connection with the operation of a vessel.

d. When a person's privilege to operate a power vessel is revoked or suspended, that person shall have an opportunity to be heard. Attendance of witnesses to such hearing may be compelled by subpoena.

e. Failure of the licensee or any other person possessing the license card to deliver the same to the suspending or revoking court, or the Chief Administrator of the New Jersey Motor Vehicle Commission if so ordered, shall constitute a violation. A court that suspends or revokes a license shall promptly place the license card in the custody of the New Jersey Motor Ve-

hicle Commission, except when the New Jersey Motor Vehicle Commission shall otherwise direct.

f. The New Jersey Motor Vehicle Commission shall have the exclusive power to restore a person's privilege to operate a power vessel and may restore that privilege after the person pays to the Chief Administrator of the New Jersey Motor Vehicle Commission a $100 restoration fee. Unless otherwise specified, whenever a license is revoked pursuant to this section a new license shall not be issued to the person whose license is revoked for at least six months after the date of such revocation, as determined by the Chief Administrator of the New Jersey Motor Vehicle Commission.

g. The court may revoke or suspend the privilege of a person to operate a power vessel if that person has been found to have violated section 3 of P.L.1975, c.369 (C.12:7C-9) or subsection b. of section 10 of P.L.1975, c.369 (C.12:7C-16), and all outstanding charges for vessel removal, storage, and destruction costs have not been satisfied.

4. Section 1 of P.L.1975, c.369 (C.12:7C-7) is amended to read as follows:

C.12:7C-7 "Short title" amended.

1. This act shall be known and may be cited as the "Abandoned or Sunken Vessels Disposition Law."

5. Section 2 of P.L.1975, c.369 (C.12:7C-8) is amended to read as follows:

C.12:7C-8 Definitions.

2. The following terms whenever used or referred to in this act shall have the following meanings unless a different meaning clearly appears from the context:

a. "Vessel" means a boat, ship, or any other watercraft, regardless of whether it is, or was, used for recreational, commercial, or industrial purposes, or any other purpose, other than a seaplane on the water, used or capable of being used as a means of transportation on the water, except a boat or watercraft which is subject to the provisions of P.L.1969, c.264 (C.12:7C-1 et seq.), and includes any trailer used to transport or store it.

b. "Owner" means a person or any other legal entity, other than a lienholder, having a property interest in or title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest of another person, reserved or created by agreement and securing payment or

performance of an obligation, but the term excludes a lessee under a lease not intended as security.

c. "Lienholder" means any person or any other legal entity holding a security interest in or to a vessel.

d. "Security interest" means an interest which is reserved or created by an agreement which secures payment or performance of an obligation and is valid against third parties generally.

e. "Commission" means the New Jersey Motor Vehicle Commission.

f. "Waters of this State" means all waters within the jurisdiction of this State, both tidal and nontidal, and the marginal sea adjacent to this State to a distance of three nautical miles from the shoreline.

g. "Removal costs" means any or all costs associated with the removal, raising, towing, transporting, cleaning, storage, or destruction of any vessel from land or water and shall include the reimbursement of any or all costs incurred by the applicant in the course of acquiring title to an abandoned vessel, including acquiring title to any trailer abandoned with the vessel.

h. "Municipal waterway" means any portion of a body of water located within a municipality or any portion of a body of water over which a municipality or harbor commission legally exercises jurisdiction.

6. Section 3 of P.L.1975, c.369 (C.12:7C-9) is amended to read as follows:

C.12:7C-9 Abandonment of vessel, removal, impoundment; incident report, penalty.

3. a. It shall be unlawful for any owner to abandon any vessel to or upon public land or waters of this State, including any municipal waterway, to or upon any municipally-owned land, or to or upon any private property or the water immediately adjacent thereto without the consent of the official designated by law to have jurisdiction over such public land or waterway, or the owner or other person in charge of the private property except when an emergency exists.

b. (1) A vessel which has remained moored, grounded, docked, or otherwise attached or fastened to or upon any public land or waterway or any private property without such consent for a period of more than seven days, or which is submerged partially or completely into the water for any period of time, may be impounded if an official authorized by statute or ordinance to enforce regulations related to municipal waterways or a law enforcement officer having enforcement authority has reason to believe the vessel has been abandoned.

(2) The vessel may be removed from a municipal waterway by, or at the direction of, the municipality or harbor commission and may be impounded under the provisions of paragraph (1) of this subsection and removed to a storage space, and its registration certificate and registration plates seized.

(3) The owner shall be responsible for the cost of the removal and storage of the impounded vessel.

(4) Whenever a vessel is removed pursuant to this subsection, the official designated by law to have jurisdiction over the municipal waterway shall file an incident report with the New Jersey Motor Vehicle Commission.

c. (1) An owner who violates the provisions of subsection a. of this section shall be liable to a civil penalty of not more than $1,000. Each day upon which the violation continues shall constitute a separate offense.

(2) The civil penalty imposed pursuant to this subsection shall be collected pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding. An official authorized by statute or ordinance to enforce regulations related to municipal waterways or a law enforcement officer having enforcement authority in that municipality may issue a summons for a violation of the provisions of this section and may serve and execute all process with respect to the enforcement of this section consistent with the Rules of Court. A penalty recovered under the provisions of this section shall be recovered by and in the name of the State by the local municipality. The penalty shall be paid into the treasury of the municipality in which the violation occurred for the general uses of the municipality.

7. Section 4 of P.L.1975, c.369 (C.12:7C-10) is amended to read as follows:

C.12:7C-10 Presumption that vessel is abandoned, acquisition of title, reclamation.

4. If the owner of the vessel fails to claim the impounded vessel and pay the reasonable costs of removal and storage by midnight of the 30th day following impoundment, it shall be prima facie evidence of abandonment and shall establish a rebuttable presumption that the vessel is abandoned. A landowner, his lessee, or his agent, or a municipality or harbor commission, in the case of a municipal waterway, may institute proceedings to acquire title to any abandoned vessel on his land or the water immediately adjacent thereto in the case of a landowner, his lessee, or his agent, or which has become abandoned in a municipal waterway, in the case of a municipality or harbor commission. The acquisition of title divests any

other person and any other legal entity, including lienholders, of any interest in the vessel.

At any time prior to the final acquisition of title by the landowner, his lessee, his agent, or a municipality or harbor commission, the owner or a lessor or holder of a lien on the vessel may reclaim possession of it upon payment of the reasonable costs of removal and storage of the vessel and any outstanding penalties and court costs assessed against him; provided, however, that if it is a lessor or the holder of a lien who is reclaiming the vessel, he may reclaim the vessel without payment for the storage but shall pay the costs of removal. In such cases, the owner of the vessel shall be liable for all outstanding costs, fines and penalties, and the municipality shall have a lien against the property and income of that violator for the total amount of those outstanding costs, fines, and penalties if the vessel has been abandoned in a municipal waterway or on municipally-owned land.

8. Section 5 of P.L.1975, c.369 (C.12:7C-11) is amended to read as follows:

C.12:7C-11 Notification of owner, lienholder.

5. If a vessel has a boat registration number or other means of identifying the owner thereof, the person, entity, municipality, or harbor commission desiring to acquire title, shall, if possible, secure the owner's last known address, and the lienholder, if any, appearing on the records of the commission, and shall notify the owner by registered letter to his last known address and the lienholder by registered letter at the address of the lienholder appearing on the records of the commission that if ownership is not claimed and the vessel removed within 30 days, title to the vessel will be applied for in his or its name, or in the name of the municipality, or harbor commission, as appropriate. If any vessel's owner cannot be identified or his address ascertained, or no lienholder appears on the records of the commission, the registered letter need not be sent.

9. Section 6 of P.L.1975, c.369 (C.12:7C-12) is amended to read as follows:

C.12:7C-12 Notice of intent to acquire title; publication; contents.

6. The person, entity, municipality, or harbor commission desiring to acquire title shall also place a notice in a newspaper of general circulation published in the county or municipality where the vessel is located, describing the vessel, its location of abandonment, any identifying number, and

shall state if the vessel is not claimed and removed within 30 days after the publication date of the notice, the person, entity, municipality, or harbor commission, as the case may be, will apply for title to the vessel in the person's, entity's, municipality's, or harbor commission's name.

10. Section 7 of P.L.1975, c.369 (C.12:7C-13) is amended to read as follows:

C.12:7C-13 Application for title.

7. At the end of the 30-day period the person, entity, municipality, or harbor commission desiring to acquire title shall apply to the court for an order directing the commission for transfer of title to the vessel. In the event the order is granted, the person, entity, municipality, or harbor commission shall provide the commission with a copy of the order accompanied by the following affidavits:

a. A statement that the vessel has been abandoned.

b. Proof that the registered letter was mailed at least 30 days before application or a detailed explanation of the unsuccessful steps taken to identify and secure the address of the owner or lienholder, or both.

c. Proof that a notice was printed in a paper as required in section 6 of P.L.1975, c.369 (C.12:7C-12).

11. Section 8 of P.L.1975, c.369 (C.12:7C-14) is amended to read as follows:

C.12:7C-14 Issuance of title to vessel.

8. Upon receipt of the material required in section 7 of P.L.1975, c.369 (C.12:7C-13) and upon payment of any fees and taxes due, the commission shall issue the applicant a title to the vessel.

12. Section 9 of P.L.1975, c.369 (C.12:7C-15) is amended to read as follows:

C.12:7C-15 Costs of receiving title.

9. All costs incurred in receiving title to a vessel under P.L.1975, c.369 (C.12:7C-7 et seq.) shall be borne by the applicant. In the case of an applicant that is a municipality or a harbor commission, the applicant may recover all costs incurred in receiving title to an abandoned vessel from the previous owner of the vessel in the same manner as the recovery of the removal or destruction costs authorized under subsection a. of section 10 of P.L.1975, c.369 (C.12:7C-16).

13. Section 10 of P.L.1975, c.369 (C.12:7C-16) is amended to read as follows:

C.12:7C-16 Removal of vessel, costs; violations, penalties.

10. a. After receiving title, if the applicant desires to remove an abandoned vessel from the applicant's land or the water immediately adjacent thereto, or from a municipal waterway or land owned by the municipality, or to destroy such vessel, any costs incurred by the applicant shall be borne by the previous owner of the vessel, provided that the owner shall have been identified pursuant to section 5 or 6 of P.L.1975, c.369 (C.12:7C-11 or C.12:7C-12).

b. (1) A previous owner who does not pay the removal cost of the vessel, or who does not reimburse the applicant for the removal cost of the vessel, shall be liable to a civil penalty of not more than $1,000, in addition to any penalty that may be imposed under section 3 of P.L.1975, c.369 (C.12:7C-9).

(2) The civil penalty imposed pursuant to this subsection shall be collected pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding. An official authorized by statute or ordinance to enforce regulations related to municipal waterways or a law enforcement officer having enforcement authority in that municipality may issue a summons for a violation of the provisions of this section and may serve and execute all process with respect to the enforcement of this section consistent with the Rules of Court. A penalty recovered under the provisions of this section shall be recovered by and in the name of the State by the local municipality. The penalty shall be paid into the treasury of the municipality in which the violation occurred for the general uses of the municipality.

14. Section 11 of P.L.1975, c.369 (C.12:7C-17) is amended to read as follows:

C.12:7C-17 Report of destruction, disposal of vessel.

11. After receiving title if the applicant destroys or otherwise disposes of the vessel, the applicant shall report the same to the commission within 15 days giving all details.

15. Section 12 of P.L.1975, c.369 (C.12:7C-18) is amended to read as follows:

C.12:7C-18 Acquisition of title by commission.

12. The commission may receive title to any vessel abandoned on any of the waters of this State, including municipal waterways, or on any land owned by this State or any of its political subdivisions by proceeding in the same manner as a landowner, his lessee, or his agent, or a municipality, or a harbor commission, as set forth in P.L.1975, c.369 (C.12:7C-7 et seq.).

16. Section 13 of P.L.1975, c.369 (C.12:7C-19) is amended to read as follows:

C.12:7C-19 Violations; penalties.

13. a. (Deleted by amendment, P.L.2008, c.52)

b. Any person who obtains or attempts to obtain title to a vessel under the provisions of P.L.1975, c.369 (C.12:7C-7 et seq.) through fraudulent means is liable to a civil penalty of not more than $1,000.

The civil penalty imposed pursuant to this section shall be collected pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding. An official authorized by ordinance to enforce regulations related to municipal waterways or a law enforcement officer having enforcement authority in that municipality may issue a summons for a violation of the provisions of the ordinance and may serve and execute all process with respect to the enforcement of this section consistent with the Rules of Court. A penalty recovered under the provisions of this section shall be recovered by and in the name of the State by the local municipality. The penalty shall be paid into the treasury of the municipality in which the violation occurred for the general uses of the municipality.

17. Section 14 of P.L.1975, c.369 (C.12:7C-20) is amended to read as follows:

C.12:7C-20 Rules, regulations.

14. The commission may promulgate pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) such rules and regulations deemed necessary to carry out the provisions of P.L.1975, c.369 (C.12:7C-7 et seq.).

18. R.S.40:14-3 is amended to read as follows:

Improvement of waterways; joint contracts.

40:14-3. Whenever any one or more counties and municipalities shall have flowing through their respective boundaries and borders, any inland

waterways or navigable stream, and it shall be deemed to the advantage of any two or more of said counties and municipalities, to improve such inland waterways or streams by increasing their depth or width or both, they may, acting together advertise for bids for the doing of such work, and enter into a joint contract therefor. The improvement of inland waterways or navigable streams includes the raising, recovery, towing, removal, storage, destruction, and disposal of vessels that have been abandoned in an inland waterway or navigable stream, as appropriate, pursuant to the procedures applicable to municipal waterways in the "Abandoned or Sunken Vessels Disposition Law," P.L.1975, c.369 (C.12:7C-7 et seq.). A vessel that has been abandoned at a public or private marina, pier, or boat dock located in an inland waterway or navigable stream is considered abandoned in that inland waterway or navigable stream.

19. R.S.40:14-4 is amended to read as follows:

Joint action; authorization; plans and specifications.

40:14-4. Whenever the work of increasing the depth or width or both of such inland waterways or navigable stream is contemplated, each county and municipality desiring to enter into the project shall, by its board or body having control of such waterway or navigable stream, introduce and pass a resolution, declaring the advisability of so doing.

The resolution shall set forth, in a general way, the work proposed to be done and its estimated cost, and after all of the counties and municipalities contemplating the doing of such work have passed such a resolution, a proposed form of agreement shall be prepared between them, setting forth the work or works to be undertaken, the plans and specifications therefor, and the estimated cost, together with the proportion of the cost thereof to be borne by each, and any other provisions deemed necessary or proper, to be inserted therein.

The work of removing abandoned vessels shall not require joint action unless it is part of a program to remove more than three abandoned vessels from the inland waterway or navigable stream.

20. R.S.40:14-5 is amended to read as follows:

Work done as local or general improvement; notice.

40:14-5. The work authorized and mentioned in chapter 14 of Title 40 of the Revised Statutes (R.S.40:14-1 et seq.) may be done either as a local or general improvement, and notice of all proceedings shall be given as is

required for such improvements under chapter 56 of this title (R.S.40:56-1 et seq.), except that if the work concerns the raising, recovery, towing, removal, storage, destruction, or disposal of an abandoned vessel, the local unit shall charge those costs to the owner or operator of that vessel pursuant to the "Abandoned or Sunken Vessels Disposition Law," P.L.1975, c.369 (C.12:7C-7 et seq.).

21. R.S.40:14-6 is amended to read as follows:

Work done by contract.

40:14-6. All work to be done pursuant to the provisions of chapter 14 of Title 40 of the Revised Statutes (R.S.40:14-1 et seq.), shall be by contract let to the lowest responsible bidder after advertisement for bids in accordance with the provisions of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

22. Section 2 of P.L.1940, c.161 (C.40:68-23) is amended to read as follows:

C.40:68-23 Powers and duties.

2. The commission so created shall be vested with such powers and duties as shall be defined and designated by ordinance adopted by the governing body of such municipality with respect to the management, operation and control of the harbor and water front owned or leased by said municipality, including the construction, maintenance, operation and use of the harbor, water front, beach, land and all properties, structures, piers, bulkheads and jetties located upon lands owned or leased by the municipality and upon lands owned or leased by the municipality contiguous to such harbor, water front and beach. A commission is vested with the power to raise, recover, tow, remove, store, destroy, and dispose of vessels that have been abandoned in the harbor or waterfront, as appropriate, pursuant to the procedures applicable to municipal waterways in the "Abandoned or Sunken Vessels Disposition Law," P.L.1975, c.369 (C.12:7C-7 et seq.). A vessel that has been abandoned at a public or private boat dock, pier, or marina is considered abandoned in the harbor or waterfront.

C.12:7C-9.1 Ordinance requiring registration of vessel by municipality, harbor commission.

23. a. A municipality may adopt an ordinance, or a harbor commission may adopt a resolution, requiring every owner or operator of a vessel that

moors or docks in a municipal waterway, or grounds on land, under the control of the municipality or harbor commission, to register with the official designated by the ordinance or resolution to have jurisdiction over the public land or municipal waterway where the vessel is moored, grounded, or docked. The registration shall include the length of time the vessel is intended to remain at the location along with the home address and telephone number of the owner or operator of the vessel, and a local address and telephone number where the owner or operator can be contacted. Nothing in this section shall prevent the operator of a vessel from anchoring, grounding, or mooring a vessel when an emergency exists that requires such action to be taken to safeguard the lives of the passengers, the vessel, or the environment.

b. If an ordinance or resolution has been adopted pursuant to subsection a. of this section, then notice shall be posted around the harbor, municipal waterway, navigable stream, or public land stating where the owner or operator of a vessel shall register the required information.

c. The ordinance or resolution shall designate one or more holding areas, public or private, at which vessels in violation of the registration requirement may be held.

d. After a vessel has been moored, grounded, or docked without registration for a period of one week, an enforcement official acting for or on behalf of the municipality or harbor commission, may affix a notice on the vessel advising that if the vessel is not removed by the date indicated on the notice, which shall be no less than seven calendar days following the date that the notice is affixed, then the vessel, including any trailer upon which a grounded vessel has been placed, will be removed to a holding area.

e. No public entity, agents, or authorized representatives shall be held liable for any damage or loss to any vessel or its contents that is removed to a holding area and stored pursuant to the authority of this section.

f. An owner or operator who violates the provisions of an ordinance or resolution adopted pursuant to this section shall be liable to a civil penalty of not less than $100 nor more than $1,250. Each day upon which the violation continues shall constitute a separate offense. The civil penalty imposed pursuant to this section shall be collected pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding. An official authorized by ordinance to enforce regulations related to municipal waterways or a law enforcement officer having enforcement authority in that municipality may issue a summons for a violation of the provisions of the ordinance and may serve and execute all process with respect to the enforcement of this section consistent with the

Rules of Court. A penalty recovered under the provisions of this section shall be recovered by and in the name of the State by the local municipality. The penalty shall be paid into the treasury of the municipality in which the violation occurred for the general uses of the municipality.

24. This act shall take effect on the first day of the third month after enactment, but such anticipatory administrative action may be taken in advance thereof as shall be necessary for the implementation of this act.

Approved August 5, 2008.

CHAPTER 53

AN ACT concerning income verification for certain health care programs and amending P.L.2005, c.156.

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

1. Section 9 of P.L.2005, c.156 (C.30:4D-3b) is amended to read as follows:

C.30:4D-3b Establishment of enrollment simplification practices.

9. No later than January 1, 2006, the Commissioner of Human Services shall, at a minimum, establish the following enrollment simplification practices for dependent children and their parents or specified caretaker relatives who are applicants for or recipients of the Medicaid program:

a. A streamlined application form as established pursuant to subsection k. of section 5 of P.L.2005, c.156 (C.30:4J-12);

b. Require new applicants to submit one recent pay stub from the applicant's employer, or, if the applicant has more than one employer, one from each of the applicant's employers, to verify income. In the event the applicant cannot provide a recent pay stub, the applicant may submit another form of income verification as deemed appropriate by the commissioner. If an applicant does not submit income verification in a timely manner, before determining the applicant ineligible for the program, the commissioner shall seek to verify the applicant's income by reviewing available Department of the Treasury and Department of Labor and Work-

force Development records concerning the applicant and such other records as the commissioner determines appropriate.

The commissioner shall establish retrospective auditing or income verification procedures, such as sample auditing and matching reported income with records of the Department of the Treasury and the Department of Labor and Workforce Development and such other records as the commissioner determines appropriate.

In matching reported income with confidential records of the Department of the Treasury, the commissioner shall require an applicant to provide written authorization for the Division of Taxation in the Department of the Treasury to release applicable tax information to the commissioner for the purposes of establishing income eligibility for the program. The authorization, which shall be included on the program application form, shall be developed by the commissioner, in consultation with the State Treasurer;

c. Online enrollment and renewal, in addition to enrollment and renewal by mail. The online enrollment and renewal forms shall include electronic links to other State and federal health and social services programs;

d. Continuous enrollment;

e. Simplified renewal by sending a recipient a preprinted renewal form and requiring the recipient to sign and return the form, with any applicable changes in the information provided in the form, prior to the date the recipient's annual eligibility expires. The commissioner shall establish such auditing or income verification procedures as provided in subsection b. of this section; and

f. Provision of program eligibility-identification cards that are issued no more frequently than once a year.

2. Section 5 of P.L.2005, c.156 (C.30:4J-12) is amended to read as follows:

C.30:4J-12 Purpose of program.

5. a. The purpose of the program shall be to provide subsidized health insurance coverage, and other health care benefits as determined by the commissioner, to children under 19 years of age and their parents or caretakers and to adults without dependent children, within the limits of funds appropriated or otherwise made available for the program.

The program shall require families to pay copayments and make premium contributions, based upon a sliding income scale. The program shall include the provision of well-child and other preventive services, hospitaliza-

tion, physician care, laboratory and x-ray services, prescription drugs, mental health services, and other services as determined by the commissioner.

b. The commissioner shall take such actions as are necessary to implement and operate the program in accordance with the State Children's Health Insurance Program established pursuant to 42 U.S.C.s.1397aa et seq.

c. The commissioner:

(1) shall, by regulation, establish standards for determining eligibility and other program requirements, including, but not limited to, restrictions on voluntary disenrollments from existing health insurance coverage;

(2) shall require that a parent or caretaker who is a qualified applicant purchase coverage, if available, through an employer-sponsored health insurance plan which is determined to be cost-effective and is approved by the commissioner, and shall provide assistance to the qualified applicant to purchase that coverage, except that the provisions of this paragraph shall not be construed to require an employer to provide health insurance coverage for any employee or employee's spouse or dependent child;

(3) may, by regulation, establish plans of coverage and benefits to be covered under the program, except that the provisions of this section shall not apply to coverage for medications used exclusively to treat AIDS or HIV infection; and

(4) shall establish, by regulation, other requirements for the program, including, but not limited to, premium payments and copayments, and may contract with one or more appropriate entities, including managed care organizations, to assist in administering the program. The period for which eligibility for the program is determined shall be the maximum period permitted under federal law.

d. The commissioner shall establish procedures for determining eligibility, which shall include, at a minimum, the following enrollment simplification practices:

(1) A streamlined application form as established pursuant to subsection k. of this section;

(2) Require new applicants to submit one recent pay stub from the applicant's employer, or, if the applicant has more than one employer, one from each of the applicant's employers, to verify income. In the event the applicant cannot provide a recent pay stub, the applicant may submit another form of income verification as deemed appropriate by the commissioner. If an applicant does not submit income verification in a timely manner, before determining the applicant ineligible for the program, the commissioner shall seek to verify the applicant's income by reviewing available Department of the Treasury and Department of Labor and Work-

force Development records concerning the applicant, and such other records as the commissioner determines appropriate.

The commissioner shall establish retrospective auditing or income verification procedures, such as sample auditing and matching reported income with records of the Department of the Treasury and the Department of Labor and Workforce Development and such other records as the commissioner determines appropriate.

In matching reported income with confidential records of the Department of the Treasury, the commissioner shall require an applicant to provide written authorization for the Division of Taxation in the Department of the Treasury to release applicable tax information to the commissioner for the purposes of establishing income eligibility for the program. The authorization, which shall be included on the program application form, shall be developed by the commissioner, in consultation with the State Treasurer;

(3) Online enrollment and renewal, in addition to enrollment and renewal by mail. The online enrollment and renewal forms shall include electronic links to other State and federal health and social services programs;

(4) Continuous enrollment;

(5) Simplified renewal by sending an enrollee a preprinted renewal form and requiring the enrollee to sign and return the form, with any applicable changes in the information provided in the form, prior to the date the enrollee's annual eligibility expires. The commissioner shall establish such auditing or income verification procedures, as provided in paragraph (2) of this subsection; and

(6) Provision of program eligibility-identification cards that are issued no more frequently than once a year.

e. The commissioner shall take, or cause to be taken, any action necessary to secure for the State the maximum amount of federal financial participation available with respect to the program, subject to the constraints of fiscal responsibility and within the limits of available funding in any fiscal year. In this regard, notwithstanding the definition of "qualified applicant," the commissioner may enroll in the program such children or their parents or caretakers who may otherwise be eligible for the Medicaid program in order to maximize use of federal funds that may be available pursuant to 42 U.S.C. s.1397aa et seq.

f. Subject to federal approval, a child shall be determined ineligible for the program if the child was voluntarily disenrolled from employer-sponsored group insurance coverage within six months prior to application to the program.

g. The commissioner shall provide, by regulation, for presumptive eligibility for the program in accordance with the following provisions:

(1) A child who presents himself for treatment at a general hospital, federally qualified or community health center, local health department that provides primary care, or other State licensed community-based primary care provider shall be deemed presumptively eligible for the program if a preliminary determination by hospital, health center, local health department or licensed health care provider staff indicates that the child meets program eligibility standards and is a member of a household with an income that does not exceed 350% of the poverty level;

(2) The provisions of paragraph (1) of this subsection shall also apply to a child who is deemed presumptively eligible for Medicaid coverage pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.);

(3) The parent or caretaker of a child deemed presumptively eligible pursuant to this subsection shall be required to submit a completed application for the program no later than the end of the month following the month in which presumptive eligibility is determined;

(4) A child shall be eligible to receive all services covered by the program during the period in which the child is presumptively eligible; and

(5) The commissioner may, by regulation, establish a limit on the number of times a child may be deemed presumptively eligible for NJ FamilyCare.

h. The commissioner, in consultation with the Commissioner of Education, shall administer an ongoing enrollment initiative to provide outreach to children throughout the State who may be eligible for the program.

(1) With respect to school-age children, the commissioner, in consultation with the Commissioner of Education and the Secretary of Agriculture, shall develop a form that provides information about the NJ FamilyCare and Medicaid programs and provides an opportunity for the parent or guardian who signs the school lunch application form to give consent for information to be shared with the Department of Human Services for the purpose of determining eligibility for the programs. The form shall be attached to, included with, or incorporated into, the school lunch application form.

The commissioner, in consultation with the Commissioner of Education, shall establish procedures for schools to transmit information attached to, included with, or provided on the school lunch application form regarding the NJ FamilyCare and Medicaid programs to the Department of Human Services, in order to enable the department to determine eligibility for the programs.

(2) The commissioner or the Commissioner of Education, as applicable, shall:

(a) make available to each elementary and secondary school, licensed child care center, registered family day care home, unified child care agency, local health department that provides primary care, and community-based primary care provider, informational materials about the program, including instructions for applying online or by mail, as well as copies of the program application form.

The entity shall make the informational and application materials available, upon request, to persons interested in the program; and

(b) request each entity to distribute a notice at least annually, as developed by the commissioner, to households of children attending or receiving its services or care, informing them about the program and the availability of informational and application materials. In the case of elementary and secondary schools, the information attached to, included with, or incorporated into, the school lunch application form for school-age children pursuant to this subparagraph shall be deemed to meet the requirements of this paragraph.

i. Subject to federal approval, the commissioner shall, by regulation, establish that in determining income eligibility for a child, any gross family income above 200% of the poverty level, up to a maximum of 350% of the poverty level, shall be disregarded.

j. The commissioner shall establish a NJ FamilyCare coverage buy-in program through which a parent or caretaker whose family income exceeds 350% of the poverty level may purchase coverage under NJ FamilyCare for a child under the age of 19, who is uninsured and was not voluntarily disenrolled from employer-sponsored group insurance coverage within six months prior to application to the program. The program shall be known as NJ FamilyCare Advantage.

The commissioner shall establish the premium and cost sharing amounts required to purchase coverage, except that the premium shall not exceed the amount the program pays per month to a managed care organization under NJ FamilyCare for a child of comparable age whose family income is between 200% and 350% of the poverty level, plus a reasonable processing fee.

k. The commissioner, in consultation with the Rutgers Center for State Health Policy, shall develop a streamlined application form for the NJ FamilyCare and Medicaid programs.

l. Subject to federal approval, the Commissioner of Human Services shall establish a hardship waiver for part or all of the premium for an eligible child under the NJ FamilyCare program. A parent or caretaker may ap-

ply to the commissioner for a hardship waiver in a manner and form established by the commissioner. If the parent or caretaker can demonstrate to the satisfaction of the commissioner, pursuant to regulations adopted by the commissioner, that payment of all or part of the premium for the parent or caretaker's child presents a hardship, the commissioner shall grant the waiver for a prescribed period of time.

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

Approved August 5, 2008.

CHAPTER 54

AN ACT concerning municipal master plans and amending P.L.1975, c.291.

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

1. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to read as follows:

C.40:55D-28 Preparation; contents; modification.

19. Preparation; contents; modification.

a. The planning board may prepare and, after public hearing, adopt or amend a master plan or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare.

b. The master plan shall generally comprise a report or statement and land use and development proposals, with maps, diagrams and text, presenting, at least the following elements (1) and (2) and, where appropriate, the following elements (3) through (16):

(1) A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based;

(2) A land use plan element (a) taking into account and stating its relationship to the statement provided for in paragraph (1) hereof, and other master plan elements provided for in paragraphs (3) through (14) hereof and natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and

woodlands; (b) showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes; and stating the relationship thereof to the existing and any proposed zone plan and zoning ordinance; and (c) showing the existing and proposed location of any airports and the boundaries of any airport safety zones delineated pursuant to the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et al.); and (d) including a statement of the standards of population density and development intensity recommended for the municipality;

(3) A housing plan element pursuant to section 10 of P.L.1985, c.222 (C.52:27D-310), including, but not limited to, residential standards and proposals for the construction and improvement of housing;

(4) A circulation plan element showing the location and types of facilities for all modes of transportation required for the efficient movement of people and goods into, about, and through the municipality, taking into account the functional highway classification system of the Federal Highway Administration and the types, locations, conditions and availability of existing and proposed transportation facilities, including air, water, road and rail;

(5) A utility service plan element analyzing the need for and showing the future general location of water supply and distribution facilities, drainage and flood control facilities, sewerage and waste treatment, solid waste disposal and provision for other related utilities, and including any storm water management plan required pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et al.). If a municipality prepares a utility service plan element as a condition for adopting a development transfer ordinance pursuant to subsection c. of section 4 of P.L.2004, c.2 (C.40:55D-140), the plan element shall address the provision of utilities in the receiving zone as provided thereunder;

(6) A community facilities plan element showing the existing and proposed location and type of educational or cultural facilities, historic sites, libraries, hospitals, firehouses, police stations and other related facilities, including their relation to the surrounding areas;

(7) A recreation plan element showing a comprehensive system of areas and public sites for recreation;

(8) A conservation plan element providing for the preservation, conservation, and utilization of natural resources, including, to the extent appropriate, energy, open space, water supply, forests, soil, marshes, wetlands, harbors, rivers and other waters, fisheries, endangered or threatened species wildlife and other resources, and which systemically analyzes the impact of

each other component and element of the master plan on the present and future preservation, conservation and utilization of those resources;

(9) An economic plan element considering all aspects of economic development and sustained economic vitality, including (a) a comparison of the types of employment expected to be provided by the economic development to be promoted with the characteristics of the labor pool resident in the municipality and nearby areas and (b) an analysis of the stability and diversity of the economic development to be promoted;

(10) An historic preservation plan element: (a) indicating the location and significance of historic sites and historic districts; (b) identifying the standards used to assess worthiness for historic site or district identification; and (c) analyzing the impact of each component and element of the master plan on the preservation of historic sites and districts;

(11) Appendices or separate reports containing the technical foundation for the master plan and its constituent elements;

(12) A recycling plan element which incorporates the State Recycling Plan goals, including provisions for the collection, disposition and recycling of recyclable materials designated in the municipal recycling ordinance, and for the collection, disposition and recycling of recyclable materials within any development proposal for the construction of 50 or more units of single-family residential housing or 25 or more units of multifamily residential housing and any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land;

(13) A farmland preservation plan element, which shall include: an inventory of farm properties and a map illustrating significant areas of agricultural land; a statement showing that municipal ordinances support and promote agriculture as a business; and a plan for preserving as much farmland as possible in the short term by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-1 et al.) through a variety of mechanisms including, but not limited to, utilizing option agreements, installment purchases, and encouraging donations of permanent development easements;

(14) A development transfer plan element which sets forth the public purposes, the locations of sending and receiving zones and the technical details of a development transfer program based on the provisions of section 5 of P.L.2004, c.2 (C.40:55D-141);

(15) An educational facilities plan element which incorporates the purposes and goals of the "long-range facilities plan" required to be submitted to the Commissioner of Education by a school district pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4); and

(16) A green buildings and environmental sustainability plan element, which shall provide for, encourage, and promote the efficient use of natural resources and the installation and usage of renewable energy systems; consider the impact of buildings on the local, regional and global environment; allow ecosystems to function naturally; conserve and reuse water; treat storm water on-site; and optimize climatic conditions through site orientation and design.

c. The master plan and its plan elements may be divided into subplans and subplan elements projected according to periods of time or staging sequences.

d. The master plan shall include a specific policy statement indicating the relationship of the proposed development of the municipality, as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the county in which the municipality is located, (3) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.) and (4) the district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) of the county in which the municipality is located.

In the case of a municipality situated within the Highlands Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the master plan shall include a specific policy statement indicating the relationship of the proposed development of the municipality, as developed in the master plan, to the Highlands regional master plan adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).

2. This act shall take effect immediately.

Approved August 5, 2008.

CHAPTER 55

AN ACT concerning certain ticket sales and amending P.L.1983, c.135.

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

1. Section 1 of P.L.1983, c.135 (C.56:8-26) is amended to read as follows:

C.56:8-26 Definitions.

1. As used in this act:

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

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

c. "Person" means corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals.

d. "Place of entertainment" means any privately or publicly owned and operated entertainment facility within this State, such as a theater, stadium, museum, arena, racetrack or other place where performances, concerts, exhibits, games or contests are held and for which an entry fee is charged.

e. "Ticket" means any piece of paper which indicates that the bearer has paid for entry or other evidence which permits entry to a place of entertainment.

f. "Ticket broker" means any person situated in and operating in this State who is involved in the business of reselling tickets of admission to places of entertainment and who charges a premium in excess of the price, plus taxes, printed on the tickets. For the purposes of this act, the term "ticket broker" shall not include an individual not regularly engaged in the business of reselling tickets, who resells less than 30 tickets during any one-year period, and who obtained the tickets for his own use, or the use of his family, friends, or acquaintances.

g. "Resale" means a sale by a person other than the owner or operator of a place of entertainment or of the entertainment event or an agent of any such person.

h. "Resell" means to offer for resale or to consummate a resale.

i. "Digger" means a person temporarily hired for the purpose of securing tickets by intimidating a purchaser waiting in line to procure event tickets.

2. Section 8 of P.L.1983, c.135 (C.56:8-33) is amended to read as follows:

C.56:8-33 Price charged printed on ticket, maximum premium for reseller; exceptions.

8. a. Each place of entertainment shall print on the face of each ticket and include in any advertising for any event the price charged therefor.

b. No person other than a registered ticket broker shall resell or purchase with the intent to resell a ticket for admission to a place of entertainment at a maximum premium in excess of 20% of the ticket price or $3.00, whichever is greater, plus lawful taxes. No registered ticket broker shall

resell or purchase with the intent to resell a ticket for admission to a place of entertainment at a premium in excess of 50% of the price paid to acquire the ticket, plus lawful taxes.

c. Notwithstanding the provisions of subsection a. or b. of this section, nothing shall limit the price for the resale or purchase of a ticket for admission to a place of entertainment sold by any person other than a registered ticket broker, provided such resale or purchase is made through an Internet web site.

3. This act shall take effect immediately.

Approved August 5, 2008.

CHAPTER 56

AN ACT concerning alcoholic beverage licenses and amending R.S.33:1-25.

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

1. R.S.33:1-25 is amended to read as follows:

Issuance of license, application, qualifications; criminal record background check, fee.

33:1-25. No license of any class shall be issued to any person under the age of 18 years or to any person who has been convicted of a crime involving moral turpitude. A beneficiary of a trust who is not otherwise disqualified to hold an interest in a license may qualify regardless of age so long as the trustee of the trust qualifies and the trustee shall hold the beneficiary's interest in trust until the beneficiary is at least the age of majority.

Each applicant shall submit to the director the applicant's name, address, fingerprints and written consent for a criminal history record background check to be performed. The director is authorized to receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation consistent with applicable State and federal laws, rules and regulations. The applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check. The Division of State Police shall promptly notify the director 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.

In applications by corporations, except for club licenses, the names and addresses of, and the amount of stock held by, all stockholders holding 1% or more of any of the stock thereof, and the names and addresses of all officers and of all members of the board of directors must be stated in the application, and if one or more of the officers or members of the board of directors or one or more of the owners, directly or indirectly, of more than 10% of the stock would fail to qualify as an individual applicant in all respects, no license of any class shall be granted.

In applications for club licenses, the names and addresses of all officers, trustees, directors, or other governing official, together with the names and addresses of all members of the corporation, association or organization, must be stated in the application.

In applications by partnerships, the application shall contain the names and addresses of all of the partners. No license shall be issued unless all of the partners would qualify as individual applicants.

A photostatic copy of all federal permits necessary to the lawful conduct of the business for which a State license is sought and which relate to alcoholic beverages, or other evidence in lieu thereof satisfactory to the director, must accompany the license application, together with a deposit of the full amount of the required license fee, which deposit to the extent of 90% thereof shall be returned to the applicant by the director or other issuing authority if the application is denied, and the remaining 10% shall constitute an investigation fee and be accounted for as other license fees.

Every applicant for a license that is not a renewal of an annual license shall cause a notice of the making of the application to be published in a form prescribed by rules and regulations, once per week for two weeks successively in a newspaper printed in the English language, published and circulated in the municipality in which the licensed premises are located; but if there shall be no such newspaper, then the notice shall be published in a newspaper, printed in the English language, published and circulated in the county in which the licensed premises are located. No publication shall be required with respect to applications for transportation or public warehouse licenses or with respect to applications for renewal of licenses.

The Division of Alcoholic Beverage Control shall cause a general notice of the making of annual renewal applications and the manner in which members of the public may object to the approving of the applications to be published in a form prescribed by rules and regulations, once per week

from the week of April 1 through the week of June 1 in a newspaper printed in the English language published and circulated in the counties in which the premises of applicants for renewals of annual licenses are located. Any application for the renewal of an annual license shall be made by May 1, and none shall be approved before May 1.

Every person filing an application for license, renewal of license or transfer of license with a municipal issuing authority shall, within 10 days of such filing, file with the director a copy of the application together with a nonreturnable filing fee of $200.

Applicants for licenses shall answer questions as may be asked and make declarations as shall be required by the form of application for license as may be promulgated by the director from time to time. All applications shall be duly sworn to by each of the applicants, except in the case of applicants in the military service of the United States whose applications may be signed in their behalf by an attorney-in-fact holding a power of attorney in form approved by the director, and except in cases of applications by corporations which shall be duly sworn to by the president or vice-president. All statements in the applications required to be made by law or by rules and regulations shall be deemed material, and any person who shall knowingly misstate any material fact, under oath, in the application shall be guilty of a misdemeanor. Fraud, misrepresentation, false statements, misleading statements, evasions or suppression of material facts in the securing of a license are grounds for suspension or revocation of the license.

The provisions of section 26 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 August 5, 2008.

CHAPTER 57

AN ACT concerning hospital trustees and amending P.L.2007, c.74.

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

1. Section 1 of P.L.2007, c.74 (C.26:2H-12.34) is amended to read as follows:

C.26:2H-12.34 Training required for service as trustee of general hospital, conditions.

1. a. (1) As a condition of serving as a member of the board of trustees of a general hospital licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et al.), a person shall be required to complete a training program approved by the Commissioner of Health and Senior Services that is designed to clarify the roles and duties of a hospital trustee and is at least one day in length.

(2) The training shall be completed no later than six months after the date that the person is appointed as a member of the board, except that a person who is appointed as a member of a hospital board of trustees on or after the date of enactment of this act but prior to the effective date thereof shall complete the training no later than six months after the effective date.

(3) A person who was appointed as a member of a hospital board of trustees prior to the date of enactment of P.L.2007, c.74 shall complete the training no later than six months after the effective date of P.L.2008, c.57.

b. The commissioner shall, in consultation with the New Jersey Hospital Association, the Hospital Alliance of New Jersey, and the New Jersey Council of Teaching Hospitals:

(1) prescribe the subject matter of the training, which shall include, but need not be limited to, a review of the types of financial, organizational, legal, regulatory, and ethical issues that a hospital trustee may be required to consider in the course of discharging the trustee's governance responsibilities;

(2) arrange for, or specify, the entity or entities to provide the training;

(3) specify the timeframe within which the training is to be completed;

(4) certify completion of the training for each trustee upon receipt of documentation thereof, as provided on a form and in a manner prescribed by the commissioner, or otherwise arrange for certification by the training entity; and

(5) take such other actions as the commissioner determines appropriate to effectuate the purposes of this act.

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

3. This act shall take effect on the 180th day after enactment, but the Commissioner of Health and Senior Services may take such anticipatory

administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved August 8, 2008.

CHAPTER 58

AN ACT concerning fiscal monitoring of hospitals and amending and supplementing Title 26 of the Revised Statutes.

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

1. Section 5 of P.L.1971, c.136 (C.26:2H-5) is amended to read as follows:

C.26:2H-5 Commissioner's powers.

5. a. The commissioner, to effectuate the provisions and purposes of this act, shall have the power to inquire into health care services and the operation of health care facilities and to conduct periodic inspections of such facilities with respect to the fitness and adequacy of the premises, equipment, personnel, rules and bylaws and the adequacy of financial resources and sources of future revenues.

b. The commissioner, with the approval of the board, shall adopt and amend rules and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the provisions and purposes of this act, including but not limited to: (1) the establishment of requirements for a uniform Statewide system of reports and audits relating to the quality of health care provided, health care facility utilization and costs; (2) certification by the department of schedules of rates, payments, reimbursement, grants and other charges for health care services as provided in section 18; and (3) standards and procedures relating to the licensing of health care facilities and the institution of certain additional health care services.

c. The commissioner may enter into contracts with any government agency, institution of higher learning, voluntary nonprofit agency, or appropriate planning agency or council; and such entities are authorized to enter into contracts with the commissioner to effectuate the provisions and purposes of this act.

d. The commissioner may provide consultation and assistance to health care facilities in operational techniques, including but not limited to,

planning, principles of management, and standards of health care services, and, in the case of a general hospital, to appoint a monitor if the commissioner determines that a monitor is warranted for a hospital that is in financial distress or at risk of being in financial distress, and to participate in the development and oversight of corrective measures to resolve a hospital's financial or potential financial difficulties, pursuant to section 2 of P.L.2008, c.58 (C.26:2H-5.1a).

e. At the request of the commissioner, health care facilities shall furnish to the Department of Health and Senior Services such reports and information as it may require to effectuate the provisions and purposes of this act, excluding confidential communications from patients.

f. The commissioner may institute or cause to be instituted in a court of competent jurisdiction proceedings to compel compliance with the provisions of this act or the determinations, rules, regulations and orders of the commissioner.

g. Notwithstanding any rules and regulations governing private long-term health care facilities and enforcing the 1967 Life Safety Code, as amended and supplemented, the commissioner shall permit third floor occupancy of such facilities by owners, members of their immediate families, and licensed professionals employed at such facilities.

C.26:2H-5.1a Regulations prescribed by commissioner relative to appointment of monitor.

2. a. The Commissioner of Health and Senior Services shall prescribe, by regulation: (1) specific indicators by which a general hospital may be evaluated for financial soundness, and the thresholds at which it may be considered to be in financial distress or at risk of being in financial distress; and (2) the progressive levels of monitoring and department participation in the development and oversight of corrective measures to resolve a general hospital's financial or potential financial difficulties, including the various levels of involvement by an appointed monitor. The indicators and progressive levels of monitoring and intervention shall be guided by the indicators and levels of monitoring and intervention identified in the final report of the New Jersey Commission on Rationalizing Health Care Resources, issued on January 24, 2008.

b. The thresholds of specified financial indicators and corresponding Department of Health and Senior Services involvement that may be triggered by them shall include, but are not limited to, measures relating to:

(1) days cash-on-hand;

(2) cushion ratio;

(3) days in accounts receivable;
(4) average payment period;
(5) total margin;
(6) earnings before depreciation; and
(7) any other factor which the commissioner deems appropriate, including failure to provide required or requested financial information.

c. If the commissioner determines that a hospital is in financial distress or at risk of being in financial distress after considering the specified financial indicators set forth in subsection b. of this section, then the commissioner may appoint, in consultation with the hospital, a monitor to prevent further financial deterioration. Payment for the monitor shall be determined through a contingency contract established between the hospital and the monitor. The contract shall be subject to approval by the department with regard to the monitor's responsibilities. In no case shall a hospital bear financial liability if no savings result from measures undertaken pursuant to the contract.

The appointed monitor shall have demonstrated expertise in hospital administration, management or operations. A monitor: (1) shall be authorized to attend all hospital board meetings, executive committee meetings, finance committee meetings, steering committee meetings, turnaround committee meetings, or any other meetings concerning the hospital's fiscal matters; (2) may be authorized to have voting and veto powers over actions taken in the above mentioned meetings; (3) shall report to the commissioner and the full hospital board of trustees in a manner prescribed by the commissioner; and (4) shall serve for such period of time as may be determined by the commissioner in consultation with the hospital.

The commissioner shall maintain continuing oversight of the actions and recommendations of the monitor to ensure that the public interest is protected.

C.26:2H-5.1b Conditions for licensure of general hospital.

3. As a condition of licensure under P.L.1971, c.136 (C.26:2H-1 et al.), a general hospital shall:

a. provide monthly unaudited financial information and annual audited financial statements to the Department of Health and Senior Services, and such other financial information as the department may request; and

b. permit the Commissioner of Health and Senior Services, or a monitor appointed by the commissioner, as applicable, to oversee its financial operations, and, if the commissioner determines that the hospital is at risk of being in financial distress or is in financial distress based on criteria specified by regulation, participate in the development and implementation

of a corrective plan to resolve the hospital's financial difficulties, pursuant to section 2 of P.L.2008, c.58 (C.26:2H-5.1a).

4. The Commissioner of Health and Senior 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 effectuate the purposes of this act.

5. This act shall take effect on the 180th day after the date of enactment, but the Commissioner of Health and Senior Services may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of the act.

Approved August 8, 2008.

CHAPTER 59

AN ACT concerning general hospitals and State psychiatric hospitals and supplementing P.L.1971, c.136 (C.26:2H-1 et seq.) and Title 30 of the Revised Statutes.

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

C.26:2H-12.50 General hospital to conduct public meetings.

1. A general hospital licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et al.) shall, at least annually, conduct a public meeting to discuss issues relating to the operation of the hospital and concerns of the community with respect to the delivery of services at the hospital.

The hospital shall ensure that:

a. at a minimum, the chief executive officer of the hospital, the chairman of the hospital board of trustees, and at least 25% of the members of the hospital board of trustees are present at the meeting and available to respond to questions from members of the public;

b. the meeting is open to members of the public and organized so as to provide the community served by the hospital with information about the operation of the hospital, and to provide an opportunity for members of the public to ask questions and raise issues of concern to them; and

c. public notice of the meeting is provided:

(1) at least 14 days prior to the date of the meeting by posting written notice in the hospital in a conspicuous location that is available to the public, and by publishing the notice in a daily or weekly newspaper of general circulation in the service area of the hospital; and

(2) at least 30 days prior to the date of the meeting by posting notice on the hospital's Internet website.

d. notice of the meeting is provided to the Department of Health and Senior Services at least 30 days prior to the date of the meeting.

C.26:2H-12.51 Notice of meeting on department's website.

2. The Department of Health and Senior Services shall post the notice of a hospital's annual public meeting on the department's website.

C.30:4-3.22 State psychiatric hospital to conduct public meetings.

3. Each State psychiatric hospital shall, at least annually, conduct a public meeting to discuss issues relating to the operation of the hospital and concerns of the community with respect to the delivery of services at the hospital.

a. The hospital shall ensure that:

(1) the meeting is conducted in accordance with the provisions of the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.);

(2) at a minimum, the chief executive officer of the hospital or his designee, the chairman of the hospital board of trustees, the Assistant Commissioner of the Division of Mental Health Services in the Department of Human Services or his designee, and at least 25% of the members of the hospital board of trustees are present at the meeting and available to respond to questions from members of the public;

(3) the meeting is open to members of the public and organized so as to provide the community served by the hospital with information about the operation of the hospital, and to provide an opportunity for members of the public to ask questions and raise issues of concern to them; and

(4) public notice of the meeting is provided in accordance with the provisions of this subsection, which shall be deemed to comply with the notice requirements of P.L.1975, c.231, at least 14 days prior to the date of the meeting by posting written notice in the hospital in a conspicuous location that is available to the public, and by publishing the notice in a daily or weekly newspaper of general circulation in the service area of the hospital.

b. The Department of Human Services shall post the notice of the hospital's annual public meeting on the department website at least 30 days prior to the date of the meeting.

4. This act shall take effect on the 60th day following the date of enactment.

Approved August 8, 2008.

CHAPTER 60

AN ACT concerning health care facilities and supplementing P.L.1971, c.136 (C.26:2H-1 et seq.).

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

C.26:2H-12.52 Limitation on charges for certain uninsured patients.

1. A hospital licensed by the Department of Health and Senior Services pursuant to P.L.1971, c.136 (C.26:2H-1 et al.) shall charge a patient who is an uninsured resident of this State, and whose family gross income is less than 500% of the federal poverty level, an amount no greater than 115% of the applicable payment rate under the federal Medicare program, established pursuant to Pub.L.89-97 (42 U.S.C.s.1395 et seq.), for the health care services rendered to the patient. The amount shall be in accordance with the sliding scale based on income developed by the department pursuant to this act.

C.26:2H-12.53 Sliding scale for certain hospital charges.

2. The Department of Health and Senior Services shall establish a sliding scale based on income which stipulates the percentage of a hospital charge that an uninsured resident of this State whose family gross income is less than 500% of the federal poverty level is required to pay for health care services rendered at a hospital.

3. This act shall take effect on the 180th day after enactment.

Approved August 8, 2008.

CHAPTER 61

AN ACT concerning overseas absentee ballots 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.1976, c.23 (C.19:59-1) is amended to read as follows:

C.19:59-1 Short title amended.

1. This act shall be known and may be cited as the "Overseas Residents Absentee Voting Law."

2. Section 2 of P.L.1976, c.23 (C.19:59-2) is amended to read as follows:

C.19:59-2 Definitions.

2. As used in this act:

a. "United States" means each of the several states, the District of Columbia, Commonwealth of Puerto Rico, Guam, American Samoa and the Virgin Islands; the term does not mean or include the Canal Zone or any other territory or possession of the United States.

b. "Residing abroad" means residing outside the United States.

c. "Federal election" means any general, special or primary held for the purpose of nominating or electing any candidate for the office of President or Vice President of the United States, Presidential elector, United States Senator or member of the United States House of Representatives.

d. "Overseas voter" means any person in military service who, by reason of active duty or service, is absent on the date of an election from the place of residence in New Jersey where the person is or would be qualified to vote, and any citizen of the United States residing abroad who (1) immediately prior to his departure from the United States was domiciled in New Jersey and (a) was registered to vote, or had all the qualifications to register and vote, in New Jersey; or (b) had all the qualifications to register and vote in New Jersey other than having attained 18 years of age but has since attained that age; or (c) would, but for residence, have the qualifications to register and vote in New Jersey; (2) does not maintain a residence in the United States and is not registered or qualified to vote elsewhere in the United States; and (3) holds a valid passport or card of identity and registration issued under authority of the Secretary of State of the United States.

e. "Electronic means" means any transmission made by an electronic telefacsimile machine or a similar device or by any other form of electronic transmission including, but not exclusive to electronic mail, that transports an authentic copy of a document from one user to another.

3. Section 3 of P.L.1976, c.23 (C.19:59-3) is amended to read as follows:

C.19:59-3 Registration of "overseas voter."

3. Upon compliance with the provisions of this act, P.L.1976, c.23 (C.19:59-1 et seq.), any person meeting the qualifications of an "Overseas voter" may register to vote and may apply for and vote by absentee ballot in any election held in the election district of this State in which the voter was formerly domiciled.

4. Section 4 of P.L.1976, c.23 (C.19:59-4) is amended to read as follows:

C.19:59-4 Request for application; qualification to vote.

4. a. Requests for an application to vote in an election as an overseas voter may be made by or on behalf of an applicant to the county clerk of the county in which the applicant was formerly domiciled or to the Secretary of State of New Jersey if the applicant does not know the county of the applicant's former domicile. All such applications shall be forwarded to such voters by air mail or electronic means, if so requested by the voter. Any overseas voter requesting that an application for a ballot be sent to that voter by electronic means shall supply to the Secretary of State or the county clerk, as appropriate, the telephone number and location to which the application is to be sent or the electronic address of the voter, as may be appropriate. To qualify an applicant to be sent a ballot by air mail in order to vote in an election, the applicant's completed application shall be received by the appropriate county clerk on or before the thirtieth day preceding the election. To qualify an applicant to be sent a ballot by electronic means in order to vote in an election, the applicant's completed application shall be received by the appropriate county clerk on or before the fourth day preceding the election.

b. An overseas voter may use the federal postcard application form to register to vote or to apply for an overseas ballot for a federal election. The voter may send the form by air mail or electronic means to either the appropriate county clerk or the Secretary of State and, in the case of an application for a ballot, may request that the ballot be sent by air mail or electronic means. Any voter sending the form by electronic means shall also mail simultaneously the federal postcard application form to the appropriate county clerk or the Secretary of State. Any federal postcard application for a ballot sent by an overseas voter and received by a county clerk or the Sec-

retary of State shall also be considered a request for registration if that voter is not already registered.

5. Section 5 of P.L.1976, c.23 (C.19:59-5) is amended to read as follows:

C.19:59-5 Application form.

5. a. An application for an overseas ballot shall be in substantially the following form:

APPLICATION FOR AN OVERSEAS BALLOT

I, the undersigned, certify the following as a basis for an application as citizen of the United States residing outside the United States to receive a ballot to be voted at the election to be held on ..... (date of election) that is to say:

1. I am a citizen of the United States;

2. I presently reside at ..... (if mail should be addressed other than to my residence, also provide address for mail);

3. I was born on ..... (month, day, year)

4. a. I hold a valid U.S. Passport # ....., dated ....., or

b. I hold a United States Citizens Identity and Registration Card (Form FS 225) dated ..... issued by ..... (name and location of U.S. Embassy or Consulate).

5. Immediately prior to taking up residence abroad I was domiciled in New Jersey and resided at ..... (street address), ... (municipality), ... (county) (If formerly registered to vote from that address check here [ ]).

6. I do not maintain a domicile in the United States and am not registered, entitled or applying to vote in any state other than New Jersey.

7. I understand that any false statement knowingly made in this application subjects me to the penalties provided by law for fraudulent voting.

.....Applicant
(Signature)

Dated:..... .....Applicant
(Print or type name)

b. There shall also be sent to the applicant by air mail or electronic means such instructions and portions of the law or regulations as the Secretary of State shall direct.

c. Any overseas voter requesting that a ballot be sent to that voter by electronic means shall indicate on the application for the ballot the telephone number and location to which the ballot is to be sent or the electronic address of the voter, as may be appropriate.

6. Section 6 of P.L.1976, c.23 (C.19:59-6) is amended to read as follows:

C.19:59-6 Approval; lists; inspection; delivery to county board.

6. Each county clerk, upon receipt of an application for an overseas ballot, shall determine whether or not the applicant is qualified to vote such a ballot, make a list of those applications approved and disapproved, which list shall be open to inspection by election officials and the public, and shall forward an overseas ballot to each person whose application is approved. For each voter whose application is approved, the county clerk shall deliver to the county board of elections the completed application form for retention by the board for signature comparison with that on the certificate on the inner envelope containing the ballot upon its receipt.

7. Section 7 of P.L.1976, c.23 (C.19:59-7) is amended to read as follows:

C.19:59-7 Overseas ballot; form.

7. The county clerk shall prescribe the form of the overseas ballot.

8. Section 8 of P.L.1976, c.23 (C.19:59-8) is amended to read as follows:

C.19:59-8 Instructions for completion, return of ballots; notice.

8. a. Each county clerk shall send by air mail, with each overseas ballot transmitted by such means, appropriate printed instructions for its completion and return, together with an inner and outer envelope similar to that required as to civilian absentee ballots with a legend on the inner envelope stating "Overseas Ballot."

b. Each county clerk shall send to each overseas voter requesting that an overseas ballot be sent to that voter by electronic means all appropriate printed instructions for its completion and return. The printed instructions

sent to each such voter shall include a certificate substantially the same as provided for in section 9 of P.L.1976, c.23 (C.19:59-9).

c. The printed instructions sent with each overseas ballot, including instructions sent by electronic means, shall include a copy of the following notice:

PENALTY FOR FRAUDULENT VOTING

Any person who knowingly violates any of the provisions of the Overseas Residents Absentee Voting Law, or who, not being entitled to vote thereunder, fraudulently votes or attempts to vote thereunder or enables or attempts to enable another person, not entitled to vote thereunder, to vote fraudulently thereunder or who prevents or attempts to prevent by fraud the voting of any person legally entitled to vote under this act, shall be guilty of an indictable offense, and upon conviction thereof shall be subject, in addition to such other penalties as are authorized by law, to disenfranchisement unless and until pardoned or restored by law to the right of suffrage.

9. Section 12 of P.L.1993, c.73 (C.19:59-8.1) is amended to read as follows:

C.19:59-8.1 Processing overseas voter requests transmitted by electronic means.

12. Whenever a county clerk receives a request by electronic means from an overseas voter that an overseas ballot be sent to that person by electronic means, the county clerk shall verify the voter's eligibility to vote as an overseas voter in the State and the county desired. If the overseas voter is eligible to vote therein, the county clerk shall send the ballot to the voter as soon as practicable by electronic means using the telephone number or electronic address supplied by the voter for that purpose. If the overseas voter is not eligible to vote in the State or the county desired, notice of noneligibility shall be provided to the voter by electronic means as soon as practicable after the receipt of the request.

10. Section 9 of P.L.1976, c.23 (C.19:59-9) is amended to read as follows:

C.19:59-9 Printing of certificate upon margin of flap of inner envelope.

9. Upon the margin of the flap of the inner envelope to be sent to an overseas voter shall be printed a certificate substantially as follows:

I, the undersigned, residing at ..... am the person who applied for, received and voted the enclosed Overseas Ballot.

Dated:..... .....Voter
(SIGNATURE)
.....Voter
(PRINT or type name)

11. Section 10 of P.L.1976, c.23 (C.19:59-10) is amended to read as follows:

C.19:59-10 Completion and transmittal of ballot by mail or electronic means.

10. a. For overseas ballots other than such ballots sent to the voter by electronic means, the procedure for completing the ballot shall be as follows:

Upon completion of the ballot by indicating the voter's choice of candidates for the offices named, the ballot shall be placed in the inner envelope and sealed. Upon completion and signing in the voter's handwriting the certificate attached to the inner envelope, the inner envelope shall be placed in the outer envelope, which when sealed shall be mailed postage prepaid to the county board of elections whose address is printed thereon.

b. For overseas ballots sent to the voter by electronic means, the procedure for completing the ballot shall be as follows:

After the ballot is received and completed by the voter by indicating that person's choice of candidates for the offices named, the ballot shall be placed in a secure envelope. Upon completion and signing in the voter's handwriting of the certificate sent to the voter pursuant to section 8 of P.L.1976, c.23 (C.19:59-8), it shall be placed in the same envelope as the voted ballot. The envelope shall then be sealed securely and sent immediately by air mail to the appropriate county board of elections in this State.

c. Notwithstanding the provisions of subsections a. and b. of this section, a copy of a voted overseas ballot may be transmitted by electronic means to the appropriate county board of elections in this State. Such a ballot shall be subject to the provisions of sections 3 and 4 of P.L.1995, c.195 (C.19:59-14 and C.19:59-15).

12. Section 11 of P.L.1976, c.23 (C.19:59-11) is amended to read as follows:

C.19:59-11 Receiving and handling of ballots.

11. Upon receipt of each overseas ballot, other than a ballot which had been sent by electronic means to an overseas voter, the signature on the cer-

tificate on the inner envelope shall be compared to that on the person's application. All ballots, whether originally sent to an overseas voter by air mail or electronic means, shall be approved, disapproved, processed, counted and disputes in connection therewith shall be handled in the same manner as is applicable to other absentee ballots. No ballot received after the time designated for the closing of the polls shall be counted.

13. Section 12 of P.L.1976, c.23 (C.19:59-12) is amended to read as follows:

C.19:59-12 Request for overseas ballot for all elections during a calendar year.

12. An overseas voter may request, on any application form used, an overseas ballot for all elections held during the calendar year in which the request is made. Any instructions sent to an applicant pursuant to section 5 of P.L.1976, c.23 (C.19:59-5) shall inform the applicant that such a request may be made. If such a request is made, an overseas ballot shall be sent in a timely manner to the voter for all such elections.

14. Section 13 of P.L.1976, c.23 (C.19:59-13) is amended to read as follows:

C.19:59-13 Rules and regulations.

13. To effectuate the purposes of this act, P.L.1976, c.23 (C.19:59-1 et seq.), and its administration, the Secretary of State is authorized to promulgate such rules and regulations as he deems necessary and desirable.

15. Section 3 of P.L.1995, c.195 (C.19:59-14) is amended to read as follows:

C.19:59-14 Validity of voted overseas ballot transmitted by electronic means.

3. Notwithstanding any law, rule or regulation to the contrary, a copy of a voted overseas ballot or of a voted federal write-in absentee ballot which is transmitted by electronic means to the appropriate county board of elections in this State shall be considered valid and counted if it:

a. is from a qualified voter;

b. has been transmitted to the appropriate county board of elections no later than the time designated by law for the closing of the polls on that day; and

c. is accompanied by the following statement, which shall be certified by the voter's signature: "I understand that by transmitting by electronic

means a copy of my voted ballot I am voluntarily waiving my right to a secret ballot. At the same time, I pledge to place the original voted ballot in a secure envelope, together with any other required certification, and send the documents immediately by air mail to the appropriate county board of elections."

16. Section 4 of P.L.1995, c.195 (C.19:59-15) is amended to read as follows:

C.19:59-15 Procedure relative to ballot transmitted by electronic means.

4. a. Immediately after a copy of the voted overseas ballot or federal write-in absentee ballot has been transmitted by electronic means to the appropriate county board of elections, as permitted pursuant to section 3 of P.L.1995, c.195 (C.19:59-14), the overseas voter shall place the original voted ballot in a secure envelope, together with a certificate substantially the same as provided for in section 9 of P.L.1976, c.23 (C.19:59-9), and send the documents by air mail to the appropriate county board of elections.

b. All copies of voted ballots received by electronic means shall be approved, disapproved, processed and counted, and disputes in connection therewith shall be handled, in the same manner as is applicable to other absentee ballots. No ballot received after the time designated for the closing of the polls shall be counted.

c. The county board of elections shall take all necessary precautions to preserve the security of the ballot materials and specifically shall ensure that the vote cast by a voter using a ballot transmitted by electronic means is not revealed, except to the extent necessary by law or judicial determination. Upon the completion of all inspections of a ballot transmitted by electronic means required by law, the board or any employee thereof acting under its direction shall promptly separate the waiver certification from the ballot transmitted by electronic means. Any person handling such a ballot shall not identify the votes cast by any voter, except upon judicial determination.

d. Prior to certification of the results of the election, the county board shall:

(1) compare the information on the copy transmitted by electronic means of each voted ballot with the same on the original voted ballot sent by air mail by the voter who transmitted to the county board a copy of the voted ballot by electronic means, and the signature on the statement received by electronic means with the signature on the certificate received by air mail; and

(2) ascertain whether an original voted ballot has been received for each copy of a voted ballot received by electronic means and counted.

Whenever the particulars of the copy of a voted ballot transmitted by electronic means do not conform exactly with the particulars of the original voted ballot sent by air mail to the county board afterwards by that voter and whenever an original voted ballot has not been received which corresponds to a copy of a voted ballot transmitted by electronic means which has been received and counted by the county board, those ballots and all other pertinent documents and information relative to those ballots shall be turned over to the superintendent of elections in counties having a superintendent and the prosecutor in all other counties for further investigation and action.

e. Within 30 days after the election, the county board shall gather and keep together the copy of the voted ballot transmitted by electronic means, the certified statement and the original voted ballot sent by air mail of each voter who transmitted a copy of a voted ballot by electronic means. Those ballots needed for an investigation conducted by the superintendent of elections or the county prosecutor, as the case may be, or by any other law enforcement official shall be returned to the county board as soon as practicable after the conclusion of the investigation. All ballots and documents relative to a copy of a voted ballot transmitted by electronic means and received by the county board shall be retained by it for a period of one year following the day of the election. The superintendent of elections in counties having a superintendent and the prosecutor in all other counties shall have the authority to impound all such documents whenever the superintendent or prosecutor shall deem such action necessary.

17. Section 6 of P.L.1953, c.211 (C.19:57-6) is amended to read as follows:

C.19:57-6 Application, request to county clerk.

6. In the case of any election, the application or request shall be made to the county clerk of the county.

In the case of applications for civilian absentee ballots, the county clerk shall stamp thereon the date on which said application was received in his office. In the case of applications for military service ballots, as defined in section 2 of P.L.1953, c.211 (C.19:57-2) and overseas ballots, as provided for in P.L.1976, c.23 (C.19:59-1 et seq.), no application shall be refused on the grounds that it was submitted too early.

18. Section 7 of P.L.1953, c.211 (C.19:57-7) is amended to read as follows:

C.19:57-7 Absentee ballots; information and notices.

7. a. The Secretary of State, through the Division of Elections in the Department of State shall be responsible for providing all information regarding military service ballots, as defined in section 2 of P.L.1953, c.211 (C.19:57-2), and overseas ballots, as provided for in P.L.1976, c.23 (C.19:59-1 et seq.). The division shall also make available valid military service voter registration applications, military service ballot applications and overseas registration and ballot applications to any military service or overseas voter who wishes to register to vote or to vote in any jurisdiction in this State. The division shall publish or cause to be published the following notice in substantially the following form:

NOTICE TO MILITARY SERVICE VOTERS AND
TO THEIR RELATIVES AND FRIENDS

If you are in the military service, or the spouse or dependent of a person in military service or are a patient in a veterans' hospital or a civilian attached to or serving with the Armed Forces of the United States, or the spouse or dependent of and accompanying or residing with a civilian attached to or serving with the Armed Forces of the United States, and desire to vote, or if you are a relative or friend of any such person who, you believe, will desire to vote in the..... (school, municipal, primary, presidential primary, general or other) election to be held on..... (date of election) kindly write to the undersigned at once making application for a military service ballot to be voted in said election to be forwarded to you, stating your name, age, serial number if you are in military service, home address and the address at which you are stationed or can be found, or if you desire the military service ballot for a relative or friend then make application under oath for a military service ballot to be forwarded to him, stating in your application that he is over the age of 18 years and stating his name, serial number if he is in military service, home address and the address at which he is stationed or can be found.

Military service voters may also apply for a military service ballot by sending a federal postcard application form to the undersigned.

On the application for a military service ballot, military service voters may request that a military service ballot be sent for all subsequent elections through and including the next two regularly scheduled general elections for federal office which take place after the request is made.

(NOTE: MILITARY SERVICE VOTER CLAIMING MILITARY STATION AS HOME ADDRESS FOR VOTING PURPOSES MAY NOT USE MILITARY ABSENTEE BALLOT UNLESS REGISTERED TO VOTE IN THE MUNICIPALITY WHERE SUCH STATION IS LOCATED.)

Forms of application other than federal postcard application forms can be obtained from the undersigned. Dated.....

.....
(signature and title of Director of Division of Elections)
.....
(address of Division of Elections)

b. The county clerk of the county, in the case of any Statewide election, countywide election, or school election in a regional or other school district comprising more than one municipality; the clerk of the municipality, in the case of any municipal election or school election in a school district comprising a single municipality; and the commissioners or other governing or administrative body of the district, in the case of any election to be held in any fire district, road district, sewerage district, street lighting district, water supply district or other special district, other than a municipality, created for specified public purposes within one or more municipalities, shall publish or cause to be published the following notice in substantially the following form:

NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE BALLOTS

If you are a qualified and registered voter of the State who wants to vote by absentee ballot in the..... (school, municipal, primary, presidential primary, general, or other) election to be held on..... (date of election) kindly complete the application form below and send to the undersigned, or write or apply in person to the undersigned at once requesting that a civilian absentee ballot be forwarded to you. Such request must state your home address, and the address to which said ballot should be sent, and must be dated and signed with your signature. If any person has assisted you to complete the absentee ballot application, the name, address and signature of the assistor must be provided on the application. Also, you must sign and date the application for it to be valid and processed. No person who is a candidate in the election for which the voter requests an absentee ballot may provide any assistance in the completion of the ballot or may serve as an authorized messenger. No civilian absentee

applicant unless request therefor is received not less than seven days prior to the election, and contains the foregoing information.

Voters who are permanently and totally disabled, and any other voters who wish to vote only by absentee ballot in a general election, and who state that on their request shall, after their initial request and without further action on their part, be forwarded an absentee ballot application by the county clerk for future elections in which they are eligible to vote and until the voter requests that he or she no longer be sent an application. Permanently and totally disabled voters also have the option of indicating on their absentee ballot applications that they would prefer to receive absentee ballots for each election that takes place during the remainder of this calendar year. Permanently and totally disabled voters who exercise this option will be furnished with absentee ballots for each election that takes place during the remainder of this calendar year, without further action on their part.

Application forms may be obtained by applying to the undersigned either in writing or by telephone, or the application form provided below may be completed and forwarded to the undersigned.

Dated .....

.....
(signature and title of county clerk)
.....
(address of county clerk)
.....
(Telephone No. of county clerk)

APPLICATION FORM FOR CIVILIAN
ABSENTEE BALLOT

(Form to be prepared by the Secretary of State pursuant to section 17 of P.L.1977, c.47 (C.19:57-4.1)).

c. The absentee ballot materials shall contain a notice that any person voting by absentee ballot who registers by mail after January 1, 2003, who did not provide personal identification information when registering and is voting for the first time in his or her current county of residence following registration shall include the required identification information with the absentee ballot, and that failure to include such information shall result in the rejection of the ballot.

d. Such notices as described in subsections a. and b. of this section shall be separately published prior to the 50th day immediately preceding the holding of any election.

Notices relating to any Statewide or countywide election shall be published in at least two newspapers published in the county. All officials charged with the duty of publishing such notices shall publish the same in at least one newspaper published in each municipality or district in which the election is to be held or if no newspaper be published in said municipality or district, then in a newspaper published in the county and circulating in such municipality, municipalities or district. All such notices shall be display advertisements.

19. Section 7 of P.L.2004, c.88 (C.19:61-7) is amended to read as follows:

C.19:61-7 Report on certain absentee ballots in federal elections.

7. No later than the 90th day following the day of each regularly scheduled general election of candidates for federal office, each county board of elections shall submit to the Secretary of State for transmittal to the Election Assistance Commission, established pursuant to section 201 of Pub.L.107-252 (42 U.S.C. s.15321), a report on the combined number of absentee ballots transmitted to military service voters and overseas voters and the combined number of such ballots which were returned by such voters, judged to be valid, cast and canvassed. The report shall be in the format developed by the commission. The Secretary of State shall make copies of each such report available to the general public.

20. This act shall take effect immediately.

Approved August 12, 2008.

CHAPTER 62

AN ACT concerning the expiration date of certain professional and occupational licenses and registrations for certain members of the Armed Forces of the United States, amending P.L.1968, c.362 and supplementing P.L.1978, c.73 (C.45:1-14 et seq.).

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

C.45:1-15.2 Professional, occupational licenses, registrations, expiration date for individuals with certain types of military service; delayed.

1. Any license issued by a professional or occupational board designated in section 2 of P.L.1978, c.73 (C.45:1-15), and any registration issued under the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et al.), shall not expire while the licensee or registrant is an active member of the Armed Forces of the United States and shall be extended for up to 120 days after his or her return from active service. Any late renewal fees, reinstatement fees and other reinstatement requirements shall be waived by the applicable professional or occupational board or the Division of Consumer Affairs upon application by the licensee or registrant within 120 days after he or she returns from active service. If the license or registration is renewed during the 120-day period after his or her return from active service, and the licensee or registrant submits documentation verifying his or her active military service, the licensee or registrant shall only be responsible for normal fees and activities relating to renewal of the license or registration and shall not be charged any additional costs, such as, but not limited to, late fees or delinquency fees.

As used in this section, "active member" means an individual or member of an organized unit ordered into active service in the Armed Forces of the United States by reason of membership in a reserve component of the Armed Forces of the United States or any branch of the Armed Forces of the United States.

2. Section 18 of P.L.1968, c.362 (C.45:14C-18) is amended to read as follows:

C.45:14C-18 Expiration of license; renewal; exceptions.

18. Every State license issued hereunder shall automatically expire on June 30 following the date of its issuance. Licenses may be renewed annually by the State board upon written application of the holder and payment of the prescribed fee and renewal of required bond. Such license may be renewed without the holder having to be re-examined, provided said application for renewal is made within 30 days next preceding or following the scheduled expiration date. Any applicant for renewal making application at any time subsequent to the 30 days next following the scheduled expiration date may be required by the State board to be re-examined, and such person shall not continue to act as a State licensed master plumber, as described in this act, and no firm, corporation or other legal entity for which such person is the bona fide representative shall operate thereafter under a State license

in the plumbing business, as described in this act, until a valid State license has been secured or is held by a bona fide representative.

Any State license expiring while the holder thereof is outside the continental limits of the United States in connection with any project undertaken by the Government of the United States shall be renewed without such holder being required to be re-examined, upon payment of the prescribed fee at any time within 4 months after such person's return to the United States.

3. This act shall take effect immediately.

Approved August 12, 2008.

CHAPTER 63

AN ACT concerning certain appointments to the Advisory Council on Adolescent Pregnancy and amending P.L.1997, c.229.

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

1. Section 2 of P.L.1997, c.229 (C.26:2-171) is amended to read as follows:

C.26:2-171 Advisory Council on Adolescent Pregnancy established.

2. a. There is established in the Executive Branch of the State Government an Advisory Council on Adolescent Pregnancy. For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the advisory council is allocated within the Department of Health and Senior Services, but notwithstanding that allocation, the advisory council shall be independent of any supervision or control by the department or by any board or officer thereof.

b. The advisory council shall consist of 24 members as follows: the Commissioners of the Departments of Health and Senior Services, Human Services, Children and Families, Education, Community Affairs, and Labor and Workforce Development, who shall serve as ex officio members, and 18 public members, four of whom shall be teenagers, including two teenage parents and two teenagers who are not parents, and fourteen of whom shall be representatives of community based religious, health and social service organizations which serve adolescents and health professionals and educators

with recognized expertise in the field of adolescent pregnancy. Of the public members, three shall be appointed by the President of the Senate, no more than two of whom shall be of the same political party; three shall be appointed by the Speaker of the General Assembly, no more than two of whom shall be of the same political party; and 12 shall be appointed by the Governor. Eight of the persons appointed by the Governor shall be appointed with the advice and consent of the Senate, no more than four of whom shall be of the same political party; and four of the persons appointed by the Governor shall be teenagers. The advisory council shall organize within 30 days after the appointment of its members. The members shall select one person from among them to serve as the chairperson and the members shall select a secretary, who need not be a member of the advisory council.

c. Each ex officio member may designate an employee of the member's department to represent the member at hearings of the advisory council. All designees may lawfully vote and otherwise act on behalf of the member for whom they constitute the designee.

d. Each public member shall be appointed for a term of three years, but of the members first appointed, six shall serve for a term of one year, six for a term of two years and six for a term of three years. Members shall serve until their successors are appointed and qualified. Vacancies shall be filled in the same manner as the original appointments were made.

e. Members of the advisory council shall serve without compensation but, within the limits of funds appropriated or otherwise made available to it, shall be eligible for reimbursement of necessary expenses incurred in the performance of their duties.

f. The Department of Health and Senior Services shall provide such staff as the advisory council requests to carry out the purposes of this act.

2. This act shall take effect immediately.

Approved August 14, 2008.

CHAPTER 64

AN ACT concerning local firemen's relief associations and exempt firemen's associations and amending R.S.43:17-42 and R.S.43:17-43.

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

1. R.S.43:17-42 is amended to read as follows:

Delegates, representatives of local firemen's relief associations.

43:17-42. On or before May 1st in each year, the board of representatives of each duly incorporated local firemen's relief association in this State shall choose, out of the whole body of the membership thereof, three delegates to the convention or meetings of the New Jersey State Firemen's Association and three alternates, one or more of whom shall act in the place of any delegate so chosen who may be unable to attend the convention or meetings of the New Jersey State Firemen's Association. They, together with the chief, or if there is no chief the next highest ranking officer, shall represent the local association at the conventions or meetings of the New Jersey State Firemen's Association.

2. R.S.43:17-43 is amended to read as follows:

Delegates of exempt firemen's association.

43:17-43. On or before May 1st in every year, each duly incorporated exempt firemen's association shall choose, by ballot, one delegate and one alternate who shall act in the place of the delegate who may be unable to attend the convention or meeting of the New Jersey State Firemen's Association out of the whole body of the membership thereof, who shall represent and vote for the local exempt firemen's association at the convention or meetings of the New Jersey State Firemen's Association. This delegate or alternate shall have the same rights, powers and privileges as the delegates elected to the New Jersey State Firemen's Association by the local firemen's relief associations.

3. This act shall take effect immediately.

Approved August 14, 2008.

CHAPTER 65

AN ACT concerning the investment of certain municipal funds, supplementing chapter 5 of Title 40A of the New Jersey Statutes, and amending P.L.1992, c.79.

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

C.40A:5-14.2 Findings, declarations relative to investment of certain municipal funds.

1. The Legislature finds and declares:

a. Elected municipal officials are the stewards for the property owned by the municipality.

b. It is sometimes necessary or desirable for the municipality to sell some of its assets that are no longer needed for a public purpose.

c. The use of proceeds from the sale or lease of a municipal asset that results in relatively large proceeds, to either fund a new service or to provide property tax relief for a limited period of time, are examples of actions by a local governing body that often necessitate subsequent property tax increases to either continue the new service or to fill-in the revenue gap.

d. Since the development or redevelopment of high valued municipal assets in a municipality in which casino gaming is authorized may be inextricably intertwined with the success of the casino gaming industry, an important revenue source for the State, it is in the best interests of the municipal taxpayers, as well as the citizens of the State, for the State and local elected officials to work collaboratively together to effectuate the prudent disposition of high value assets, to ensure that the interests of the State's casino gaming industry are not harmed, and to plan for the management of proceeds from the sale, assignment, lease, transfer, or redevelopment of those assets, when significant sums are involved, to ensure that any intended relief to municipal property taxpayers is maximized.

C.40A:5-14.3 Plan for conducting certain transactions involving real property in certain municipalities.

2. a. Whenever a municipality in which casino gaming is authorized intends to sell, assign, lease, or transfer ownership, or any other interest, in any real property, including real property to be sold, assigned, leased, or transferred pursuant to a redevelopment plan, or in any capital improvement or personal property, and:

(1) the asset has an assessed value of at least $50 million, and either

(2) (a) the proceeds to be realized by the municipality as a result of the sale, assignment, lease, or transfer, regardless of the length of the term of the payment, will exceed its final appropriations for the previous year's budget, as determined pursuant to section 2 of P.L.1976, c.68 (C.40A:4-45.2), or

(b) the sale, assignment, lease, or transfer is to another public entity, regardless of the amount of the proceeds to be realized by the municipality, then, the governing body of the municipality shall submit an application for approval by the Local Finance Board containing a plan for conducting the sale, assignment, lease, transfer, or redevelopment of the asset in accor-

dance with procedures or forms promulgated by the Local Finance Board for this purpose.

(c) Notwithstanding subsection g. of section 8 of P.L.1992, c.79 (C.40A:12A-8), regarding the procedure for the sale or lease of assets by a municipality or redevelopment entity pursuant to a redevelopment plan, an asset subject to this subsection only shall be sold, assigned, leased, or transferred through a fair and open competitive process.

b. Upon submission of the proposed plan required pursuant to subsection a. of this section, the Local Finance Board shall schedule a hearing within 45 calendar days upon receipt of the proposed plan, for the purpose of approving the plan pursuant to subsection c. of this section. If the Local Finance Board does not schedule a hearing within 45 calendar days, then the plan is deemed approved.

c. At a hearing scheduled pursuant to subsection b. of this section, the Local Finance Board may approve the proposed plan for the sale, assignment, lease, transfer, or redevelopment of the asset. No actions to implement the proposed plan shall be taken until it has been approved by the Local Finance Board.

d. Subsequent to the issuance of an approval required by subsection c. of this section and prior to adopting any resolution or ordinance, or amending a resolution or ordinance introduced for the purpose of the sale, assignment, lease, transfer, or redevelopment of the asset, the municipality shall first obtain from the Local Finance Board a certification that: (1) the municipality complied with the requirements of P.L.2008, c.65 (C.40A:5-14.2 et al.); and (2) the proposed disposition of the asset, as introduced by the governing body, reflects the highest and best use of the asset, considering all relevant factors and circumstances.

e. To provide the certification required by subsection d. of this section, the Local Finance Board must find that the municipality implemented, without material deviation, the approved plan required by this section and has otherwise satisfied all other requirements of P.L.2008, c.65 (C.40A:5-14.2 et al.). The findings of the Local Finance Board shall be supported by a "fairness opinion" and appraisal, commissioned by the board from a reputable, experienced, and independent third-party entity licensed to do business in the State of New Jersey. The cost and expenses incurred by the Local Finance Board to commission the independent review may be reimbursed from the proceeds realized by the municipality as a result of the sale, assignment, lease or transfer of the asset.

f. The sale, assignment, lease, transfer, or redevelopment of a municipal asset requiring an application for approval by the Local Finance

Board pursuant to this section shall be voidable if the municipal governing body fails to submit the application.

C.40A:5-14.4 Application for approval of plan relative to disposition of certain assets.

3. a. The governing body of a municipality shall apply to the Local Finance Board on or before the 30th day prior to the closing of an agreement for the disposition of an asset requiring board approval in accordance with section 2 of P.L.2008, c.65 (C.40A:5-14.3), for approval of a plan, in the form of an ordinance, to allocate the proceeds of the sale, assignment, lease, transfer, or execution of a redevelopment agreement. The application shall be made in accordance with procedures or forms promulgated by the Local Finance Board. The proposed allocation plan shall state the purposes for which the cash proceeds resulting from the sale, assignment, lease, transfer, or redevelopment of the asset shall be used.

b. Upon the filing of an application pursuant to subsection a. of this section, the Local Finance Board shall schedule a hearing within 45 calendar days upon receipt of the application, for the purpose of approving a proposed plan to allocate the proceeds of the sale, assignment, lease, transfer, or redevelopment of the asset. At the hearing the Local Finance Board may approve the proposed plan or require its modification. The plan may be amended from time-to-time, as deemed necessary by the governing body and the Local Finance Board subject to a two-thirds majority voter referendum.

c. Upon approval by the Local Finance Board in accordance with subsection b. of this section, a proposed ordinance to effectuate the allocation plan may be finally adopted by the municipality.

d. A sale, assignment, lease, transfer, or redevelopment of a municipal asset requiring approval of an allocation plan pursuant to this section shall be voidable if the municipal governing body fails to comply with the requirements of this section.

C.40A:5-14.5 Dedicated trust fund, investment oversight board.

4. a. (1) Upon final approval of an ordinance by the municipal governing body pursuant to subsection c. of section 3 of P.L.2008, c.65 (C.40A:5-14.4), the Local Finance Board may order that the proceeds from the disposition of municipal assets, described in section 3 of P.L.2008, c.65 (C.40A:5-14.4), shall be deposited in a dedicated trust fund which shall be managed in accordance with the provisions of this subsection.

(2) Funds, for purposes described in the approved allocation plan, may be disbursed from the dedicated trust fund and shall be invested and managed pursuant to the provisions of the allocation plan required pursuant to

subsection b. of this section, and the investment plan approved pursuant to subsection l. of this section.

b. The management of funds in the dedicated trust fund shall be the responsibility of an investment oversight board which shall be organized immediately after each member provided for in subsection c. of this section has qualified and taken the oath of office.

c. The investment oversight board of a dedicated trust fund established pursuant to this section shall consist of three members as follows:

(1) The mayor of the municipality, ex-officio, or his designee;

(2) One member of the municipal council of the municipality, selected by a majority of its members, ex-officio, or his designee; and

(3) The chief financial officer of the municipality, ex-officio.

d. Each investment oversight board member shall, within 10 days after his appointment or selection, take an oath of office that so far as it devolves upon him, he will diligently and honestly administer the affairs of the board, and that he will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the dedicated trust fund. The oath shall be subscribed by the member making it, and certified by the officer before whom it is taken, and immediately filed in the office of the clerk of the municipality and in the office of the Secretary of State.

e. The members of the investment oversight board shall serve without compensation, but they shall be reimbursed by the municipality for all reasonable and necessary expenses that they incur through service on the board.

f. Each investment oversight board member shall be entitled to one vote on the board. A unanimous vote shall be necessary for a decision by the members at any meeting of the board; provided, however, that no vote shall be necessary for the annual distribution of earnings from the dedicated trust fund to the municipality for municipal property tax relief, if so provided in the allocation plan ordinance adopted pursuant to section 3 of P.L.2008, c.65 (C.40A:5-14.4).

g. Subject to the requirements and limitations of P.L.2008, c.65 (C.40A:5-14.2 et al.), the investment oversight board shall, from time to time, establish an investment management plan for the administration of the dedicated trust fund established pursuant to this section.

h. The investment oversight board shall elect from its membership a chairman. Any member of the board so elected shall serve as the chairman for a term of two years and until election of his successor. When the term of office of an elected official ends prior to the completion of his two-year chairmanship term, then a new chairman shall be selected for a term of two years.

i. The Director of the Division of Investment in the Department of the Treasury, or a designee, shall be the secretary to any investment oversight board established pursuant to this section.

j. An investment oversight board solely shall use the services of the State Division of Investment to manage the business of its dedicated trust fund.

k. The Attorney General of the State of New Jersey shall be the legal advisor to any investment oversight board established pursuant to this section.

l. The assets of a dedicated trust fund established pursuant to this section shall be maintained, invested, and expended solely in accordance with an approved investment plan entered into pursuant to section 5 of P.L.2008, c.65 (C.40A:5-14.6); provided, however, that an investment plan shall not permit the assets of the dedicated trust fund to be loaned, transferred, or otherwise used by the State or any of its political subdivisions. This subsection shall not be construed to prohibit the investment oversight board from investing in, by purchase or otherwise, bonds, notes, or other obligations of the State or of an agency or instrumentality of the State.

C.40A:5-14.6 Duties of investment oversight board.

5. a. An investment oversight board created pursuant to section 4 of P.L.2008, c.65 (C.40A:5-14.5), acting in consultation with the Director of the Division of Investment in the Department of the Treasury, shall:

(1) establish an investment plan for the purposes of its dedicated trust fund established pursuant to subsection a. of section 4 of P.L.2008, c.65 (C.40A:5-14.5), subject to the approval of the State Treasurer; and

(2) annually review its investment plan to assure that the program remains actuarially sound.

b. An investment plan established pursuant to subsection a. of this section shall specify the investment policies, and notwithstanding the provisions of section 8 of P.L.1977, c.396 (C.40A:5-15.1), the types of financial instruments permitted for investment that shall be used by the Division of Investment in its administration of the fund.

c. (1) When required by the allocation plan adopted pursuant to section 3 of P.L.2008, c.65 (C.40A:5-14.4), at the close of each fiscal year of the municipality, the investment oversight board shall certify to the municipality the amount of earnings that are available for distribution.

(2) If those earnings are to be used for municipal property tax relief, then such amount shall be distributed from the dedicated trust fund to the municipality on the following schedule: February 1, 25% of the total amount due; May 1, 25% of the total amount due, August 1, 25% of the total amount due; and November 1, 25% of the total amount due.

(3) Distribution of funds for purposes other than municipal property tax relief shall be made pursuant to an agreement between the municipality and the investment oversight board, if permitted by municipal ordinance.

d. The investment oversight board shall be subject to the "prudent person" standard of care applicable to the Division of Investment in the Department of the Treasury pursuant to subsection b. of section 11 of P.L.1950, c.270 (C.52:18A-89).

e. (1) The day-to-day administration of the investments of any dedicated trust fund established pursuant to subsection a. of section 4 of P.L.2008, c.65 (C.40A:5-14.5) shall be vested with the Division of Investment in the New Jersey Department of the Treasury.

(2) The division shall be responsible for providing such services as may be deemed necessary for the implementation of a comprehensive investment program for the approved investment plan, including, but not limited to:

(a) providing billing;

(b) individual and collective record keeping and accounting;

(c) asset purchase, control, and safe keeping;

(d) investment management, marketing, administration, compliance, and internal control;

(e) program operations; and

(f) other services necessary to carry out the purposes of P.L.2008, c.65 (C.40A:5-14.2 et al.).

C.40A:5-14.7 Responsibilities of investment oversight board relative to reports.

6. a. Every investment oversight board created pursuant to section 4 of P.L.2008, c.65 (C.40A:5-14.5) shall be responsible for keeping a record of all of its proceedings, which shall be open to public inspection. It shall publish a quarterly report of the trust account's operations and an annual report showing the fiscal transactions of the dedicated trust fund for the preceding year, the amount of accumulated cash and securities of the fund, and the last balance sheet showing the financial condition of the dedicated trust fund by means of an actuarial valuation of the assets and liabilities of the dedicated trust fund.

b. All reports required pursuant to subsection a. of this section shall be submitted to the Governor, Commissioner of Community Affairs, State Comptroller, the State Treasurer, and each member of the governing body of the municipality no later than 45 days after the end of the municipality's fiscal year.

C.40A:5-14.8 Annual audit of dedicated trust funds.

7. a. The accounts of every dedicated trust fund established pursuant to subsection a. of section 4 of P.L.2008, c.65 (C.40A:5-14.5) shall be subject

to annual audits by the State Auditor or a designee. In addition, the investment oversight board of a dedicated trust fund shall commission an independent audit of its program. The results of the independent audit shall be open to public inspection and shall be provided to the Governor, Commissioner of Community Affairs, State Comptroller, the State Treasurer, and each member of the governing body of the municipality. The investment oversight board may use earnings of the fund to pay for the cost of an independent audit required by this subsection.

b. Statements, reports on distributions, and information returns relating to accounts for a dedicated trust fund shall be prepared, distributed, and filed to the extent required by section 529 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.529.

8. Section 8 of P.L.1992, c.79 (C.40A:12A-8) is amended to read as follows:

C.40A:12A-8 Effectuation of development plan.

8. Upon the adoption of a redevelopment plan pursuant to section 7 of P.L.1992, c.79 (C.40A:12A-7), the municipality or redevelopment entity designated by the governing body may proceed with the clearance, replanning, development and redevelopment of the area designated in that plan. In order to carry out and effectuate the purposes of this act and the terms of the redevelopment plan, the municipality or designated redevelopment entity may:

a. Undertake redevelopment projects, and for this purpose issue bonds in accordance with the provisions of section 29 of P.L.1992, c.79 (C.40A:12A-29).

b. Acquire property pursuant to subsection i. of section 22 of P.L.1992, c.79 (C.40A:12A-22).

c. Acquire, by condemnation, any land or building which is necessary for the redevelopment project, pursuant to the provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.).

d. Clear any area owned or acquired and install, construct or reconstruct streets, facilities, utilities, and site improvements essential to the preparation of sites for use in accordance with the redevelopment plan.

e. Prepare or arrange by contract for the provision of professional services and the preparation of plans by registered architects, licensed professional engineers or planners, or other consultants for the carrying out of redevelopment projects.

f. Arrange or contract with public agencies or redevelopers for the planning, replanning, construction, or undertaking of any project or redevel-

opment work, or any part thereof; negotiate and collect revenue from a redeveloper to defray the costs of the redevelopment entity, including where applicable the costs incurred in conjunction with bonds, notes or other obligations issued by the redevelopment entity, and to secure payment of such revenue; as part of any such arrangement or contract, provide for extension of credit, or making of loans, to redevelopers to finance any project or redevelopment work, or upon a finding that the project or redevelopment work would not be undertaken but for the provision of financial assistance, or would not be undertaken in its intended scope without the provision of financial assistance, provide as part of an arrangement or contract for capital grants to redevelopers; and arrange or contract with public agencies or redevelopers for the opening, grading or closing of streets, roads, roadways, alleys, or other places or for the furnishing of facilities or for the acquisition by such agency of property options or property rights or for the furnishing of property or services in connection with a redevelopment area.

g. Except with regard to property subject to the requirements of P.L.2008, c.65 (C.40A:5-14.2 et al.), lease or convey property or improvements to any other party pursuant to this section, without public bidding and at such prices and upon such terms as it deems reasonable, provided that the lease or conveyance is made in conjunction with a redevelopment plan, notwithstanding the provisions of any law, rule, or regulation to the contrary.

h. Enter upon any building or property in any redevelopment area in order to conduct investigations or make surveys, sounding or test borings necessary to carry out the purposes of this act.

i. Arrange or contract with a public agency for the relocation, pursuant to the "Relocation Assistance Law of 1967," P.L.1967, c.79 (C.52:31B-1 et seq.) and the "Relocation Assistance Act," P.L.1971, c.362 (C.20:4-1 et seq.), of residents, industry or commerce displaced from a redevelopment area.

j. Make, consistent with the redevelopment plan: (1) plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements; and (2) plans for the enforcement of laws, codes, and regulations relating to the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.

k. Request that the planning board recommend and governing body designate particular areas as being in need of redevelopment or rehabilitation in accordance with the provisions of this act and make recommendations for the redevelopment or rehabilitation of such areas.

l. Study the recommendations of the planning board or governing body for redevelopment of the area.

m. Publish and disseminate information concerning any redevelopment area, plan or project.

n. Do all things necessary or convenient to carry out its powers.

C.40A:5-14.9 Rules, regulations.

9. The Local Finance Board in the Department of Community Affairs may adopt rules and regulations pursuant to the provisions of the "Administrative Procedure Act," P.L. 1968, c.410 (C. 52:14B-1 et seq.) as the Board may deem necessary to implement or administer any of its responsibilities under this act, P.L.2008, c.65 (C.40A:5-14.2 et al.).

C.40A:5-14.10 Effective date.

10. This act shall take effect immediately and shall be retroactive with respect to resolutions for the sale, assignment, lease, transfer, or redevelopment of municipal property that are adopted on or after March 1, 2008.

Approved August 14, 2008.

CHAPTER 66

AN ACT concerning certain projects of the New Jersey Sports and Exposition Authority and amending P.L.1971, c.137.

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

1. Section 6 of P.L.1971, c.137 (C.5:10-6) is amended to read as follows:

C.5:10-6 Authority projects.

6. a. The authority, pursuant to the provisions of P.L.1971, c.137 (C.5:10-1 et seq.), is hereby authorized and empowered, either alone or in conjunction with others, and provided that, in the case of an arrangement with respect to any of the projects set forth in this section which shall be in conjunction with others, the authority shall have sufficient right and power to carry out the public purposes set forth in P.L.1971, c.137 (C.5:10-1 et seq.):

(1) To establish, develop, construct, operate, acquire, own, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, a

project to be located in the Hackensack meadowlands upon a site not to exceed 750 acres and upon a site or sites outside of that acreage, but either immediately contiguous thereto or immediately across any public road which borders that acreage, consisting of one or more stadiums, coliseums, arenas, pavilions, stands, field houses, playing fields, recreation centers, courts, gymnasiums, clubhouses, a racetrack for the holding of horse race meetings, and other buildings, structures, facilities, properties and appurtenances related to, incidental to, necessary for, or complementary to a complex suitable for the holding of athletic contests or other sporting events, or trade shows, exhibitions, spectacles, public meetings, entertainment events or other expositions, including, but not limited to, driveways, roads, approaches, parking areas, parks, recreation areas, lodging facilities, vending facilities, restaurants, transportation structures, systems and facilities, and equipment, furnishings, and all other structures and appurtenant facilities, related to, incidental to, necessary for, or complementary to the purposes of that project or any facility thereof.

(2) To establish, develop, construct, acquire, lease or own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, a project, at a site within the State of New Jersey, consisting of a baseball stadium and other buildings, structures, facilities, properties and appurtenances related thereto, or incidental to, necessary for, or complementary to a complex suitable for the holding of professional baseball games and other athletic contests or sporting events, or trade shows, exhibitions, spectacles, public meetings, entertainment events or other expositions, such project to include driveways, roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems and facilities, and equipment, furnishings and all other structures and appurtenant facilities related to, incidental to, necessary for, or complementary to the purposes of that project or any facility thereof.

(3) To establish, develop, construct, acquire, lease or own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, projects located within the State of New Jersey, consisting of aquariums and the buildings, structures, facilities, properties and appurtenances related thereto, or incidental to, necessary for, or complementary to those aquariums, such project to include driveways, roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems and facilities, and equipment, furnishings and all other structures and appurtenant facilities related to, incidental to, neces-

sary for, or complementary to the purposes of that project or any facility thereof. To provide for a project authorized under this paragraph:

(a) (Deleted by amendment, P.L.1988, c.172.)

(b) With regard to an aquarium project located outside of the meadowlands complex, the authority is authorized to enter into agreements with the State Treasurer providing for the acquisition and construction of an aquarium by the authority, including the land necessary for the aquarium, and the costs thereof, ownership of the aquarium and its land which shall be conveyed to the State upon completion, and the operation by the authority of the aquarium pursuant to a lease or other agreement with the State containing such terms and conditions as the State Treasurer may establish prior to the acquisition and construction by the authority of the aquarium and the disbursements of funds therefor. The State Treasurer is authorized to enter into a lease or other agreement to effectuate the provisions of this subparagraph.

(c) With regard to an aquarium project located within the meadowlands complex, the authority is authorized to enter into such agreements as it determines are necessary for the construction of the aquarium, including agreements providing for the acquisition of any land that may be necessary, for the ownership and for payment of costs of the aquarium, and for the operation thereof.

(4) To establish, develop, construct, acquire, own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, a project consisting of an exposition or entertainment center or hotel or office complex, including any buildings, structures, properties and appurtenances related thereto, incidental thereto, necessary therefor, or complementary thereto, such project to include driveways, roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems, and equipment, furnishings and all other structures and appurtenances related to, incidental to, necessary for, or complementary to, the purposes of that project. A project authorized under this paragraph may be located within, immediately contiguous to, or immediately across any public road which borders the site of any other project of the authority, except the site of a racetrack authorized by paragraph (5) of this subsection and acquired by the authority prior to 1986.

(5) To establish, develop, construct, acquire, own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, projects consisting of (a) racetrack facilities located within the State of New Jersey, but outside of the meadowlands complex, (b) their contiguous properties, and (c) their auxiliary facilities, including, without limitation, pavil-

ions, stands, field houses, clubhouses, training tracks for horses, racetracks for the holding of horse race meetings, fairgrounds, other exposition facilities, and other buildings, structures, facilities, properties and appurtenances related to, incidental to, necessary for, or complementary to a complex suitable for the holding of horse race meetings, other sporting events, or trade shows, exhibitions, spectacles, public meetings, entertainment events or other expositions, including, but not limited to, driveways, roads, approaches, parking areas, parks, recreation areas, lodging facilities, vending facilities, restaurants, transportation structures, systems and facilities, equipment, furnishings, and all other structures and appurtenant facilities related to, incidental to, necessary for, or complementary to the purposes of any of those projects or any facility thereof.

Notwithstanding any law to the contrary, the acquisition of any existing racetrack facility in and licensed by the State of New Jersey shall be permitted on the condition that payments equivalent to all municipal, school board and county taxes due to each entity shall be paid by the authority to the extent and in accordance with the same payment schedule as taxes would have been paid each year, as though the racetrack facility remained in private ownership. In the event the authority conveys lands or other parts of the racetrack facility to others, the authority shall receive a reduction of such payments commensurate with the amount required to be paid by the subsequent owner of the lands and improvements disposed of by the authority. In addition, the authority shall be responsible for paying all existing local franchise fees, license and parking tax fees in effect at the time of the acquisition.

(6) To establish, develop, acquire, own, operate, manage, promote and otherwise effectuate, in whole or in part, either directly or indirectly through lessees, licensees or agents, projects consisting of events, expositions, teams, team franchises or membership in professional sports leagues.

(7) To establish, develop, construct, acquire, own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, projects consisting of facilities, at a site or sites within the State of New Jersey and either within or without the meadowlands complex, that are related to, incidental to, necessary for, or complementary to the accomplishment or purpose of any project of the authority authorized by this section, including any buildings, structures, properties and appurtenances related thereto, incidental thereto, necessary therefor, or complementary thereto, such projects to include driveways, roads, approaches, parking areas, parks, recreation areas, off-track and account wagering systems and facilities or

any interest therein, vending facilities, restaurants, transportation structures, systems, and equipment, furnishings and all other structures and appurtenances related to, incidental to, necessary for, or complementary to the purposes of those projects.

(8) To establish, develop, acquire, construct, reconstruct, improve and otherwise effectuate for transfer to, and for use and operation by, Rutgers, the State University, either directly or indirectly through lessees, licensees or agents, facilities located or to be located on property owned, leased, or otherwise used by Rutgers, the State University, consisting of an upgraded and expanded football stadium and a new track and field, soccer and lacrosse facility and the buildings, structures, properties and appurtenances related thereto, or incidental to, necessary for, or complementary to the football stadium and track and field, soccer and lacrosse facility, such facilities to include driveways, access roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems and equipment, furnishings and all other structures and appurtenances related or incidental to, necessary for, or complementary to the purposes of those facilities; provided however that construction shall not begin on the expansion of the seating capacity of Rutgers Stadium until the Commissioner of Transportation certifies that all funding necessary to complete the Route 18 project in Piscataway Township has been appropriated and construction has begun on the Route 18 project in Piscataway Township under the Department of Transportation's capital program.

(9) To acquire by purchase, lease or otherwise, and to develop, construct, operate, own, lease, manage, repair, reconstruct, restore, improve, enlarge or otherwise effectuate, either directly or through lessees, licensees or agents, a project which may hereinafter be referred to as either the Atlantic City convention center project or a convention center project in the city of Atlantic City, Atlantic County, consisting of the existing convention hall and a new convention hall or center, and associated parking areas and railroad terminal facilities and including the leasing of adjacent land for hotel facilities. In connection therewith, the authority is authorized to:

(a) Assume existing leasehold or other contractual obligations pertaining to any such facilities or properties or to make provision for the payment or retirement of any debts and obligations of the governmental entity operating any such convention hall or center or of any bonds or other obligations payable from and secured by a lien on or pledge of the luxury tax revenues;

(b) Make loans or payments in aid of construction with respect to infrastructure and site development for properties located in the area between

the sites of the existing convention hall and a new convention center or located contiguous to or across any public road which borders the area;

(c) Convert the existing convention hall or any facilities, structures or properties thereof, or any part thereof, not disposed of by the authority, to any sports, exposition, exhibition, or entertainment use or to use as a forum for public events or meetings, or to any other use which the authority shall determine to be consistent with its operation of the Atlantic City convention center project;

(d) Transfer, as soon as practicable, its ownership interest or other rights and obligations, other than any bonds, notes, or other obligations, including any credit agreement, of the authority issued and outstanding, or then in effect, on the date of such transfer under the Luxury Tax Bond Resolution, in the Atlantic City convention center project to the Atlantic City Convention and Visitors Authority created under section 3 of P.L.1981, c.459 (C.52:27H-31), and cease any supervision of the Atlantic City Convention and Visitors Authority, to the extent permitted by the terms of the bonds, notes, leases or other financing documents, assignments, agreements or arrangements issued or entered into to finance or refinance, in whole or in part, or incurred in connection with the Atlantic City convention center project, as reasonably determined by the authority but subject to the diligence and reasonable determination provisions of paragraph (6) of subsection f. of this section.

(10) To provide a feasibility study for the use and development of the existing convention center in the city of Asbury Park, county of Monmouth and to provide a feasibility study for the construction, use and development of a convention center or recreational facility in any other municipality.

(11) To provide funding to public or private institutions of higher education in the State to establish, develop, acquire, construct, reconstruct or improve facilities located or to be located on property owned, leased, or otherwise used by an institution, consisting of sports facilities and the buildings, structures, properties and appurtenances related thereto, or incidental to, necessary for, or complementary to those sports facilities, such facilities to include driveways, access roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems and equipment, furnishings and all other structures and appurtenances related or incidental to, necessary for, or complementary to the purposes of those facilities.

(12) To acquire by purchase, lease, or otherwise, including all right, title and interest of the Greater Wildwood Tourism Improvement Development Authority in any property, and to develop, construct, operate, own, lease, manage, repair, reconstruct, restore, improve, enlarge or otherwise

effectuate, either directly or through lessees, licensees or agents, a convention center facility in the City of Wildwood, Cape May County, consisting of and including any existing and acquired buildings, structures, properties and appurtenances and including restaurants, retail businesses, access roads, approaches, parking areas, transportation structures and systems, recreation areas, equipment, furnishings, vending facilities, and all other structures and appurtenances incidental to, necessary for, or complementary to the purpose of such Wildwood convention center facility. In connection therewith, the authority is expressly authorized to:

(a) assume any existing mortgages, leaseholds or other contractual obligations or encumbrances with respect to the site of the Wildwood convention center facility and any other existing and acquired buildings, structures, properties, and appurtenances;

(b) enter into agreements with a local public body or bodies providing for any necessary financial support or other assistance for the operation and maintenance of such Wildwood convention center facility from taxes or other sources of the local public body or bodies as shall be made available for such purposes;

(c) to the extent permitted by law and by the terms of the bonds or notes issued to finance the Wildwood convention center facility, transfer its ownership interest or other rights with respect to the convention center facility to another State authority or agency;

(d) upon payment of all outstanding bonds and notes issued therefor, transfer its ownership interest and other rights with respect thereto to such other public body as shall be authorized to own and operate such a facility; and

(e) convert any existing convention hall or any facilities, structures or properties thereof, or any part thereof, not disposed of by the authority, to any use which the authority shall determine to be consistent with the operation of the Wildwood convention center facility.

(13) To acquire by purchase, lease or otherwise, and to develop, construct, own, lease, manage, repair, reconstruct, restore, improve, enlarge or otherwise effectuate, either directly or through lessees, licensees, or agents, all right, title, or interest in the Garden State Arts Center in Holmdel, Monmouth County, and any related or auxiliary facilities and to transfer its interest in the Garden State Arts Center and any related or auxiliary facilities to such other public body that is authorized to own and operate such a facility, or other entity, according to such terms and process as the authority may establish in its discretion.

(14) (a) To establish, develop, construct, acquire, lease or own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and oth-

erwise effectuate, either directly or indirectly through lessees, licensees or agents, projects located within the State of New Jersey, but outside the meadowlands complex, provided that the authority first obtains the consent of the municipality or municipalities in which the projects are to be located, consisting of football training facilities that are comparable in quality to National Football League professional football training facilities and the buildings, structures, facilities, uses, properties and appurtenances related thereto, or identical to, necessary for, or complementary to those National Football League-quality professional football league training facilities, such projects to include driveways, roads, approaches, parking areas, parks, recreation areas, restaurants, transportation structures, systems and facilities, and equipment, furnishings and all other structures and appurtenant facilities related to, incidental to, necessary for, or complementary to the purposes of such projects or any facility thereof.

(b) For projects developed pursuant to subparagraph (a) of paragraph (14) of this subsection, the authority shall make in-lieu-of-tax payments in each municipality affected in amounts negotiated by the authority and each municipality.

b. The authority, pursuant to the provisions of P.L.1971, c.137 (C.5:10-1 et seq.), is authorized (1) to make, as part of any of the projects, capital contributions to others for transportation and other facilities, and accommodations for the public's use of any of those projects, (2) to lease any part of any of those project sites not occupied or to be occupied by the facilities of any of those projects, for purposes determined by the authority to be consistent with or related to the purposes of those projects, including, but not limited to, hotels and other accommodations for transients and other facilities related to or incidental to any of those projects, and (3) to sell or dispose of any real or personal property, including, but not limited to, such portion of the site of any of those projects not occupied or to be occupied by the facilities of any of those projects, at not less than the fair market value of the property, except in the case of sale or disposition to the State, any political subdivision of the State or any agency or instrumentality of the State or any political subdivision of the State.

c. Revenues, moneys or other funds, if any, derived from the operation or ownership of the meadowlands complex, including the conduct of horse race meetings, shall be applied, in accordance with the resolution or resolutions authorizing or relating to the issuance of bonds or notes of the authority, to the following purposes and in the following order:

(1) The costs of operation and maintenance of the meadowlands complex and reserves therefor;

(2) Principal, sinking fund installments and redemption premiums of and interest on any bonds or notes of the authority payable from such revenues, moneys or other funds and issued for the purposes of the meadowlands complex or for the purposes of refunding the same, including reserves and payments with respect to credit agreements therefor;

(3) The costs of any major or extraordinary repairs, renewals or replacements with respect to the meadowlands complex or incidental improvements thereto, not paid pursuant to paragraph (1) above, including reserves therefor;

(4) Payments required to be made pursuant to section 18b.;

(5) Payments authorized to be made pursuant to section 18c.;

(6) Except to the extent payments with respect to bonds or notes are provided with priority in accordance with paragraph (2) of this subsection, payments required to be made in accordance with the resolution authorizing or relating to the issuance of bonds or notes of the authority, for the purposes of any project authorized by this act, including payments and reserves with respect to any bonds or notes of the authority with respect to the meadowlands complex which are not provided with priority in accordance with paragraph (2) of this subsection;

(7) Payments required to be made to repay any obligation incurred by the authority to the State;

(8) The balance remaining after application in accordance with the above shall be deposited in the General State Fund, provided that (a) there shall be appropriated for authorized State purposes from the amount so deposited that amount which shall be calculated by the State Treasurer to be the debt service savings realized with respect to the refinancing of the initial project as defined in section 1 of P.L.1973, c.286 (C.5:10-14.1) at the meadowlands complex, by the issuance of bonds of the authority guaranteed by the State, and (b) after such appropriation, 40% of any balance remaining from the amounts so deposited shall be appropriated to the Meadowlands Commission for any of its purposes authorized by P.L.1968, c.404, and any amendments or supplements thereto.

d. Revenues, moneys or other funds, if any, derived from the operation or ownership of any project other than the meadowlands complex, the Atlantic City convention center project, or the Wildwood convention center facility and other than a baseball stadium project or an office complex project located on the site of a baseball stadium shall be applied for such purposes, in such manner and subject to such conditions as shall be provided in the resolution authorizing or relating to the issuance of bonds or notes of the authority for the purposes of such project, and the balance, if any, remaining

after such application may be applied, to the extent not contrary to or inconsistent with the resolution, in the following order: (1) to the purposes of the meadowlands complex, unless otherwise agreed upon by the State Treasurer and the authority, (2) to the purposes of any other project of the authority; and, the balance remaining, if any, shall be deposited in the General Fund.

e. Revenues, moneys or other funds, if any, derived from the operation, ownership, or leasing of a baseball stadium project or an office complex project located on the site of a baseball stadium shall be applied for the purposes, in the manner and subject to the conditions as shall be provided in the resolution authorizing or relating to the issuance of bonds or notes of the authority for the purposes of a baseball stadium project or an office complex project located on the site of a baseball stadium, if any, and the balance, if any, remaining after such application shall be applied, to the extent not contrary to or inconsistent with the resolution, to the following purposes and in the following order:

(1) The costs of operation and maintenance of a baseball stadium project and an office complex project located on the site of a baseball stadium and reserves therefor;

(2) Payments made to repay the bonded indebtedness incurred by the authority for the purposes of a baseball stadium project or an office complex project located on the site of a baseball stadium;

(3) Payments equivalent to an amount required to be made by the State for payments in lieu of taxes pursuant to P.L.1977, c.272 (C.54:4-2.2a et seq.);

(4) The balance remaining after application in accordance with the above shall be deposited in the General Fund.

f. Revenues, moneys or other funds, if any, including earned interest, derived from the operation, ownership or leasing of the Atlantic City convention center project shall be applied to the costs of operating, maintaining and promoting the Atlantic City convention center project and to the other purposes set forth in paragraphs (1) through (5) of this subsection, except as provided in paragraph (6) of this subsection.

Subject to paragraph (6) of this subsection, luxury tax revenues paid to the authority by the State Treasurer pursuant to section 14 of P.L.1991, c.375 (C.5:10-14.4), including earned interest, shall be deposited by the authority in a separate fund or account and applied to the following purposes and in the following order:

(1) To pay the principal, sinking fund installments and redemption premiums of and interest on any bonds or notes of the authority, including bonds or notes of the authority issued for the purpose of refunding bonds or notes, issued for purposes of (i) the initial acquisition of the existing prop-

erties which will constitute part of the Atlantic City convention center project, if the bonds or notes shall be payable under the terms of the resolution of the authority relating thereto from luxury tax revenues, or (ii) providing improvements, additions or replacements to the Atlantic City convention center project, if the bonds or notes shall be payable under the terms of the resolution of the authority relating thereto from luxury tax revenues; and to pay any amounts due from the authority under any credit agreement entered into by the authority in connection with the bonds or notes.

(2) To pay the costs of operation, maintenance and promotion of the Atlantic City convention center project, including amounts payable as operating expenses under the Luxury Tax Bond Resolution or the terms of the bonds, notes, leases or other financing documents, assignments, agreements or arrangements issued or entered into to finance or refinance, in whole or in part, or incurred in connection with, the Atlantic City convention center project.

(3) To establish and maintain a working capital and maintenance reserve fund for the Atlantic City convention center project in an amount as shall be determined by the authority to be necessary.

(4) To repay to the State those amounts paid by the State with respect to bonds or notes of the authority issued for the purposes of the Atlantic City convention center project.

(5) The balance of any luxury tax revenues not required for any of the foregoing purposes and remaining at the end of any calendar year shall be paid to the State Treasurer for application to purposes in the city of Atlantic City pursuant to section 5 of P.L.1981, c.461 (C.40:48-8.30a).

The authority may pledge the luxury tax revenues paid to it as provided for in section 14 of P.L.1991, c.375 (C.5:10-14.4) as security for the payment of the principal of and interest or premium on the bonds or notes issued for the purposes set forth above in paragraph (1) of this subsection f. in the same manner, to the same extent and with the same effect as the pledge of any of its other revenues, receipts and funds authorized by P.L.1971, c.137 (C.5:10-1 et seq.).

(6) (a) The authority shall promptly and diligently pursue all consents, approvals, waivers or non-objections under the bonds, notes, leases, or other financing documents, assignments, agreements or arrangements issued or entered into to finance or refinance, in whole or in part, or incurred in connection with, the Atlantic City convention center project, that are required for the following actions, which actions may be implemented at the same or at different times:

(i) to permit the State Treasurer to remit to the authority, for deposit to the Luxury Tax Revenue Fund established under the Luxury Tax Bond

Resolution, luxury tax revenues held by the State Treasurer in the fund established pursuant to section 5 of P.L.1979, c.273 (C.40:48-8.30) in an amount sufficient to (A) pay the principal, sinking fund installments and redemption premiums, if any, of and interest on any bonds, notes, or other obligations, including any credit agreement, of the authority issued and outstanding or entered into pursuant to the Luxury Tax Bond Resolution, and (B) maintain any reserves required to be held by the trustee pursuant to the Luxury Tax Bond Resolution, and to remit the balance of the luxury tax revenues held by the State Treasurer in such fund, including interest thereon, to the Atlantic City Convention and Visitors Authority to be applied as provided in section 25 of P.L.2008, c.47 (C.52:27H-41.13) subject, however, to the lien of the Luxury Tax Bond Resolution, until all bonds, notes, and other obligations, including any credit agreement, of the authority issued and outstanding or entered into pursuant to the Luxury Tax Bond Resolution have been paid or defeased in full.

(ii) to permit the authority to transfer its ownership interest or other rights and obligations, other than any bonds, notes, or other obligations, including any credit agreement, of the authority issued and outstanding, or then in effect, on the date of such transfer under the Luxury Tax Bond Resolution, in the Atlantic City convention center project to the Atlantic City Convention and Visitors Authority, and cease any supervision of the Atlantic City Convention and Visitors Authority.

(iii) to implement any other provisions of P.L.2008, c.47 (C.52:27H-31.1 et al.).

(b) Upon obtaining such consents, approvals, waivers or non-objections or upon the reasonable determination by the authority or the State Treasurer that such consents, approvals or non-objections have been obtained, are unnecessary or that the absence of such consents, approvals or non-objections shall not result in a material default, the State Treasurer shall thereafter remit to the authority from the fund only those monies required to satisfy the obligations of subparagraphs (a)(i)(A) and (a)(i)(B) of this paragraph; the balance of the luxury tax revenues held by the State Treasurer in such fund, including interest thereon, shall be paid promptly to the Atlantic City Convention and Visitors Authority to be applied as provided in section 25 of P.L.2008, c.47 (C.52:27H-41.13), subject, however, to the lien of the Luxury Tax Bond Resolution until all bonds, notes, and other obligations, including any credit agreement, of the authority issued and outstanding or entered into pursuant to the Luxury Tax Bond Resolution have been paid or defeased in full.

(c) When all bonds, notes, or other obligations, including any credit agreement, of the authority issued and outstanding or entered into pursuant

to the Luxury Tax Bond Resolution have been paid or defeased in full, any amounts received by the authority from the funds and accounts held under the Luxury Tax Bond Resolution shall forthwith be transferred to the Atlantic City Convention and Visitors Authority to be applied as provided in section 25 of P.L.2008, c.47 (C.52:27H-41.13).

g. Revenues, moneys or other funds, if any, derived from the ownership or operation of the Wildwood convention center facility shall be applied to the costs of operating and maintaining the Wildwood convention center facility and to the other purposes set forth in this subsection as shall be provided by resolution of the authority.

The tourism related tax revenues paid to the authority pursuant to subsection f. of section 14 of P.L.1992, c.165 (C.40:54D-14) shall be deposited by the authority in a separate fund or account and applied to any or all of the following purposes pursuant to an allocation of funds approved by the State Treasurer in writing and in advance of any application of such funds:

(1) to pay amounts due with respect to any obligations transferred to the authority pursuant to section 17 of P.L.1997, c.273 (C.40:54D-25.1) pertaining to the Wildwood convention center facility;

(2) to repay to the State those amounts paid with respect to bonds or notes of the authority issued for the purposes of the Wildwood convention center facility;

(3) to pay the cost of operation and maintenance reserve for the Wildwood convention center facility;

(4) to establish and maintain a working capital and maintenance reserve for the Wildwood convention center facility.

The balance, if any, of any tourism related tax revenues not allocated to any of the purposes set forth in the previous paragraphs and remaining at the end of the calendar year shall be paid to the State Treasurer for deposit in the General Fund.

2. This act shall take effect immediately.

Approved August 14, 2008.

CHAPTER 67

AN ACT authorizing the expenditure of funds by the New Jersey Environmental Infrastructure Trust for the purpose of making loans to eligible project sponsors to finance a portion of the cost of construction of envi-

ronmental infrastructure projects, supplementing P.L.1985, c.334 (C.58:11B-1 et seq.), and making an appropriation.

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

1. a. The New Jersey Environmental Infrastructure Trust, established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), as amended and supplemented by P.L.1997, c.224 and amended by P.L.2004, c.111, is authorized to expend the aggregate sum of up to $263,699,893, and any unexpended balance of the aggregate expenditures authorized pursuant to section 1 of P.L.2000, c.93, section 1 of P.L.2001, c.224, section 1 of P.L.2002, c.71, section 1 of P.L.2003, c.159, section 1 of P.L.2004, c.110, section 1 of P.L.2005, c.197, section 1 of P.L.2006, c.67, and section 1 of P.L.2007, c.140 for the purpose of making loans, to the extent sufficient funds are available, to or on behalf of local government units or public water utilities (hereinafter referred to as "project sponsors") to finance a portion of the cost of construction of environmental infrastructure projects listed in sections 2 and 4 of this act.

b. The trust is authorized to increase the aggregate sums specified in subsection a. of this section by:

(1) the amounts of capitalized interest and the bond issuance expenses as provided in subsection b. of section 7 of this act;

(2) the amounts of reserve capacity expenses and debt service reserve fund requirements as provided in subsection c. of section 7 of this act;

(3) the interest earned on amounts deposited for project costs pending their distribution to project sponsors as provided in subsection d. of section 7 of this act; and

(4) the amounts of the loan origination fee as provided in subsection e. of section 7 of this act.

c. (1) Of the sums made available to the trust from the "Water Supply Trust Fund" established pursuant to subsection a. of section 15 of the "Water Supply Bond Act of 1981," (P.L.1981, c.261) pursuant to P.L.1997, c.223, the trust is authorized to transfer such amounts to the Department of Environmental Protection as needed for drinking water project loans pursuant to the "Safe Drinking Water Act Amendments of 1996" Pub.L.104-182, and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Safe Drinking Water Act"), under terms and conditions established by the Commissioner of Environmental Protection and trust, and

approved by the State Treasurer, which loans shall be jointly administered by the trust and department.

(2) Of the sums appropriated to the trust from the "Wastewater Treatment Trust Fund" established pursuant to section 15 of the "Wastewater Treatment Bond Act of 1985," (P.L.1985, c.329) pursuant to P.L.1987, c.198, the trust is authorized to transfer such amounts as needed to the Clean Water Fund - State Revolving Fund Accounts (hereinafter referred to as the "Clean Water State Revolving Fund Accounts") for the purposes of issuing loans or providing the State match as required for the award of the capitalization grants made available to the State for clean water projects pursuant to the "Water Quality Act of 1987" (33 U.S.C.s.1251 et seq.), and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Clean Water Act").

(3) Of the sums appropriated to the trust from the "1992 Wastewater Treatment Trust Fund" established pursuant to section 27 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," (P.L.1992, c.88) pursuant to P.L.1996, c.86, the trust is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund Accounts for the purpose of providing the State match as required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(4) Of the sums appropriated to the trust from the "Stormwater Management and Combined Sewer Overflow Abatement Fund" created pursuant to section 14 of the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989," (P.L.1989, c.181) pursuant to P.L.1998, c.87, the trust is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund Accounts for the purpose of providing the State match as required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(5) Of the sums appropriated to the trust from the "2003 Water Resources and Wastewater Treatment Trust Fund" established pursuant to subsection b. of section 19 of the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003," (P.L.2003, c.162) pursuant to P.L.2004, c.110, the trust is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund Accounts for the purpose of providing the State match as required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(6) Of the sums appropriated to the trust from repayments of loans deposited in any account, including the Clean Water State Revolving Fund Accounts contained within the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund" or the Drinking Water State Revolving Fund, as appropriate, pursuant to sections 11 and 12 of P.L.1995, c.219, sections 11 and 12 of P.L.1996, c.85, sections 11 and 12 of P.L.1997, c.221, sections 12 and 13 of P.L.1998, c.84, section 11 of P.L.1999, c.174, section 11 of P.L.2000, c.92, section 11 of P.L.2001, c.222, section 11 of P.L.2002, c.70, section 11 of P.L.2003, c.158, section 11 of P.L.2004, c.109, section 11 of P.L.2005, c.196, section 11 of P.L.2006, c.68, and section 10 of P.L.2007, c.140 for deposit into one or more reserve funds established by the trust pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11), the trust shall transfer to the respective fund of origin the unexpended balance of all such moneys no longer utilized by the trust for reserve fund purposes.

d. For the purposes of this act:

(1) "capitalized interest" means the amount equal to interest paid on trust bonds which is funded with trust bond proceeds and the earnings thereon;

(2) "issuance expenses" means and includes, but need not be limited to, the costs of financial document printing, bond insurance premiums or other credit enhancement, underwriters' discount, verification of financial calculations, the services of bond rating agencies and trustees, the employment of accountants, attorneys, financial advisors, loan servicing agents, registrars, and paying agents, and any other costs related to the issuance of trust bonds;

(3) "reserve capacity expenses" means those project costs for reserve capacity not eligible for loans under rules and regulations governing zero interest loans adopted by the Commissioner of Environmental Protection pursuant to section 4 of P.L.1985, c.329 but which are eligible for loans from the trust in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27);

(4) "debt service reserve fund expenses" means the debt service reserve fund costs associated with reserve capacity expenses, water supply projects for which the project sponsors are public water utilities as provided in section 9 of P.L.1985, c.334 (C.58:11B-9), other drinking water projects not eligible for, or interested in, State or federal debt service reserve funds pursuant to the "Water Supply Bond Act of 1981," P.L.1981, c.261, as amended and supplemented by P.L.1997, c.223, and any clean water projects not eligible for, or interested in, State or federal debt service reserve funds from the Clean Water State Revolving Fund Accounts; and

(5) "loan origination fee" means the fee charged by the Department of Environmental Protection and financed under the trust loan to pay a portion of the costs incurred by the department in the implementation of the New Jersey Environmental Infrastructure Financing Program.

e. The trust is authorized to increase the loan amount in the future to compensate for a refunding of the issue, provided adequate savings are achieved, for the loans issued pursuant to P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222, P.L.1998, c.85, P.L.1999, c.173, P.L.2000, c.93, P.L.2001, c.224, P.L.2002, c.71, P.L.2003, c.159, P.L.2004, c.110, P.L.2005, c.197, P.L.2006, c.67, P.L.2007, c.140, and P.L.2008, c.67.

2. a. (1) The New Jersey Environmental Infrastructure Trust is authorized to expend funds for the purpose of making supplemental loans to or on behalf of the project sponsors listed below for the following clean water environmental infrastructure projects:

Project Number	**Project Sponsor**	**Estimated Allowable Loan Amount**
340305-01-1	Barrington Boro	$ 128,500
340170-02-1	Cinnaminson SA	$ 395,000
340679-01-2	Linden City	$ 698,500
340023-01-1	Long Beach Township	$ 450,500
340051-01/02-1	City of Bayonne Redevelopment Authority	$ 2,925,000
340386-04-1/768-03-1	Bergen County UA	$ 7,636,000
340838-02-1	Evesham Township MUA	$ 1,503,500
340928-05-1	Jersey City MUA	$ 902,750
340372-27-1	Ocean County UA	$ 747,500
	TOTAL	$ 15,387,250

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amounts required by these projects based upon final building costs pursuant to subsection a. of section 7 of this act and the loan amounts certified by the chairman of the trust in State fiscal years 2003, 2004, 2005 and 2006, and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27). The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 6 of this act.

(3) The loans authorized in this subsection shall have priority over the environmental infrastructure projects listed in subsection a. of section 4 of this act.

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

Project Number	Project Sponsor	Estimated Allowable Loan Amount
0717001-001/002/003/004-1	Orange City	$ 4,809,000
0408001-009/012-1	Camden City	$ 631,750
0221001-001/002-1	Garfield City	$ 1,035,000
0324001-005-2	Mount Laurel Township	$ 582,137
0906001-002-1	Jersey City MUA	$ 776,250
0714001-003/004-1	Newark City	$ 2,814,250
1216001-004-1	Perth Amboy City	$ 57,500
	TOTAL	$10,705,887

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amounts required by these projects based upon final building costs pursuant to subsection a. of section 7 of this act and the loan amounts certified by the chairman of the trust in State fiscal years 1998, 2000, 2004, 2005 and 2007, and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27). The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 6 of this act.

(3) The loans authorized in this subsection shall have priority over the environmental infrastructure projects listed in subsection b. of section 4 of this act.

3. a. The New Jersey Environmental Infrastructure Trust is authorized to make loans to or on behalf of the project sponsors for the clean water projects listed in subsection a. of section 2 and subsection a. of section 4 of this act up to the individual amounts indicated and in the priority stated, except as any such amount may be reduced by the trust pursuant to subsection a. of section 7 of this act, or if a project fails to meet the requirements of section 6 of this act. The trust is authorized to increase any such amount pursuant to subsection b., c., d. or e. of section 7 or section 8 of this act.

b. The trust is authorized to make loans to project sponsors for the drinking water projects listed in subsection b. of section 2 and subsection b. of section 4 of this act up to the individual amounts indicated and in the priority stated, except as any such amount may be reduced by the trust pur-

suant to subsection a. of section 7 of this act, or if a project fails to meet the requirements of section 6 of this act. The trust is authorized to increase any such amount pursuant to subsection b., c., d. or e. of section 7 or section 8 of this act.

4. a. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 2009 Clean Water Project Priority List":

Project Number	Project Sponsor	Estimated Allowable Loan Amount
340862-02	Westwood Boro	$ 1,725,000
340132-01	Willingboro MUA	$ 2,909,500
343034-04	Readington Township	$ 3,661,750
343072-02	High Bridge Boro	$ 1,408,750
340815-13	Newark City	$ 2,131,000
340850-03	Paterson City	$ 5,165,500
340097-02	Middletown Township SA	$ 8,772,000
340386-07	Bergen County UA	$ 682,500
340952-11	North Hudson SA	$ 7,633,750
340372-32	Ocean County UA	$ 1,963,000
340372-33	Ocean County UA	$ 654,500
340952-10	North Hudson SA	$ 2,860,500
340536-06	East Windsor MUA	$ 7,057,500
340346-04	Medford Township	$ 4,054,500
340902-03	Gloucester County UA	$ 748,500
340128-01	Western Monmouth UA	$ 4,113,500
340366-08	Camden City	$ 967,750
340123-01	Logan Township MUA	$ 20,000,000
340656-05A	Princeton Boro (Princeton Sewer Operating Committee)	$ 1,162,500
340656-05B	Princeton Township (Princeton Sewer Operating Committee)	$ 1,162,500
340170-03	Cinnaminson SA	$ 1,444,500
340712-07	Burlington City	$ 4,546,500
340372-34	Ocean County UA	$ 5,889,000
340372-35	Ocean County UA	$ 392,500
340902-04	Gloucester County UA	$ 1,151,000
340364-04	Gloucester Township MUA	$ 1,501,000
340115-01	Haddon Township	$ 3,671,500
340873-03	Clinton Township SA	$ 869,500
340363-04	Runnemede Boro	$ 985,500
340871-03	Gibbsboro Boro	$ 1,054,500
340311-02	Ship Bottom Boro	$ 424,000
340640-06	Camden County MUA	$ 6,147,000
340809-14	Atlantic County UA	$ 2,523,500
340809-11	Atlantic County UA	$ 2,074,750

340051-04	City of Bayonne Redevelopment Authority	$ 1,608,500
340119-01	Jersey City Redevelopment Agency	$ 1,712,000
340097-01	Middletown Township	$ 4,255,000
340364-05	Gloucester Township MUA	$ 748,500
340969-06	Berkeley Township	$ 6,304,500
340073-02	Leonia Boro	$ 318,000
340363-05	Runnemede Boro	$ 208,500
340446-10	Bergen County UA (Edgewater Colony)	$ 1,200,000
40112-01	Ocean Township	$ 500,000
342005-02	Linden City	$ 560,000
343054-05	NJ Water Supply Authority	$ 1,200,000
340815-12	Newark City	$ 3,026,250
340098-01	Harrison Town (Metro Center)	$ 13,137,000
340094-01	Hudson County Improvement Authority	$ 1,649,250
340098-02	Harrison Town (Harrison Commons)	$ 1,987,750
340124-01	Union County Improvement Authority	$ 12,713,500
340435-07	Perth Amboy Redevelopment Agency	$ 11,120,250
340923-09	Hackensack City	$ 2,290,500
342011-01	Bellmawr Boro	$ 4,541,000
	TOTAL	$180,589,750

b. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 2009 Drinking Water Project Priority List":

Project Number	**Project Sponsor**	**Estimated Allowable Loan Amount**
0415002-006	Aqua NJ-Blackwood	$ 598,000
0415002-005	Aqua NJ-Blackwood	$ 598,000
1009001-004	Flemington Boro	$ 579,500
1009001-003	Flemington Boro	$ 869,500
1514002-007	Lakewood Township MUA	$ 687,820
0248001-013	Ramsey Boro	$ 172,500
1007002-001	Rosemont Water Company	$ 97,000
1001301-001	VES Corporation Valley View Manor	$ 22,000
0824001-001	Aqua NJ-Woolwich	$ 3,099,500
1321001-001	Keansburg Boro	$ 1,368,500
1712001-001	Salem City	$ 4,812,000
1514002-006	Lakewood Township MUA	$ 5,807,500
0414001-001	Gloucester City	$ 5,147,500
1514002-002	Lakewood Township MUA	$ 1,207,500
0904001-003	Harrison Town (Harrison Commons)	$ 202,750
0904001-002	Harrison Town (Metro Center)	$ 735,250
0906001-005	Jersey City MUA/New Jersey City University	$ 170,750
1528001-001	Ship Bottom Boro	$ 676,500
1209002-009	Old Bridge MUA	$ 854,500
1504001-004	Beachwood Boro	$ 230,000
1514002-008	Lakewood Township MUA	$ 104,686

1514002-009	Lakewood Township MUA	$ 522,500
1514002-010	Lakewood Township MUA	$ 606,000
1225001-011	Middlesex Water Company	$ 2,012,500
0810004-001	Mantua Township MUA	$ 2,300,000
1212001-001	Milltown Boro	$ 1,151,000
1111001-007	Trenton City	$ 4,919,250
1209002-008	Old Bridge MUA	$ 1,268,500
1504001-005	Beachwood Boro	$ 230,000
1504001-003	Beachwood Boro	$ 1,265,000
1530004-011	Stafford Township	$ 138,000
1503001-001	Beach Haven Boro	$ 562,000
1003001-001	Bloomsbury Boro	$ 122,500
1530004-005	Stafford Township	$ 3,778,500
1101002-003	East Windsor MUA	$ 1,600,000
1101002-002	East Windsor MUA	$ 3,000,000
1101002-001	East Windsor MUA	$ 5,500,000
	TOTAL	$57,017,006

5. In accordance with and subject to the provisions of sections 5, 6 and 23 of P.L.1985, c.334 (C.58:11B-5, 58:11B-6, and 58:11B-23) and as set forth in the financial plan required pursuant to section 21 of P.L.1985, c.334 (C.58:11B-21), or the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1), any proceeds from bonds issued by the trust to make loans for priority environmental infrastructure projects listed in sections 2 and 4 of this act which are not expended for that purpose may be applied for the payment of all or any part of the principal of and interest and premium on the trust bonds whether due at stated maturity, the interest payment dates or earlier upon redemption. A portion of the proceeds from bonds issued by the trust to make loans for priority environmental infrastructure projects pursuant to this act may be applied for the payment of capitalized interest and for the payment of any issuance expenses; for the payment of reserve capacity expenses; for the payment of debt service reserve fund expenses for the payment of the loan origination fees; and for the payment of increased costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

6. Any loan made by the New Jersey Environmental Infrastructure Trust pursuant to this act shall be subject to the following requirements:

a. The chairman of the trust has certified that the project is in compliance with the provisions of P.L.1977, c.224, P.L.1985, c.334, P.L.1992, c.88, P.L.1997, c.223, P.L.1997, c.224, P.L.1997, c.225, P.L.1999, c.175 or P.L.2003, c.162, and any rules and regulations adopted pursuant thereto. In

making this certification, the chairman may conclusively rely on the project review conducted by the Department of Environmental Protection without any independent review thereof by the trust;

b. The loan shall be conditioned upon inclusion of the project on a project priority list approved pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20) or section 24 of P.L.1997, c.224 (C.58:11B-20.1);

c. The loan shall be repaid within a period not to exceed 20 years of the making of the loan;

d. The loan shall not exceed the allowable project cost of the environmental infrastructure facility, exclusive of capitalized interest and issuance expenses as provided in subsection b. of section 7 of this act, reserve capacity expenses and the debt service reserve fund expenses as provided in subsection c. of section 7 of this act, interest earned on project costs as provided in subsection d. of section 7 of this act, the amounts of the loan origination fee as provided in subsection e. of section 7 of this act, refunding increases as provided in section 8 of this act and increased costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27);

e. The loan shall bear interest, exclusive of any late charges or administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5) by the project sponsors receiving trust loans, at or below the interest rate paid by the trust on the bonds issued to make or refund the loans authorized by this act, adjusted for underwriting discount and original issue discount or premium, in accordance with the terms and conditions set forth in the financial plan required pursuant to section 21 of P.L.1985, c.334 (C.58:11B-21) or the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1); and

f. The loan shall be subject to all other terms and conditions as the trust shall determine to be consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) and any rules and regulations adopted pursuant thereto, and with the financial plan required by section 21 of P.L.1985, c.334 (C.58:11B-21) or the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1).

The priority lists and authorization for the making of loans pursuant to this act shall expire on July 1, 2009, and any project sponsor which has not executed and delivered a loan agreement with the trust for a loan authorized in this act shall no longer be entitled to that loan.

7. a. The New Jersey Environmental Infrastructure Trust is authorized to reduce the individual amount of loan funds made available to or on be-

half of project sponsors pursuant to sections 2 and 4 of this act based upon final building costs defined in and determined in accordance with rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27) or rules and regulations adopted by the Commissioner of Environmental Protection pursuant to section 4 of P.L.1985, c.329, section 11 of P.L.1977, c.224 (C.58:12A-11) or section 5 of P.L.1981, c.261. The trust is authorized to use any such reduction in the loan amount made available to a project sponsor to cover that project sponsor's increased costs due to differing site conditions or other allowable expenses as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

b. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the amount of capitalized interest and issuance expenses allocable to each loan made by the trust pursuant to this act; provided that the increase for issuance expenses, excluding underwriters' discount, original issue discount or premiums, municipal bond insurance premiums and bond rating agency fees, shall not exceed 0.4% of the principal amount of trust bonds issued to make loans authorized by this act.

c. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the amount of reserve capacity expenses, and by the debt service reserve fund expenses associated with the costs identified in paragraph (4) of subsection d. of section 1 of this act.

d. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the interest earned on amounts deposited for project costs pending their distribution to project sponsors.

e. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the loan origination fee.

8. The New Jersey Environmental Infrastructure Trust is authorized to increase the individual amount of loan funds made available to project sponsors by the trust pursuant to P.L.1989, c.190, P.L.1990, c.97, P.L.1991, c.324, P.L.1992, c.37, P.L.1993, c.192, P.L.1994, c.105, P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222, P.L.1998, c.85, P.L.1999, c.173, P.L.2000, c.93, P.L.2001, c.224, P.L.2002, c.71, P.L.2003, c.159, P.L.2004, c.110, P.L.2005, c.197, P.L.2006, c.67, P.L.2007, c.140 or P.L.2008, c.67, provided that adequate savings are achieved, to compensate for a refunding of trust bonds issued to make loans authorized by the aforementioned acts.

9. The expenditure of funds authorized pursuant to this act is subject to the provisions of P.L.1977, c.224 (C.58:12A-1 et al.), P.L.1985, c.329,

P.L.1985, c.334 (C.58:11B-1 et seq.), as amended and supplemented by P.L.1997, c.224, P.L.1992, c.88, P.L.1989, c.181, P.L.1997, c.223, P.L.1997, c.225, P.L.1999, c.175 or P.L.2003, c.162, and the rules and regulations adopted pursuant thereto, and the provisions of the Federal Clean Water Act or the Federal Safe Drinking Water Act, as appropriate.

10. a. There is appropriated to the New Jersey Environmental Infrastructure Trust from repayments of loans deposited in any account, including the Clean Water State Revolving Fund Accounts contained within the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," or the Drinking Water State Revolving Fund, as appropriate, and from any net earnings received from the investment and reinvestment of such deposits, the sum of $100,000,000 consisting of:

(1) The unexpended balance of $100,000,000 currently on deposit in the special fund (hereinafter referred to as the "Interim Financing Program Fund") created and established by the trust for the short-term or temporary loan financing or refinancing program (hereinafter referred to as the "Interim Financing Program") authorized pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), which balance previously had been appropriated to the trust for such purpose pursuant to section 12 of P.L.2004, c.109, less any Interim Financing Program Fund amounts appropriated to the Department of Environmental Protection to supplement the sums appropriated from the Clean Water State Revolving Fund Accounts for clean water projects pursuant to the Federal Clean Water Act; and

(2) such other amounts to be deposited in the Interim Financing Program Fund, provided that the amount so reappropriated and appropriated to the trust for deposit in the Interim Financing Program Fund shall be utilized by the trust to make short-term or temporary loans pursuant to the Interim Financing Program to any one or more of the project sponsors, for the respective projects thereof, identified in the interim financing project priority list (hereinafter referred to as the "Interim Financing Program Eligibility List") in the form provided to the Legislature by the Commissioner of Environmental Protection.

b. The Interim Financing Program Eligibility List shall be submitted to the Legislature on or before June 18, 2008 on a day when both Houses are meeting. The President of the Senate and the Speaker of the General Assembly shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. Any environmental infrastructure project or the project sponsor thereof not identified

in the Interim Financing Program Eligibility List shall not be eligible for a short-term or temporary loan from the Interim Financing Program Fund.

11. This act shall take effect immediately.

Approved August 14, 2008.

CHAPTER 68

AN ACT appropriating moneys to the Department of Environmental Protection for the purpose of making zero interest loans to project sponsors to finance a portion of the costs of construction of environmental infrastructure projects.

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

1. a. (1) There is appropriated to the Department of Environmental Protection from the Clean Water Fund - State Revolving Fund Accounts (hereinafter referred to as the "Clean Water State Revolving Fund Accounts") established pursuant to section 1 of P.L.1988, c.133 and renamed pursuant to section 2 of P.L.1998, c.84 an amount equal to the Federal fiscal year 2008 capitalization grant made available to the State for clean water project loans pursuant to the "Water Quality Act of 1987" (33 U.S.C.s.1251 et seq.), and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Clean Water Act").

(2) There is appropriated to the Department of Environmental Protection from the "Interim Financing Program Fund" created and established by the New Jersey Environmental Infrastructure Trust pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9) such amounts as may be necessary to supplement the sums appropriated from the Clean Water State Revolving Fund Accounts for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(3) There is appropriated to the Department of Environmental Protection from the Drinking Water State Revolving Fund established pursuant to section 1 of P.L.1998, c.84 an amount equal to the Federal fiscal year 2008

capitalization grant made available to the State for drinking water projects pursuant to the "Safe Drinking Water Act Amendments of 1996" Pub.L.104-182, and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Safe Drinking Water Act").

The Department of Environmental Protection is authorized to transfer from the Clean Water State Revolving Fund Accounts 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 said maximum amount is hereby appropriated to the department for those purposes.

(4) There is appropriated to the Department of Environmental Protection the unappropriated balances from the "Wastewater Treatment Fund" established pursuant to section 15 of the "Wastewater Treatment Bond Act of 1985," (P.L.1985, c.329) for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(5) There is appropriated to the Department of Environmental Protection 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) for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(6) There is appropriated to the Department of Environmental Protection the unappropriated balances from the "2003 Water Resources and Wastewater Treatment Fund" established pursuant to subsection a. of section 19 of the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003," (P.L.2003, c.162) for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(7) There is appropriated to the Department of Environmental Protection the unappropriated balances from the Drinking Water State Revolving Fund for the purposes of drinking water project loans.

(8) There is appropriated to the Department of Environmental Protection such sums as may be or become available on or before June 30, 2008

as repayments of drinking water project loans from the "Water Supply Fund" established pursuant to section 14 of the "Water Supply Bond Act of 1981" (P.L.1981, c.261) for the purposes of drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(9) Of the sums appropriated to the Department of Environmental Protection from the "Water Supply Fund" pursuant to P.L.1999, c.174, P.L.2001, c.222, P.L.2002, c.70 and P.L.2003, c.158, the department is authorized to transfer any unexpended balances and any repayments of loans therefrom in such amounts as needed to the Drinking Water State Revolving Fund for the purposes of drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(10) Of the sums appropriated to the Department of Environmental Protection from the "1992 Wastewater Treatment Fund" pursuant to P.L.1996, c.85, P.L.1997, c.221, P.L.1998, c.84, P.L.1999, c.174, P.L.2000, c.92, P.L.2001, c.222 and P.L.2002, c.70, the department is authorized to transfer any unexpended balances and any repayments of loans therefrom in such amounts as needed to the Clean Water State Revolving Fund Accounts for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(11) Of the sums appropriated to the Department of Environmental Protection from the "2003 Water Resources and Wastewater Treatment Fund" pursuant to P.L.2004, c.109, the department is authorized to transfer any unexpended balances and any repayments of loans therefrom in such amounts as needed to the Clean Water State Revolving Fund Accounts for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(12) Of the sums appropriated to the Department of Environmental Protection from the "2003 Water Resources and Wastewater Treatment Fund" pursuant to P.L.2007, c.139, the department is authorized to transfer any unexpended balances and any repayments of loans therefrom in such amounts as needed to the Clean Water State Revolving Fund Accounts for the purposes of clean water project loans and providing the State match as

required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(13) There is appropriated to the Department of Environmental Protection the sums deposited by the New Jersey Environmental Infrastructure Trust into the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," the "2003 Water Resources and Wastewater Treatment Fund" or the Drinking Water State Revolving Fund, as appropriate, pursuant to paragraph (6) of subsection c. of section 1 of P.L.2008, c.67, for the purposes of clean water project loans and drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act and drinking water projects pursuant to the Federal Safe Drinking Water Act.

Any such amounts shall be for the purpose of making zero interest loans, to the extent sufficient funds are available, to or on behalf of local government units or public water utilities (hereinafter referred to as "project sponsors") to finance a portion of the cost of construction of clean water projects and drinking water projects listed in sections 2 and 3 of this act, and for the purpose of implementing and administering the provisions of this act, to the extent permitted by the Federal Clean Water Act, and any amendatory and supplementary acts thereto, the "Wastewater Treatment Bond Act of 1985" (P.L.1985, c.329), the "Water Supply Bond Act of 1981," (P.L.1981, c.261), the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989" (P.L.1989, c.181), the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," (P.L.1992, c.88), the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003," (P.L.2003, c.162), the Federal Safe Drinking Water Act, and any amendatory and supplementary acts thereto, and State law.

b. The department is authorized to make zero interest loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in subsection a. of section 2 and subsection a. of section 3 of this act for clean water projects, and subsection b. of section 2 and subsection b. of section 3 of this act for drinking water projects, up to the individual amounts indicated and in the priority stated, except as any such amount may be reduced by the Commissioner of Environmental Protection pursuant to section 6 of this act, or if a project fails to meet the requirements of section 4 of this act.

c. The department is authorized to make zero interest loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in sections 2 and 3 of this act under the same terms, conditions and requirements as set forth in this section from any unexpended balances of the amounts appropriated pursuant to section 1 of P.L.1987, c.200, section 2 of P.L.1988, c.133, section 1 of P.L.1989, c.189, section 1 of P.L.1990, c.99, section 1 of P.L.1991, c.325, section 1 of P.L.1992, c.38, section 1 of P.L.1993, c.193, section 1 of P.L.1994, c.106, section 1 of P.L.1995, c.219, section 1 of P.L.1996, c.85, section 1 of P.L.1997, c.221, section 2 of P.L.1998, c.84, section 2 of P.L.1999, c.174, section 2 of P.L.2000, c.92, sections 1 and 2 of P.L.2001, c.222, sections 1 and 2 of P.L.2002, c.70, sections 1 and 2 of P.L.2003, c.158, sections 1 and 2 of P.L.2004, c.109, sections 1 and 2 of P.L.2005, c.196, sections 1 and 2 of P.L.2006, c.68, or sections 1 and 2 of P.L.2007, c.139, including amounts resulting from the final building cost reductions authorized pursuant to section 6 of P.L.1987, c.200, section 7 of P.L.1988, c.133, section 6 of P.L.1989, c.189, section 6 of P.L.1990, c.99, section 6 of P.L.1991, c.325, section 6 of P.L.1992, c.38, section 6 of P.L.1993, c.193, section 6 of P.L.1994, c.106, section 6 of P.L.1995, c.219, section 6 of P.L.1996, c.85, section 6 of P.L.1997, c.221, section 7 of P.L.1998, c.84, section 6 of P.L.1999, c.174, section 6 of P.L.2000, c.92, section 6 of P.L.2001, c.222, section 6 of P.L.2002, c.70, section 6 of P.L.2003, c.158, section 6 of P.L.2004, c.109, section 6 of P.L.2005, c.196, section 6 of P.L.2006, c.68, and section 6 of P.L.2007, c.139, and from any repayments of loans from the "Wastewater Treatment Fund," the "Water Supply Fund," the "1992 Wastewater Treatment Fund," the "2003 Water Resources and Wastewater Treatment Fund," or amounts deposited therein during State fiscal year 2008 pursuant to the provisions of section 16 of P.L.1985, c.329, including any Clean Water State Revolving Fund Accounts contained within the "Wastewater Treatment Fund," and from any repayment of loans from the Drinking Water State Revolving Fund.

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 Number	**Project Sponsor**	**Estimated Allowable Loan Amount**
340305-01-1	Barrington Boro	$ 128,500
340170-02-1	Cinnaminson SA	$ 395,000
340679-01-2	Linden City	$ 698,500
340023-01-1	Long Beach Township	$ 450,500

340051-01/02-1	City of Bayonne Redevelopment Authority	$ 8,775,000
340386-04-1/768-03-1	Bergen County UA	$ 22,908,000
340838-02-1	Evesham Township MUA	$ 1,503,500
340928-05-1	Jersey City MUA	$ 2,708,250
340372-27-1	Ocean County UA	$ 747,500
	TOTAL	$ 38,314,750

(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 6 of this act and the loan amounts certified by the commissioner in State fiscal years 2003, 2004, 2005 and 2006 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 of this act.

(3) The zero interest loans for the projects authorized in this subsection shall have priority over projects listed in subsection a. of section 3 of this act.

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

Project Number	**Project Sponsor**	**Estimated Allowable Loan Amount**
0717001-001/002/003/004-1	Orange City	$ 4,809,000
0408001-009/012-1	Camden City	$ 1,895,250
0221001-001/002-1	Garfield City	$ 1,035,000
0324001-005-2	Mount Laurel Township	$ 2,292,863
0906001-002-1	Jersey City MUA	$ 2,328,750
0714001-003/004-1	Newark City	$ 8,442,750
1216001-004-1	Perth Amboy City	$ 57,500
	TOTAL	$20,861,113

(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 6 of this act and the loan amounts certified by the commissioner in State fiscal years 1998, 2000, 2004, 2005 and 2007, 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 ex-

tent sufficient funds are available, except as a project fails to meet the requirements of section 4 of this act.

(3) The loans authorized in this subsection shall have priority over the environmental infrastructure projects listed in subsection b. of section 3 of this act.

3. a. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 2009 Clean Water Project Priority List":

Project Number	Project Sponsor	Estimated Allowable Loan Amount
340862-02	Westwood Boro	$ 1,725,000
340132-01	Willingboro MUA	$ 2,909,500
343034-04	Readington Township	$ 10,985,250
343072-02	High Bridge Boro	$ 4,226,250
340815-13	Newark City	$ 6,393,000
340850-03	Paterson City	$ 15,496,500
340097-02	Middletown Township SA	$ 8,772,000
340386-07	Bergen County UA	$ 2,047,500
340952-11	North Hudson SA	$ 22,901,250
340372-32	Ocean County UA	$ 1,963,000
340372-33	Ocean County UA	$ 654,500
340952-10	North Hudson SA	$ 8,581,500
340536-06	East Windsor MUA	$ 7,057,500
340346-04	Medford Township	$ 4,054,500
340902-03	Gloucester County UA	$ 748,500
340128-01	Western Monmouth UA	$ 4,113,500
340366-08	Camden City	$ 2,903,250
340123-01	Logan Township MUA	$ 20,000,000
340656-05A	Princeton Boro (Princeton Sewer Operating Committee)	$ 1,162,500
340656-05B	Princeton Township (Princeton Sewer Operating Committee)	$ 1,162,500
340170-03	Cinnaminson SA	$ 1,444,500
340712-07	Burlington City	$ 4,546,500
340372-34	Ocean County UA	$ 5,889,000
340372-35	Ocean County UA	$ 392,500
340902-04	Gloucester County UA	$ 1,151,000
340364-04	Gloucester Township MUA	$ 1,501,000
340115-01	Haddon Township	$ 3,671,500
340873-03	Clinton Township SA	$ 869,500
340363-04	Runnemede Boro	$ 985,500
340871-03	Gibbsboro Boro	$ 1,054,500
340311-02	Ship Bottom Boro	$ 424,000
340640-06	Camden County MUA	$ 18,441,000
340809-14	Atlantic County UA	$ 2,523,500
340809-11	Atlantic County UA	$ 6,224,250

340051-04	City of Bayonne Redevelopment Authority	$ 4,825,500
340119-01	Jersey City Redevelopment Agency	$ 5,136,000
340097-01	Middletown Township	$ 4,255,000
340364-05	Gloucester Township MUA	$ 748,500
340969-06	Berkeley Township	$ 6,304,500
340073-02	Leonia Boro	$ 318,000
340363-05	Runnemede Boro	$ 208,500
340446-10	Bergen County UA (Edgewater Colony)	$ 1,200,000
340112-01	Ocean Township	$ 500,000
342005-02	Linden City	$ 560,000
343054-05	NJ Water Supply Authority	$ 1,800,000
340815-12	Newark City	$ 9,078,750
340098-01	Harrison Town (Metro Center)	$ 39,411,000
340094-01	Hudson County Improvement Authority	$ 4,947,750
340098-02	Harrison Town (Harrison Commons)	$ 5,963,250
340124-01	Union County Improvement Authority	$ 12,713,500
340435-07	Perth Amboy Redevelopment Agency	$ 33,360,750
340923-09	Hackensack City	$ 2,290,500
342011-01	Bellmawr Boro	$ 4,541,000
	TOTAL	$315,138,250

b. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 2009 Drinking Water Project Priority List":

Project Number	**Project Sponsor**	**Estimated Allowable Loan Amount**
0415002-006	Aqua NJ-Blackwood	$ 598,000
0415002-005	Aqua NJ-Blackwood	$ 598,000
1009001-004	Flemington Boro	$ 579,500
1009001-003	Flemington Boro	$ 869,500
1514002-007	Lakewood Township MUA	$ 687,820
0248001-013	Ramsey Boro	$ 172,500
1007002-001	Rosemont Water Company	$ 97,000
1001301-001	VES Corporation Valley View Manor	$ 22,000
0824001-001	Aqua NJ-Woolwich	$ 3,099,500
1321001-001	Keansburg Boro	$ 1,368,500
1712001-001	Salem City	$ 4,812,000
1514002-006	Lakewood Township MUA	$ 5,807,500
0414001-001	Gloucester City	$ 5,147,500
1514002-002	Lakewood Township MUA	$ 1,207,500
0904001-003	Harrison Town (Harrison Commons)	$ 608,250
0904001-002	Harrison Town (Metro Center)	$ 2,205,750
0906001-005	Jersey City MUA/New Jersey City University	$ 512,250
1528001-001	Ship Bottom Boro	$ 676,500
1209002-009	Old Bridge MUA	$ 854,500
1504001-004	Beachwood Boro	$ 230,000
1514002-008	Lakewood Township MUA	$ 104,686

1514002-009	Lakewood Township MUA	$ 522,500
1514002-010	Lakewood Township MUA	$ 606,000
1225001-011	Middlesex Water Company	$ 2,012,500
0810004-001	Mantua Township MUA	$ 2,300,000
1212001-001	Milltown Boro	$ 1,151,000
1111001-007	Trenton City	$14,757,750
1209002-008	Old Bridge MUA	$ 1,268,500
1504001-005	Beachwood Boro	$ 230,000
1504001-003	Beachwood Boro	$ 1,265,000
1530004-011	Stafford Township	$ 138,000
1503001-001	Beach Haven Boro	$ 562,000
1003001-001	Bloomsbury Boro	$ 122,500
1530004-005	Stafford Township	$ 3,778,500
1101002-003	East Windsor MUA	$ 1,600,000
1101002-002	East Windsor MUA	$ 3,000,000
1101002-001	East Windsor MUA	$ 5,500,000
	TOTAL	$ 69,073,006

4. Any loan made by the Department of Environmental Protection pursuant to this act shall be subject to the following requirements:

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

b. The loan amount shall not exceed 50% of the allowable project cost of the environmental infrastructure facility, except that for (1) projects serving a designated Urban Center or Urban Complex; (2) projects that eliminate, reduce or improve combined sewer overflows; (3) open space land acquisition projects; (4) projects serving a designated Transit Village; (5) brownfields remediation projects located in designated Brownfields Development Areas; (6) projects to repair or replace on-site septic systems through a Septic Management District; or (7) projects located within transfer of development designated receiving zones pursuant to section 3 of P.L.2004, c.2 (C.40:55D-139), the loan amount shall not exceed 75% of the allowable project cost of the environmental infrastructure facility;

c. The loan shall be repaid within a period not to exceed 23 years of the making of the loan;

d. The loan shall be conditioned upon approval of a loan from the New Jersey Environmental Infrastructure Trust pursuant to P.L.2008, c.67;

e. The loan shall be subject to any other terms and conditions as may be established by the commissioner and approved by the State Treasurer, which may include, notwithstanding any other provision of law to the contrary, subordination of a loan authorized in this act to loans made by the

5. The priority lists and authorization for the making of loans pursuant to sections 2 and 3 of this act shall expire on July 1, 2009, and any project sponsor which has not executed and delivered a loan agreement with the department for a loan authorized in this act shall no longer be entitled to that loan.

6. The Commissioner of Environmental Protection is authorized to reduce or increase the individual amount of loan funds made available to or on behalf of project sponsors pursuant to sections 2 and 3 of this act based upon final 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 original loan amount.

7. The expenditure of the funds appropriated by this act is subject to the provisions and conditions of P.L.1977, c.224, P.L.1985, c.329, P.L.1992, c.88, P.L.1997, c.223, P.L.1997, c.225 or P.L.2003, c.162, and the rules and regulations adopted by the commissioner pursuant thereto, and the provisions of the Federal Clean Water Act or the Federal Safe Drinking Water Act, as appropriate.

8. The Department of Environmental Protection shall provide general technical assistance to any project sponsor requesting assistance regarding environmental infrastructure project development or applications for funds for a project.

9. a. Prior to repayment to the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of P.L.1985, c.329, prior to repayment to the "1992 Wastewater Treatment Fund" pursuant to the provisions of section 28 of P.L.1992, c.88, prior to repayment to the Drinking Water State Revolving Fund, prior to repayment to the "Stormwater Management and Combined Sewer Overflow Abatement Fund" pursuant to the provisions of section 15 of P.L.1989, c.181, prior to repayment to the "2003 Water Resources and Wastewater Treatment Fund" pursuant to the provisions of section 20 of P.L.2003, c.162, or prior to repayment to the "Water Supply Fund" pursuant to the provisions of section 15 of P.L.1981, c.261, repayments of loans made pursuant to these acts may be utilized by the New Jersey Environmental Infrastructure Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), as amended and supplemented by P.L.1997,

c.224, under terms and conditions established by the commissioner and trust, and approved by the State Treasurer, and consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) and federal tax, environmental or securities law, to the extent necessary to secure repayment of trust bonds issued to finance loans approved pursuant to P.L.2008, c.67, and to secure the administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5) by the project sponsors receiving trust loans.

b. Prior to repayment to the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of P.L.1985, c.329, prior to repayment to the "1992 Wastewater Treatment Fund" pursuant to the provisions of section 28 of P.L.1992, c.88, prior to repayment to the "Water Supply Fund" pursuant to the provisions of section 15 of P.L.1981, c.261, prior to repayment to the Drinking Water State Revolving Fund, prior to repayment to the "2003 Water Resources and Wastewater Treatment Fund" pursuant to the provisions of section 20 of P.L.2003, c.162, or prior to repayment to the "Stormwater Management and Combined Sewer Overflow Abatement Fund" pursuant to the provisions of section 15 of P.L.1989, c.181, the trust is further authorized to utilize repayments of loans made pursuant to P.L.1989, c.189, P.L.1990, c.99, P.L.1991, c.325, P.L.1992, c.38, P.L.1993, c.193, P.L.1994, c.106, P.L.1995, c.219, P.L.1996, c.85, P.L.1997, c.221, P.L.1998, c.84, P.L.1999, c.174, P.L.2000, c.92, P.L.2001, c.222, P.L.2002, c.70, P.L.2003, c.158, P.L.2004, c.109, P.L.2005, c.196, P.L.2006, c.68, P.L.2007, c.139 or P.L.2008, c.68 to secure repayment of trust bonds issued to finance loans approved pursuant to P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222, P.L.1998, c.85, P.L.1999, c.173, P.L.2000, c.93, P.L.2001, c.224, P.L.2002, c.71, P.L.2003, c.159, P.L.2004, c.110, P.L.2005, c.197, P.L.2006, c.67, P.L.2007, c.140 or P.L.2008, c.67, and to secure the administrative fees payable to the trust under these loans pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5).

c. To the extent that any loan repayment sums are used to satisfy any trust bond repayment or administrative fee payment deficiencies, the trust shall repay such sums to the department for deposit into the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the Drinking Water State Revolving Fund, the "2003 Water Resources and Wastewater Treatment Fund," or the "Stormwater Management and Combined Sewer Overflow Abatement Fund," as appropriate, from amounts received by or on behalf of the trust from project sponsors causing any such deficiency.

10. The Commissioner of Environmental Protection is authorized to enter into capitalization grant agreements as may be required pursuant to the Federal Clean Water Act or the Federal Safe Drinking Water Act.

11. There is appropriated to the New Jersey Environmental Infrastructure Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) from repayments of loans deposited in any account, including the Clean Water State Revolving Fund Accounts contained within the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," or the Drinking Water State Revolving Fund, as appropriate, and from any net earnings received from the investment and reinvestment of such deposits, such sums as the chairman of the trust shall certify to the Commissioner of Environmental Protection to be necessary and appropriate for deposit into one or more reserve funds established by the trust pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11).

12. This act shall take effect immediately.

Approved August 14, 2008.

CHAPTER 69

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

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

1. Section 6 of P.L.1985, c.334 (C.58:11B-6) is amended to read as follows:

C.58:11B-6 Issuance of bonds, notes, other obligations.

6. a. Except as may be otherwise expressly provided in the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), the trust may from time to time issue its bonds, notes or other obligations in any principal amounts as in the judgment of the trust shall be necessary to provide sufficient funds for any of its corporate purposes, including the payment, funding or refunding of the principal of, or interest or redemption premiums

on, any bonds, notes or other obligations issued by it, whether the bonds, notes or other obligations or the interest or redemption premiums thereon to be funded or refunded have or have not become due, the establishment or increase of reserves or other funds to secure or to pay the bonds, notes or other obligations or interest thereon and all other costs or expenses of the trust incident to and necessary to carry out its corporate purposes and powers.

b. Whether or not the bonds, notes or other obligations of the trust are of a form and character as to be negotiable instruments under the terms of Title 12A of the New Jersey Statutes, the bonds, notes and other obligations are made negotiable instruments within the meaning of and for the purposes of Title 12A of the New Jersey Statutes, subject only to the provisions of the bonds, notes and other obligations for registration.

c. Bonds, notes or other obligations of the trust shall be authorized by a resolution or resolutions of the trust and may be issued in one or more series and shall bear any date or dates, mature at any time or times, bear interest at any rate or rates of interest per annum, be in any denomination or denominations, be in any form, either coupon, registered or book entry, carry any conversion or registration privileges, have any rank or priority, be executed in any manner, be payable in any coin or currency of the United States which at the time of payment is legal tender for the payment of public and private debts, at any place or places within or without the State, and be subject to any terms of redemption by the trust or the holders thereof, with or without premium, as the resolution or resolutions may provide. A resolution of the trust authorizing the issuance of bonds, notes or other obligations may provide that the bonds, notes or other obligations be secured by a trust indenture between the trust and a trustee, vesting in the trustee any property, rights, powers and duties in trust consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) as the trust may determine.

d. Bonds, notes or other obligations of the trust may be sold at any price or prices and in any manner as the trust may determine. Each bond, note or other obligation shall mature and be paid not later than 20 years from the effective date thereof, or the certified useful life of the project or projects to be financed by the bonds, whichever is less.

All bonds of the trust shall be sold at such price or prices and in such manner as the trust shall determine, after notice of sale, a summary of which shall be published at least once in at least three newspapers published in the State of New Jersey and at least once in a publication carrying municipal bond notices and devoted primarily to financial news published in New Jersey or the city of New York, the first summary notice to be at least five days

prior to the day of bidding. The notice of sale may contain a provision to the effect that any or all bids made in pursuance thereof may be rejected. In the event of such rejection or of failure to receive any acceptable bid, the trust, at any time within 60 days from the date of such advertised sale, may sell such bonds at private sale upon terms not less favorable to the State than the terms offered by any rejected bid. The trust may sell all or part of the bonds of any series as issued to any State fund or to the federal government or any agency thereof, at private sale, without advertisement.

e. Bonds, notes or other obligations of the trust may be issued under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) without obtaining the consent of any department, division, board, bureau or agency of the State, and without any other proceedings or the happening of any other conditions or things, other than those consents, proceedings, conditions or things which are specifically required by P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.).

f. Bonds, notes or other obligations of the trust issued under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) shall not be a debt or liability of the State or of any political subdivision thereof other than the trust and shall not create or constitute any indebtedness, liability or obligation of the State or any political subdivision, but all these bonds, notes and other obligations, unless funded or refunded by bonds, notes or other obligations, shall be payable solely from revenues or funds pledged or available for their payment as authorized in P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.). Each bond, note and obligation shall contain on its face a statement to the effect that the trust is obligated to pay the principal thereof or the interest thereon only from its revenues, receipts or funds pledged or available for their payment as authorized in P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), and that neither the State, nor any political subdivision thereof, is obligated to pay the principal or interest and that neither the faith and credit nor the taxing power of the State, or any political subdivision thereof, is pledged to the payment of the principal of or the interest on the bonds, notes or other obligations.

g. The aggregate principal amount of bonds, notes or other obligations, including subordinated indebtedness of the trust, shall not exceed $2,600,000,000. In computing the foregoing limitations there shall be excluded all the bonds, notes or other obligations, including subordinated indebtedness of the trust, which shall be issued for refunding purposes, whenever the refunding shall be determined to result in a savings.

(1) Upon the decision by the trust to issue refunding bonds, except for current refunding, and prior to the sale of those bonds, the trust shall transmit to the Joint Budget Oversight Committee, or its successor, a report that a decision has been made, reciting the basis on which the decision was made, including an estimate of the debt service savings to be achieved and the calculations upon which the trust relied when making the decision to issue refunding bonds. The report shall also disclose the intent of the trust to issue and sell the refunding bonds at public or private sale and the reasons therefor.

(2) The Joint Budget Oversight Committee or its successor shall have the authority to approve or disapprove the sales of refunding bonds as included in each report submitted in accordance with paragraph (1) of this subsection. The committee shall notify the trust in writing of the approval or disapproval within 30 days of receipt of the report. Should the committee not act within 30 days of receipt of the report, the trust may proceed with the sale of the refunding bonds, provided that the sale of refunding bonds shall realize not less than 3.00% net present value debt service savings.

(3) No refunding bonds shall be issued unless the report has been submitted to and approved by the Joint Budget Oversight Committee or its successor as set forth in paragraphs (1) and (2) of this subsection.

(4) Within 30 days after the sale of the refunding bonds, the trust shall notify the committee of the result of that sale, including the prices and terms, conditions and regulations concerning the refunding bonds, the actual amount of debt service savings to be realized as a result of the sale of refunding bonds, and the intended use of the proceeds from the sale of those bonds.

(5) The committee shall review all information and reports submitted in accordance with this subsection and may, on its own initiative, make observations to the trust, or to the Legislature, or both, as it deems appropriate.

h. Each issue of bonds, notes or other obligations of the trust may, if it is determined by the trust, be general obligations thereof payable out of any revenues, receipts or funds of the trust, or special obligations thereof payable out of particular revenues, receipts or funds, subject only to any agreements with the holders of bonds, notes or other obligations, and may be secured by one or more of the following:

(1) Pledge of revenues and other receipts to be derived from the payment of the interest on and principal of notes, bonds or other obligations issued to the trust by one or more local government units, and any other payment made to the trust pursuant to agreements with any local government units, or a pledge or assignment of any notes, bonds or other obligations of any local government unit and the rights and interest of the trust therein;

(2) Pledge of rentals, receipts and other revenues to be derived from leases or other contractual arrangements with any person or entity, public or private, including one or more local government units, or a pledge or assignment of those leases or other contractual arrangements and the rights and interest of the trust therein;

(3) Pledge of all moneys, funds, accounts, securities and other funds, including the proceeds of the bonds, notes or other obligations;

(4) Pledge of the receipts to be derived from the payments of State aid, payable to the trust pursuant to section 12 of P.L.1985, c.334 (C.58:11B-12);

(5) A mortgage on all or any part of the property, real or personal, of the trust then owned or thereafter to be acquired, or a pledge or assignment of mortgages made to the trust by any person or entity, public or private, including one or more local government units and the rights and interest of the trust therein.

i. The trust shall not issue any bonds, notes or other obligations, or otherwise incur any additional indebtedness, on or after November 5, 2028.

j. (Deleted by amendment, P.L.1996, c.88).

2. Section 9 of P.L.1985, c.334 (C.58:11B-9) is amended to read as follows:

C.58:11B-9 Loans to local governments.

9. a. (1) The trust may make and contract to make loans to local government units, or to a local government unit on behalf of another local government unit, in accordance with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of any wastewater treatment system project or water supply project, which the local government unit may lawfully undertake or acquire and for which the local government unit is authorized by law to borrow money.

(2) The trust may make and contract to make loans to public water utilities, or to any other person or local government unit on behalf of a public water utility, in accordance with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of any water supply project, which the public water utility may lawfully undertake or acquire.

(3) The trust may make and contract to make loans to private persons other than local government units, or to any other person or local government unit on behalf of a private person, in accordance with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of stormwater management systems.

The loans may be made subject to those terms and conditions as the trust shall determine to be consistent with the purposes thereof. Each loan by the trust and the terms and conditions thereof shall be subject to approval by the State Treasurer, and the trust shall make available to the State Treasurer all information, statistical data and reports of independent consultants or experts as the State Treasurer shall deem necessary in order to evaluate the loan. Each loan to a local government unit, public water utility or any other person shall be evidenced by notes, bonds or other obligations thereof issued to the trust. In the case of each local government unit, notes and bonds to be issued to the trust by the local government unit (1) shall be authorized and issued as provided by law for the issuance of notes and bonds by the local government unit, (2) shall be approved by the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs, and (3) notwithstanding the provisions of N.J.S.40A:2-27, N.J.S.40A:2-28 and N.J.S.40A:2-29 or any other provisions of law to the contrary, may be sold at private sale to the trust at any price, whether or not less than par value, and shall be subject to redemption prior to maturity at any times and at any prices as the trust and local government units may agree. Each loan to a local government unit, public water utility or any other person and the notes, bonds or other obligations thereby issued shall bear interest at a rate or rates per annum as the trust and the local government unit, public water utility or any other person, as the case may be, may agree.

b. The trust is authorized to guarantee or contract to guarantee the payment of all or any portion of the principal and interest on bonds, notes or other obligations issued by a local government unit to finance the cost of any wastewater treatment system project or water supply project, which the local government unit may lawfully undertake or acquire and for which the local government unit is authorized by law to borrow money, and the guarantee shall constitute an obligation of the trust for the purposes of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.). Each guarantee by the trust and the terms and conditions thereof shall be subject to approval by the State Treasurer, and the trust shall make available to the State Treasurer all information, statistical data and reports of independent consultants or experts as the State Treasurer shall deem necessary in order to evaluate the guarantee.

c. The trust shall not make or contract to make any loans or guarantees to local government units, public water utilities or any other person, or otherwise incur any additional indebtedness, on or after November 5, 2028.

d. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary, the trust may receive funds from any source or issue its bonds, notes or other obligations in any principal amounts as in the judgment of the trust shall be necessary to provide sufficient funds to finance or refinance short-term or temporary loans to local government units, public water utilities or private persons for any wastewater treatment system projects included on the project priority list for the ensuing fiscal year and eligible for approval pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20) or water supply projects included on the project priority list for the ensuing fiscal year and eligible for approval pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1), as applicable, without regard to any other provisions of P.L.1985, c.334 or P.L.1997, c.224, including, without limitation, any administrative or legislative approvals.

The trust shall create and establish a special fund (hereinafter referred to as the "Interim Financing Program Fund") for the short-term or temporary loan financing or refinancing program (hereinafter referred to as the "Interim Financing Program").

Any short-term or temporary loans made by the trust pursuant to this subsection may only be made in advance of the anticipated loans the trust may make and contract to make under the provisions of subsection a. of this section to be financed or refinanced through the issuance of bonds, notes or other obligations of the trust authorized under section 6 of P.L.1985, c.334 (C.58:11B-6). The trust may make short-term or temporary loans pursuant to the Interim Financing Program to any one or more of the project sponsors, for the respective projects thereof, identified in the interim financing project priority list (hereinafter referred to as the "Interim Financing Program Eligibility List") in the form provided to the Legislature by the Commissioner of Environmental Protection.

The Interim Financing Program Eligibility List shall be submitted to the Legislature on or before June 30 of each year on a day when both Houses are meeting. The President of the Senate and the Speaker of the General Assembly shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. Any environmental infrastructure project or the project sponsor thereof not identified in the Interim Financing Program Eligibility List shall not be eligible for a short-term or temporary loan from the Interim Financing Program Fund.

3. This act shall take effect immediately.

Approved August 14, 2008.

CHAPTER 70

AN ACT concerning the classroom placement of certain students and supplementing chapter 36 of Title 18A of the New Jersey Statutes.

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

C.18A:36-38 Classroom placement of twins, higher multiples, selection by parent, guardian.

1. a. (1) A parent or guardian of twins or higher order multiples enrolled in the same K through 8 grade level at the same public school may request that the children be placed in the same classroom or in separate classrooms. The school principal may recommend a classroom placement to the parent or guardian and may provide the parent or guardian with professional education advice that will assist the parent or guardian in making the best decision for the children's education. The parent or guardian shall request the classroom placement in writing no later than 14 days after the first day of each school year. The school principal shall provide the classroom placement requested by the parent or guardian and the students shall remain in this initial placement for the duration of the school year unless the board of education makes a different classroom placement determination pursuant to the provisions of subsection b. of this section.

In the event that the twins or higher order multiples enroll in the school after the school year commences, the parent or guardian shall request the classroom placement in writing no later than 14 days after the first day of attendance. The school principal shall provide the classroom placement requested by the parent or guardian if space is available in accordance with written local district class size requirements and the students shall remain in this initial placement for the duration of the school year unless the board of education makes a different classroom placement determination pursuant to the provisions of subsection b. of this section.

(2) A parent or guardian of twins or higher order multiples enrolled in the same 9th through 12th grade level at the same public school may request that the children be placed in the same classroom or in separate classrooms. The placement decision shall be made at the discretion of the school principal in the best interests of the school and its students. The parent or guardian may appeal the school principal's decision to the board of education, which shall make a final determination on the placement.

b. A school principal may, after consultation with the students' parent or guardian and teachers at the end of the initial grading period, request that the board of education make a different classroom placement determination for the twins or higher order multiples if the initial classroom placement is determined to be disruptive to any of the students in the class or classes in which the students are enrolled or if the principal concludes that the initial placement does not sufficiently support the students' academic or social development. Upon receiving the request, the board of education shall make a final classroom placement determination.

c. As used in this section, "higher order multiples" means triplets, quadruplets, quintuplets, or larger group of siblings born at one birth.

d. The provisions of this section shall not apply to a school district which maintains only a single classroom for the grade level in which the twins or higher order multiples are enrolled.

e. The parent or guardian shall be responsible for any additional pupil transportation costs that are incurred by the school district as a result of providing the requested classroom placement, unless the school district is in agreement with the placement.

f. In the event that one of the twins or higher order multiples receives special education services, the requested classroom placement shall not be accommodated if the placement is inconsistent with a student's Individualized Education Plan.

2. This act shall take effect immediately and shall first apply to the 2008-2009 school year.

Approved September 2, 2008.

CHAPTER 71

AN ACT concerning housing for older persons and homeowners' associations, and supplementing P.L.1993, c. 30 (C.45:22A-43 et seq.) and Title 46 of the Revised Statutes.

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

C.45:22A-46.1 Findings, declarations relative to age-restricted communities.

1. The Legislature finds and declares:

a. Age-restricted communities are one of the fastest growing types of developments in the nation and in the State;

b. Age-restrictions violate federal laws against discrimination in housing, unless certain exceptions are met for age-restricted communities as authorized by federal law;

c. Homeowners' associations which manage the property in age-restricted communities currently have no methods by which to ensure that the exceptions to federal anti-discrimination provisions will be maintained upon the resales of units in such communities; and

d. It is necessary and in the public interest for the Legislature to create a method of ensuring compliance by age-restricted communities with federal law.

C.45:22A-46.2 Resale, transfer of dwelling unit, certification of compliance with rules of age-restricted community.

2. Notwithstanding any law or governing document to the contrary, the purchaser or grantee by operation of law of a dwelling unit in an age-restricted community shall be required to certify, prior to the resale or transfer by operation of law of a dwelling unit within the community, that the dwelling unit will be occupied by a person of an age that ensures compliance with the "housing for older persons" exception from the federal "Fair Housing Amendments Act of 1988," Pub.L.100-430 (42 U.S.C. ss.3601 et seq.) for that community as set forth in section 100.301 of Title 24, Code of Federal Regulations. The certification shall be on such form as may be prescribed by the Commissioner of Community Affairs, but shall not exceed one page in length. A copy of the certification shall be provided to the purchaser for recording. For the purpose of P.L.2008, c.71 (C.45:22A-46.1 et al.), "resale" shall mean any sale of a dwelling unit within an age-restricted community, other than the initial sale of the unit made by the developer to a purchaser.

C.46:15-6.2 Certification required for recording deed.

3. No deed shall be recorded with a county recording office for a property to which an age restriction applies unless the certification required pursuant to P.L.2008, c.71 (C.45:22A-46.1 et al.) accompanies such filing and is recorded with the deed as an addendum thereto.

4. This act shall take effect immediately.

Approved September 6, 2008.

CHAPTER 72

AN ACT concerning financial disclosure statements of local government officers and amending P.L.1991, c.29.

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

1. Section 6 of P.L.1991, c.29 (C.40A:9-22.6) is amended to read as follows:

C.40A:9-22.6 Annual financial disclosure statement.

a. Local government officers shall annually file a financial disclosure statement. All financial disclosure statements filed pursuant to this act shall include the following information which shall specify, where applicable, the name and address of each source and the local government officer's job title:

(1) Each source of income, earned or unearned, exceeding $2,000 received by the local government officer or a member of his immediate family during the preceding calendar year. Individual client fees, customer receipts or commissions on transactions received through a business organization need not be separately reported as sources of income. If a publicly traded security is the source of income, the security need not be reported unless the local government officer or member of his immediate family has an interest in the business organization;

(2) Each source of fees and honorariums having an aggregate amount exceeding $250 from any single source for personal appearances, speeches or writings received by the local government officer or a member of his immediate family during the preceding calendar year;

(3) Each source of gifts, reimbursements or prepaid expenses having an aggregate value exceeding $400 from any single source, excluding relatives, received by the local government officer or a member of his immediate family during the preceding calendar year;

(4) The name and address of all business organizations in which the local government officer or a member of his immediate family had an interest during the preceding calendar year; and

(5) The address and brief description of all real property in the State in which the local government officer or a member of his immediate family held an interest during the preceding calendar year.

b. The Local Finance Board shall prescribe a financial disclosure statement form for filing purposes. For counties and municipalities which have not established ethics boards, the board shall transmit sufficient copies of the forms to the municipal clerk in each municipality and the county clerk in each county for filing in accordance with this act. The municipal clerk shall make the forms available to the local government officers serving the municipality. The county clerk shall make the forms available to the local government officers serving the county.

For counties and municipalities which have established ethics boards, the Local Finance Board shall transmit sufficient copies of the forms to the ethics boards for filing in accordance with this act. The ethics boards shall make the forms available to the local government officers within their jurisdiction.

For local government officers serving the municipality, the original statement shall be filed with the municipal clerk in the municipality in which the local government officer serves. For local government officers serving the county, the original statement shall be filed with the county clerk in the county in which the local government officer serves. A copy of the statement shall be filed with the board. In counties or municipalities which have established ethics boards a copy of the statement shall also be filed with the ethics board having jurisdiction over the local government officer. Local government officers shall file the initial financial disclosure statement within 90 days following the effective date of this act. Thereafter, statements shall be filed on or before April 30th each year, except that each local government officer shall file a financial disclosure statement within 30 days of taking office.

c. All financial disclosure statements filed shall be public records.

2. This act shall take effect immediately.

Approved September 6, 2008.

CHAPTER 73

AN ACT concerning off-site motor vehicle sales and amending P.L.2005, c.351.

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

1. Section 3 of P.L.2005, c.351 (C.39:10-19.3) is amended to read as follows:

C.39:10-19.3 Provisional permit for certain off-site motor vehicles sales; conditions.

3. a. The Chief Administrator of the Motor Vehicle Commission may issue a provisional permit, subject to a fee, for an off-site sale to a licensed recreational vehicle or used motor vehicle dealer, provided:

(1) No more than one permit for a particular location is issued during any calendar quarter;

(2) A completed application and fee, in an amount determined by the chief administrator, is received by the commission at least 15 days prior to the first day of the sale;

(3) The applicant is a recreational vehicle or used motor vehicle dealer, licensed under the provisions of R.S.39:10-19, in good standing;

(4) The sale is not conducted within 1,000 feet of the established place of business of any motor vehicle dealer licensed under the provisions of R.S.39:10-19;

(5) The display and sale of vehicles is conducted for no more than five consecutive days; and

(6) The sale is not open to the general public, but limited to members of the sponsoring organization or in the case of the off-site sales of recreational vehicles, only to ticketed individuals.

b. Following the issuance of a provisional permit for an off-site sale, and in the event that the chief administrator determines that neither the dealer, the sponsoring organization, nor the off-site sale location has an unsatisfactory history of violations of Title 39, the chief administrator shall issue a final permit for an off-site sale to the applicant, provided the dealer applicant delivers to the commission, no later than five days prior to the sale, a surety bond in the amount of $500,000 in the case of a permit for an off-site sale to a licensed used motor vehicle dealer; or $10,000 in the case of a permit for an off-site sale to a licensed recreational vehicle dealer issued by a company authorized to transact surety business in this State and payable to the New Jersey Motor Vehicle Commission. If a surety bond is cancelled or terminated for any reason prior to the end date of the sale, the company that issued the surety bond shall immediately notify the chief administrator of the cancellation or termination. The dealer applicant shall immediately obtain and file with the chief administrator a replacement surety bond prior to the end date of the sale that shall cover the uninsured term of the sale. In lieu of a surety bond, a dealer applicant may submit a notarized copy of a certificate of self-insurance issued pursuant to section 30 of P.L.1952, c.173 (C.39:6-52).

2. This act shall take effect immediately.

Approved September 6, 2008.

CHAPTER 74

AN ACT appropriating $1,068,921 from the "Garden State Historic Preservation Trust Fund" for the purpose of making historic site management grants, as awarded by the New Jersey Historic Trust, for certain historic preservation projects.

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

1. a. There is appropriated from the "Garden State Historic Preservation Trust Fund," established pursuant to section 21 of P.L.1999, c.152 (C.13:8C-21), to the New Jersey Historic Trust the sum of $1,068,921 for the purpose of making historic site management grants, as awarded by the New Jersey Historic Trust, for historic preservation projects listed in this subsection. The following projects are eligible for funding with the moneys appropriated pursuant to this subsection:

County	**Municipality**	**Name of Organization**	**Project Name**	**Grant Award**
Burlington	Beverly City	St. Stephen's Episcopal Church	St. Stephen's Episcopal Church	$29,475
Burlington	Moorestown Twp	Perkins Center	Perkins House for the Arts	29,021
Camden	Camden City Cherry Hill Twp Haddonfield Boro Lawnside Boro	Camden Co Board of Freeholders	Pathways to Freedom	30,000
Camden	Camden City	Camden Co Historical Society	Pomona Hall	6,840
Cape May	Cape May City	Mid-Atlantic Center for the Arts	Emlen Physick House	50,000

Cape May	Dennis Twp	Arc of Cape May County	Joseph Falkinburge House	50,000
Cumberland	Bridgeton City	South Jersey Economic Dev.	Ferracute Machine Company District	15,375
Cumberland	Commercial Twp	Bayshore Discovery Project	Bivalve Shipping Sheds	50,000
Essex	Newark City	Newark Museum Association	Polhemus House	50,000
Gloucester	National Park Boro Swedesboro Boro Woodbury City	Gloucester Co Dept. of Eco. Devel.	Fighting For Freedom	30,000
Hudson	Jersey City	Save Ellis Island, Inc.	Ellis Island - Power Plant & Hospital Ward G	50,000
Hunterdon	Stockton Boro	Stockton Borough School	Stockton District 98 Schoolhouse	40,500
Mercer & Burlington	Trenton City Hamilton Twp Bordentown City Bordentown Twp	Mercer Co Park Commission	Abbott Farm National Historic Landmark	50,000
Middlesex	New Brunswick City	First Reformed Church, New Brunswick	First Reformed Church, New Brunswick	50,000
Middlesex	So Brunswick Twp	So Brunswick Twp Hist. Pres. Comm.	Princeton Nurseries	50,000
Monmouth	Middletown Twp	All Saints' Memorial Church, Navesink	All Saints' Memorial Church, Navesink	50,000
Monmouth	West Long Branch Boro	Monmouth University	Woodrow Wilson Hall	50,000
Morris	Morristown Town	Morris Co Park Commission	Historic Speedwell Vail & Estey Houses	50,000
Morris	Parsippany-Troy Hills Twp	Craftsman Farms Foundation, Inc.	Craftsman Farms	50,000

Passaic	Paterson City	ECUMP, Inc.	Rosen Mill/ Dawn Treader School	46,635
Passaic	Paterson City	Paterson Municipal Utilities Authority	S.U.M. Great Falls Hydroelectric Plant	50,000
Somerset	Franklin Twp	Franklin Twp	Franklin Inn	39,863
Somerset	Montgomery Twp	Montgomery Twp	Skillman Village	46,500
Union	Plainfield City	Crescent Avenue Presbyterian Church	Crescent Avenue Presbyterian Church	47,186
Warren	Hope Twp	St. Luke's Episcopal Church,	St. Luke's Episcopal Church, Hope Hope	7,526
Warren	Washington Twp	Washington Twp Board of Education	Port Colden Schoolhouse	50,000
TOTAL				**$1,068,921**

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

c. To the extent that moneys remain available after the projects listed in subsection a. of this section are offered funding pursuant thereto, any project of a local government unit or qualifying tax exempt nonprofit organization that previously received funding for historic preservation purposes appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Historic Preservation Trust Fund, 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.1995, c.204, P.L.1992, c.88, and P.L.1987, c.265.

2. This act shall take effect immediately.

Approved September 6, 2008.

CHAPTER 75

AN ACT appropriating moneys from the "Garden State Green Acres Preservation Trust Fund" and the "2007 Green Acres Fund," and appropriating and reappropriating certain other moneys, to provide grants to assist qualifying tax exempt nonprofit organizations to acquire or develop lands for recreation and conservation purposes.

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

1. a. There is appropriated to the Department of Environmental Protection the following sums for the purpose of providing grants to assist qualifying tax exempt nonprofit organizations to acquire lands for recreation and conservation purposes pursuant to subsection b. of this section and for the purpose of providing grants to assist qualifying tax exempt nonprofit organizations to develop lands for recreation and conservation purposes pursuant to subsection c. of this section:

(1) $1,000,000 from the "Garden State Green Acres Preservation Trust Fund," established pursuant to section 19 of P.L.1999, c.152 (C.13:8C-19);

(2) $5,000,000 previously appropriated by P.L.2007, c.111 as Garden State Preservation Trust Supplemental Funding and deposited into the "Garden State Green Acres Preservation Trust Fund" pursuant to P.L.2007, c.111;

(3) $497,750 from the "2007 Green Acres Fund," established pursuant to section 17 of the "Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007," P.L.2007, c.119; and

(4) $1,932,500 reappropriated from the "Garden State Green Acres Preservation Trust Fund," and from the Green Trust funds established pursuant to the Green Acres bond acts, and made available due to project withdrawals, cancellations, or cost savings.

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) Concerned Citizens of Allendale, Inc	Fell House and Open Space Acquisition	Bergen	Allendale Boro	$250,000

(2) Delaware and Raritan Greenway Land Trust	Greenway Acq			500,000
	Central Stony Brook Greenway	Hunterdon	Delaware Twp	
			East Amwell Twp	
		Mercer	Hopewell Twp	
			Lawrence Twp	
			Pennington Boro	
			Princeton Twp	
		Middlesex	Cranbury Twp	
	Delaware River Tributaries Acq	Burlington	Bordentown City	
			Bordentown Twp	
			Chesterfield Twp	
			North Hanover Twp	
		Mercer	Hamilton Twp	
			Hopewell Twp	
			Lawrence Twp	
			Robbinsville Twp	
			West Windsor Twp	
			Trenton City	
		Middlesex	Monroe Twp	
		Monmouth	Upper Freehold Twp	
	Griggstown Canal Acq	Middlesex	Highland Park Boro	
		Somerset	Franklin Twp	
			Rocky Hill Boro	
	Sourlands Mountain Acq	Hunterdon	East Amwell Twp	
			Lambertville City	
			West Amwell Twp	
		Mercer	Hopewell Twp	
		Somerset	Branchburg Twp	
			Hillsborough Twp	
			Montgomery Twp	
	Upper Millstone Greenway	Mercer	West Windsor Twp	
		Middlesex	Cranbury Twp	
			Highland Park Boro	
			Monroe Twp	
			Plainsboro Twp	
			South Brunswick Twp	
		Monmouth	Millstone Twp	
(3) Hunterdon Land Trust Alliance	Priority Areas	Hunterdon	All municipalities	250,000

(4) Ironbound Community Corporation	Riverfront Property Acquisition	Essex	Newark City	250,000
(5) Lamington Conservancy	Central Lamington Project	Hunterdon Morris Somerset	Tewksbury Twp Chester Twp Washington Twp Bedminster Twp Peapack-Gladstone Boro	250,000
(6) Monmouth Conservation Foundation	Open Space Plans 2	Monmouth	All municipalities	250,000
(7) Morris Land Conservancy Acq	Priority Areas	Bergen Essex Morris

			Hampton Twp	
			Hopatcong Boro	
			Lafayette Twp	
			Stillwater Twp	
			Vernon Twp	
		Warren	Allamuchy Twp	
			Franklin Twp	
			Frelinghuysen Twp	
			Greenwich Twp	
			Hardwick Twp	
			Harmony Twp	
			Pohatcong Twp	
			Washington Twp	
(8) New Jersey Audubon Society	Gurdon Wattles Sanctuary	Warren	Mansfield Twp	250,000
(9) New Jersey Conservation Foundation	Priority Area Acquisitions			500,000
	Appalachian Trail Buffers	Sussex	Wantage Twp	
	Arthur Kill Greenway	Middlesex	Edison Twp	
		Union	Linden City	
			Springfield Twp	
			Union Twp	
	Black River Greenway	Hunterdon	Clinton Twp	
			Lebanon Boro	
			Lebanon Twp	
			Readington Twp	
			Tewksbury Twp	
		Morris	Chester Boro	
			Chester Twp	
			Mendham Boro	
			Mendham Twp	
			Mine Hill Twp	
			Mount Arlington Boro	
			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
Burden Hill Forest/Delaware Bay	Cumberland	Greenwich Twp
		Hopewell Twp
		Stow Creek Twp
	Salem	Alloway Twp
		Elsinboro Twp
		Lower Alloways Creek Twp
		Mannington Twp
		Pennsville Twp
		Pilesgrove Twp
		Pittsgrove Twp
		Quinton Twp
		Upper Pittsgrove Twp
Camden Greenway	Camden	Camden City
Ellwood Corridor	Atlantic	Buena Vista Twp
		Egg Harbor City
		Egg Harbor Twp
		Estell Manor City
		Folsom Boro
		Hamilton Twp
		Hammonton Town
		Mullica Twp
		Weymouth Twp
Forked River Mountain Add	Ocean	Lacey Twp
		Ocean Twp
Four Mile Circle	Burlington	Bass River Twp
		Burlington Twp
		Pemberton Twp
		Tabernacle Twp
		Washington Twp
		Woodland Twp
Greater Kettle Run	Burlington	Evesham Twp
		Medford Twp

Highlands Region:

Arcadia Lake/ Newark Watershed	Passaic	West Milford Twp
Kittatinny Forest	Sussex	Frankford Twp

	Area		Hampton Twp	
	Musconetcong Valley	Warren	Franklin Twp Greenwich Twp Mansfield Twp Washington Twp	
	Pyramid Mountain Addition	Morris	Boonton Twp Kinnelon Boro Montville Twp	
	Scotts Mtn Acq	Warren	Harmony Twp Lopatcong Twp White Twp	
	Sparta Mountain Greenway	Morris	Jefferson Twp	
		Sussex	Byram Twp Hopatcong Boro Sparta Twp	
	Vernon Marsh	Sussex	Vernon Twp	
Western Piedmont:				
	Back Brook	Hunterdon	East Amwell Twp Lambertville City West Amwell Twp	
	Sourland Mountain	Hunterdon	East Amwell Twp West Amwell Twp	
		Mercer	Hopewell Twp Princeton Twp	
		Somerset	Hillsborough Twp Montgomery Twp	
	Wickecheoke Creek Acq	Hunterdon	Delaware Twp Franklin Twp Kingwood Twp Raritan Twp Stockton Boro	
(10) Passaic River Coalition Project	Passaic River Preservation	Bergen	Allendale Boro Elmwood Park Boro Fair Lawn Boro Garfield City Ho-Ho-Kus Boro Lyndhurst Twp Mahwah Twp Oakland Boro Ridgewood Village Rutherford Boro Saddle River Boro Upper Saddle River Boro	250,000

	Wallington Boro
Essex	Cedar Grove Twp
	Fairfield Twp
	Livingston Twp
	Newark City
	Roseland Boro
	Verona Twp
	West Caldwell Twp
Morris	Butler Boro
	Chatham Boro
	Chatham Twp
	Denville Twp
	East Hanover Twp
	Florham Park Boro
	Hanover Twp
	Jefferson Twp
	Kinnelon Boro
	Lincoln Park Boro
	Long Hill Twp
	Mendham Boro
	Mendham Twp
	Montville Twp
	Morris Twp
	Parsippany-Troy Hills Twp
	Pequannock Twp
	Riverdale Boro
	Rockaway Twp
Passaic	Bloomingdale Boro
	Clifton City
	Hawthorne Boro
	Little Falls Twp
	Passaic City
	Paterson City
	Pompton Lakes Boro
	Totowa Boro
	Wanaque Boro
	Wayne Twp
	West Milford Twp
	West Paterson Boro
Somerset	Bernards Twp
	Bernardsville Boro
	Warren Twp
Sussex	Hardyston Twp
	Sparta Twp
Union	Berkeley Heights Twp
	New Providence Boro
	Summit City

(11) Ridge and Open Space Valley Conservation Plan Conservancy		Sussex	Andover Boro Andover Twp Frankford Twp Fredon Twp Green Twp Hampton Twp Hardyston Twp Lafayette Twp Sandyston Twp Stillwater Twp Wantage Twp	250,000
		Warren	Allamuchy Twp Blairstown Twp Frelinghuysen Twp Hardwick Twp Hope Twp Knowlton Twp Mansfield Twp White Twp	
(12) Schiff Natural Lands Trust, Inc.	Schiff Mount Paul Greenway	Morris	Chester Twp Mendham Boro Mendham Twp	250,000
(13) South Jersey Land Trust	Raccoon and Oldmans Creek Watersheds	Gloucester	All municipalities	250,000
		Salem	Carneys Point Twp Oldmans Twp Pilesgrove Twp	
(14) The Nature Conservancy	Priority Areas Acquisition			500,000
	Cape May Project Area	Cape May	Cape May City Cape May Point Boro Dennis Twp Lower Twp Middle Twp West Cape May Boro	
		Cumberland	Maurice River Twp	
	Delaware Bay Greenway	Cumberland	Commercial Twp Downe Twp Fairfield Twp Lawrence Twp Maurice River Twp Millville City	

	East and West Plains	Burlington	Bass River Twp Pemberton Boro Pemberton Twp Washington Twp Woodland Twp	
	Ellwood Corridor	Atlantic	Mullica Twp	
	Forked River Mountain	Ocean	Lacey Twp Ocean Twp	
	High Mt Project Area	Passaic	North Haledon Boro Wayne Twp	
	Hirst Ponds	Atlantic	Galloway Twp	
	Limestone Forest Acq	Sussex	Andover Boro Andover Twp Frankford Twp Fredon Twp Green Twp Hampton Twp Lafayette Twp Newton Town Stillwater Twp Wantage Twp	
		Warren	Allamuchy Twp Blairstown Twp Frelinghuysen Twp Hardwick Twp Hope Twp	
	Maurice River Project Area	Cumberland	Maurice River Twp Millville City	
	Oswego River Lowlands	Ocean	Barnegat Twp Eagleswood Twp Little Egg Harbor Twp Stafford Twp	
(15) Trust For Public Land	Project Priority Areas			500,000
	Atlantic Balanced Communities Acq	Atlantic	Egg Harbor City Egg Harbor Twp Galloway Twp Hamilton Twp	

Bay to Bay	Monmouth	Allenhurst Boro Asbury Park City Avon-By-The-Sea Boro Belmar Boro Bradley Beach Boro Brielle Boro Deal Boro Interlaken Boro Loch Arbour Village Long Branch City Manasquan Boro Monmouth Beach Boro Neptune Twp Sea Bright Boro Sea Girt Boro Spring Lake Boro Spring Lake Heights Boro Wall Twp
Bergen Co. Open Space Partnership	Bergen	All municipalities
Beyond the Century Plan -	Monmouth	Freehold Twp
Barnegat Bay Initiative	Ocean	Barnegat Light Boro Berkeley Twp Brick Twp Dover Twp Eagleswood Twp Jackson Twp Lacey Twp Little Egg Harbor Twp Long Beach Twp Manchester Twp Ocean Twp Stafford Twp Tuckerton Boro
Camden Balanced Communities Acq	Camden	Berlin Boro Cherry Hill Twp Clementon Boro Gloucester Twp Haddon Twp Lindenwold Boro Voorhees Twp
Congress Hall Lawn Acq	Cape May	Cape May City

Delaware River Inland	Burlington	Mansfield Twp
		Mount Laurel Twp
		Springfield Twp
Essex Co. Open Space	Essex	All municipalities
Harbor Estuaries Acq	Bergen	East Rutherford Boro
	Hudson	Jersey City
		Secaucus Town
	Middlesex	Carteret Boro
		Old Bridge Twp
		Woodbridge Twp
	Monmouth	Aberdeen Twp
		Atlantic Highlands Boro
		Fair Haven Boro
		Hazlet Twp
		Highlands Boro
		Keansburg Boro
		Keyport Boro
		Matawan Boro
		Middletown Twp
		Rumson Boro
		Union Beach Boro
	Union	Linden City
		Rahway City
Hudson Co. Open Space	Hudson	All municipalities
Hunterdon Co. Open Space Partnership	Hunterdon	Alexandria Twp
		Bethlehem Twp
		Califon Boro
		Clinton Town
		Clinton Twp
		Glen Gardner Boro
		Hampton Boro
		High Bridge Boro
		Holland Twp
		Lebanon Boro
		Lebanon Twp
		Readington Twp
		Tewksbury Twp
		Union Twp
Interstate 195 Corridor	Mercer	Hamilton Twp
		Robbinsville Twp
	Monmouth	Allentown Boro
		Freehold Boro
		Freehold Twp
		Howell Twp
		Millstone Twp

		Upper Freehold Twp
		Wall Twp
Metedeconk Watershed Protection	Monmouth	Freehold Twp
		Howell Twp
		Millstone Twp
		Wall Twp
	Ocean	Brick Twp
		Jackson Twp
		Lakewood Twp
Morris Open Space Acq	Morris	Boonton Twp
		Chatham Twp
		Chester Boro
		Chester Twp
		Denville Twp
		East Hanover Twp
		Florham Park Boro
		Hanover Twp
		Harding Twp
		Jefferson Twp
		Kinnelon Boro
		Mendham Twp
		Montville Twp
		Morris Twp
		Morristown Town
		Mount Arlington Boro
		Mount Olive Twp
		Mountain Lakes Boro
		Netcong Boro
		Randolph Twp
		Rockaway Boro
		Rockaway Twp
		Roxbury Twp
Sussex Open Space Partnership	Sussex	All municipalities
Upper Delaware River Watershed	Hunterdon	Alexandria Twp
		Bethlehem Twp
		Bloomsbury Boro
		Hampton Boro
		Holland Twp
		Lebanon Boro
		Lebanon Twp
	Morris	Mount Arlington Boro
		Mount Olive Twp
		Netcong Boro
		Roxbury Twp

			Washington Twp
		Sussex	Andover Boro
			Andover Twp
			Branchville Boro
			Byram Twp
			Frankford Twp
			Fredon Twp
			Green Twp
			Hampton Twp
			Hardyston Twp
			Hopatcong Boro
			Lafayette Twp
			Montague Twp
			Newton Town
			Sandyston Twp
			Sparta Twp
			Stanhope Boro
			Stillwater Twp
			Walpack Twp
			Wantage Twp
		Warren	All municipalities
	Wanaque Gap Acq	Bergen	Mahwah Twp
		Passaic	Ringwood Boro
TOTAL			**$5,000,000**

c. The following projects for the development of lands for recreation and conservation purposes are eligible for funding with the moneys appropriated pursuant to subsection a. of this section:

Nonprofit Organization	**Project**	**County**	**Municipality**	**Approved Amount**
Above the Rim, Inc	Weequahic Park Improvements, Basketball Courts	Essex	Newark City	$200,000
Boys and Girls Club of Newark	Jesse Allen Park	Essex	Newark City	200,000
Branch Brook Park Alliance	Branch Brook Park Mid-Lake Crescent Rehabilitation	Essex	Newark City	200,000
Cooper's Ferry Development Association, Inc.	Waterfront Park Enhancement Project	Camden	Camden City	200,000

Council for the Arts of the Livingston Area, Inc.	Riker Hill Art Park Improvements	Essex	Livingston Twp	200,000
Eagle Rock Conservancy, Inc.	Eagle Rock Reservation Improvements	Essex	West Orange Twp	200,000
Helping People Help Themselves	Destiny's Gate	Passaic	West Milford Twp	200,000
Hoboken Cove Community Boathouse, Inc	Community Boathouse	Hudson	Hoboken City	137,500
Montclair Grass Roots, Inc.	Glenfield Park Improvements	Essex	Glen Ridge Twp Boro Montclair Twp	200,000
Natural Lands Trust, Inc.	Peek Preserve Visitor Center	Cumberland	Millville City	92,750
North Ward Center	Branch Brook Park Ext. Rehabilitation	Essex	Belleville Twp Newark City	200,000
Roberto Clemente League	Branch Brook Park Ext. Rehabilitation	Essex	Belleville Twp Newark City	200,000
Save Ellis Island	Ellis Island Open Space Project	Hudson	Jersey City	200,000
South Mountain Conservancy	South Mountain Reservation Improvements	Essex	Maplewood Twp Millburn Twp South Orange Twp West Orange Twp	200,000
United Community Corporation	West Side Park Rehabilitation	Essex	Newark City	$200,000
Verona Park Conservancy	Verona Park Improvements	Essex	Verona Twp	200,000
West Essex Park Conservancy, Inc	Hatfield Swamp Improvements	Essex	Roseland Boro	200,000
West Side Park Conservancy	West Side Park Rehabilitation	Essex	Newark City	200,000
TOTAL				**$3,430,250**

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

e. To the extent that moneys remain available after the projects listed in subsection b. or c. of this section are offered funding pursuant thereto, any project of a qualifying tax exempt nonprofit organization that previ-

ously 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.

f. 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 purpose of 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.

g. For the purposes of this section, "Green Acres bond act" means P.L.1995, c.204, P.L.1992, c.88, and P.L.1989, c.183.

2. This act shall take effect immediately.

Approved September 6, 2008.

CHAPTER 76

AN ACT appropriating moneys from the "Garden State Green Acres Preservation Trust Fund" and various Green Acres bond funds, and appropriating and reappropriating certain other moneys, 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:

"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.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.

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 3 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 4 of this act:

a. $16,000,000 from the "Garden State Green Acres Preservation Trust Fund";

b. $20,000,000 previously appropriated by P.L.2007, c.111 as Garden State Preservation Trust Supplemental Funding and deposited into the "Garden State Green Acres Preservation Trust Fund" pursuant to P.L.2007, c.111; and

c. $18,917,725 reappropriated from the "Garden State Green Acres Preservation Trust Fund," and from the Green Trust funds established pursuant to the Green Acres bond acts, and made available due to project withdrawals, cancellations, or cost savings.

3. a. The following projects to acquire lands for recreation and conservation purposes are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

(1) Planning Incentive Acquisition Projects:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Atlantic County	Atlantic	Atlantic County Open Space Acq	$600,000
Alpine Boro	Bergen	Alpine Boro Open Space	300,000

Cresskill Boro	Bergen	Cresskill Open Space Acq	300,000
Franklin Lakes Boro	Bergen	Woodside Avenue	300,000
Old Tappan Boro	Bergen	Old Tappan Acq	53,000
Ridgewood Village	Bergen	Open Space Project	300,000
Burlington County	Burlington	Planning Incentive	600,000
Bordentown Twp	Burlington	Bordentown Twp Open Space Acq	300,000
Eastampton Twp	Burlington	Planning Incentive	300,000
Moorestown Twp	Burlington	Open Space Preservation Plan	300,000
Clementon Boro	Camden	Clementon Open Space Acq	300,000
Gibbsboro Boro	Camden	Greenway Acq	250,000
Gloucester Twp	Camden	Open Space Acq	600,000
Voorhees Twp	Camden	Planning Incentive	300,000
Livingston Twp	Essex	Open Space Acq	300,000
Gloucester County	Gloucester	Open Space Plan	600,000
Hunterdon County	Hunterdon	County Open Space Plan	600,000
Delaware Twp	Hunterdon	Open Space Acq	300,000
Franklin Twp	Hunterdon	Franklin Open Space Plan	300,000
High Bridge Boro	Hunterdon	Open Space Plan	300,000
Kingwood Twp	Hunterdon	Open Space Plan	300,000
Readington Twp	Hunterdon	Greenway Incentive Plan	300,000
Union Twp	Hunterdon	Union Twp Open Space Plan	300,000
West Amwell Twp	Hunterdon	Sourlands/Open Space Acq	300,000
East Windsor Twp	Mercer	East Windsor Open Space Acq	300,000
Hopewell Twp	Mercer	Hopewell Open Space Acq	300,000
Princeton Twp	Mercer	Princeton Open Space Acq	300,000
Robbinsville Twp	Mercer	Green Links Program	300,000
West Windsor Twp	Mercer	West Windsor Planning Incentive	300,000
Allentown Boro	Monmouth	Planning Incentive Acq	300,000
Atlantic Highlands Boro	Monmouth	Atlantic Highlands Boro Open Space Acq	300,000
Holmdel Twp	Monmouth	Holmdel Planning Incentive Acq	300,000
Little Silver Boro	Monmouth	Open Space Acq	300,000
Manasquan Boro	Monmouth	Manasquan Boro Open Space Acq	300,000
Millstone Twp	Monmouth	Millstone Planning Incentive – Project Evergreen	300,000
Ocean Twp	Monmouth	Ocean Twp Planning Incentive	300,000
Shrewsbury Boro	Monmouth	Recreation & Open Space Plan	300,000

Upper Freehold Twp	Monmouth	Upper Freehold Open Space Acq-2000	300,000
Boonton Twp	Morris	Open Space Acq	300,000
Chester Twp	Morris	Chester Twp Open Space Acq	300,000
East Hanover Twp	Morris	East Hanover Twp PI	300,000
Florham Park Boro	Morris	Open Space Acq	300,000
Hanover Twp	Morris	Open Space Acq	300,000
Jefferson Twp	Morris	Jefferson Acq Plan	300,000
Kinnelon Boro	Morris	Open Space Acq	300,000
Madison Boro	Morris	Madison Boro Open Space Acq	300,000
Mendham Twp	Morris	Mendham Twp Open Space Acq	225,000
Mount Olive Twp	Morris	Mt Olive Greenway Acq	300,000
Ocean County	Ocean	Planning Incentive	600,000
Little Egg Harbor Twp	Ocean	Planning Incentive	300,000
Point Pleasant Beach Boro	Ocean	Open Space & Recreation Acq	300,000
Ringwood Boro	Passaic	Ringwood Boro Open Space Acq	300,000
Woodstown Boro	Salem	Salem River Greenway	100,000
Somerset County	Somerset	County Open Space Acq	450,000
Bedminster Twp	Somerset	Bedminster Parks Exp	300,000
Bernards Twp	Somerset	Open Space Acq	300,000
Peapack-Gladstone Boro	Somerset	Open Space Acq	100,000
Warren Twp	Somerset	Warren Twp Planning Incentive	300,000
Sussex County	Sussex	Planning Incentive Grant	450,000
Byram Twp	Sussex	Byran Open Space Plan	300,000
New Providence Boro	Union	Open Space Acq	300,000
Alpha Boro	Warren	Alpha Boro Open Space	300,000
Franklin Twp	Warren	Planning Incentive	300,000
Hardwick Twp	Warren	Hardwick Twp Open Space	300,000
Harmony Twp	Warren	Open Space & Recreation Plan	300,000
TOTAL			**$20,828,000**

(2) Site Specific Incentive Acquisition Projects:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Allendale Boro	Bergen	Orchard Park Acq	$300,000
Cape May City	Cape May	Cape May City Open Space	300,000
Lambertville City	Hunterdon	Lambertville Open Space Project	175,000
Hazlet Twp	Monmouth	225 Middle Road Acq	206,000

Spring Lake Heights Boro	Monmouth	Fletcher Property Acq	300,000
Wall Twp	Monmouth	Ridge Road Sand Mine Acq	300,000
Chester Boro	Morris	Chester Open Space Acq	260,000
West Milford Twp	Passaic	Apple Acres/Open Space Acq	300,000
TOTAL			**$2,141,000**

(3) Standard Acquisition Projects:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Brigantine City	Atlantic	St. Phillips School Property Acq	$300,000
Linwood City	Atlantic	Park Acq	58,750
East Rutherford Boro	Bergen	Two Carlton Avenue Passive Park	300,000
Paramus Boro	Bergen	Soldier Hill Park	112,500
Lower Twp	Cape May	Fulling Mill Sanctuary Extension Acq	132,875
TOTAL			**$904,125**

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, 2007 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
Jersey City	Hudson	Boyd McGuiness Park Expansion	$575,000
Old Bridge Twp	Middlesex	Cottrell Farm Acq	600,000
Neptune Twp	Monmouth	South Riverside Drive Waterfront Acq	600,000
Clifton City	Passaic	Schultheis Farm Acq	600,000
TOTAL			**$2,375,000**

c. The following projects to acquire lands for recreation and conservation purposes, located in densely or highly populated municipalities or sponsored by densely populated counties or highly populated counties, are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

(1) Planning Incentive Acquisition Projects:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
New Milford Boro	Bergen	Open Space Preservation Initiative	$450,000
Evesham Twp	Burlington	Planning Incentive Acq	450,000
Mount Laurel Twp	Burlington	Mt. Laurel Acq Plan	450,000
Camden County	Camden	Open Space Plan Acq	750,000
Cherry Hill Twp	Camden	Planning Incentive Grant Acq	450,000
Caldwell Boro	Essex	Caldwell Boro Planning Incentive	450,000
West Orange Twp	Essex	West Orange Twp Open Space Acq	450,000
Mercer County	Mercer	Mercer County Planning Incentive Acq	750,000
Middlesex County	Middlesex	Middlesex County Open Space Acq	750,000
East Brunswick Twp	Middlesex	Open Space Plan Acq	450,000
North Brunswick Twp	Middlesex	North Brunswick Plan Acq	450,000
Sayreville Boro	Middlesex	Open Space Acq	450,000
South Brunswick Twp	Middlesex	Open Space Acq	450,000
Monmouth County	Monmouth	Planning Incentive Acq	750,000
Middletown Twp	Monmouth	Middletown Twp Planning Incentive	450,000
Parsippany-Troy Hills Twp	Morris	Parsippany-Troy Hills Open Space Acq	450,000
Berkeley Twp	Ocean	Planning Incentive Acq	450,000
Manchester Twp	Ocean	Planning Incentive	450,000
Wayne Twp	Passaic	Wayne Open Space Acq	450,000
Franklin Twp	Somerset	Open Space Plan Acq	450,000
Union County	Union	Union County Open Space and Recreation Plan Acq	900,000
TOTAL			**$11,100,000**

(2) Standard Acquisition Projects:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Piscataway Twp	Middlesex	Piscataway Open Space Acq	$450,000

Belmar Boro	Monmouth	River Road Acq	450,000
TOTAL			**$900,000**

4. a. The following projects to develop 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
Egg Harbor Twp	Atlantic	Bargaintown Park	$250,000
Westampton Twp	Burlington	Sports Complex	250,000
Ocean City	Cape May	Multi Park ADA Accessibility	200,000
Verona Twp	Essex	Development at Hilltop Park Phase II	250,000
Pine Beach Boro	Ocean	Vista Park	250,000
Frelinghuysen Twp	Warren	Frelinghuysen Twp Recreation Complex	250,000
TOTAL			**$1,450,000**

b. 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, 2007 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
Garfield City	Bergen	Historic Dundee Dam Pedestrian Way and Preserve	$500,000
Camden County	Camden	Stockton Station Park and Greenway (Camden City)	500,000
Pennsauken Twp	Camden	Community Recreation Facility	500,000
Essex County	Essex	Essex County Park Plaza (Newark City)	750,000
Essex County	Essex	Multi-Parks Improvements (Belleville Twp Bloomfield Twp	750,000

		Caldwell Twp Boro East Orange City Essex Fells Twp Montclair Twp Newark City Orange City Twp Verona Twp West Orange Twp)	
Bloomfield Twp	Essex	Bloomfield Multi Parks	500,000
Irvington Twp	Essex	Orange Avenue Park Dev	125,000
Newark City	Essex	Jesse Allen Park	500,000
Orange City Twp	Essex	Bell Stadium Rehabilitation	500,000
Woodbury City	Gloucester	Multi Parks Development	500,000
Hudson County	Hudson	Lincoln Park Athletic Fields (Jersey City)	750,000
Bayonne City	Hudson	Harbor View Park	500,000
Hoboken City	Hudson	1600 Park Dev	500,000
Kearny Town	Hudson	Multi Park Playgrounds	500,000
Weehawken Twp	Hudson	Waterfront Multi Use Pavilion	500,000
Trenton City	Mercer	Greg Grant Park	350,000
Middlesex County	Middlesex	New Brunswick Landing (New Brunswick City)	625,000
New Brunswick City	Middlesex	New Brunswick Landing	500,000
Perth Amboy City	Middlesex	Willow Pond Park	220,000
Brick Twp	Ocean	Multi-Park Dev	500,000
Passaic City	Passaic	Boverini Stadium Field Improvements	500,000
Paterson City	Passaic	Restoration and Revitalization of Pennington Park	500,000
Union County	Union	Ponderosa Farm Park (Scotch Plains Twp)	750,000
Elizabeth City	Union	Livingston Street Recreation Complex	500,000
TOTAL			**$12,320,000**

c. 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
Ventnor City	Atlantic	Rehabilitation of Ventnor Fishing Pier	$375,000
Edgewater Boro	Bergen	Grand Cove Marina Dredging	375,000
Rutherford Boro	Bergen	Rutherford Waterfront Park	315,100
Maplewood Twp	Essex	Maplewood Playing Fields Improvement	375,000
South Orange Twp	Essex	Rahway River Greenway	375,000
Guttenberg Town	Hudson	Guttenberg Town Riverfront Park	320,500
Hamilton Twp	Mercer	Shady Brook Pond	389,000
Garwood Boro	Union	Athletic Field Complex	375,000
TOTAL			**$2,899,600**

5. a. Any transfer of funds, or change in project sponsor, site, or type, listed in section 3 or section 4 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 3 or section 4 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.

6. a. Of the monies appropriated pursuant to section 5 of P.L.2003, c.238, the sum of $200,000 shall be allocated for the Department of Environmental Protection to purchase and provide playground equipment under the Community Playgrounds Initiative pilot program established by the department in accordance with section 5 of P.L.2003, c.238, as follows:

LOCAL GOVERNMENT UNIT	COUNTY	APPROVED AMOUNT
Camden City	Camden	$50,000
Millville City	Cumberland	50,000
Orange City Twp	Essex	50,000
Asbury Park City	Monmouth	50,000

b. Notwithstanding any provision of section 5 of P.L.2003, c.238 to the contrary, the allocation pursuant to this section shall not require 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, 2009, 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 September 6, 2008.

CHAPTER 77

AN ACT concerning landscape architects, amending the title and body of, and supplementing, P.L.1983, c.337 and revising various parts of the statutory law.

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

1. The title of P.L.1983, c.337 is amended to read as follows:

Title amended.

AN ACT concerning the licensure of landscape architects, amending parts of the statutory law and supplementing chapter 3 of Title 45 of the Revised Statutes.

2. R.S.45:3-1 is amended to read as follows:

New Jersey State Board of Architects; membership, terms.

45:3-1. The New Jersey State Board of Architects, hereinafter in this chapter designated as the "board," created and established by an act entitled "An act to regulate the practice of architecture," approved March twenty-fourth, one thousand nine hundred and two (P.L.1902, c.29, p.54), as amended and supplemented, is continued. The board shall consist of 13 members: seven of whom shall be architects residing in this State and shall have been engaged in the practice of their profession for at least 10 years; two of whom shall be licensed landscape architects in good standing and engaged in the practice of landscape architecture for at least 10 years pursuant to P.L.1983, c.337 (C.45:3A-1 et al.), except as to the initial appointments to the board, who shall become licensed as soon as practicable after

their appointments; one of whom shall be a certified interior designer who is not a licensed architect and is certified pursuant to P.L.2002, c.86 (C.45:3-31 et al.), in good standing and engaged in providing interior design services for at least 10 years, except as to the initial appointment to the board, who shall become certified as soon as practicable after his appointment; two of whom shall be public members and one of whom shall be a State executive department member as prescribed pursuant to the provisions of P.L.1971, c.60 (C.45:1-2.1 et seq.). On the effective date of P.L.1950, c.323 the terms of office of the members of the board shall cease and terminate, and they shall thereafter continue in office as hold-over members until such time as the Governor shall designate and appoint them to serve for new terms of office as hereinafter provided. Within a period of 30 days after the effective date of P.L.1950, c.323, or as soon thereafter as circumstances shall permit, the Governor shall designate and appoint said members to serve and hold office for the following terms: one member for a term of one year from the date of such designation and appointment; one member for a term of two years from said date; one member for a term of three years from said date; one member for a term of four years from said date; and one member for a term of five years from said date. The initial landscape architect appointment pursuant to P.L.1983, c.337 (C.45:3A-1 et al.) shall be for a term of two years beginning July 1 next following the appointment. The initial appointment of a certified interior designer and the sixth architect appointed pursuant to P.L.2002, c.86 (C.45:3-31 et al.) shall be for a term of three years beginning July 1 next following the appointment. The initial appointment of the second landscape architect pursuant to P.L.2008, c.77 (C.45:3A-16 et al.) shall be for a term of five years beginning July 1 next following the appointment. The initial appointment of the seventh architect pursuant to P.L.2008, c.77 (C.45:3A-16 et al.) shall be for a term of five years beginning July 1 next following the appointment. Should any vacancy exist on the board at the time of appointment and designation of the members to the new terms herein provided for, the Governor shall appoint a new member to fill such vacancy, subject to the provisions of section 2 of P.L.1971, c.60 (C.45:1-2.2), such member to serve for any one of the several terms herein fixed as the Governor in his discretion shall designate. Thereafter, upon the expiration of the term of office of any member, his successor shall be appointed by the Governor, subject to the provisions of section 2 of P.L.1971, c.60 (C.45:1-2.2), for a term of five years. Each member shall hold his office until his successor has qualified. Any vacancy in the membership of the board shall be filled for the unexpired term in the manner provided for an original appointment.

3. R.S.45:3-2 is amended to read as follows:

Organization of board; oath; officers; special meetings.

45:3-2. The members of the board shall, before entering upon the discharge of their duties, and within 30 days after their appointment, take and subscribe an oath, for the faithful performance of their duties, before an officer authorized to administer oaths in this State, and file the same with the Secretary of State. They shall annually elect a president and vice-president from their number, and subject to the provisions of P.L.1948, c.439 (C.52:17B-1 et seq.), a secretary who need not be a member of the board and who shall also be director, each of whom shall hold office for one year and until his successor has qualified. The secretary shall receive compensation for his services as provided by R.S.45:1-4. Special meetings of the board shall be called by the secretary upon the request of any two members by giving at least five days' written notice of the meeting to each member.

4. Section 4 of P.L.1983, c.337 (C.45:3A-1) is amended to read as follows:

C.45:3A-1 Use of title; necessity of license; display.

4. In order to safeguard life, health and property, and promote the public welfare, a person using the title "landscape architect" and engaging in the practice of landscape architecture in this State is required to submit evidence that the person is qualified to be licensed to practice landscape architecture as provided in P.L.1983, c.337 (C.45:3A-1 et al.). It is unlawful for a person not licensed as a landscape architect to use the title "landscape architect" or any other title, sign, card or device in a manner which tends to convey the impression that the person is a licensed landscape architect. Every holder of a license shall display it in a conspicuous place in his principal office, place of business or employment.

5. Section 5 of P.L.1983, c.337 (C.45:3A-2) is amended to read as follows:

C.45:3A-2 Definitions.

5. As used in this act:

a. "Licensed landscape architect" means an individual who, by reason of his knowledge of natural, physical, mathematical and social sciences, and the principles and methodology of landscape architecture and landscape architectural design acquired by professional education, practical ex-

perience, or both, is qualified to engage in the practice of landscape architecture and is licensed by the board as a landscape architect.

b. "The practice of landscape architecture" means any service in which the principles and methodology of landscape architecture are applied in consultation, evaluation, planning, and design, including the preparation and filing of sketches, drawings, plans and specifications for review and approval by governmental agencies, and responsible administration of contracts to the extent that the primary purpose of the contractual services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings and approaches, or environment for structures or other improvements, the grading of land and water forms, natural drainage and determination of related impacts, assessments, and problems of land disturbance including erosion and sedimentation, blight, or other hazards. This practice includes the proposed location and arrangement of those tangible objects and features as are incidental and necessary for any government approval and as may be prescribed by State or local authorities, but does not include the design of structures or facilities ordinarily included in the practice of engineering or architecture and does not include the making of land surveys, or land plats for official approval or recording or other services as set forth in subsection (e) of section 2 of P.L.1938, c.342 (C.45:8-28).

The practice shall not prohibit any person from preparing landscaping plans for sites where government review or approvals are not required or where government review or approvals do not require the signature and seal of a landscape architect.

c. (Deleted by amendment, P.L.2008, c.77)

6. Section 6 of P.L.1983, c.337 (C.45:3A-3) is amended to read as follows:

C.45:3A-3 Construction of act; local government policy, action.

6. a. Nothing in P.L.1983, c.337 (C.45:3A-1 et al.) shall be construed to prevent or limit the practice of architecture, engineering, land surveying or professional planning by a holder of a license to practice that profession licensed by this State, but no architect, engineer, surveyor or professional planner shall use the designation "landscape architect" unless licensed as a landscape architect in this State.

b. No municipal or county policy or action purporting to define, or having the effect of defining, the scope of professional activity of architects, engineers, land surveyors, planners, or licensed landscape architects

in the preparation of landscape design plans shall reduce or expand the scope of professional practice recognized by the respective boards that regulate these professions.

7. Section 9 of P.L.1983, c.337 (C.45:3A-6) is amended to read as follows:

C.45:3A-6 Review of courses of study, records kept by board.

9. The board is authorized to review the content and duration of courses of study offered by colleges and universities for degrees in landscape architecture and to establish and maintain a register of colleges and universities whose curricula in landscape architecture are approved by the board; to establish and maintain a list of recognized subjects and courses of study, and to establish minimum requirements therefor which shall be acceptable to the board.

In addition to those records of proceedings and applicants established by the board, the board shall keep a record of its proceedings and a record of all applicants for licensure, showing for each the date of application, name, age, education, and other qualifications, place of practice and address of record, whether or not an examination was required, and whether the applicant was rejected or a license granted, and the date of that action.

8. Section 10 of P.L.1983, c.337 (C.45:3A-7) is amended to read as follows:

C.45:3A-7 Application; contents.

10. Each person applying for licensure as a landscape architect shall make application therefor to the board on the form and in the manner the board prescribes. Each applicant shall furnish evidence satisfactory to the board that he:

a. Is of good moral character;

b. Meets the educational and experience qualifications prescribed by P.L.1983, c.337 (C.45:3A-1 et al.) for licensure as a landscape architect; and

c. Unless exempt from examination pursuant to P.L.1983, c.337 (C.45:3A-1 et al.), has passed an examination satisfactory to the board.

9. Section 11 of P.L.1983, c.337 (C.45:3A-8) is amended to read as follows:

C.45:3A-8 Qualifications.

11. a. An applicant for examination or licensure as a landscape architect shall provide the board with evidence satisfactory to it that he:

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(1) Is the holder of a bachelor's or higher degree in landscape architecture from a college or university having a landscape architecture curriculum approved by the board; and

(2) Has engaged in landscape architectural work satisfactory to the board to an extent that his combined college study and practical experience total at least eight years.

b. (Deleted by amendment, P.L.2008, c.77)

c. (Deleted by amendment, P.L.2008, c.77)

d. (1) A New Jersey licensed architect, licensed professional engineer, licensed land surveyor, or licensed planner may be licensed by the board as a landscape architect if:

(a) The architect, engineer, land surveyor, or planner meets the educational standards for licensure as established by the board in accordance with paragraph (2) of this subsection; and

(b) The architect, engineer, land surveyor, or planner has engaged in landscape architectural work of a grade and character satisfactory to the board for a period of not less than four years; and

(c) The architect, engineer, land surveyor, or planner has passed, as determined by the board, the landscape architect examination administered by the board to individuals applying for licensure as landscape architects.

(2) The board is authorized to review the content and duration of courses of study offered by colleges and universities for degrees in architecture and engineering and to establish and maintain a register of colleges and universities whose curricula in architecture and engineering are approved by the board as containing sufficient recognized subjects and courses of study in landscape architecture to meet such minimum requirements therefor, which shall be deemed acceptable to the board.

10. Section 12 of P.L.1983, c.337 (C.45:3A-9) is amended to read as follows:

C.45:3A-9 Fees.

12. The following fees shall be assessed and collected by the board:

a. An application fee for licensure as a landscape architect which shall not be subject to refund;

b. An examination fee and initial two-year licensure fee for landscape architects which shall be subject to refund if the applicant is determined to be ineligible for examination, or withdraws his application for examination;

c. A two-year renewal fee for landscape architects; and

d. A reinstatement fee for licensed landscape architects.

11. Section 13 of P.L.1983, c.337 (C.45:3A-10) is amended to read as follows:

C.45:3A-10 Examination.

13. a. The board shall administer an examination to be given to all persons, not exempt from examination pursuant to P.L.1983, c.337 (C.45:3A-1 et al.), who have applied for licensure as landscape architects.

b. The board may exempt from examination an applicant who holds a license or certificate to practice landscape architecture issued to him upon examination by a legally constituted board of examiners in any state, district or territory in the United States, provided the applicant's qualifications meet the requirements enforced in this State at the time the license or certificate was issued.

Unless a majority of the board shall determine otherwise, the examination to be administered to all nonexempt applicants shall consist of an examination prepared by the Council of Landscape Architectural Registration Boards.

c. A landscape architect holding a valid certificate issued by the board pursuant to P.L.1983, c.337 (C.45:3A-1 et al.) on the effective date of P.L.2008, c.77 (C.45:3A-16 et al.) shall be exempt from any examination requirements provided by P.L.2008, c.77 (C.45:3A-16 et al.) and shall be considered a licensed landscape architect immediately upon that effective date and provided with a license as a landscape architect at the next renewal pursuant to section 15 of P.L.1983, c.337 (C.45:3A-12).

12. Section 14 of P.L.1983, c.337 (C.45:3A-11) is amended to read as follows:

C.45:3A-11 Review of applications by board, issuance of license.

14. The board shall review the qualifications of each person who applies for licensure as a landscape architect. Notwithstanding any other provision of P.L.1983, c.337 (C.45:3A-1 et al.) to the contrary, no applicant shall be licensed by the board unless the board first determines that he is qualified by education, experience and satisfactory performance on the examination to be licensed as a landscape architect and all applicants who are determined to be so qualified shall be licensed by the board.

13. Section 15 of P.L.1983, c.337 (C.45:3A-12) is amended to read as follows:

C.45:3A-12 Issuance of duplicate license; recording, fee.

15. A duplicate license to replace one lost, destroyed or mutilated may be issued subject to the rules and regulations of the board, and a reasonable fee, to be established by the board may be charged for each duplicate license. An unsuspended, unrevoked and unexpired license as a landscape architect under P.L.1983, c.337 (C.45:3A-1 et al.) shall be prima facie evidence in all courts and places that the person named therein is licensed. Each license shall be recorded by the board in the office of the Secretary of State, in a book kept for that purpose, and any recording fee as may be provided by law shall be paid by the applicant before the license is delivered.

14. Section 16 of P.L.1983, c.337 (C.45:3A-13) is amended to read as follows:

C.45:3A-13 Seal; contents; signing and sealing documents.

16. Every person licensed to practice landscape architecture shall have a seal of a type approved by the board, which shall contain the name of the landscape architect, his license number, the legend " licensed landscape architect" and other words or figures as the board may deem necessary. All working drawings and specifications prepared by the landscape architect or under the supervision of the landscape architect shall be stamped with the seal and shall be signed on the original, with the personal signature of the licensed landscape architect, when filed with public officials. The board may by regulation, change or modify the requirements as to the signing and sealing of documents.

15. Section 18 of P.L.1983, c.337 (C.45:3A-15) is amended to read as follows:

C.45:3A-15 Continuing education requirement.

18. a. Except as provided in subsections b. and c. of this section, two years from the effective date of P.L.2008, c.77 (C.45:3A-16 et al.) and every two years thereafter, each person licensed to practice landscape architecture in this State shall certify to the board, upon a form issued and distributed by the board, that the person has attended, or participated in not less than 24 hours of continuing education in landscape architecture as follows: college postgraduate courses, lectures, seminars, or workshops, as approved by the board or any other evidence of continuing education which the board may approve.

b. Two years from the effective date of P.L.2008, c.77 (C.45:3A-16 et al.) and every two years thereafter, each architect who is licensed to practice landscape architecture pursuant to subsection d. of section 11 of P.L.1983, c.337 (C.45:3A-8), shall certify to the board, upon a form issued and distributed by

the board, that the person has attended or participated in not less than 12 hours of continuing education in landscape architecture as follows: college postgraduate courses, lectures, seminars, or workshops, as approved by the board or any other evidence of continuing education which the board may approve.

c. Two years from the effective date of P.L.2008, c.77 (C.45:3A-16 et al.) and every two years thereafter, each professional engineer who is licensed to practice landscape architecture pursuant to subsection d. of section 11 of P.L.1983, c.337 (C.45:3A-8), shall certify to the board, upon a form issued and distributed by the board, that the person has attended or participated in not less than 24 hours of continuing education in landscape architecture as follows: college postgraduate courses, lectures, seminars, or workshops, as approved by the board or any other evidence of continuing education which the board may approve.

C.45:3A-16 Issuance of certificate of authorization to certain corporations.

16. The board shall issue a certificate of authorization to certain corporations and those corporations shall be authorized to offer landscape architecture services, as follows:

a. No corporation shall offer to provide landscape architecture services in this State unless issued a certificate of authorization pursuant to this section. This subsection shall not apply to a professional service corporation established pursuant to "The Professional Service Corporation Act," P.L.1969, c.232 (C.14A:17-1 et seq.).

b. The certificate of authorization shall designate a New Jersey licensee or licensees who are in responsible charge of the landscape architecture activities and decisions of the corporation. All final drawings, papers or documents involving the practice of landscape architecture, when issued by the corporation or filed for public record, shall be signed and sealed by the New Jersey licensee who is in responsible charge of the work.

C.45:3A-17 Transfer of jurisdiction, powers, duties, responsibilities.

17. All jurisdiction, powers, duties and responsibilities vested in the Landscape Architect Examination and Evaluation Committee with respect to the practice of landscape architecture shall be immediately transferred to and vested in the New Jersey State Board of Architects, which board shall hereafter govern the practice of landscape architecture in this State in accordance with all applicable laws.

Repealer.

18. The following sections are repealed:

Section 7 of P.L.1983, c.337 (C.45:3A-4);
Section 8 of P.L.1983, c.337 (C.45:3A-5); and
Section 17 of P.L.1983, c.337 (C.45:3A-14).

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

Approved September 6, 2008.

CHAPTER 78

AN ACT concerning the extension of certain permits and approvals affecting the physical development of property located within the State of New Jersey, superseding all statutory and regulatory requirements to the contrary, and supplementing Title 40 of the Revised Statutes.

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

C.40:55D-136.1 Short title.

1. This act shall be known and may be cited as the "Permit Extension Act of 2008."

C.40:55D-136.2 Findings, declarations relative to extension of certain permits and approvals.

2. The Legislature finds and declares that:

a. There exists a state of national recession, which has drastically affected various segments of the New Jersey economy, but none as severely as the State's banking, real estate and construction sectors.

b. The real estate finance sector of the economy is in severe decline due to the sub-prime mortgage problem and the resultant widening mortgage finance crisis. The extreme tightening of lending standards for home buyers and other real estate borrowers has reduced access to the capital markets.

c. As a result of the crisis in the real estate finance sector of the economy, real estate developers and redevelopers, including homebuilders, and commercial, office, and industrial developers, have experienced an industry-wide decline, including reduced demand, cancelled orders, declining sales and rentals, price reductions, increased inventory, fewer buyers who qualify to purchase homes, layoffs, and scaled back growth plans.

d. The process of obtaining planning board and zoning board of adjustment approvals for subdivisions, site plans, and variances can be difficult, time consuming and expensive, both for private applicants and government bodies.

e. The process of obtaining the myriad other government approvals, required pursuant to legislative enactments and their implementing rules and regulations, such as wetlands permits, treatment works approvals, on-site wastewater disposal permits, stream encroachment permits, flood hazard area permits, highway access permits, and numerous waivers and variances, also can be difficult and expensive; further, changes in the law can render these approvals, if expired or lapsed, impossible to renew or re-obtain.

f. County and municipal governments obtain determinations of master plan consistency, conformance, or endorsement with State or regional plans, from State and regional government entities which may expire or lapse without implementation due to the state of the economy.

g. The current national recession has severely weakened the building industry, and many landowners and developers are seeing their life's work destroyed by the lack of credit and dearth of buyers and tenants, due to the crisis in real estate financing and the building industry, uncertainty over the state of the economy, and increasing levels of unemployment in the construction industry.

h. The construction industry and related trades are sustaining severe economic losses, and the lapsing of government development approvals would, if not addressed, exacerbate those losses.

i. Financial institutions that lent money to property owners, builders, and developers are experiencing erosion of collateral and depreciation of their assets as permits and approvals expire, and the extension of these permits and approvals is necessary to maintain the value of the collateral and the solvency of financial institutions throughout the State.

j. Due to the current inability of builders and their purchasers to obtain financing, under existing economic conditions, more and more once-approved permits are expiring or lapsing and, as these approvals lapse, lenders must reappraise and thereafter substantially lower real estate valuations established in conjunction with approved projects, thereby requiring the reclassification of numerous loans which, in turn, affects the stability of the banking system and reduces the funds available for future lending, thus creating more severe restrictions on credit and leading to a vicious cycle of default.

k. As a result of the continued downturn of the economy, and the continued expiration of approvals which were granted by State and local governments, it is possible that thousands of government actions will be undone by the passage of time.

l. Obtaining an extension of an approval pursuant to existing statutory or regulatory provisions can be both costly in terms of time and financial resources, and insufficient to cope with the extent of the present financial situation; moreover, the costs imposed fall on the public as well as the private sector.

m. It is the purpose of this act to prevent the wholesale abandonment of approved projects and activities due to the present unfavorable economic conditions, by tolling the term of these approvals for a period of time, thereby preventing a waste of public and private resources.

C.40:55D-136.3 Definitions relative to extension of certain permits and approvals.

3. As used in this act:

"Approval" means, except as otherwise provided in section 4 of this act, any approval of a soil erosion and sediment control plan granted by a local soil conservation district under the authority conferred by R.S.4:24-22 et seq., waterfront development permit issued pursuant to R.S.12:5-1 et seq., permit issued pursuant to "The Wetlands Act of 1970," P.L.1970, c.272 (C.13:9A-1 et seq.), permit issued pursuant to the "Freshwater Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et al.), approval of an application for development granted by the Delaware and Raritan Canal Commission pursuant to the "Delaware and Raritan Canal State Park Law of 1974," P.L.1974, c.118 (C.13:13A-1 et seq.), permit issued by the New Jersey Meadowlands Commission pursuant to the "Hackensack Meadowlands Reclamation and Development Act," P.L.1968, c.404 (C.13:17-1 et al.), approval of an application for development granted by the Pinelands Commission and determination of municipal and county plan conformance pursuant to the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.), permit issued and center designations pursuant to the "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), septic approval granted pursuant to Title 26 of the Revised Statutes, permit granted pursuant to R.S.27:7-1 et seq. or any supplement thereto, right-of-way permit issued by the Department of Transportation pursuant to paragraph (3) of subsection (h) of section 5 of P.L.1966, c.301 (C.27:1A-5), approval granted by a sewerage authority pursuant to the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et seq.), approval granted by a municipal authority pursuant to the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), approval issued by a county planning board pursuant to chapter 27 of Title 40 of the Revised Statutes, preliminary and final approval granted in connection with an application for development pursuant to the "Municipal Land Use Law," P.L.1975, c.291

(C.40:55D-1 et seq.), permit granted pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), plan endorsement and center designations pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.), permit or certification issued pursuant to the "Water Supply Management Act," P.L.1981, c.262 (C.58:1A-1 et al.), permit granted authorizing the drilling of a well pursuant to P.L.1947, c.377 (C.58:4A-5 et seq.), certification or permit granted, exemption from a sewerage connection ban granted, wastewater management plan approved, and pollution discharge elimination system permit pursuant to the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), certification granted pursuant to "The Realty Improvement Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23 et seq.), certification or approval granted pursuant to P.L.1971, c.386 (C.58:11-25.1 et al.), certification issued and water quality management plan approved pursuant to the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.), approval granted pursuant to the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et al.), permit issued pursuant to the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.), any municipal, county, regional, or State approval or permit granted under the general authority conferred by State law or rule or regulation, or any other government authorization of any development application or any permit related thereto whether that authorization is in the form of a permit, approval, license, certification, permission, determination, interpretation, exemption, variance, exception, waiver, letter of interpretation, no further action letter, agreement or any other executive or administrative decision which allows a development or governmental project to proceed.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or facility, or of any grading, soil removal or relocation, excavation or landfill or any use or change in the use of any building or other structure or land or extension of the use of land.

"Environmentally sensitive area" means an area designated pursuant to the State Development and Redevelopment Plan adopted, as of the effective date of this act, pursuant to P.L.1985, c.398 (C.52:18A-196 et al.) as Planning Area 4B (Rural/Environmentally Sensitive), Planning Area 5 (Environmentally Sensitive), or a critical environmental site; the Highlands Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3) but shall not include any area designated for growth in the Highlands regional master plan adopted by the Highlands Water Protection and Planning Council pur-

suant to P.L.2004, c.120 (C.13:20-1 et al.); and the pinelands area designated in section 10 of P.L.1979, c.111 (C.13:18A-11) but shall not include any growth area designated in the comprehensive management plan prepared and adopted by the Pinelands Commission pursuant to section 7 of the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-8).

"Extension period" means the period beginning January 1, 2007 and continuing through July 1, 2010.

"Government" means any municipal, county, regional, or State government, or any agency, department, commission or other instrumentality thereof.

C.40:55D-136.4 Existing government approval; extension period.

4. a. For any government approval in existence during the extension period, the running of the period of approval is automatically suspended for the extension period, except as otherwise provided hereunder; however, the tolling provided for herein shall not extend the government approval more than six months beyond the conclusion of the extension period. Nothing in this act shall shorten the duration that any approval would have had in the absence of this act, nor shall this act prohibit the granting of such additional extensions as are provided by law when the tolling granted by this act shall expire.

b. Nothing in this act shall be deemed to extend or purport to extend:

(1) any permit or approval issued by the government of the United States or any agency or instrumentality thereof, or any permit or approval by whatever authority issued of which the duration of effect or the date or terms of its expiration are specified or determined by or pursuant to law or regulation of the federal government or any of its agencies or instrumentalities;

(2) any permit or approval issued pursuant to the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.) if the extension would result in a violation of federal law, or any State rule or regulation requiring approval by the Secretary of the Interior pursuant to Pub.L.95-625 (16 U.S.C. s.471i);

(3) any permit or approval issued within an environmentally sensitive area;

(4) any permit or approval within an environmentally sensitive area issued pursuant to the "Highlands Water Protection and Planning Act," P.L.2004, c.120 (C.13:20-1 et al.);

(5) any permit or approval issued by the Department of Transportation pursuant to Title 27 of the Revised Statutes or under the general authority conferred by State law, other than a right-of-way permit issued pursuant to paragraph (3) of subsection (h) of section 5 of P.L.1966, c.301 (C.27:1A-5) or a permit granted pursuant to R.S.27:7-1 et seq. or any supplement thereto;

(6) any permit or approval issued pursuant to the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.), except where work has commenced, in any phase or section of the development, on any site improvement as defined in paragraph (1) of subsection a. of section 41 of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-53) or on any buildings or structures; or

(7) any coastal center designated pursuant to the "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), that as of March 15, 2007 (a) had not submitted an application for plan endorsement to the State Planning Commission, and (b) was not in compliance with the provisions of the Coastal Zone Management Rules at N.J.A.C.7:7E-5B.6.

c. This act shall not affect any administrative consent order issued by the Department of Environmental Protection in effect or issued during the extension period, nor shall it be construed to extend any approval in connection with a resource recovery facility as defined in section 2 of P.L.1985, c.38 (C.13:1E-137).

d. Nothing in this act shall affect the ability of the Commissioner of Environmental Protection to revoke or modify a specific permit or approval, or extension thereof pursuant to this act, when that specific permit or approval contains language authorizing the modification or revocation of the permit or approval by the department.

e. In the event that any approval tolled pursuant to this act is based upon the connection to a sanitary sewer system, the approval's extension shall be contingent upon the availability of sufficient capacity, on the part of the treatment facility, to accommodate the development whose approval has been extended. If sufficient capacity is not available, those permit holders whose approvals have been extended shall have priority with regard to the further allocation of gallonage over those approval holders who have not received approval of a hookup prior to the date of enactment of this act. Priority regarding the distribution of further gallonage to any permit holder who has received the extension of an approval pursuant to this act shall be allocated in order of the granting of the original approval of the connection.

f. This act shall not toll any approval issued under the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) in connection with an application for development involving a residential use where, subsequent to the expiration of the permit but prior to January 1, 2007, an amendment has been adopted to the master plan and the zoning ordinance to rezone the property to industrial or commercial use when the permit was issued for residential use.

g. Nothing in this act shall be construed or implemented in such a way as to modify any requirement of law that is necessary to retain federal dele-

gation to, or assumption by, the State of the authority to implement a federal law or program.

h. Nothing in this act shall be deemed to extend the obligation of any wastewater management planning agency to submit a wastewater management plan or plan update, or the obligation of a municipality to submit a wastewater management plan or plan update, pursuant to the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.) and the Water Quality Management Planning rules, N.J.A.C.7:15-1.1 et seq., adopted by the Department of Environmental Protection, effective July 7, 2008.

C.40:55D-136.5 Notice.

5. State agencies shall, within 30 days after the effective date of this act, place a notice in the New Jersey Register tolling all approvals in conformance with this act.

C.40:55D-136.6 Liberal construction.

6. The provisions of this act shall be liberally construed to effectuate the purposes of this act.

7. This act shall take effect immediately.

Approved September 6, 2008.

CHAPTER 79

AN ACT concerning the use of wheelchair securement and occupant securement devices and supplementing chapter 3 of Title 39 of the Revised Statutes.

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

C.39:3-76.21 Use of securement devices required.

1. The driver of a passenger automobile shall secure or cause to be secured any wheelchaired passenger in a properly adjusted and fastened wheelchair securement and occupant securement device. The securement devices shall be in compliance with Federal Motor Vehicle Safety Standards.

For the purposes of this act, the term "passenger automobile" shall include vans, pick-up trucks, and utility vehicles.

C.39:3-76.2m Violations, penalties.

2. A person who violates this act shall be fined $100. In no case shall motor vehicle points or automobile insurance eligibility points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) be assessed against any person for a violation of this act. A person who is fined under this section for a violation of this act shall not be subject to a surcharge under the Motor Vehicle Violations Surcharge System as provided in section 6 of P.L.1983, c.65 (C.17:29A-35).

3. This act shall take effect immediately.

Approved September 9, 2008.

CHAPTER 80

AN ACT establishing an autism and intellectual and other developmental disabilities awareness program and supplementing Titles 26 and 52 of the Revised Statutes.

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

C.26:2-189 Findings, declarations relative to autism, intellectual developmental disabilities awareness for first responders.

1. The Legislature finds and declares that:

a. Autism is a developmental disorder of brain function which is typically manifested in impaired social interaction, problems with verbal and nonverbal communication and imagination, and unusual or severely limited activities and interests. These symptoms generally appear during the first three years of childhood and continue throughout life.

According to the federal Centers for Disease Control and Prevention, or CDC, one of every 94 children in this State has autism, which is the highest rate among the states examined by the CDC in the most comprehensive study of the prevalence of autism to date;

b. In addition to those diagnosed with autism every year, there are an estimated 4.5 million individuals with intellectual and other developmental disabilities living in the United States, including approximately 200,000 individuals in New Jersey.

Developmental disabilities are a diverse group of severe chronic conditions that are due to mental or physical impairments which are manifested

in problems with major life activities such as language, mobility, learning, self-help, and independent living. Developmental disabilities begin anytime during development up to 22 years of age and usually last throughout a person's lifetime.

Intellectual disability is characterized both by a significantly below-average score on a test of mental ability or intelligence and by limitations in the ability to function in areas of daily life, such as communication, self-care, and getting along in social situations and school activities. Intellectual disability is sometimes referred to as a cognitive disability or mental retardation. Intellectual disabilities include, but are not limited to, Down syndrome, fetal alcohol syndrome, fragile X syndrome, Cri-du-chat syndrome, Prader-Willi syndrome, as well as infections such as congenital cytomegalovirus or birth defects that affect the brain such as hydrocephalus or cortical atrophy. Other causes of intellectual disability include serious head injury, stroke or certain infections such as meningitis; and

c. Firefighters, emergency medical technicians, and police officers may unexpectedly encounter or be asked to locate a person diagnosed with autism or an intellectual or other developmental disability. Given the high number of individuals affected by these disabilities, it is altogether fitting and proper to ensure that emergency responders are uniformly trained in recognizing the behavioral symptoms and characteristics of a child or adult with one or more of these disabilities, and are educated in the high risks associated with these disabilities as well as basic response techniques.

C.26:2-190 Development of training curriculum; rules, regulations.

2. a. The Commissioner of Health and Senior Services and the Commissioner of Human Services, in consultation with the New Jersey Fire and Emergency Medical Services Institute and the New Jersey State First Aid Council, shall develop a training curriculum with the purpose of informing emergency responders of the risks associated with autism or an intellectual or other developmental disability, as well as providing instruction in appropriate recognition and response techniques concerning these disabilities. The curriculum shall be incorporated into existing time requirements for training and continuing education of emergency responders.

b. Prior to certification by the Department of Health and Senior Services, each emergency medical technician trained in basic life support services as defined in section 1 of P.L.1985, c.351 (C.26:2K-21) shall be required to satisfactorily complete the training developed under subsection a. of this section. Every emergency medical technician certified prior to the effective date of this act shall, within 36 months of the effective date of this act, satisfactorily com-

plete the training in recognition and response techniques concerning these disabilities, through existing continuing education requirements.

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

C.52:27D-25jj Adoption of training course by Division of Fire Safety.

3. a. The Division of Fire Safety in the Department of Community Affairs, in consultation with the New Jersey Fire and Emergency Medical Services Institute, shall adopt a training course regarding the risks associated with autism or an intellectual or other developmental disability and appropriate recognition and response techniques concerning these disabilities, based on the curriculum developed by the Departments of Health and Senior Services and Human Services pursuant to subsection a. of section 2 of P.L.2008, c.80 (C.26:2-190). The course curriculum and instruction shall be administered to every firefighter recruit, volunteer or paid.

b. Each person, volunteer or paid, who is engaged in fire suppression, firefighting, or fire rescue before the effective date of this act shall, within 36 months of the effective date of this act, satisfactorily complete a training course in recognition and response techniques concerning these disabilities.

c. The Commissioner of Community Affairs 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.

C.52:17B-71.9 Adoption of training course by Police Training Commission.

4. a. The Police Training Commission in the Department of Law and Public Safety shall adopt a training course regarding the risks associated with autism or an intellectual or other developmental disability and appropriate recognition and response techniques concerning these disabilities based on the curriculum developed by the Departments of Health and Senior Services and Human Services pursuant to subsection a. of section 2 of P.L.2008, c.80 (C.26:2-190). The training course shall be administered by the employing agency as part of the in-service training provided to each local police officer in each law enforcement unit operating in this State.

b. Prior to being appointed to permanent status as a local police officer in a law enforcement unit, an individual shall be required to complete the training course adopted under subsection a. of this section. Every local police officer appointed prior to the effective date of this act shall, within 36 months of the effective date of this act, satisfactorily complete a training course in recognition and response techniques concerning these disabilities.

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

5. This act shall take effect on the first day of the seventh month following enactment.

Approved September 9, 2008.

CHAPTER 81

AN ACT concerning witness or informant tampering and amending N.J.S.2C:28-5, N.J.S.2C:29-3 and N.J.S.2C:29-9.

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

1. N.J.S.2C:28-5 is amended to read as follows:

Tampering with witnesses and informants; retaliation against them.

2C:28-5. a. Tampering. A person commits an offense if, believing that an official proceeding or investigation is pending or about to be instituted or has been instituted, he knowingly engages in conduct which a reasonable person would believe would cause a witness or informant to:

(1) Testify or inform falsely;

(2) Withhold any testimony, information, document or thing;

(3) Elude legal process summoning him to testify or supply evidence;

(4) Absent himself from any proceeding or investigation to which he has been legally summoned; or

(5) Otherwise obstruct, delay, prevent or impede an official proceeding or investigation.

Witness tampering is a crime of the first degree if the conduct occurs in connection with an official proceeding or investigation involving any crime enumerated in subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2) and the actor employs force or threat of force. Witness tampering is a crime of the second degree if the actor employs force or threat of force. Otherwise it is a crime of the third degree. Privileged communications may not be used as evidence in any prosecution for violations of paragraph (2), (3), (4) or (5).

b. Retaliation against witness or informant. A person commits an offense if he harms another by an unlawful act with purpose to retaliate for or

on account of the service of another as a witness or informant. The offense is a crime of the second degree if the actor employs force or threat of force. Otherwise it is a crime of the third degree.

c. Witness or informant taking bribe. A person commits a crime of the third degree if he solicits, accepts or agrees to accept any benefit in consideration of his doing any of the things specified in subsection a. (1) through (5) of this section.

d. Bribery of a witness or informant. A person commits a crime of the second degree if he directly or indirectly offers, confers or agrees to confer upon a witness or informant any benefit in consideration of the witness or informant doing any of the things specified in subsection a. (1) through (5) of this section.

e. Notwithstanding the provisions of N.J.S.2C:1-8, N.J.S.2C:44-5 or any other provision of law, a conviction arising under this section shall not merge with a conviction of an offense that was the subject of the official proceeding or investigation and the sentence imposed pursuant to this section shall be ordered to be served consecutively to that imposed for any such conviction.

2. N.J.S.2C:29-3 is amended to read as follows:

Hindering apprehension or prosecution.

2C:29-3. Hindering Apprehension or Prosecution. a. A person commits an offense if, with purpose to hinder the detention, apprehension, investigation, prosecution, conviction or punishment of another for an offense or violation of Title 39 of the Revised Statutes or a violation of chapter 33A of Title 17 of the Revised Statutes he:

(1) Harbors or conceals the other;

(2) Provides or aids in providing a weapon, money, transportation, disguise or other means of avoiding discovery or apprehension or effecting escape;

(3) Suppresses, by way of concealment or destruction, any evidence of the crime, or tampers with a witness, informant, document or other source of information, regardless of its admissibility in evidence, which might aid in the discovery or apprehension of such person or in the lodging of a charge against him;

(4) Warns the other of impending discovery or apprehension, except that this paragraph does not apply to a warning given in connection with an effort to bring another into compliance with law;

(5) Prevents or obstructs, by means of force, intimidation or deception, anyone from performing an act which might aid in the discovery or apprehension of such person or in the lodging of a charge against him;

(6) Aids such person to protect or expeditiously profit from an advantage derived from such crime; or

(7) Gives false information to a law enforcement officer or a civil State investigator assigned to the Office of the Insurance Fraud Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-16).

An offense under paragraph (5) of subsection a. of this section is a crime of the second degree, unless the actor is a spouse, domestic partner, partner in a civil union, parent or child to the person aided who is the victim of the offense, in which case the offense is a crime of the fourth degree. Otherwise, the offense is a crime of the third degree if the conduct which the actor knows has been charged or is liable to be charged against the person aided would constitute a crime of the second degree or greater, unless the actor is a spouse, domestic partner, partner in a civil union, parent or child of the person aided, in which case the offense is a crime of the fourth degree. The offense is a crime of the fourth degree if such conduct would constitute a crime of the third degree. Otherwise it is a disorderly persons offense.

b. A person commits an offense if, with purpose to hinder his own detention, apprehension, investigation, prosecution, conviction or punishment for an offense or violation of Title 39 of the Revised Statutes or a violation of chapter 33A of Title 17 of the Revised Statutes, he:

(1) Suppresses, by way of concealment or destruction, any evidence of the crime or tampers with a document or other source of information, regardless of its admissibility in evidence, which might aid in his discovery or apprehension or in the lodging of a charge against him; or

(2) Prevents or obstructs by means of force or intimidation anyone from performing an act which might aid in his discovery or apprehension or in the lodging of a charge against him; or

(3) Prevents or obstructs by means of force, intimidation or deception any witness or informant from providing testimony or information, regardless of its admissibility, which might aid in his discovery or apprehension or in the lodging of a charge against him; or

(4) Gives false information to a law enforcement officer or a civil State investigator assigned to the Office of the Insurance Fraud Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-16).

An offense under paragraph (3) of subsection b. of this section is a crime of the second degree. Otherwise, the offense is a crime of the third degree if the conduct which the actor knows has been charged or is liable to be charged against him would constitute a crime of the second degree or greater. The offense is a crime of the fourth degree if such conduct would constitute a crime of the third degree. Otherwise it is a disorderly persons offense.

3. N.J.S.2C:29-9 is amended to read as follows:

Contempt.

2C:29-9. Contempt. a. A person is guilty of a crime of the fourth degree if he purposely or knowingly disobeys a judicial order or protective order, pursuant to section 1 of P.L.1985, c.250 (C.2C:28-5.1), or hinders, obstructs or impedes the effectuation of a judicial order or the exercise of jurisdiction over any person, thing or controversy by a court, administrative body or investigative entity.

b. Except as provided below, a person is guilty of a crime of the fourth degree if that person purposely or knowingly violates any provision in an order entered under the provisions of the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.) or an order entered under the provisions of a substantially similar statute under the laws of another state or the United States when the conduct which constitutes the violation could also constitute a crime or a disorderly persons offense. In all other cases a person is guilty of a disorderly persons offense if that person knowingly violates an order entered under the provisions of this act or an order entered under the provisions of a substantially similar statute under the laws of another state or the United States. Orders entered pursuant to paragraphs (3), (4), (5), (8) and (9) of subsection b. of section 13 of P.L.1991, c.261 (C.2C:25-29) or substantially similar orders entered under the laws of another state or the United States shall be excluded from the provisions of this subsection.

As used in this subsection, "state" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band, or Alaskan native village, which is recognized by a federal law or formally acknowledged by a state.

4. This act shall take effect immediately.

Approved September 10, 2008.

CHAPTER 82

AN ACT concerning public access requirements for marinas and supplementing Title 13 of the Revised Statutes.

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

C.13:19-38 Short title.

1. This act shall be known and may be cited as the "Public Access and Marina Safety Task Force Act."

C.13:19-39 Findings, declarations relative to public access requirements for marinas.

2. The Legislature finds and declares that:

a. The Public Trust Doctrine is an important legal principle that establishes the right of the public to use tidal waterways and their shores, including the ocean, bays, and tidal rivers;

b. As interpreted today, the Public Trust Doctrine upholds that public rights to tidal waterways and their shores are held by the State in trust for the benefit of all of the people, and recognizes and protects natural resources as well as recreational uses such as swimming, sunbathing, fishing, boating and walking along tidal waterways and their shores;

c. Marinas are a unique and essential part of the State's waterfront community, providing access to a variety of recreational activities, and providing important boating infrastructure and services, that should be encouraged;

d. In December 2007, the Department of Environmental Protection adopted rules and regulations, and issued a concurrent regulatory proposal, governing public access at marinas, which rules and regulations are both economically destructive and practically unworkable for the marina industry; and

e. It is therefore in the public interest to conduct a study of the efficacy, practicability and feasibility of these rules and regulations and to impose a moratorium on their implementation until such time as the affected parties have had the opportunity to address the many and variegated issues raised thereby.

The Legislature therefore determines that a moratorium on the implementation of the rules and regulations adopted by the Department of Environmental Protection in December 2007 governing public access at marinas is critical to ensure that all affected interests are taken into account, thus increasing the likelihood of a more reasonable and equitable policy emerging therefrom.

C.13:19-40 Moratorium on implementation of certain rules, regulations.

3. There shall be a moratorium on the implementation of the provisions of N.J.A.C.7:7E-3.50, N.J.A.C.7:7E-7.3 and N.J.A.C.7:7E-8.11, as applied to marinas, as such rules and regulations were adopted by the Department of Environmental Protection on December 17, 2007. During the moratorium the Public Access and Marina Safety Task Force established pursuant to section 4 of this act shall conduct the study required pursuant to section 5 of this act. The moratorium shall expire on December 31, 2010.

C.13:19-41 Public Access and Marina Safety Task Force.

4. a. There is established in but not of the Department of Environmental Protection the Public Access and Marina Safety Task Force. The task force shall evaluate and study the efficacy, practicability and feasibility of the rules and regulations governing public access at marinas, and submit its findings and recommendations, in writing, to the Governor and the Legislature as provided in section 6 of this act.

b. The task force shall consist of 10 members as follows:

(1) a representative of the Department of Environmental Protection;

(2) a representative of the Office of Maritime Resources in the Department of Transportation;

(3) four elected public officials, to be appointed by the Governor with the advice and consent of the Senate, representing the coastal communities of Atlantic, Cape May, Monmouth and Ocean counties, respectively; and

(4) four public members to be appointed by the Governor with the advice and consent of the Senate. Of the four public members, one shall be a representative of the Urban Coast Institute of Monmouth University, and one shall be a representative of the environmental community with a recognized expertise and specialization in coastal and shore protection issues. The remaining public members shall represent marina operators or a marine trade association.

c. The members of the task force shall serve without compensation, but may be reimbursed for necessary expenses incurred in the performance of their duties, within the limits of funds appropriated or otherwise made available to the task force for its purposes.

d. Any vacancy in the membership shall be filled in the same manner as the original appointment.

e. The task force shall be entitled to the assistance and service of the employees of any State, county or municipal department, board, bureau, commission, authority, or agency as it may require and as may be available to it for its purposes, and to employ stenographic and clerical assistance and to incur traveling or other miscellaneous expenses as may be necessary in order to perform its duties, within the limits of funds appropriated or otherwise made available to it for its purposes. The Department of Environmental Protection shall provide primary staff support to the task force.

f. The task force shall meet monthly or at the call of the chairperson of the task force or when requested by any four members of the task force.

g. The task force shall organize as soon as possible after the appointment of its members, and shall select annually a chairperson from among its members and a secretary who need not be a member of the task force.

C.13:19-42 Duties of Public Access and Marina Safety Task Force.

5. a. It shall be the duty of the Public Access and Marina Safety Task Force to:

(1) evaluate and study the efficacy, practicability and feasibility of the rules and regulations adopted by the Department of Environmental Protection, and the concurrent regulatory proposal issued thereon, governing public access at marinas, in order to ascertain the most reasonable and equitable manner in which to proceed with a public access and marina use policy; and

(2) hold at least one public hearing to solicit public comment and suggestions on the issues and matters to be studied and evaluated pursuant to this subsection.

b. The task force may solicit or receive any information or resources concerning public access at marinas made available by any governmental, public, private, not-for-profit or for-profit entity.

C.13:19-43 Report to Governor, Legislature.

6. The task force shall submit its report, including its findings and recommendations, to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature by December 31, 2010. Copies of the report shall be provided to the public upon request and free of charge, and the report shall be posted on the department's internet website.

C.13:19-44 Departmental powers affected during duration of moratorium.

7. For the duration of the moratorium imposed pursuant to section 3 of this act, the department shall not:

a. require a marina facility to provide unlimited public access to the waterfront;

b. require a conservation easement by means of a deed restriction;

c. require perpendicular access across the entire waterfront; or

d. require additional parking, as a condition of any permit for activities relating to the expansion or renovation of an existing marina facility issued pursuant to R.S.12:5-3, "The Wetlands Act of 1970," P.L.1970, c.272 (C.13:9A-1 et seq.), or the "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.).

8. This act shall take effect immediately.

Approved September 10, 2008.

CHAPTER 83

AN ACT concerning certain contracts awarded for the provision of energy conservation and renewable energy, and amending various parts of the statutory law.

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

1. N.J.S.18A:18A-42 is amended to read as follows:

Multiyear contracts.

18A:18A-42. All contracts for the provision or performance of goods or services shall be awarded for a period not to exceed 24 consecutive months, except that contracts for professional services pursuant to paragraph (1) of subsection a. of N.J.S.18A:18A-5 shall be awarded for a period not to exceed 12 consecutive months. Any board of education may award a contract for longer periods of time as follows:

a. Supplying of:

(1) Fuel for heating purposes, for any term not exceeding in the aggregate, three years;

(2) Fuel or oil for use of automobiles, autobuses, motor vehicles or equipment, for any term not exceeding in the aggregate, three years;

(3) Thermal energy produced by a cogeneration facility, for use for heating or air conditioning or both, for any term not exceeding 40 years, when the contract is approved by the Board of Public Utilities. For the purposes of this paragraph, "cogeneration" means the simultaneous production in one facility of electric power and other forms of useful energy such as heating or process steam; or

b. Plowing and removal of snow and ice, for any term not exceeding in the aggregate, three years; or

c. Collection and disposal of garbage and refuse, for any term not exceeding in the aggregate, three years; or

d. Data processing service, for any term of not more than seven years; or

e. Insurance, including the purchase of insurance coverages, insurance consultant or administrative services, and including participation in a joint self-insurance fund, risk management program or related services provided by a school board insurance group, or participation in an insurance fund established by a county pursuant to N.J.S.40A:10-6, or a joint insurance fund established pursuant to P.L.1983, c.372 (C.40A:10-36 et seq.), for any term of not more than three years; or

f. Leasing or servicing of automobiles, motor vehicles, electronic communications equipment, machinery and equipment of every nature and kind and textbooks and non-consumable instructional materials, for any term not exceeding in the aggregate, five years; except that contracts for the leasing of school buses may be awarded for any term not exceeding in the aggregate ten years. Contracts awarded pursuant to this subsection shall be awarded only subject to and in accordance with rules and regulations promulgated by the State Board of Education; or

g. Supplying of any product or the rendering of any service by a company providing voice, data, transmission or switching services, for a term not exceeding five years; or

h. (Deleted by amendment, P.L.1999, c.440.)

i. Driver education instruction conducted by private, licensed driver education schools, for any term not exceeding in the aggregate, three years; or

j. The provision or performance of goods or services for the purpose of conserving energy through energy efficiency equipment or demand response equipment, including combined heat and power facilities, in, at, or adjacent to, buildings owned by any local board of education, the entire price of which shall be established as a percentage of the resultant savings in energy costs, for a term not to exceed 15 years; except that these contracts shall be entered into only subject to and in accordance with guidelines promulgated by the Board of Public Utilities establishing a methodology for computing energy cost savings. As used in this subsection, "combined heat and power facilities" means facilities designed to produce both heat and electricity from a single heat source; or

k. Any single project for the construction, reconstruction or rehabilitation of any public building, structure or facility, or any public works project, including the retention of the services of any architect or engineer in connection therewith, for the length of time authorized and necessary for the completion of the actual construction; or

l. Laundry service and the rental, supply and cleaning of uniforms for any term of not more than three years; or

m. Food supplies and food services for any term of not more than three years; or

n. Purchases made under a contract awarded by the Director of the Division of Purchase and Property in the Department of the Treasury for use by counties, municipalities or other contracting units pursuant to section 3 of P.L.1969, c.104 (C.52:25-16.1), for a term not to exceed the term of that contract; or

o. The provision or performance of goods or services for the purpose of producing class I renewable energy, as that term is defined in section 3 of P.L.1999, c.23 (C.48:3-51), at, or adjacent to, buildings owned by any local board of education, the entire price of which is to be established as a percentage of the resultant savings in energy costs, for a term not to exceed 15 years; provided, however, that these contracts shall be entered into only subject to and in accordance with guidelines promulgated by the Board of Public Utilities establishing a methodology for computing energy cost savings and energy generation costs.

Any contract for services other than professional services, the statutory length of which contract is for three years or less, may include provisions for no more than one two-year, or two one-year, extensions, subject to the following limitations: a. the contract shall be awarded by resolution of the board of education upon a finding by the board of education that the services are being performed in an effective and efficient manner; b. no such contract shall be extended so that it runs for more than a total of five consecutive years; c. any price change included as part of an extension shall be based upon the price of the original contract as cumulatively adjusted pursuant to any previous adjustment or extension and shall not exceed the change in the index rate for the 12 months preceding the most recent quarterly calculation available at the time the contract is renewed; and d. the terms and conditions of the contract remain substantially the same.

All multiyear leases and contracts entered into pursuant to this section, including any two-year or one-year extensions, except contracts for insurance coverages, insurance consultant or administrative services, participation or membership in a joint self-insurance fund, risk management programs or related services of a school board insurance group, participation in an insurance fund established by a county pursuant to N.J.S.40A:10-6 or contracts for thermal energy authorized pursuant to subsection a. above, and contracts for the provision or performance of goods or services to promote energy conservation through energy efficiency equipment or demand response equipment, including combined heat and power facilities, authorized pursuant to subsection j. of this section, or the production of class I renewable energy, authorized pursuant to subsection o. of this section, shall contain a clause making them subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation, or contain an annual cancellation clause. All contracts shall cease to have effect at the end of the contracted period and shall not be extended by any mechanism or provision, unless in conformance with the "Public School Contracts Law," N.J.S.18A:18A-1 et seq., except that a contract

may be extended by mutual agreement of the parties to the contract when a board of education has commenced rebidding prior to the time the contract expires or when the awarding of a contract is pending at the time the contract expires.

2. Section 28 of P.L.1982, c.189 (C.18A:64A-25.28) is amended to read as follows:

C.18A:64A-25.28 Duration of certain contracts.

28. Duration of certain contracts. A county college may only enter into a contract exceeding 24 consecutive months for the:

a. Supplying of:

(1) Fuel for heating purposes for any term not exceeding in the aggregate three years; or

(2) Fuel or oil for use in automobiles, autobuses, motor vehicles or equipment for any term not exceeding in the aggregate three years; or

b. Plowing and removal of snow and ice for any term not exceeding in the aggregate three years; or

c. Collection and disposal of garbage and refuse for any term not exceeding in the aggregate three years; or

d. Providing goods or services for the use, support or maintenance of proprietary computer hardware, software peripherals and system development for the hardware for any term of not more than five years; or

e. Insurance, including the purchase of insurance coverages, insurance consultant or administrative services, and including participation in a joint self-insurance fund, risk management programs or related services provided by a county college insurance group, or participation in an insurance fund established by a county pursuant to N.J.S.40A:10-6, for any term of not more than three years; or

f. Leasing or service of automobiles, motor vehicles, electronic communications equipment, machinery and equipment of every nature and kind for any term not exceeding in the aggregate five years; or

g. Supplying of any product or rendering of any service by a company providing voice, data, transmission or switching services, for a term not exceeding five years; or

h. The providing of food supplies and services, including food supplies and management contracts for student centers, dining rooms and cafeterias, for a term not exceeding three years; or

i. The performance of work or services or the furnishing of materials or supplies for the purpose of conserving energy through energy efficiency

equipment or demand response equipment, including combined heat and power facilities, in, at, or adjacent to, buildings owned by, or operations conducted by, the contracting unit, the entire price of which is to be established as a percentage of the resultant savings in energy costs, for a term not exceeding 15 years; provided that a contract is entered into only subject to and in accordance with guidelines promulgated by the Board of Public Utilities establishing a methodology for computing energy cost savings. As used in this subsection, "combined heat and power facilities" means facilities designed to produce both heat and electricity from a single heat source; or

j. Any single project for the construction, reconstruction or rehabilitation of a public building, structure or facility, or a public works project including the retention of the services of an architect or engineer in connection with the project, for the length of time necessary for the completion of the actual construction; or

k. The management and operation of bookstores for a term not exceeding five years; or

l. Custodial or janitorial services for any term not exceeding in the aggregate three years; or

m. Child care services for a term not exceeding three years; or

n. Security services for a term not exceeding three years; or

o. Ground maintenance services for a term not exceeding three years; or

p. Laundering, dry-cleaning or rental of uniforms for a term not exceeding three years; or

q. The performance of work or services or the furnishing of materials and supplies for the purpose of producing class I renewable energy, as that term is defined in section 3 of P.L.1999, c.23 (C.48:3-51), at, or adjacent to, buildings owned by, or operations conducted by, the contracting unit, the entire price of which is to be established as a percentage of the resultant savings in energy costs, for a term not to exceed 15 years; provided, however, that these contracts shall be entered into only subject to and in accordance with guidelines promulgated by the Board of Public Utilities establishing a methodology for computing energy cost savings and energy generation costs.

All multi-year leases and contracts entered into pursuant to this section, except contracts and agreements for the provision of work or the supplying of equipment to promote energy conservation through energy efficiency equipment or demand response equipment, including combined heat and power facilities, and authorized pursuant to subsection i. of this section, or the production of class I renewable energy and authorized pursuant to subsection q. of this section, and except contracts for insurance coverages, insurance consultant or

administrative services, participation or membership in a joint self-insurance fund, risk management programs or related services of a county college insurance group, and participation in an insurance fund established by a county pursuant to N.J.S.40A:10-6 or a joint insurance fund established pursuant to P.L.1983, c.372 (C.40A:10-36 et seq.), shall contain a clause making them subject to the availability and appropriation annually of sufficient funds to meet the extended obligation or contain an annual cancellation clause.

3. Section 15 of P.L.1971, c.198 (C.40A:11-15) is amended to read as follows:

C.40A:11-15 Duration of certain contracts.

15. All contracts for the provision or performance of goods or services shall be awarded for a period not to exceed 24 consecutive months, except that contracts for professional services pursuant to subparagraph (i) of paragraph (a) of subsection (1) of section 5 of P.L.1971, c.198 (C.40A:11-5) shall be awarded for a period not to exceed 12 consecutive months. Contracts may be awarded for longer periods of time as follows:

(1) Supplying of:

(a) (Deleted by amendment, P.L.1996, c.113.)

(b) (Deleted by amendment, P.L.1996, c.113.)

(c) Thermal energy produced by a cogeneration facility, for use for heating or air conditioning or both, for any term not exceeding 40 years, when the contract is approved by the Board of Public Utilities. For the purposes of this paragraph, "cogeneration" means the simultaneous production in one facility of electric power and other forms of useful energy such as heating or process steam;

(2) (Deleted by amendment, P.L.1977, c.53.)

(3) The collection and disposal of municipal solid waste, the collection and disposition of recyclable material, or the disposal of sewage sludge, for any term not exceeding in the aggregate, five years;

(4) The collection and recycling of methane gas from a sanitary landfill facility, for any term not exceeding 25 years, when such contract is in conformance with a district solid waste management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.), and with the approval of the Division of Local Government Services in the Department of Community Affairs and the Department of Environmental Protection. The contracting unit shall award the contract to the highest responsible bidder, notwithstanding that the contract price may be in excess of the amount of any necessarily related administrative expenses; except that if the contract requires the contracting unit to

expend funds only, the contracting unit shall award the contract to the lowest responsible bidder. The approval by the Division of Local Government Services of public bidding requirements shall not be required for those contracts exempted therefrom pursuant to section 5 of P.L.1971, c.198 (C.40A:11-5);

(5) Data processing service, for any term of not more than seven years;

(6) Insurance, including the purchase of insurance coverages, insurance consulting or administrative services, claims administration services and including participation in a joint self-insurance fund, risk management program or related services provided by a contracting unit insurance group, or participation in an insurance fund established by a local unit pursuant to N.J.S.40A:10-6, or a joint insurance fund established pursuant to P.L.1983, c.372 (C.40A:10-36 et seq.), for any term of not more than three years;

(7) Leasing or servicing of automobiles, motor vehicles, machinery and equipment of every nature and kind, for a period not to exceed five years; provided, however, such contracts shall be awarded only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services in the Department of Community Affairs;

(8) The supplying of any product or the rendering of any service by a company providing voice, data, transmission or switching services for a term not exceeding five years;

(9) Any single project for the construction, reconstruction or rehabilitation of any public building, structure or facility, or any public works project, including the retention of the services of any architect or engineer in connection therewith, for the length of time authorized and necessary for the completion of the actual construction;

(10) The providing of food services for any term not exceeding three years;

(11) On-site inspections and plan review services undertaken by private agencies pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) for any term of not more than three years;

(12) The provision or performance of goods or services for the purpose of conserving energy through energy efficiency equipment or demand response equipment, including combined heat and power facilities, in, at, or adjacent to, buildings owned by, or operations conducted by, the contracting unit, the entire price of which to be established as a percentage of the resultant savings in energy costs, for a term not to exceed 15 years; provided, however, that such contracts shall be entered into only subject to and in accordance with guidelines promulgated by the Board of Public Utilities establishing a methodology for computing energy cost savings. As used in

this subsection, "combined heat and power facilities" means facilities designed to produce both heat and electricity from a single heat source;

(13) (Deleted by amendment, P.L.1999, c.440.)

(14) (Deleted by amendment, P.L.1999, c.440.)

(15) Leasing of motor vehicles, machinery and other equipment primarily used to fight fires, for a term not to exceed ten years, when the contract includes an option to purchase, subject to and in accordance with rules and regulations promulgated by the Director of the Division of Local Government Services in the Department of Community Affairs;

(16) The provision of water supply services or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a water supply facility, or any component part or parts thereof, including a water filtration system, for a period not to exceed 40 years, when the contract for these services is approved by the Division of Local Government Services in the Department of Community Affairs, the Board of Public Utilities, and the Department of Environmental Protection pursuant to P.L.1985, c.37 (C.58:26-1 et al.), except that no such approvals shall be required for those contracts otherwise exempted pursuant to subsection (30), (31), (34), (35) or (43) of this section. For the purposes of this subsection, "water supply services" means any service provided by a water supply facility; "water filtration system" means any equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed, rehabilitated, or operated for the collection, impoundment, storage, improvement, filtration, or other treatment of drinking water for the purposes of purifying and enhancing water quality and insuring its potability prior to the distribution of the drinking water to the general public for human consumption, including plants and works, and other personal property and appurtenances necessary for their use or operation; and "water supply facility" means and refers to the real property and the plants, structures, interconnections between existing water supply facilities, machinery and equipment and other property, real, personal and mixed, acquired, constructed or operated, or to be acquired, constructed or operated, in whole or in part by or on behalf of a political subdivision of the State or any agency thereof, for the purpose of augmenting the natural water resources of the State and making available an increased supply of water for all uses, or of conserving existing water resources, and any and all appurtenances necessary, useful or convenient for the collecting, impounding, storing, improving, treating, filtering, conserving or transmitting of water and for the preservation and protection of these resources and facilities and providing for the conservation and development of future water supply resources;

(17) The provision of resource recovery services by a qualified vendor, the disposal of the solid waste delivered for disposal which cannot be processed by a resource recovery facility or the residual ash generated at a resource recovery facility, including hazardous waste and recovered metals and other materials for reuse, or the design, financing, construction, operation or maintenance of a resource recovery facility for a period not to exceed 40 years when the contract is approved by the Division of Local Government Services in the Department of Community Affairs, and the Department of Environmental Protection pursuant to P.L.1985, c.38 (C.13:1E-136 et al.); and when the resource recovery facility is in conformance with a district solid waste management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.). For the purposes of this subsection, "resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production; and "residual ash" means the bottom ash, fly ash, or any combination thereof, resulting from the combustion of solid waste at a resource recovery facility;

(18) The sale of electricity or thermal energy, or both, produced by a resource recovery facility for a period not to exceed 40 years when the contract is approved by the Board of Public Utilities, and when the resource recovery facility is in conformance with a district solid waste management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.). For the purposes of this subsection, "resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production;

(19) The provision of wastewater treatment services or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a wastewater treatment system, or any component part or parts thereof, for a period not to exceed 40 years, when the contract for these services is approved by the Division of Local Government Services in the Department of Community Affairs and the Department of Environmental Protection pursuant to P.L.1985, c.72 (C.58:27-1 et al.), except that no such approvals shall be required for those contracts otherwise exempted pursuant to subsection (36) or (43) of this section. For the purposes of this subsec-

tion, "wastewater treatment services" means any services provided by a wastewater treatment system, and "wastewater treatment system" means equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed, or operated for the storage, collection, reduction, recycling, reclamation, disposal, separation, or other treatment of wastewater or sewage sludge, or for the final disposal of residues resulting from the treatment of wastewater, including, but not limited to, pumping and ventilating stations, facilities, plants and works, connections, outfall sewers, interceptors, trunk lines, and other personal property and appurtenances necessary for their operation;

(20) The supplying of goods or services for the purpose of lighting public streets, for a term not to exceed five years;

(21) The provision of emergency medical services for a term not to exceed five years;

(22) Towing and storage contracts, awarded pursuant to paragraph u. of subsection (1) of section 5 of P.L.1971, c.198 (C.40A:11-5) for any term not exceeding three years;

(23) Fuel for the purpose of generating electricity for a term not to exceed eight years;

(24) The purchase of electricity or administrative or dispatching services related to the transmission of such electricity, from a supplier of electricity subject to the jurisdiction of a federal regulatory agency, from a qualifying small power producing facility or qualifying cogeneration facility, as defined by 16 U.S.C.s.796, or from any supplier of electricity within any regional transmission organization or independent system operator or from such organization or operator or their successors, by a contracting unit engaged in the generation of electricity for retail sale, as of May 24, 1991, for a term not to exceed 40 years, or by a contracting unit engaged solely in the distribution of electricity for retail sale for a term not to exceed ten years, except that a contract with a contracting unit, engaged solely in the distribution of electricity for retail sale, in excess of ten years, shall require the written approval of the Director of the Division of Local Government Services. If the director fails to respond in writing to the contracting unit within 10 business days, the contract shall be deemed approved;

(25) Basic life support services, for a period not to exceed five years. For the purposes of this subsection, "basic life support" means a basic level of prehospital care, which includes but need not be limited to patient stabilization, airway clearance, cardiopulmonary resuscitation, hemorrhage control, initial wound care and fracture stabilization;

(26) (Deleted by amendment, P.L.1999, c.440.)

(27) The provision of transportation services to elderly, disabled or indigent persons for any term of not more than three years. For the purposes of this subsection, "elderly persons" means persons who are 60 years of age or older. "Disabled persons" means persons of any age who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable, without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected. "Indigent persons" means persons of any age whose income does not exceed 100 percent of the poverty level, adjusted for family size, established and adjusted under section 673(2) of subtitle B, the "Community Services Block Grant Act," Pub.L.97-35 (42 U.S.C.s.9902 (2));

(28) The supplying of liquid oxygen or other chemicals, for a term not to exceed five years, when the contract includes the installation of tanks or other storage facilities by the supplier, on or near the premises of the contracting unit;

(29) The performance of patient care services by contracted medical staff at county hospitals, correction facilities and long term care facilities, for any term of not more than three years;

(30) The acquisition of an equitable interest in a water supply facility pursuant to section 2 of P.L.1993, c.381 (C.58:28-2), or a contract entered into pursuant to the "County and Municipal Water Supply Act," N.J.S.40A:31-1 et seq., if the contract is entered into no later than January 7, 1995, for any term of not more than forty years;

(31) The provision of water supply services or the financing, construction, operation or maintenance or any combination thereof, of a water supply facility or any component part or parts thereof, by a partnership or copartnership established pursuant to a contract authorized under section 2 of P.L.1993, c.381 (C.58:28-2), for a period not to exceed 40 years;

(32) Laundry service and the rental, supply and cleaning of uniforms for any term of not more than three years;

(33) The supplying of any product or the rendering of any service, including consulting services, by a cemetery management company for the maintenance and preservation of a municipal cemetery operating pursuant to the "New Jersey Cemetery Act," N.J.S.8A:1-1 et seq., for a term not exceeding 15 years;

(34) A contract between a public entity and a private firm pursuant to P.L.1995, c.101 (C.58:26-19 et al.) for the provision of water supply services may be entered into for any term which, when all optional extension periods are added, may not exceed 40 years;

(35) A contract for the purchase of a supply of water from a public utility company subject to the jurisdiction of the Board of Public Utilities in

accordance with tariffs and schedules of charges made, charged or exacted or contracts filed with the Board of Public Utilities, for any term of not more than 40 years;

(36) A contract between a public entity and a private firm or public authority pursuant to P.L.1995, c.216 (C.58:27-19 et al.) for the provision of wastewater treatment services may be entered into for any term of not more than 40 years, including all optional extension periods;

(37) The operation and management of a facility under a license issued or permit approved by the Department of Environmental Protection, including a wastewater treatment system or a water supply or distribution facility, as the case may be, for any term of not more than ten years. For the purposes of this subsection, "wastewater treatment system" refers to facilities operated or maintained for the storage, collection, reduction, disposal, or other treatment of wastewater or sewage sludge, remediation of groundwater contamination, stormwater runoff, or the final disposal of residues resulting from the treatment of wastewater; and "water supply or distribution facility" refers to facilities operated or maintained for augmenting the natural water resources of the State, increasing the supply of water, conserving existing water resources, or distributing water to users;

(38) Municipal solid waste collection from facilities owned by a contracting unit, for any term of not more than three years;

(39) Fuel for heating purposes, for any term of not more than three years;

(40) Fuel or oil for use in motor vehicles for any term of not more than three years;

(41) Plowing and removal of snow and ice for any term of not more than three years;

(42) Purchases made under a contract awarded by the Director of the Division of Purchase and Property in the Department of the Treasury for use by counties, municipalities or other contracting units pursuant to section 3 of P.L.1969, c.104 (C.52:25-16.1), for a term not to exceed the term of that contract;

(43) A contract between the governing body of a city of the first class and a duly incorporated nonprofit association for the provision of water supply services as defined in subsection (16) of this section, or wastewater treatment services as defined in subsection (19) of this section, may be entered into for a period not to exceed 40 years;

(44) The purchase of electricity generated through class I renewable energy or from a power production facility that is fueled by methane gas extracted from a landfill in the county of the contacting unit for any term not exceeding 25 years;

(45) The provision or performance of goods or services for the purpose of producing class I renewable energy or class II renewable energy, as those terms are defined in section 3 of P.L.1999, c.23 (C.48:3-51), at, or adjacent to, buildings owned by, or operations conducted by, the contracting unit, the entire price of which is to be established as a percentage of the resultant savings in energy costs, for a term not to exceed 15 years; provided, however, that such contracts shall be entered into only subject to and in accordance with guidelines promulgated by the Board of Public Utilities establishing a methodology for computing energy cost savings and energy generation costs.

Any contract for services other than professional services, the statutory length of which contract is for three years or less, may include provisions for no more than one two-year, or two one-year, extensions, subject to the following limitations: a. The contract shall be awarded by resolution of the governing body upon a finding by the governing body that the services are being performed in an effective and efficient manner; b. No such contract shall be extended so that it runs for more than a total of five consecutive years; c. Any price change included as part of an extension shall be based upon the price of the original contract as cumulatively adjusted pursuant to any previous adjustment or extension and shall not exceed the change in the index rate for the 12 months preceding the most recent quarterly calculation available at the time the contract is renewed; and d. The terms and conditions of the contract remain substantially the same.

All multiyear leases and contracts entered into pursuant to this section, including any two-year or one-year extensions, except contracts involving the supplying of electricity for the purpose of lighting public streets and contracts for thermal energy authorized pursuant to subsection (1) above, construction contracts authorized pursuant to subsection (9) above, contracts for the provision or performance of goods or services or the supplying of equipment to promote energy conservation through energy efficiency equipment or demand response equipment, including combined heat and power facilities, authorized pursuant to subsection (12) above, or the production of class I renewable energy or class II renewable energy authorized pursuant to subsection (45) above, contracts for water supply services or for a water supply facility, or any component part or parts thereof authorized pursuant to subsection (16), (30), (31), (34), (35), (37) or (43) above, contracts for resource recovery services or a resource recovery facility authorized pursuant to subsection (17) above, contracts for the sale of energy produced by a resource recovery facility authorized pursuant to subsection (18) above, contracts for wastewater treatment services or for a wastewater treatment system or any component part or parts thereof authorized pursuant

to subsection (19), (36), (37) or (43) above, and contracts for the purchase of electricity or administrative or dispatching services related to the transmission of such electricity authorized pursuant to subsection (24) above and contracts for the purchase of electricity generated from a power production facility that is fueled by methane gas authorized pursuant to subsection (44) above, shall contain a clause making them subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation, or contain an annual cancellation clause.

The Division of Local Government Services in the Department of Community Affairs shall adopt and promulgate rules and regulations concerning the methods of accounting for all contracts that do not coincide with the fiscal year.

All contracts shall cease to have effect at the end of the contracted period and shall not be extended by any mechanism or provision, unless in conformance with the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.), except that a contract may be extended by mutual agreement of the parties to the contract when a contracting unit has commenced rebidding prior to the time the contract expires or when the awarding of a contract is pending at the time the contract expires.

4. This act shall take effect immediately and shall apply to contracts awarded on or after the effective date of this act.

Approved September 10, 2008.

CHAPTER 84

AN ACT concerning driver's license suspension and postponement, and amending N.J.S.2C:36A-1 and N.J.S.2C:35-16.

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

1. N.J.S.2C:36A-1 is amended to read as follows:

Conditional discharge for certain first offenses; expunging of records.

2C:36A-1. Conditional discharge for certain first offenses; expunging of records. a. Whenever any person who has not previously been convicted of any offense under section 20 of P.L.1970, c.226 (C.24:21-20), or a disorderly

title or, subsequent to the effective date of this title, under any law of the United States, this State or any other state relating to marijuana, or stimulant, depressant, or hallucinogenic drugs, is charged with or convicted of any disorderly persons offense or petty disorderly persons offense under chapter 35 or 36 of this title, the court upon notice to the prosecutor and subject to subsection c. of this section, may on motion of the defendant or the court:

(1) Suspend further proceedings and with the consent of the person after reference to the State Bureau of Identification criminal history record information files, place him under supervisory treatment upon such reasonable terms and conditions as it may require; or

(2) After plea of guilty or finding of guilty, and without entering a judgment of conviction, and with the consent of the person after proper reference to the State Bureau of Identification criminal history record information files, place him on supervisory treatment upon reasonable terms and conditions as it may require, or as otherwise provided by law.

b. In no event shall the court require as a term or condition of supervisory treatment under this section, referral to any residential treatment facility for a period exceeding the maximum period of confinement prescribed by law for the offense for which the individual has been charged or convicted, nor shall any term of supervisory treatment imposed under this subsection exceed a period of three years. If a person is placed under supervisory treatment under this section after a plea of guilty or finding of guilt, the court as a term and condition of supervisory treatment shall suspend the person's driving privileges for a period to be fixed by the court at not less than six months or more than two years unless the court finds compelling circumstances warranting an exception. For the purposes of this subsection, compelling circumstances warranting an exception exist if the suspension of the person's driving privileges will result in extreme hardship and alternative means of transportation are not available. In the case of a person who at the time of placement under supervisory treatment under this section is less than 17 years of age, the period of suspension of driving privileges authorized herein, including a suspension of the privilege of operating a motorized bicycle, shall commence on the day the person is placed on supervisory treatment and shall run for a period as fixed by the court of not less than six months or more than two years after the day the person reaches the age of 17 years.

If the driving privilege of a person is under revocation, suspension, or postponement for a violation of this title or Title 39 of the Revised Statutes at the time of the person's placement on supervisory treatment under this section, the revocation, suspension or postponement period imposed herein shall commence as of the date of the termination of the existing revocation,

suspension or postponement. The court which places a person on supervisory treatment under this section shall collect and forward the person's driver's license to the New Jersey Motor Vehicle Commission and file an appropriate report with the commission in accordance with the procedure set forth in N.J.S.2C:35-16. The court shall also inform the person of the penalties for operating a motor vehicle during the period of license suspension or postponement as required in N.J.S.2C:35-16.

Upon violation of a term or condition of supervisory treatment the court may enter a judgment of conviction and proceed as otherwise provided, or where there has been no plea of guilty or finding of guilty, resume proceedings. Upon fulfillment of the terms and conditions of supervisory treatment the court shall terminate the supervisory treatment and dismiss the proceedings against him. Termination of supervisory treatment and dismissal under this section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of disqualifications or disabilities, if any, imposed by law upon conviction of a crime or disorderly persons offense but shall be reported by the clerk of the court to the State Bureau of Identification criminal history record information files. Termination of supervisory treatment and dismissal under this section may occur only once with respect to any person. Imposition of supervisory treatment under this section shall not be deemed a conviction for the purposes of determining whether a second or subsequent offense has occurred under section 29 of P.L.1970, c.226 (C.24:21-29), chapter 35 or 36 of this title or any law of this State.

c. Proceedings under this section shall not be available to any defendant unless the court in its discretion concludes that:

(1) The defendant's continued presence in the community, or in a civil treatment center or program, will not pose a danger to the community; or

(2) That the terms and conditions of supervisory treatment will be adequate to protect the public and will benefit the defendant by serving to correct any dependence on or use of controlled substances which he may manifest; and

(3) The person has not previously received supervisory treatment under section 27 of P.L.1970, c.226 (C.24:21-27), N.J.S.2C:43-12, or the provisions of this chapter.

d. A person seeking conditional discharge pursuant to this section shall pay to the court a fee of $75. The court shall forward all money collected under this subsection to the treasurer of the county in which the court is located. This money shall be used to defray the cost of juror compensation within that county. A person may apply for a waiver of this fee, by reason of poverty, pursuant to the Rules Governing the Courts of the State of New Jersey. Of the moneys collected under this subsection, $30 of each

fee shall be deposited in the temporary reserve fund created by section 25 of P.L.1993, c.275. After December 31, 1994, the $75 fee shall be paid to the court, for use by the State.

2. N.J.S.2C:35-16 is amended to read as follows:

Forfeiture or postponement of driving privileges.

2C:35-16. a. In addition to any disposition authorized by this title, the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any other statute indicating the dispositions that can be ordered for an adjudication of delinquency, and notwithstanding the provisions of subsection c. of N.J.S.2C:43-2, a person convicted of or adjudicated delinquent for a violation of any offense defined in this chapter or chapter 36 of this title shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period to be fixed by the court at not less than six months or more than two years which shall commence on the day the sentence is imposed unless the court finds compelling circumstances warranting an exception. For the purposes of this section, compelling circumstances warranting an exception exist if the forfeiture of the person's right to operate a motor vehicle over the highways of this State will result in extreme hardship and alternative means of transportation are not available. In the case of a person who at the time of the imposition of sentence is less than 17 years of age, the period of any suspension of driving privileges authorized herein, including a suspension of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period as fixed by the court of not less than six months or more than two years after the day the person reaches the age of 17 years. If the driving privilege of any person is under revocation, suspension, or postponement for a violation of any provision of this title or Title 39 of the Revised Statutes at the time of any conviction or adjudication of delinquency for a violation of any offense defined in this chapter or chapter 36 of this title, any revocation, suspension, or postponement period imposed herein shall commence as of the date of termination of the existing revocation, suspension, or postponement.

b. If forfeiture or postponement of driving privileges is ordered by the court pursuant to subsection a. of this section, the court shall collect forthwith the New Jersey driver's license or licenses of the person and forward such license or licenses to the Chief Administrator of the New Jersey Motor Vehicle Commission along with a report indicating the first and last day of the suspension or postponement period imposed by the court pursuant to

this section. If the court is for any reason unable to collect the license or licenses of the person, the court shall cause a report of the conviction or adjudication of delinquency to be filed with the Chief Administrator. That report shall include the complete name, address, date of birth, eye color, and sex of the person and shall indicate the first and last day of the suspension or postponement period imposed by the court pursuant to this section. The court shall inform the person orally and in writing that if the person is convicted of personally operating a motor vehicle during the period of license suspension or postponement imposed pursuant to this section, the person shall, upon conviction, be subject to the penalties set forth in R.S.39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of R.S.39:3-40. If the person is the holder of a driver's license from another jurisdiction, the court shall not collect the license but shall notify forthwith the Chief Administrator who shall notify the appropriate officials in the licensing jurisdiction. The court shall, however, in accordance with the provisions of this section, revoke the person's non-resident driving privilege in this State.

c. In addition to any other condition imposed, a court may in its discretion suspend, revoke or postpone in accordance with the provisions of this section the driving privileges of a person admitted to supervisory treatment under N.J.S.2C:36A-1 or N.J.S.2C:43-12 without a plea of guilty or finding of guilt.

d. After sentencing and upon notice to the prosecutor, a person subject to suspension or postponement of driving privileges under this section may seek revocation of the remaining portion of any suspension or postponement based on compelling circumstances warranting an exception that were not raised at the time of sentencing. The court may revoke the suspension or postponement if it finds compelling circumstances.

3. This act shall take effect immediately.

Approved September 10, 2008.

CHAPTER 85

AN ACT establishing the Ellis Island Advisory Commission and supplementing Title 52 of the Revised Statutes.

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

C.52:16A-99 Findings, declarations relative to Ellis Island.

1. The Legislature finds and declares that:

a. Ellis Island occupies a significant and unique place in America's heritage; it was the primary United States immigration station from 1892 to 1954 when more than 12 million people passed through the station complex - the greatest surge of migration in America's history; and today, 40% of Americans can trace their family history from Ellis Island, which was added to the national park system in 1965 and placed under the operational supervision of the National Park Service as a part of the Statue of Liberty National Monument in recognition of its importance in American history, architecture, and culture.

b. The closure of Ellis Island in 1954 resulted in its abandonment and decay; in 1990, following extensive rehabilitation, the Main Building reopened as an immigration museum and several buildings have been rehabilitated as administrative offices; and the National Park Service is working with Save Ellis Island, Inc. as the non-profit partner for implementation of the Ellis Island Institute and conference center, which is the preferred reuse for the remaining unused buildings on Ellis Island.

c. The Ellis Island Institute would be the primary use and would include cultural, interpretive and educational programs and activities with a policy research center and administrative and study space; and the associated conference center would host meetings, retreats and workshops that primarily focus on immigration, world migration, public health, cultural and ethnic diversity, and family history.

d. On May 26, 1998 the Supreme Court of the United States recognized and acknowledged New Jersey's sovereignty and governmental control over a substantial portion of Ellis Island, as defined in the Court's opinion; in December 1999 the Governor's Advisory Committee on the Preservation and Use of Ellis Island issued its final report and recommendations; and in 2000 Save Ellis Island, Inc. was created in response to the Governor's advisory committee.

e. It is desirable to create a State-level commission, which as an organized body, on a continuous basis, will: promote the interests of the State of New Jersey and provide assistance and advice to Save Ellis Island, Inc., its successors and other interested parties concerning the proposed Ellis Island Institute and its associated conference center; promote the proposed Ellis Island Institute and its associated conference center regionally and nationally as an important cultural and private-public initiative and destination venue; provide recognition for the accomplishments of the State of

New Jersey in the rehabilitation, reuse and protection of cultural and historic resources on Ellis Island; and prepare reports to the Governor and the Legislature regarding its findings and recommendations.

C.52:16A-100 Ellis Island Advisory Commission.

2. a. The Ellis Island Advisory Commission is hereby 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 State.

The commission shall consist of 20 voting members, as follows:

(1) a representative of the Governor's office, the Secretary of State or a designee, the State Treasurer or a designee, the Attorney General or a designee, the Commissioner of Environmental Protection or a designee, the Commissioner of Education or a designee, the Executive Director of the New Jersey Commerce Commission or a designee, the Commissioner of Health and Senior Services or a designee, the Commissioner of Transportation or a designee, the New Jersey State representative of the National Trust for Historic Preservation or a designee, and the President of Save Ellis Island, Inc. or a designee, each serving ex officio;

(2) four members of the Legislature, of whom one shall be appointed by the Senate President, one by the Senate Minority Leader, one by the Speaker of the General Assembly and one by the Minority Leader of the General Assembly. Legislators appointed to the commission shall serve as members thereof for terms co-extensive with their respective terms as members of the Houses of the Legislature from which they were appointed; and

(3) five members shall be appointed by the Governor, with the advice and consent of the Senate, of whom one shall be a representative of Rutgers, the State University of New Jersey, chosen with expertise in immigration issues, and one shall be a representative of the University of Medicine and Dentistry of New Jersey, chosen with expertise in public health issues, and three shall be members of the public, chosen with due regard for their knowledge of the role of Ellis Island in American history, including one member with expertise in the hospitality industry and one member with expertise in the development industry. No public members shall hold elective office.

b. Each public member of the commission shall serve for a term of three years, except that of the initial members so appointed: one member shall serve for one year, two members shall serve for two years, and two members shall serve for three years. Public members shall be eligible for reappointment. They shall serve until their successors are appointed and

qualified, and the term of any successor of any incumbent shall be calculated from the expiration of the term of that incumbent. A vacancy occurring other than by expiration of the term shall be filled in the same manner as the original appointment but for the unexpired term only. Public members may be removed by the Governor for cause.

c. The members of the commission shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties subject to the availability of funds.

d. The Secretary of State, or a designee, shall serve as chair, and the members of the commission shall elect annually one of the public members to serve as vice-chair. The chair may appoint a secretary, who need not be a member of the commission. The presence of a majority of the full membership of the commission shall be required for the conduct of official business.

e. The commission shall meet at the call of the chair. The commission shall hold at least two meetings annually which shall be held at the State capitol and at such other times and places as the commission may deem expedient, including on Ellis Island.

C.52:16A-101 Responsibilities, duties of Ellis Island Advisory Commission.

3. The Ellis Island Advisory Commission shall have the following responsibilities and duties:

a. to recommend that the proposed Ellis Island Institute and its associated conference center are aligned fully with New Jersey interests, industries and existing institutions;

b. to promote the Ellis Island Institute and its associated conference center regionally and nationally as an important cultural and private-public initiative and a destination venue;

c. to recognize the accomplishments of the State of New Jersey in the rehabilitation, reuse and protection of cultural and historic resources on Ellis Island;

d. to provide, based upon the collective interest of the members and the knowledge and experience of its staff, assistance and advice to Save Ellis Island, Inc., its successors and other interested parties;

e. to cooperate with the State of New York and the City of New York, when appropriate, with respect to the rehabilitation, reuse, and protection of the Ellis Island buildings and resources;

f. to prepare reports for the Governor and the Legislature regarding its findings and recommendations; and

g. to receive and accept appropriations, as well as foster development of gifts and donations to minimize any fiscal impact upon the State.

C.52:16A-102 Report to Governor, Legislature.

4. The commission shall report its findings and recommendations to the Governor and to the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), within one year of its initial organizational meeting and by the fifteenth of February of each succeeding year for the activities of the preceding calendar year.

C.52:16A-103 Authority of commission to request information, assistance.

5. The commission is authorized to call upon any department, office, division or agency of the State, or of a political subdivision of the State, to supply such information and assistance as it deems necessary to discharge its responsibilities under this act.

6. This act shall take effect immediately.

Approved September 12, 2008.

CHAPTER 86

AN ACT concerning certain residential mortgages, and supplementing Title 46 of the Revised Statutes.

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

C.46:10B-36 Short title.

1. This act shall be known and may be cited as the "Save New Jersey Homes Act of 2008".

C.46:10B-37 Findings, declarations relative to certain residential mortgages.

2. The Legislature finds and declares that:

a. Many thousands of New Jersey homeowners are at risk of losing their homes as a result of mortgage foreclosures in the immediate future;

b. Foreclosure of a family's home often represents the loss of the family's most valuable financial asset, and foreclosures undermine the health and economic vitality of neighborhoods;

c. Foreclosures result in the loss of millions of dollars in assets, not only those of the homeowners who are the victims of foreclosure, but also in terms of the property values of homes located in the vicinity of fore-

closed properties, as well as millions in additional costs to state and local government for the loss of property tax revenue;

d. According to a report issued by the U.S. Government Accountability Office (GAO) in October 2007, New Jersey experienced an increase in residential mortgage foreclosure start rates in excess of 50% over the prior two years and the GAO found that defaults and foreclosures on mortgages have a significant economic impact on homeowners, lenders, and neighborhoods;

e. According to a report issued in April 2008 by the State Foreclosure Prevention Working Group, which is composed of banking regulators and attorneys general of 11 states, the collective efforts of mortgage lenders and government officials to address rising foreclosures have not resulted in meaningful improvement in foreclosure prevention, and new approaches, such as targeted efforts to slow down the foreclosure process, are needed to prevent millions of unnecessary foreclosures nationwide;

f. Foreclosures are largely the result of subprime lending practices, which have placed many homeowners in loans that they cannot realistically afford, by using mortgage loan features such as low introductory rates which reset to higher, variable rates, thereby increasing the risk of default for many homeowners in the State who, at an increasing rate, cannot sell their home or refinance their mortgage;

g. Industry analysts estimate that, nationwide, about 1.5 million mortgages are due to reset in 2008, and that as many as three million subprime mortgages could end up in foreclosure over the next several years; and

h. There is a compelling need for the State of New Jersey to address the ongoing economic crisis in the subprime mortgage market and to provide the means by which homeowners can obtain a period of extension to adjust their finances in order to increase their ability to retain their homes, encourage mortgage lenders to modify mortgage loan terms and resolve foreclosure disputes, and protect local governments and neighborhoods from the negative social, economic, and fiscal consequences of foreclosure and abandonment.

C.46:10B-38 Definitions relative to certain residential mortgages.

3. As used in this act:

"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 Licensed Lenders Act," P.L.1996, c.157 (C.17:11C-1 et seq.), and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers.

"Eligible borrower" means a borrower who is obligated to repay a loan secured by an introductory rate mortgage.

"Eligible foreclosed borrower" means a borrower who is obligated to repay a loan secured by an introductory rate mortgage and who receives a notice of intention to foreclose that mortgage pursuant to the "Fair Foreclosure Act," P.L.1995, c.244 (C.2A:50-53 et al.), except that an "eligible foreclosed borrower" shall not include an eligible borrower who has previously exercised the right to obtain a three-year period of extension pursuant to section 5 of this act.

"Full repayment" means the full repayment of the amounts due under the introductory rate mortgage, including, without limitation, upon the maturity date, a refinancing, or a sale of or other transfer of title to the property.

"Fully indexed rate" means the sum of the current value of the index used for the adjustable rate mortgage and the margin disclosed in the loan agreement.

"Introductory rate mortgage" means a consumer credit transaction in which the loan is secured by a mortgage on real estate in this State upon which there is located a one to four family dwelling which is occupied by the borrower as the borrower's principal residence, and which provides for: (1) an introductory payment rate option that is set at least 3 percent below the fully indexed rate at the time the loan was originated and payments may adjust by more than 3 percent at the reset date regardless of whether the variable rate index has increased; or (2) an interest rate that may adjust by more than 2 percent at the end of the initial fixed rate period of the loan and which, notwithstanding the payment rate in effect, had an interest rate at origination of more than 200 basis points over the Freddie Mac 30-year conventional interest rate and which provides for an introductory rate that is set below the fully indexed rate at the time the loan was originated and may adjust at the reset date regardless of whether the variable rate index has increased. "Introductory rate mortgage" shall not include: (1) a loan that provides for a fixed rate of interest for the first five years or longer; or (2) a loan that provides for an introductory rate that is set below the fully indexed rate at the time the loan was originated only as a result of the borrower's payment of bona fide discount points.

C.46:10B-39 Written notices from creditor to eligible borrower.

4. a. Prior to the date on which the interest rate in effect during the introductory period of an introductory rate mortgage resets to a variable interest rate under the terms of the mortgage, a creditor shall provide a series of written notices, separate and distinct from all other correspondence, to an

eligible borrower. The creditor shall provide these notices at 60-day and 30-day intervals prior to the date that the introductory interest rate resets.

b. Each notice required pursuant to subsection a. of this section shall include, in plain language and in at least 14 point bold type:

(1) the current interest rate under the terms of the introductory rate mortgage;

(2) the date on which the interest rate resets from a fixed interest rate applicable during the introductory period to a variable interest rate;

(3) an explanation of how the reset interest rate and monthly payment would be determined;

(4) the best estimate by the creditor of the amount of the monthly payment that will apply after the date of the reset, and the assumptions upon which the estimate is based;

(5) a list of alternatives an eligible borrower may pursue before the date of the reset, including any refinancing of the loan offered by the creditor or any renegotiation of loan terms offered by the creditor;

(6) an explanation of the borrower's right to obtain a period of extension prior to the initial interest rate reset of an introductory rate mortgage pursuant to this act and an explanation of the procedure that a borrower must follow to obtain a period of extension; and

(7) a certification of extension form that can be completed by a borrower in order to obtain a period of extension authorized pursuant to section 5 of this act.

C.46:10B-40 Period of extension; certification.

5. a. Notwithstanding any law or contract right to the contrary, prior to the initial interest rate reset of an introductory rate mortgage, a creditor shall provide an eligible borrower a period of extension for three years as provided in this section, during which the interest rate on the introductory rate mortgage shall not increase above the original introductory rate, provided the eligible borrower completes and returns a certification of extension to the creditor in accordance with the provisions of this section.

b. In order to obtain the period of extension, the eligible borrower shall provide to the creditor, prior to the date that the interest rate resets under the terms of the introductory rate mortgage, a completed certification of extension form signed by the eligible borrower, which contains:

(1) the name of the eligible borrower;

(2) the address of the property; and

(3) an affirmative statement that the eligible borrower:

(a) does not have sufficient monthly income, after deductions for necessary living expenses, to pay the monthly payments that will apply after the date that the interest rate resets;

(b) requests the period of extension;

(c) agrees to continue, during the period of extension, monthly payments, which shall include principal and interest calculated at the introductory rate on the date that the introductory rate mortgage was originated, as well as amounts for taxes, insurance, and any other amounts being paid under the terms of the mortgage prior to the interest rate reset;

(d) agrees to pay the creditor, at the time of the full repayment of the introductory rate mortgage, any interest deferred on account of the period of extension;

(e) agrees to accept the creditor's placement of a modification of mortgage on the property to secure the repayment of the interest deferred on account of the period of extension; and

(f) agrees to sign a modification of mortgage form that contains the terms of the period of extension and any documentation necessary to establish or record the modification of mortgage.

c. An eligible borrower who makes a knowing material misrepresentation in a certification of extension is guilty of a crime of the fourth degree.

d. The creditor, upon receiving the completed certification of extension, shall grant the eligible borrower the three-year period of extension, which shall commence on the date that the introductory rate is due to reset under the terms of the introductory rate mortgage.

e. Within a reasonable amount of time after the receipt of a completed certification of extension from an eligible borrower, a creditor shall provide to the eligible borrower a written acknowledgment that the certification of extension has been received. The acknowledgment shall contain the following:

(1) the monthly payment amount that is due from the eligible borrower during the period of extension, which shall include principal and interest, calculated at the introductory rate on the date the introductory rate mortgage was originated, as well as amounts for taxes, insurance, and any other amounts being paid under the terms of the mortgage prior to the interest rate reset;

(2) a schedule of payments, indicating the date that the first monthly payment is due and the dates that each subsequent monthly payment is due during the period of extension;

(3) the address to which the eligible borrower shall send the monthly payment; and

(4) a statement of proposed modification of mortgage, which shall include:

(a) a notice to the eligible borrower that the creditor will place a modification of mortgage on the property that is the security for the introductory rate mortgage, to secure the eligible borrower's repayment of the amount of interest deferred by the period of extension; and

(b) an explanation of the method the creditor will use to calculate the amount of the interest deferred by the period of extension.

f. (1) A creditor who grants a period of extension to an eligible borrower shall have the right to record a modification of mortgage on the eligible borrower's property in the public records in the county in which the property is located to secure the eligible borrower's repayment of the amount of interest deferred by the period of extension. The modification of mortgage shall be effective from the date that it is executed. Notwithstanding any law to the contrary, the modification of mortgage shall have the same priority as the lien of the introductory rate mortgage. Upon payment by the eligible borrower of the total amount of interest deferred pursuant to the period of extension, which shall only be due upon full repayment of the introductory rate mortgage, the creditor shall provide the eligible borrower with a recordable satisfaction of the modification of mortgage, or otherwise cause the modification of mortgage to be discharged of record.

(2) If an eligible borrower fails to return to a creditor, who has a right to record a modification of mortgage pursuant to paragraph (1) of this subsection, a properly executed modification of mortgage or any other documentation necessary to establish or record the modification of mortgage, within 30 days from the borrower's receipt from the creditor of a modification of mortgage form, the creditor may record the eligible borrower's certification of extension in place of the modification of mortgage. Notwithstanding any other law to the contrary, the certification of extension shall have the same priority as the lien of the introductory rate mortgage. Upon payment by the eligible borrower of the total amount of interest deferred pursuant to the period of extension, the creditor shall provide the eligible borrower with a recordable satisfaction of the certification of extension, or otherwise cause the certification of extension to be discharged of record.

g. A creditor shall not require an eligible borrower to limit or waive the rights of the borrower to bring any claims, defenses, demands, proceedings, actions, or causes of action against the creditor as a condition of accepting an offer of any loss mitigation activities made available by the "Save New Jersey Homes Act of 2008," P.L.2008, c.86 (C.46:10B-36 et seq.).

h. An eligible borrower who has been granted a period of extension shall forfeit all rights concerning deferment of interest payments provided by this act if the eligible borrower fails to make payments under the schedule of payments set forth in the creditor's acknowledgment of the period of extension or fails to comply with the terms of any modification of mortgage entered into between the creditor and the eligible borrower relating to the period of extension, such that the modification of mortgage becomes 60 days delinquent.

C.46:10B-41 Notice sent to eligible foreclosed borrower.

6. a. A creditor that issues to an eligible foreclosed borrower a notice of intention to foreclose an introductory rate mortgage pursuant to the "Fair Foreclosure Act," P.L.1995, c.244 (C.2A:50-53 et al.), shall send to the eligible foreclosed borrower a series of written notices, by regular and registered mail, separate and distinct from all other correspondence. The notices shall include in plain language and in at least 14 point bold type:

(1) A statement that the information in the notice is being provided as required by the "Save New Jersey Homes Act of 2008," P.L.2008, c.86 (C.46:10B-36 et seq.), which was enacted by the New Jersey Legislature and which provides certain rights to borrowers whose homes are the subject of a mortgage foreclosure action;

(2) A list of alternatives to foreclosure that an eligible foreclosed borrower may pursue, including any refinancing of the loan offered by the creditor and any renegotiation of loan terms offered by the creditor;

(3) An explanation of the eligible foreclosed borrower's right to obtain a period of extension for three years pursuant to the "Save New Jersey Homes Act of 2008," P.L.2008, c.86 (C.46:10B-36 et seq.), and an explanation of the procedure that an eligible foreclosed borrower must follow to obtain a period of extension;

(4) A statement that the notice should be read carefully and that the eligible foreclosed borrower may wish to consult with an attorney to understand the rights that may be available under the "Save New Jersey Homes Act of 2008," P.L.2008, c.86 (C.46:10B-36 et seq.); and

(5) A certification of extension form that can be completed by an eligible foreclosed borrower in order to obtain the period of extension authorized pursuant to section 7 of this act.

b. The notices required pursuant to subsection a. of this section shall be sent at the following intervals:

(1) within 10 days of issuing the notice of intention; and

(2) at the time that the creditor applies for entry of final judgment of foreclosure pursuant to section 6 of P.L.1995, c.244 (C.2A:50-58).

c. The notices shall be sent in envelopes that state the following information on the outside front portion of the envelope: "The New Jersey Legislature has enacted the Save New Jersey Homes Act of 2008, which may help you save your home from foreclosure. Details as to the rights you may have to obtain a period of extension of foreclosure under this new law are contained within. Please read the contents carefully. You may wish to consult with an attorney to understand your rights under this new law."

C.46:10B-42 Period of extension for eligible foreclosed borrower.

7. a. Notwithstanding any law or contract right to the contrary, a creditor shall provide an eligible foreclosed borrower a period of extension for three years as provided in this section, during which foreclosure proceedings pursuant to the "Fair Foreclosure Act," P.L.1995, c.244 (C.2A:50-53 et al.) shall be suspended and the eligible foreclosed borrower shall continue to pay monthly payments, which shall include principal and interest, calculated at the introductory rate on the date that the introductory rate mortgage was originated, as well as amounts for taxes, insurance, and any other amounts being paid under the terms of the mortgage prior to the interest rate reset, provided the eligible foreclosed borrower completes and returns a certification of extension to the creditor in accordance with the provisions of this section.

b. In order to obtain the period of extension, the eligible foreclosed borrower shall provide to the creditor, no later than 90 days from the date that the creditor sends the notice required pursuant to paragraph (2) of subsection b. of section 6 of this act, a completed certification of extension form signed by the eligible foreclosed borrower, which contains:

(1) the name of the eligible foreclosed borrower;

(2) the address of the property; and

(3) an affirmative statement that the eligible foreclosed borrower:

(a) requests the period of extension;

(b) agrees to continue, during the period of extension, monthly payments which shall include principal and interest, calculated at the introductory rate on the date that the introductory rate mortgage was originated, as well as amounts for taxes, insurance, and any other amounts being paid under the terms of the mortgage prior to the interest rate reset;

(c) agrees to pay the creditor, at the time of full repayment of the introductory rate mortgage:

(i) any interest deferred on account of the period of extension;

(ii) any fees and costs incurred by the creditor in connection with the foreclosure proceeding; and

(iii) any arrearages owed to the creditor for monthly principal and interest payments, homeowners insurance payments, property tax payments, and any other payments that the eligible foreclosed borrower was required to pay, but failed to pay, under the terms of the introductory rate mortgage;

(d) agrees to accept the creditor's placement of a modification of mortgage on the property to secure the repayment of amounts owed pursuant to subparagraph (c) of this paragraph; and

(e) agrees to sign a modification of mortgage form that contains the terms of the period of extension and any documentation necessary to establish or record the modification of mortgage.

c. The creditor, upon receiving the completed certification of extension within the time period specified in subsection b. of this section, shall:

(1) grant the eligible foreclosed borrower the three-year period of extension, which shall commence no later than 30 days from the date that the creditor receives the eligible foreclosed borrower's completed certification of extension; and

(2) suspend the foreclosure proceeding that the creditor initiated pursuant to the "Fair Foreclosure Act," P.L.1995, c.244 (C.2A:50-53 et al.).

A creditor may grant relief pursuant to paragraphs (1) and (2) of this subsection, upon receipt of a completed certification of extension from an eligible foreclosed borrower after the time period specified in subsection b. of this section, in the sole discretion of the creditor.

d. Within a reasonable period of time after the receipt of a completed certification of extension from an eligible foreclosed borrower within the time period specified in subsection b. of this section, a creditor shall provide to the eligible foreclosed borrower a written acknowledgment that the certification of extension has been received. The acknowledgment shall contain the following:

(1) a statement that the foreclosure proceeding initiated pursuant to the "Fair Foreclosure Act," P.L.1995, c.244 (C.2A:50-53 et al.) will be suspended during the period of extension;

(2) the monthly payment amount that is due from the eligible foreclosed borrower during the period of extension, which shall include principal and interest, calculated at the introductory rate, on the date the introductory mortgage rate was originated, as well as amounts for taxes, insurance, and any other amounts being paid under the terms of the mortgage prior to the interest rate reset;

(3) a schedule of payments, indicating the date that the first monthly payment is due and the dates that each subsequent monthly payment is due during the period of extension;

(4) the address to which the eligible foreclosed borrower shall send the monthly payment; and

(5) a statement of proposed modification of mortgage, which shall include:

(a) a notice to the eligible foreclosed borrower that the creditor will place a modification of mortgage on the property that is the security for the introductory rate mortgage, to secure the eligible foreclosed borrower's repayment of the amounts provided for in paragraph (1) of subsection e. of this section; and

(b) an explanation of the method the creditor will use to calculate the amount of the interest deferred by the period of extension, and the amounts provided for in paragraph (1) of subsection e. of this section, for which repayment is secured by the modification of mortgage.

e. (1) A creditor that grants a period of extension to an eligible foreclosed borrower shall have the right to record a modification of mortgage on the eligible foreclosed borrower's property to secure the eligible foreclosed borrower's repayment of:

(a) the amount of interest deferred by the period of extension;

(b) any fees and costs already incurred in connection with the foreclosure proceeding; and

(c) any arrearages owed to the creditor for monthly payments of principal and interest, homeowner insurance payments, property tax payments, or any other payments that the eligible foreclosed borrower was required to pay, but failed to pay, under the terms of the introductory rate mortgage.

(2) The modification of mortgage shall be effective from the date that it is executed. Notwithstanding any other law to the contrary, the modification of mortgage shall have the same priority as the lien of the introductory rate mortgage. Upon payment by the eligible foreclosed borrower of the total amount of interest deferred pursuant to the period of extension, and any other amounts representing the arrearages for which the modification of mortgage secures repayment pursuant to this act, which shall only be due upon full repayment of the introductory rate mortgage, the creditor shall provide the eligible foreclosed borrower with a recordable satisfaction of the modification of mortgage, or otherwise cause the modification of mortgage to be discharged of record.

(3) If an eligible foreclosed borrower fails to return to a creditor, who has a right to record a modification of mortgage pursuant to paragraph (1) of this subsection, a properly executed modification of mortgage or any other documentation necessary to establish or record the modification of mortgage within 30 days from the borrower's receipt from the creditor of a modification of

mortgage form, the creditor may record the eligible foreclosed borrower's certification of extension in place of the modification of mortgage. Notwithstanding any other law to the contrary, the certification of extension shall have the same priority as the lien of the introductory rate mortgage. Upon payment by the eligible foreclosed borrower of the total amount of interest deferred pursuant to the period of extension, and any other amounts representing the arrearages for which the certification of extension secures repayment pursuant to this act, the creditor shall provide the eligible foreclosed borrower with a recordable satisfaction of the certification of extension, or otherwise cause the certification of extension to be discharged of record.

f. A creditor shall not require an eligible foreclosed borrower to limit or waive the rights of the borrower to bring any claims, defenses, demands, proceedings, actions, or causes of action against the creditor as a condition of accepting an offer of any loss mitigation activities made available by the "Save New Jersey Homes Act of 2008," P.L.2008, c.86 (C.46:10B-36 et seq.).

g. An eligible foreclosed borrower who has been granted a period of extension shall forfeit all rights concerning deferment of interest payments, suspension of foreclosure, and deferment of payment of amounts secured by a modification of mortgage, provided by the provisions of this act if the eligible foreclosed borrower fails to make payments under the schedule of payments as set forth in the creditor's acknowledgment of the period of extension or fails to comply with the terms of the modification of mortgage entered into between the creditor and the eligible foreclosed borrower relating to the period of extension, such that the modification of mortgage becomes 60 days delinquent.

h. A court shall not approve an entry of final judgment in a foreclosure proceeding commenced pursuant to the "Fair Foreclosure Act," P.L.1995, c.244 (C.2A:50-53 et al.) as to an introductory rate mortgage unless the court is satisfied from the pleadings and certifications on file with the court that notice of the availability of the period of extension was provided to the eligible foreclosed borrower in accordance with the provisions of this act.

C.46:10B-43 Violations, penalties.

8. a. Any person who willfully violates any provision of this act shall be liable to a penalty of not more than $10,000 for the first offense, and not more than $20,000 for the second and subsequent offense, which penalty may be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), except that immaterial errors in a notice required to be provided by a creditor pursuant to this act, shall not constitute a violation of this act.

b. If a creditor violates any provision of this act, an eligible borrower, an eligible foreclosed borrower, or the Attorney General may bring an action to enforce compliance by a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

C.46:10B-44 Creditor's failure to fulfill obligation.

9. Failure of a creditor to fulfill any obligation under this act shall not be considered to be the exercise of a power, right, benefit, or privilege under the parity provisions of P.L.1981, c.163 (C.17:9A-24b1), section 48 of P.L.1963, c.144 (C.17:12B-48), or section 12 of P.L.1984, c.171 (C.17:13-90), and it shall not be a defense to a violation of this act that the failure to fulfill any provision of the act is an exercise of such a power, right, benefit, or privilege.

C.46:10B-45 Liberal construction.

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

C.46:10B-46 Severability.

11. If any section, subsection, paragraph, sentence or other part of this act is adjudged unconstitutional or invalid, the judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this act directly involved in the controversy in which the judgment shall have been rendered.

C.46:10B-47 Regulations.

12. The Attorney General, in consultation with the Department of Banking and Insurance shall adopt 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.

C.46:10B-48 Effective date; term.

13. This act shall take effect immediately, and remain in effect until January 1, 2011.

Approved September 15, 2008.

CHAPTER 87

AN ACT concerning the review and approval of certain transactions of parent or affiliate corporations of telecommunications and cable television companies 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.1984, c.2 (C.48:2-51.1) is amended to read as follows:

C.48:2-51.1 Acquisition of control of public utility; approval of board of public utilities; exceptions.

1. a. Except as otherwise provided by subsection b. of this section, no person shall acquire or seek to acquire control of a public utility directly or indirectly through the medium of an affiliated or parent corporation or organization, or through the purchase of shares, the election of a board of directors, the acquisition of proxies to vote for the election of directors, or through any other manner, without requesting and receiving the written approval of the Board of Public Utilities. Any agreement reached, or any other action taken, in violation of this act shall be void. In considering a request for approval of an acquisition of control, the board shall evaluate the impact of the acquisition on competition, on the rates of ratepayers affected by the acquisition of control, on the employees of the affected public utility or utilities, and on the provision of safe and adequate utility service at just and reasonable rates. The board shall accompany its decision on a request for approval of an acquisition of control with a written report detailing the basis for its decision, including findings of fact and conclusions of law.

b. Nothing herein shall require the review or approval by the board of any parent or affiliate corporation of a telecommunications company if such parent or affiliate corporation does not itself provide regulated telecommunications service or telephone access line service, in this State, and seeks to combine, merge, or consolidate with, or acquire or acquire control of, another corporation or other organization which:

(1) does not directly provide regulated telecommunications services or telephone access line service, in this State; and

(2) does not directly or through one or more affiliates, own a controlling interest in another corporation or other organization which provides regulated telecommunications service or telephone access line service, in this State.

2. R.S.48:3-7 is amended to read as follows:

Utility property transactions.

48:3-7. a. Except as otherwise provided by subsection g. of this section, no public utility shall, without the approval of the board, sell, lease, mort-

gage, or otherwise dispose of or encumber its property, franchises, privileges, or rights, or any part thereof; or merge or consolidate its property, franchises, privileges, or rights, or any part thereof, with that of any other public utility.

Where, by the proposed sale, lease, or other disposition of all or a substantial portion of its property, any franchise or franchises, privileges, or rights, or any part thereof or merger or consolidation thereof as set forth herein, it appears that the public utility or a wholly owned subsidiary thereof may be unable to fulfill its obligation to any employees thereof with respect to pension benefits previously enjoyed, whether vested or contingent, the board shall not grant its approval unless the public utility seeking the board's approval for such sale, lease, or other disposition assumes such responsibility as will be sufficient to provide that all such obligations to employees will be satisfied as they become due.

Every sale, mortgage, lease, disposition, encumbrance, merger, or consolidation made in violation of this section shall be void.

Nothing herein shall prevent the sale, lease, or other disposition by any public utility of any of its property in the ordinary course of business, nor require the approval of the board to any grant, conveyance, or release of any property or interest therein heretofore made or hereafter to be made by any public utility to the United States, State or any county or municipality or any agency, authority, or subdivision thereof, for public use.

The approval of the board shall not be required to validate the title of the United States, State, or any county or municipality or any agency, authority, or subdivision thereof, to any lands or interest therein heretofore condemned or hereafter to be condemned by the United States, State, or any county or municipality or any agency, authority or subdivision thereof for public use.

b. Notwithstanding any law, rule, regulation, or order to the contrary, an autobus public utility regulated by and subject to the provisions of Title 48 of the Revised Statutes may, without the approval of the Department of Transportation, sell, lease, mortgage, or otherwise dispose of or encumber its property, or any part thereof, except that approval of the Department of Transportation shall be required for the following:

(1) the sale of 60% or more of its property within a 12-month period;

(2) a merger or consolidation of its property, franchises, privileges, or rights; or

(3) the sale of any of its franchises, privileges or rights.

Notice of the sale, purchase or lease of any autobus or other vehicle subject to regulation under Title 48 of the Revised Statutes shall be provided to the Department of Transportation as the department shall require.

c. Except as otherwise provided in subsection e. of this section, no solid waste collector as defined in section 3 of P.L.1970, c.40 (C.48:13A-3) shall, without the approval of the Department of Environmental Protection:

(1) sell, lease, mortgage, or otherwise dispose of or encumber its property, including customer lists; or

(2) merge or consolidate its property, including customer lists, with that of any other person or business concern, whether or not that person or business concern is engaged in the business of solid waste collection or solid waste disposal pursuant to the provisions of P.L.1970 c.39 (C.13:1E-1 et seq.), P.L.1970, c.40 (C.48:13A-1 et al.), P.L.1991, c.381 (C.48:13A-7.1 et al.) or any other act.

d. Any solid waste collector seeking approval for any transaction enumerated in subsection c. of this section shall file with the department, on forms and in a manner prescribed by the department, a notice of intent at least 30 days prior to the completion of the transaction.

(1) The department shall promptly review all notices filed pursuant to this subsection. The department may, within 30 days of receipt of a notice of intent, request that the solid waste collector submit additional information to assist in its review if it deems that such information is necessary. If no such request is made, the transaction shall be deemed to have been approved. In the event that additional information is requested, the department shall outline, in writing, why it deems such information necessary to make an informed decision on the impact of the transaction on effective competition.

(2) The department shall approve or deny a transaction within 60 days of receipt of all requested information. In the event that the department fails to take action on a transaction within the 60-day period specified herein, then the transaction shall be deemed to have been approved.

(3) The department shall approve a transaction unless it makes a determination pursuant to the provisions of section 19 of P.L.1991, c.381 (C.48:13A-7.19) that the proposed sale, lease, mortgage, disposition, encumbrance, merger, or consolidation would result in a lack of effective competition.

The department shall prescribe and provide upon request all necessary forms for the implementation of the notification requirements of this subsection.

e. (1) Any solid waste collector may, without the approval of the department, purchase, finance, or lease any equipment, including collection or haulage vehicles.

(2) Any solid waste collector may, without the approval of the department, sell or otherwise dispose of its collection or haulage vehicles; except

that no solid waste collector shall, without the approval of the department in the manner provided in subsection d. of this section, sell or dispose of 33% or more of its collection or haulage vehicles within a 12-month period.

f. (1) The owner or operator of a privately-owned sanitary landfill facility may, without the approval of the Department of Environmental Protection, sell or otherwise dispose of its assets except that the prior approval of the department shall be required: (a) to sell all assets associated with the sanitary landfill facility or a portion thereof sufficient to transfer the operation of the sanitary landfill facility to a new owner or operator; (b) to sell a controlling ownership interest in the sanitary landfill facility; or (c) to merge or consolidate its property with that of any other person or business concern, whether or not that person or business concern is engaged in the business of solid waste disposal pursuant to the provisions of P.L.1970, c.39 (C.13:1E-1 et seq.), P.L.1970, c.40 (C.48:13A-1 et al.) or any other act.

(2) Any owner or operator seeking approval for any transaction enumerated in this subsection shall file with the department an application therefor, on forms and in a manner prescribed by the department. The department shall promptly review all applications filed pursuant to this subsection and shall serve requests for information regarding any transaction within 30 days following the filing of an application if the department deems that such information is necessary. The department shall approve or deny the transaction within 60 days of receipt of all requested information. In the event that the department fails to take action on a transaction within the 60-day period specified herein, then the transaction shall be deemed to have been approved.

As used in this section, "business concern" means any corporation, association, firm, partnership, sole proprietorship, trust, or other form of commercial organization; and "privately-owned sanitary landfill facility" means a commercial sanitary landfill facility which is owned and operated by a private person, corporation, or other organization and includes all appurtenances and related improvements used at the site for the transfer, processing, or disposal of solid waste.

g. Nothing herein shall require the review or approval by the board of any parent or affiliate corporation of a telecommunications company if such parent or affiliate corporation does not itself provide regulated telecommunications service or the provision of telephone access line service, in this State, and such parent or affiliate corporation seeks to sell, lease, mortgage, or otherwise to dispose of or to permit the encumbrance of any of its property, franchises, privileges or rights, or any part thereof; or to merge, or consolidate its property, franchises, privileges or rights, or any part thereof, with that or those of another corporation or other organization which:

(1) does not directly provide regulated telecommunications services or telephone access line service, in this State; and

(2) does not directly or through one or more affiliates, own a controlling interest in another corporation or other organization which provides regulated telecommunications service or telephone access line service, in this State.

3. R.S.48:3-9 is amended to read as follows:

Security transactions.

48:3-9. a. Except as otherwise provided by subsection b. of this section, no public utility shall, unless it shall have first obtained authority from the board so to do:

(1) Issue any stocks, or any bonds, notes, or other evidence of indebtedness payable more than 12 months after the date or dates thereof, or extend or renew any bond, note, or any other evidence of indebtedness so that any extension or renewal thereof shall be payable later than 12 months after the date of the original instrument ; or

(2) Permit any demand note to remain unpaid for a period of more than 12 months after the date thereof.

The board shall approve any such proposed issue, with or without hearing at its discretion, when satisfied that such issue is to be made in accordance with law and the purpose thereof is approved by the board.

The provisions of this subsection shall not apply to any public utility operating, managing, or controlling a railroad or a railway express which is subject to the rules and regulations from time to time issued by the federal Surface Transportation Board or any successor agency.

The provisions of this subsection shall not apply to autobus public utilities under the jurisdiction of the Department of Transportation.

The provisions of this subsection shall not apply to any solid waste collector as defined in section 3 of P.L.1970, c.40 (C.48:13A-3).

The provisions of this subsection shall not apply to any privately-owned sanitary landfill facility as defined in section 3 of P.L.2003, c.169 (C.48:13A-7.26).

b. Nothing herein shall require the review or approval by the board of any parent or affiliate corporation of a telecommunications company if such parent or affiliate corporation seeks to issue any stocks, bonds, notes, or other evidence of indebtedness payable more than 12 months after the date or dates thereof, or to extend or renew any bond, note, or other evidence of indebtedness so that any extension or renewal thereof shall be payable later than 12 months after the date of the original instrument, or to permit any demand note

to remain unpaid for a period of more than 12 months after the date thereof, if the parent or affiliate corporation of the telecommunications company which seeks to engage in any of the aforementioned transactions does not itself provide regulated telecommunications services over a telecommunications network or telephone access line service, but does directly or through one or more affiliates own a controlling interest in a telecommunications network or does otherwise control or exercise responsibility for, through any arrangement, the management and operation of such a telecommunications network, or owns a controlling interest in a telecommunications company that provides regulated telecommunications service or telephone access line service.

4. R.S.48:3-10 is amended to read as follows:

Sale or transfer of stock unless authorized by board prohibited; exceptions.

48:3-10. a. Except as otherwise provided by subsection b. of this section, no public utility incorporated under the laws of this State shall sell, nor shall any such public utility make or permit to be made upon its books any transfer of any share or shares of its capital stock, to any other public utility, unless authorized to do so by the board. Nor shall any public utility incorporated under the laws of this State sell any share or shares of its capital stock or make or permit any transfer thereof to be made upon its books, to any corporation, domestic or foreign, or any person, the result of which sale or transfer in itself or in connection with other previous sales or transfers shall be to vest in such corporation or person a majority in interest of the outstanding capital stock of such public utility corporation unless authorized to do so by the board.

Every assignment, transfer, contract, or agreement for assignment or transfer, by or through any person or corporation to any corporation or person in violation of any of the provisions hereof shall be void and of no effect, and no such transfer shall be made on the books of any public utility corporation. Nothing herein contained shall be construed to prevent the holding of stock lawfully acquired before March 5, 1935.

Where, by the proposed assignment, transfer, contract, or agreement for assignment or transfer of capital stock as set forth herein, it appears that the public utility or a wholly owned subsidiary thereof may be unable to fulfill its obligation to any employees thereof with respect to pension benefits previously enjoyed, whether vested or contingent, the board shall not grant its authorization unless the public utility seeking the board's authorization assumes such responsibility as will be sufficient to provide that all such obligations to employees will be satisfied as they become due.

Nothing herein shall require the approval of the Department of Transportation to any sale or transfer by any public utility of any share or shares of its capital stock to the New Jersey Transit Corporation or any subsidiary thereof for public use.

b. Nothing herein shall require the review and approval by the board of any parent or affiliate corporation of a telecommunications company if such parent or affiliate corporation seeks to sell, or to make or permit to be made upon its books any transfer of any share or shares of its capital stock, to any other public utility, if the telecommunications company which seeks to engage in any of the aforementioned transactions does not itself provide regulated telecommunications services over a telecommunications network or telephone access line service, but does directly or through one or more affiliates own a controlling interest in such a telecommunications network or does otherwise control or exercise responsibility for, through any arrangement, the management and operation of such a telecommunications network, or owns a controlling interest in a telecommunications company that provides regulated telecommunications service or telephone access line service.

5. Section 38 of P.L.1972, c.186 (C.48:5A-38) is amended to read as follows:

C.48:5A-38 Combinations, mergers, consolidations, acquisition of control, certain circumstances; approval of board.

38. a. Except as otherwise provided by subsection b. of this section, no CATV company shall combine, merge, or consolidate with, or acquire control of, another organization without first obtaining the approval of the board, which shall be granted only after an investigation and finding that such proposed combination, merger, consolidation, or acquisition is in the public interest.

b. Nothing herein shall require the review or approval by the board of any parent or affiliate corporation of a company that provides cable television service over a cable television system if such parent or affiliate corporation does not itself provide cable television service in this State and seeks to combine, merge, or consolidate with, or to acquire control of, another corporation or other organization that:

(1) does not directly provide cable television service in this State; and

(2) does not directly or through one or more affiliates, own a controlling interest in another corporation or other organization that provides cable television service in this State.

6. Section 40 of P.L.1972, c.186 (C.48:5A-40) is amended to read as follows:

C.48:5A-40 Sale, mortgage, lease, disposition, encumbrance, merger, consolidation, certain circumstances, approval by board.

40. a. Except as otherwise provided by subsections b. and c. of this section, no CATV company shall, without the approval of the board, sell, lease, mortgage or otherwise dispose of or encumber its property, franchises, privileges or rights, or any part thereof; or merge or consolidate its property, franchises, privileges or rights, or any part thereof, with that of any other CATV company. Every sale, mortgage, lease, disposition, encumbrance, merger or consolidation made in violation of this section shall be void.

b. Nothing herein shall prevent the sale, lease or other disposition by any CATV company of any of its property in the ordinary course of business, nor require the approval of the board to any grant, conveyance or release or any property or interest therein heretofore made or hereafter to be made by any CATV company to the United States, the State or any county or municipality or any agency, authority or subdivision thereof, for public use. The approval of the board shall not be required to validate the title of the United States, the State or any county or municipality or any agency, authority or subdivision thereof, to any lands or interest therein heretofore condemned or hereafter to be condemned by the United States, the State or any county or municipality or any agency, authority or subdivision thereof for public use.

c. Nothing herein shall require the review or approval by the board of any parent or affiliate corporation of a company that provides cable television service over a cable television system if such parent or affiliate corporation does not itself provide cable television service in this State and seeks to sell, lease, mortgage, or otherwise to dispose of or to permit the encumbrance of any of its property, franchises, privileges, or rights, or any part thereof; or to merge or consolidate its property, franchises, privileges, or rights, or any part thereof, with that or those of another corporation or other organization which:

(1) does not directly provide cable television service in this State; and

(2) does not directly or through one or more affiliates own a controlling interest in another corporation or other organization which provides cable television service in this State.

7. Section 42 of P.L.1972, c.186 (C.48:5A-42) is amended to read as follows:

C.48:5A-42 Issuance, renewal of stocks, bonds, notes, other evidences of indebtedness, certain circumstances; review by board.

42. Except as otherwise provided by subsection c. of this section, no CATV company shall, unless it shall have first obtained authority from the board to do so:

a. Issue any stocks, bonds, notes or other evidence of indebtedness payable more than 12 months after the date or dates thereof, or extend or renew any bond, note or other evidence of indebtedness so that any extension or renewal thereof shall be payable later than 12 months after the date of the original instrument; or

b. Permit any demand note to remain unpaid for a period of more than 12 months after the date thereof.

The board shall approve any such proposed issue, with or without hearing at its discretion, when satisfied that such issue is to be made in accordance with law and the purpose thereof is approved by the board.

c. Nothing herein shall require the review or approval by the board of any parent or affiliate corporation of a company that provides cable television service over a cable television system if such parent or affiliate corporation seeks to issue any stocks, bonds, notes, or other evidence of indebtedness payable more than 12 months after the date or dates thereof, or to extend or renew any bond, note, or other evidence of indebtedness so that any extension or renewal thereof shall be payable later than 12 months after the date of the original instrument, or to permit any demand note to remain unpaid for a period of more than 12 months after the date thereof, if the company which seeks to engage in any of the aforementioned transactions does not itself provide cable television service over a cable television system but does directly or through one or more affiliates own a controlling interest in such a cable television system or does otherwise control or exercise responsibility for, through any arrangement, the management and operation of such a cable television system.

8. This act shall take effect immediately.

Approved September 15, 2008.

CHAPTER 88

AN ACT concerning certain annuity products, and supplementing chapter 25 of Title 17B of the New Jersey Statutes.

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

C.17B:25-34 Findings, declarations relative to certain annuity products.

1. The Legislature finds and declares that it is a valid public purpose to set forth standards and procedures regarding annuity products directly solicited to consumers to: prevent the fraudulent and misleading marketing of annuity products by insurers, brokers, and agents; provide standards for the disclosure of information about annuity products so that consumers understand the basic features of these products; ensure that annuity products ultimately issued to consumers are suitable to appropriately address their insurance needs and financial objectives; and enhance oversight over annuity products, including enforcement against violations, through the Department of Banking and Insurance.

C.17B:25-35 Definitions relative to certain annuity products.

2. As used in this act, except as otherwise specified:

"Annuity" means an annuity as defined by N.J.S.17B:17-5 directly solicited to a consumer.

"Consumer" means a natural person who resides in this State.

"Deferred annuity" means an annuity with the first income payment due no earlier than one year from the date of issue and the annuity is not an immediate annuity.

"Determinable element" means a benefit, value, credit, or charge under an annuity that is guaranteed at issue, but its amount is not determined until after issue.

"Direct-response solicitation" means a solicitation solely through mail, telephone, the Internet, or other mass communication media.

"Fixed annuity" means an annuity under which the charges and other considerations provided for the annuity, less any amount charged against these considerations, earns interest at a rate: (1) set by the insurer; or (2) in a manner specified in the annuity, which manner may include, but is not limited to, the use of a stock market or other outside index.

"Generic name" means a short title which is descriptive of the charges and benefit patterns of an annuity, or endorsement or rider to the annuity.

"Guaranteed element" means a benefit, value, credit, or charge under an annuity that is guaranteed and the amount determined at issue.

"Immediate annuity" means an annuity with the first income payment due not more than 13 months from the date of issue.

"Insurer" means any corporation, association, partnership, reciprocal exchange, interinsurer, Lloyd's insurer, fraternal benefit society or other person licensed to engage in the business of insurance in this State.

"Insurance producer" means a person licensed to sell, solicit, or negotiate insurance pursuant to the "New Jersey Insurance Producer Licensing Act of 2001," P.L.2001, c.210 (C.17:22A-26 et al.).

"Negotiate" means the act of conferring directly with or offering advice directly to a consumer as the purchaser or prospective purchaser of a particular annuity concerning any of the substantive benefits, terms or conditions of the annuity, provided that the person engaged in that act either: sells annuities or obtains annuities from insurers for purchasers.

"Non-guaranteed element" means a benefit, value, credit, or charge under an annuity that is not guaranteed and the amount not determined at issue.

"Owner" means the person to whom an annuity is presently or prospectively payable by the terms of the annuity, except when the annuity declares some other person to be the owner thereof, or the individual certificate holder in the case of a group annuity.

"Sell" means to exchange an annuity by any means, for money or its equivalent, on behalf of an insurer.

"Solicit" means attempting to sell an annuity or asking or urging a consumer to apply for a particular annuity from a particular insurer.

"Variable annuity" means an annuity under which the insurer invests, for the annuity owner, the charges and other considerations provided for the annuity, less any amount charged against these considerations, into a separate account, based upon the annuity owner's stated level of investment risk, and which annuity may lose some or all of the owner's investment.

C.17B:25-36 Use of certain terms regulated; exceptions.

3. a. (1) Consistent with the unfair trade practices set forth in N.J.S.17B:30-1 et seq., an insurance producer, or an agent, representative or member of a fraternal benefit society not required to be licensed as an insurance producer in accordance with section 32 of P.L.1997, c.322 (C.17:44B-32), or an insurer, if no producer or non-licensed society agent, representative or member is involved, shall not use a certification, professional designation, or form of advertising expressing or implying in an untrue, deceptive, misleading, or false manner that the producer, non-licensed society agent, representative or member, or insurer has special education, training, or experience in advising or servicing senior citizens or retirees in connection with the solicitation, negotiation, or sale of an annuity, or its value or suitability, either directly or indirectly, including through a publication or writing, or by issuing or promulgating an analysis or report relating to an annuity.

(2) The provisions of this section do not apply to:

(a) a title or designation conferred through an academic degree, certifying the completion of a course of study from an accredited institution of higher education, so long as the title or designation is not used in an untrue, deceptive, misleading, or false manner in connection with the solicitation, negotiation, or sale of an annuity; or

(b) a professional job title presented by an employer or other organization that is licensed or registered by a state or federal financial services regulatory agency, including any agency that regulates financial institutions, insurers, investment companies as defined under the "Investment Company Act of 1940," title I of Pub.L.76-768 (15 U.S.C.s.80a-1 et seq.), investment advisers as defined under the "Investment Advisers Act of 1940," title II of Pub.L.76-768 (15 U.S.C.s.80b-1 et seq.), and broker-dealers, and that indicates seniority or standing within the employer or other organization's operation or specifies an area of specialization recognized by that employer or other organization, so long as the professional job title is not used in an untrue, deceptive, misleading, or false manner in connection with the solicitation, negotiation, or sale of an annuity.

b. An untrue, deceptive, misleading, or false use of a certification, designation, or form of advertising shall include, but is not limited to:

(1) the use of a certification or professional designation not actually earned or otherwise available for use;

(2) the use of a nonexistent or self-conferred certification or professional designation;

(3) the use of a certification or professional designation that expresses or implies a level of occupational qualification obtained through education, training, or experience, but which is not actually obtained; and

(4) (a) the use of a certification or professional designation obtained from a certifying or designating organization that:

(i) is primarily engaged in the business of instruction in sales or marketing;

(ii) does not have reasonable standards or procedures for assuring the competency of a holder of its certificate or professional designation;

(iii) does not have reasonable standards or procedures for monitoring and disciplining a holder of its certificate or professional designation for improper or unethical conduct; or

(iv) does not have reasonable continuing education requirements for a holder of its certificate or professional designation in order to maintain the certification or designation; however

(b) there shall be a rebuttable presumption that the use of a certification or professional designation obtained from a certifying or designating

organization is not in violation of this section if the certificate or professional designation issued to the holder does not apply primarily to sales or marketing and is accredited by:

(i) the American National Standards Institute, or its successor;

(ii) the National Commission for Certifying Agencies, or its successor;

(iii) any organization recognized as an accrediting agency by the United States Department of Education pursuant to section 496 of the "Higher Education Act of 1965," Pub.L.89-329 (20 U.S.C.s.1099b); or

(iv) any other organization approved by the commissioner by regulation.

c. In order to determine a violation of this section, the commissioner may consider the use of one or more words, combination of words, or acronyms representing these words, and the manner or context of their use with respect to a certification, professional designation, or form of advertising, including, but not limited to, "senior," "retirement," "elder," or words of similar import, "certified," "registered," "chartered," or words of similar import, and "adviser," "specialist," "consultant," "planner," or words of similar import.

C.17B:25-37 Certain annuities excluded; annuities buyer's guide; annuity contract disclosure statement.

4. a. An annuity, for purposes of this section, concerning disclosure requirements, shall not include any annuity directly solicited to a consumer, that is:

(1) an annuity that serves as a funding vehicle for an employee welfare, pension, profit-sharing, or deferred compensation plan established or maintained by an employer or other plan sponsor, and which is funded in whole or in part by that employer or other plan sponsor;

(2) a variable annuity subject to the provisions of N.J.S.17B:28-1 et seq.;

(3) a charitable annuity established in accordance with N.J.S.17B:17-13.1;

(4) a structured settlement subject to the provisions of the "Structured Settlement Protection Act," P.L.2001, c.139 (C.2A:16-63 et seq.); or

(5) a funeral insurance policy defined by section 24 of P.L.1993, c.147 (C.17B:17-5.1).

b. The commissioner shall approve, by regulation, a document, including all subjects and language contained therein, for distribution to a consumer by an insurance producer, or an agent, representative or member of a fraternal benefit society not required to be licensed as an insurance producer in accordance with section 32 of P.L.1997, c.322 (C.17:44B-32), or an insurer, to serve as a buyer's guide regarding annuities, which may be substantially similar to any annuities buyer's guide prepared by the National Association of Insurance Commissioners, or its successor, and shall

include, but not be limited to, a description of various kinds of annuities, standard features of annuities, including the 10-day cancellation period for consumers required by section 6 of this act and any other consumer cancellation period required by law, and information concerning the negotiation and sale of annuities. The commissioner shall make the approved buyer's guide available to consumers on the department's Internet website.

c. The commissioner shall approve, by regulation, the form of an annuity contract disclosure statement, which shall be a separate document from the annuity, for distribution to a consumer by an insurance producer, non-licensed society agent, representative or member, or an insurer.

(1) The annuity contract disclosure statement shall include, but not be limited to:

(a) the issuing insurer's name and address;

(b) the generic name of the annuity, the insurer's product name, if different, and annuity form number, and the same information for any rider or endorsement to the annuity;

(c) a statement that the product is an annuity, accompanied by a definition of annuity;

(d) a summary describing each guaranteed, non-guaranteed, and determinable element of the annuity and any rider or endorsement, including:

(i) any charge, by dollar amount or percentage, and other considerations provided for the annuity, with an explanation of their application under the contract;

(ii) any fixed or variable crediting interest rate, and information concerning the method of its calculation and the duration of any rate period;

(iii) each income payment option;

(iv) any death benefit, and the method of its calculation;

(v) the availability of withdrawing from the insurer any portion of the annuity's contract value;

(vi) any value reduction on the annuity or benefits provided by the annuity resulting from a withdrawal set forth in sub-subparagraph (v) of this subparagraph (d), or resulting from a surrender of the annuity, including any surrender subject to the provisions of section 5 of P.L.1981, c.285 (C.17B:25-20) or the "Indexed Standard Nonforfeiture Law for Individual Deferred Annuities," P.L.2005, c.194 (C.17B:25-21 et seq.);

(e) a summary of the federal tax status of the annuity, and any tax penalty applicable based upon a withdrawal or surrender set forth in sub-subparagraphs (v) and (vi) of subparagraph (d) of this paragraph;

(f) a summary of the 10-day cancellation period for consumers required by section 6 of this act and any other consumer cancellation period

required by law, or any greater cancellation period provided under the terms of the annuity, along with the cancellation procedure; and

(g) a statement that the annuity and the solicitation, negotiation, and sale of the annuity are subject to regulatory oversight by the department, accompanied by appropriate contact information for the department's consumer assistance services.

(2) The annuity contract disclosure statement shall comply with the language simplification standards of the "Life and Health Insurance Policy Language Simplification Act," P.L.1979, c.167 (C.17B:17-17 et seq.).

d. (1) An insurance producer, non-licensed society agent, representative or member, or an insurer, if no producer or non-licensed society agent, representative or member is involved, shall provide a consumer who applies for an annuity a copy of the buyer's guide and an annuity contract disclosure statement as set forth in subsections b. and c. of this section, to be delivered no later than five business days after receipt of the application.

(2) If a direct-response solicitation occurs via the Internet, the provisions of paragraph (1) for supplying the buyer's guide and the annuity contract disclosure statement shall be satisfied:

(a) by making the documents available, in printable form, to consumers on the issuing insurer's Internet website, and providing notice to the consumer of their availability; and

(b) by allowing consumers to request, through the issuing insurer's Internet website, mailed copies of the documents, so long as the insurer provides the documents no later than five business days after receipt of the application.

(3) If the buyer's guide and the annuity contract disclosure statement are not provided to the consumer in accordance with this section, the consumer shall have a period of not less than 15 days after receipt of any annuity purchased, or longer if provided by the terms of the annuity, to cancel the annuity, and receive from the insurer a prompt refund of any account value of the annuity, including any contract fees or other charges, by mailing or otherwise surrendering the annuity together with a written request for cancellation. The cancellation period provided by this paragraph shall run concurrently with the cancellation period provided by section 6 of this act, or as provided under any other provision of law.

C.17B:25-38 Certain annuities excluded, information recorded; determination as to suitability of annuity for consumer; system of supervision.

5. a. An annuity, for purposes of this section concerning the suitability of an annuity for a particular consumer, shall not include any annuity directly solicited to a consumer, that is:

(1) an annuity that serves as a funding vehicle for an employee welfare, pension, profit-sharing, or deferred compensation plan established or maintained by an employer or other plan sponsor, and which is funded in whole or in part by that employer or other plan sponsor;

(2) a structured settlement subject to the provisions of the "Structured Settlement Protection Act," P.L.2001, c.139 (C.2A:16-63 et seq.); or

(3) a funeral insurance policy defined by section 24 of P.L.1993, c.147 (C.17B:17-5.1).

b. (1) An insurance producer, or an agent, representative or member of a fraternal benefit society not required to be licensed as an insurance producer in accordance with section 32 of P.L.1997, c.322 (C.17:44B-32), or an insurer, if no producer or non-licensed society agent, representative or member is involved, shall not negotiate or sell an annuity to a consumer unless the producer, non-licensed society agent, representative or member, or insurer has reasonable grounds for believing that the annuity is suitable for the consumer, on the basis of the facts disclosed by the consumer as to the consumer's investments, other insurance products, financial situation and objectives.

(2) The insurance producer, non-licensed society agent, representative or member, or insurer shall, prior to selling an annuity negotiated with a consumer, make reasonable efforts to obtain, and record on a form prescribed by the commissioner, information concerning:

(a) the consumer's financial status;

(b) the consumer's tax status;

(c) the consumer's investment objectives;

(d) any other information considered to be relevant by the producer, non-licensed society agent, representative or member, or insurer to provide the reasonable grounds for believing the annuity is suitable for the consumer; and

(e) the consumer's acknowledgement:

(i) that the annuity and the solicitation, negotiation, and sale of the annuity concerning its suitability are subject to regulatory oversight by the department; and

(ii) of receipt of appropriate contact information for the department's consumer assistance services.

(3) The reasonable grounds for an insurance producer, non-licensed society agent, representative or member, or insurer for believing the annuity is suitable for the consumer shall be based upon all relevant information and circumstances of the consumer actually obtained or known, and recorded, during the time of any negotiation or offer of sale on the annuity.

(4) (a) The insurance producer, non-licensed society agent, representative or member, or insurer shall not have any obligation to a consumer concerning the suitability of an annuity under this subsection:

(i) for merely soliciting a consumer to apply for a particular type of annuity through a direct-response solicitation, occurring prior to any negotiation or attempt to sell the annuity;

(ii) if the consumer, upon negotiating or attempting to sell the annuity, refuses to provide the relevant information requested pursuant to paragraph (2) of this subsection, or fails to provide complete or accurate information; or

(iii) if the consumer chooses to obtain an annuity other than the annuity negotiated and offered for sale.

(b) With respect to any variable annuity, the insurance producer, non-licensed society agent, representative or member, or insurer shall be deemed to have complied with the provisions of this subsection if the producer, non-licensed society agent, representative or member, or insurer complies with any rules of conduct pertaining to consumer suitability promulgated by the Financial Industry Regulatory Authority, or its successor, and approved by the United States Securities and Exchange Commission in accordance with section 19(b)(1) of the "Securities Exchange Act of 1934," Pub.L.73-291 (15 U.S.C. s.78s(b)(1)).

c. (1) An insurer shall establish and maintain a system of supervision, or contract with a third party to establish and maintain a system, concerning the negotiation and sale of annuities directly negotiated and sold by the insurer, to assure compliance with the consumer suitability requirements set forth in subsection b. of this section. Any third party insurance producer or non-licensed society agent, representative or member authorized to act on behalf of the insurer shall adopt the insurer's system of supervision for its own employees and contracted persons who negotiate and sell annuities, or establish and maintain a system to assure compliance with the consumer suitability requirements set forth in subsection b. of this section.

(2) A system of supervision shall include, but not be limited to:

(a) A written set of procedures concerning the negotiation and sale of annuities; and

(b) Periodic reviews of information as set forth by the commissioner in regulation, to assist in detecting and preventing violations of subsection b. of this section.

(3) Whenever an insurer authorizes a third party insurance producer or non-licensed society agent, representative or member to act on its behalf, the insurer shall make reasonable inquiry to assure that this third party es-

tablishes and maintains the system of supervision required by paragraph (1) of this subsection. The reasonable inquiry by the insurer shall include:

(a) Obtaining a certification, at least annually, from the third party insurance producer or non-licensed society agent, representative or member, signed by the third party, or an officer, director, or supervisory or managerial employee of that third party with responsibility for the system of supervision, which may be made available as a representation, in printable form to the insurer, on the third party's Internet website, stating the system complies with the provisions of paragraph (1) of this subsection, or stating that it is not presently in compliance and including specific criteria to be implemented to achieve compliance; and

(b) Periodic reviews of information as set forth by the commissioner in regulation, to assist in detecting and preventing violations of subsection b. of this section.

C.17B:25-39 Cancellation provision for certain annuities.

6. An annuity directly solicited to a consumer, except for any annuity that is excluded pursuant to the provisions of section 5 of this act, shall not be delivered, issued, executed or renewed in this State or approved for issuance or renewal in this State by the commissioner after the effective date of this act, unless the annuity includes provisions or has attached to it a notice stating that during a period of not less than 10 days after the date the initial owner receives the annuity, the owner may cancel the annuity and receive from the insurer a prompt refund of any account value of the annuity, including any contract fees or other charges, by mailing or otherwise surrendering the annuity together with a written request for cancellation.

C.17B:25-40 Certain annuities excluded; report to owner.

7. a. An annuity, for purposes of this section, shall not include any annuity directly solicited to a consumer that is excluded pursuant to the provisions of section 4 of this act.

b. (1) An insurer shall provide the owner of an annuity with a report, at least annually, on information concerning the annuity which includes, but is not limited to:

(a) the beginning and end date of the current report period;

(b) the total amount of charges and other considerations provided for the annuity, any amount charged against the annuity's contract value, and interest credited;

(c) the accumulation value, based upon the charges and other considerations provided for the annuity, less any charge against the annuity's contract value, plus interest credited;

(d) the cash surrender value, calculated as the greater of the accumulation value as set forth in subparagraph (c) of this paragraph less any applicable surrender charge, or the annuity's minimum guaranteed contract value; and

(e) the amount owed on any outstanding loan borrowed by the owner against the annuity's contract value as of the end of the current report period.

(2) The insurer shall provide this report:

(a) at the beginning and during the accumulation period prior to maturity on a deferred annuity; and

(b) at the beginning and during the payout period, for which income payments occur at or after maturity, on any annuity with changes to any non-guaranteed element.

C.17B:25-41 Collection, maintenance of information.

8. Any information required to be collected and maintained in order to fulfill the requirements of this act shall be done in accordance with the insurance information practice provisions of P.L.1985, c.179 (C.17:23A-1 et seq.).

C.17B:25-42 Violations, penalties.

9. a. A violation of this act shall be a violation of N.J.S.17B:30-1 et seq.

b. Pursuant to the authority provided to the commissioner under N.J.S.17B:30-1 et seq., the commissioner may, upon finding a violation occurred or is occurring, order:

(1) an insurer to take reasonably appropriate corrective action regarding any consumer harmed by a violation relating to an annuity issued by the insurer; or

(2) a third party insurance producer, or an agent, representative or member of a fraternal benefit society not required to be licensed as an insurance producer in accordance with section 32 of P.L.1997, c.322 (C.17:44B-32), who is authorized to act on behalf of the insurer, to take reasonably appropriate corrective action regarding any consumer harmed by a violation relating to an annuity negotiated and sold by the insurance producer or non-licensed society agent, representative or member.

c. The commissioner may, as permitted under N.J.S.17B:30B-1 et seq., alter, modify, or set aside, in whole or in part, any order concerning a penalty for a violation, if the corrective action ordered pursuant to subsection b. of this section occurs promptly to the satisfaction of the commissioner.

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

Approved September 19, 2008.

CHAPTER 89

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

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

1. This act shall be known as "The Public Employee Pension and Benefits Reform Act of 2008."

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

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

36. a. Notwithstanding the provisions of any other law to the contrary, an employer other than the State which participates in the State Health Benefits Program, established pursuant to P.L.1961, c.49 (C.52:14-17.25 et seq.), may allow any employee who is eligible for other health care coverage to waive coverage under the State Health Benefits Program to which the employee is entitled by virtue of employment with the employer. The waiver shall be in such form as the Director of the Division of Pensions and Benefits shall prescribe and shall be filed with the division. After such waiver has been filed and for so long as that waiver remains in effect, no premium shall be required to be paid by the employer for the employee or the employee's dependents. Not later than the 180th day after the date on which the waiver is filed, the division shall refund to the employer the amount of any premium previously paid by the employer with respect to any period of coverage which followed the filing date.

b. Notwithstanding the provisions of any other law to the contrary, the State as an employer, or an employer that is an independent authority, commission, board, or instrumentality of the State which participates in the State Health Benefits Program, may allow any employee who is eligible for

other health care coverage that is not under the State Health Benefits Program to waive the coverage under the State Health Benefits Program to which the employee is entitled by virtue of employment with the employer. The waiver shall be in such form as the Director of the Division of Pensions and Benefits shall prescribe and shall be filed with the division.

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

3. N.J.S.18A:66-13 is amended to read as follows:

Prior service credit.

18A:66-13. Prior service credit. A member may file a detailed statement of: a. school service and service in a similar capacity in other states and in schools within and outside the United States operated by a department of the United States Government for the instruction of the children of United States Government officers and employees, or b. other public employment in other states or with the United States Government which would be eligible for credit in a State-administered retirement system if the employment was with a public employer in this State, or c. military service in the Armed Forces of the United States, 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 10 years, provided however, that a member purchasing that maximum credit may purchase up to five additional years for additional military service qualifying the member as a vet-

eran as defined in N.J.S.18A:66-2. 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 subsection b. of this section or for military service pursuant to subsection c. of 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 school service, public employment in other states or with the United States Government, or military service in the Armed Forces of the United States.

Any member electing to purchase the service who retires prior to completing payments as agreed with the retirement system will 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.

Notwithstanding any other provision of law to the contrary, service credit established in the retirement system by a member through purchase in accordance with this section, which purchase was made by an application submitted on or after the effective date of P.L.2008, c.89, except a purchase for military service in the Armed Forces of the United States, shall not be eligible for consideration when service is used to determine the qualification of the member for any health care benefits coverage paid, in whole or in part, by a public employer after the member's retirement.

4. Section 2 of P.L.1963, c.19 (C.43:15A-73.1) is amended to read as follows:

C.43:15A-73.1 Credit for employment in other states, federal government or military service; limitation; payments; pro rata credit upon retirement.

2. A member may file a detailed statement of public employment in other states or with the United States Government which would be eligible for credit in a State-administered retirement system if the employment was with a public employer in this State, or of military service in the Armed Forces of the United States, or of service resulting from initial appointment or employment on or after January 1, 2002 with a bi-state or multi-state agency established pursuant to an interstate compact to which the State is a party which 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 10 years, provided however, that a member purchasing that maximum credit may purchase up to five additional years for additional military service qualifying the member as a veteran as defined in section 6 of P.L.1954, c.84 (C.43:15A-6). No application shall be accepted for the purchase of credit for the 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 1/2 of the full normal contribution to the retirement system, over a maximum period of 10 years. The employer of a member who applies, pursuant to this section, to purchase credit for public employment with the United States Government or for military service in the Armed Forces of the United States shall not 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 public employment in other states or with the United States Government or military service in the Armed Forces of the United States or with a bi-state or multi-state agency.

Any member electing to make a purchase pursuant to this section who retires prior to completing payments as agreed with the retirement system will receive pro rata credit for the purchase 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.

Notwithstanding any other provision of law to the contrary, service credit established in the retirement system by a member through purchase in accordance with this section, which purchase was made by an application submitted on or after the effective date of P.L.2008, c.89, except a purchase for military service in the Armed Forces of the United States, shall not be eligible for consideration when service is used to determine the qualification of the member for any health care benefits coverage paid, in whole or in part, by a public employer after the member's retirement.

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

Membership.

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

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

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

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

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

Before or on the effective date of P.L.2008, c.89, no person in employment, office or position, for which the annual salary or remuneration is fixed at less than $500.00 shall be eligible to become a member of the retirement system. After the effective date of P.L.2008, c.89, a person who was a member of the retirement system on that effective date and continuously thereafter shall be eligible to be a member of the retirement system in employment, office or position, for which the annual salary or remuneration is fixed at $500 or more. After the effective date of P.L.2008, c.89, a person who was not a member of the retirement system on that effective date, or who was a member of the retirement system on that effective 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.

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

Continuance of membership.

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

(1) is dismissed by an employer by reason of reduction in number of teachers employed in the school district, institution or department when in the judgment of the employer it is advisable to abolish any office, position or employment for reasons of a reduction in the number of pupils, economy, a change in the administrative or supervisory organization or other good cause; or becomes unemployed by reason of the creation of a regional school district or a consolidated school district; or has been discontinued from service without personal fault or through leave of absence granted by an employer or permitted by any law of this State; and

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

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

(1) three months or the duration of the leave, whichever is less; or

(2) if the leave was due to the member's personal illness, two years or the duration of the leave, whichever is less; or

(3) the period of leave that is specifically allowed for retirement purposes by the provisions of any law of this State.

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

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

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

7. There is hereby established the Public Employees' Retirement System of New Jersey in the Division of Pensions and Benefits of the Department of the Treasury. The membership of the retirement system shall include:

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

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

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

d. Membership in the retirement system shall be optional for elected officials other than veterans, and for school crossing guards, who having

become eligible for benefits under other pension systems are so employed on a part-time basis. Elected officials commencing service on or after the effective date of sections 1 through 19 of P.L.2007, c.92 (C.43:15C-1 through C.43:15C-15, C.43:3C-9, C.43:15A-7, C.43:15A-75 and C.43:15A-135) shall not be eligible for membership in the retirement system based on service in the elective public office, except that an elected official enrolled in the retirement system as of that effective date who continues to hold that elective public office 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. Before or on the effective date of P.L.2008, c.89, 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. After the effective date of P.L.2008, c.89, a person who was a member of the retirement system on that effective 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. After the effective date of P.L.2008, c.89, a person who was not a member of the retirement system on that effective date, or who was a member of the retirement system on that effective 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.

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.

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

C.43:15A-39 Computing service.

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

For the purpose of computing service for retirement purposes, the board shall fix and determine by appropriate rules and regulations how

much service in any year shall equal a year of service and a part of a year of service. Not more than one year shall be credited for all service in a calendar year. A member may purchase credit for time during which the member shall have been absent on an official leave without pay. The credit shall be purchased for a period of time equal to:

(1) three months or the duration of the leave, whichever is less; or

(2) if the leave was due to the member's personal illness, two years or the duration of the leave, whichever is less; or

(3) the period of leave that is specifically allowed for retirement purposes by the provisions of any law of this State.

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

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

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

65. (a) All employees of any public agency or organization of this State, which employs persons engaged in service to the public, shall be eligible to participate in the Public Employees' Retirement System; provided the employer consents thereto by resolution and files a certified copy of such resolution with the board of trustees of the Public Employees' Retirement System and the board of trustees approves thereof by resolution. Such organization shall be referred to in this act as the employer. If the participation of such employees is so approved then the employer shall contribute to the contingent reserve fund on account of its members at the same rate per centum as would be paid by employers other than the State.

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

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

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

75. (a) If this act is so adopted it shall become effective in the county or municipality adopting it on June 30 of the following year. Membership in the Public Employees' Retirement System shall be optional with the employees of the county, board of education or municipality in the service on the day the act becomes effective or on June 30, 1966, whichever is earlier, in such county, board of education or municipality except in the case of public employee veterans who on such date are members. An employee who elects to become a member within one year after this act so takes effect shall be entitled to prior service covering service rendered to the county, board of education or municipality prior to July 1, 1966 or prior to the date this act so becomes effective, whichever is earlier. Membership shall be compulsory for all employees entering the service of the county, board of education or municipality on July 1, 1966 or after the date this act

becomes effective, whichever is earlier. Where any such employee entering the service of the county, board of education or municipality after the date this act so becomes effective has had prior service for which evidence satisfactory to the retirement system is presented, as an employee in such county, board of education or municipality before the date upon which this act so becomes effective, or July 1, 1966, whichever is earlier, such employee shall be entitled to prior service covering service rendered to the county, board of education or municipality prior to the date this act so becomes effective, or July 1, 1966, whichever is earlier.

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

The provisions of this subsection shall not apply to any person whose position is temporary or seasonal, nor to any person in office, position or employment for which the annual salary or remuneration is fixed at less than that which is required for membership pursuant to section 7 of P.L.1954, c.84 (C.43:15A-7) as applicable to the member, nor to any person whose position is not covered by the old age and survivors' insurance provisions of the federal Social Security Act. No credit shall be allowed to any person becoming a member of the retirement system pursuant to this subsection for service rendered to the employer prior to July 1, 1966, until the

provisions of section 74 of this act have been complied with, in which event such credit shall be allowed in accordance with the provisions of subsection (a) of this section; except that the governing body of any county, board of education or municipality may, by resolution, consent to the allowance of such credit and file a certified copy of such resolution with the board of trustees of the Public Employees' Retirement System.

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

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

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

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

(2) A person who commences service on or after the effective date of this section in an employment, office or position of the State or of a political subdivision thereof, or an agency, board, commission, authority or instrumentality of the State or of a subdivision, pursuant to an appointment by the Governor that requires the advice and consent of the Senate, or pursuant to an appointment by the Governor to serve at the pleasure of the Governor only during his or her term of office. This paragraph shall not be deemed to include a person otherwise eligible for membership in the State Police Retirement System or the Judicial Retirement System.

(3) A person who commences service on or after the effective date of this section in an employment, office or position in a political subdivision of the State, or an agency, board, commission, authority or instrumentality of a subdivision, pursuant to an appointment by an elected public official or elected governing body, that requires the specific consent or approval of the elected governing body of the political subdivision that is substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State as that similarity is determined by the elected governing body and set forth in an adopted ordinance or resolution, pursuant to guidelines or policy that shall be established by the Local Finance Board in

the Department of Community Affairs or the Department of Education, as appropriate to the elected governing body. This paragraph shall not be deemed to include a person otherwise eligible for membership in the Teachers' Pension and Annuity Fund or the Police and Firemen's Retirement System, or a person who is employed or appointed in the regular or normal course of employment or appointment procedures and consented to or approved in a general or routine manner appropriate for and followed by the political subdivision, or the agency, board, commission, authority or instrumentality of a subdivision, or a person who holds a professional license or certificate to perform and is performing as a certified health officer, tax assessor, tax collector, municipal planner, chief financial officer, registered municipal clerk, construction code official, licensed uniform subcode inspector, qualified purchasing agent, or certified public works manager.

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

(5) A member of the Teachers' Pension and Annuity Fund 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 in either 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 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 the effective date of P.L.2008, c.89.

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 $1,500 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 whose base salary is less than $5,000 may at the commencement of service in an employment, office or position irrevocably elect to waive participation with regard to that employment, office, or position by filing, at the time and on a form required by the division, a written waiver with the Division of Pensions and Benefits that waives all rights and benefits that would otherwise be provided by the retirement program.

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

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

12. Section 3 of P.L.1969, c.242 (C.18A:66-169) is amended to read as follows:

C.18A:66-169 Definitions.

3. As used in this act:

a. "Accumulated deductions" means those contributions as defined in N.J.S.18A:66-2 or in section 6 of P.L.1954, c.84 (C.43:15A-6).

b. "Base salary" means a participant's regular base or contractual salary. It shall exclude bonus, overtime or other forms of extra compensation

such as (1) longevity lump sum payments, (2) lump sum terminal sick leave or vacation pay, (3) the value of maintenance, (4) individual pay adjustments made within or at the conclusion of the participant's final year of service, (5) retroactive salary adjustments or other pay adjustments made in the participant's final year of service unless such adjustment was made as a result of a general pay adjustment for all personnel of the department or institution, (6) any unscheduled individual adjustment made in the final year to place the member at the maximum salary level within his salary range and (7) any pay for services rendered during the summer vacation period by a participant who is required to work only 10 months of the year.

c. "Base annual salary" means the base salary upon which contributions by the member and his employer to the alternate benefit program were based during the last year of creditable service.

d. (Deleted by amendment, P.L.1994, c.48).

e. "University of Medicine and Dentistry" means the University of Medicine and Dentistry of New Jersey established pursuant to the terms of section 3 of P.L.1970, c.102 (C.18A:64G-3).

f. "County colleges" means the colleges so defined in N.J.S.18A:64A-1.

g. "Division of Pensions" means the division established in the Department of the Treasury pursuant to section 1 of P.L.1955, c.70 (C.52:18A-95) and is the agency responsible for the administration of the alternate benefit program of the State and county colleges and for the administration of the group life and disability insurances of all alternate benefit programs established in the State for public employees.

h. "Full-time officers" and "full-time members of the faculty" shall include the president, vice president, secretary and treasurer of the respective school. "Full-time" shall also include eligible full-time officers and full-time members of the faculty who are granted sabbaticals or leaves of absence with pay where the compensation paid is 50% or more of the base salary at the time the leave commences and the period of eligibility terminates with the end of the school year following the year in which the sabbatical began. "Part-time" shall be defined as an appointment where the employee receives a salary or wages for a period of less than 50% of the normal work week. These definitions shall apply to teaching or administrative staff members or to employees serving in a dual capacity where the appointment includes teaching as well as administrative duties.

i. "Group Annuity Plan" refers to the Group Annuity Contract R-134 between the Board of Trustees of the New Jersey Institute of Technology and the Prudential Insurance Company of America.

j. "Member" or "participant" means a full-time officer or a full-time member of the faculty participating in the alternate benefit program, and after the effective date of P.L.2008, c.89, means an adjunct faculty member or a part-time instructor whose employment agreement begins after that effective date.

k. "New Jersey Institute of Technology" means the Newark College of Engineering.

l. "Pension reserve" means those moneys as defined in N.J.S.18A:66-2 or in section 6 of P.L.1954, c.84 (C.43:15A-6).

m. "Rutgers, The State University" means the institution of higher education described in chapter 65 of Title 18A of the New Jersey Statutes.

n. "State Colleges" means the colleges so described in chapter 64 of Title 18A of the New Jersey Statutes.

o. "Mutual fund company" means an investment company or trust regulated by the federal "Investment Company Act of 1940," 15 U.S.C.s. 80a-1 et seq.

C.18A:66-4.1 Appeal for person denied membership in TPAF.

13. An appeal by any person who is denied membership in the Teachers' Pension and Annuity Fund shall be transmitted as a contested case, along with all relevant materials and documents, by the State Treasurer to the Office of Administrative Law which shall conduct an adjudicatory proceeding thereon pursuant to the "Administrative Procedure Act," P.L.1968, C.410 (C.52:14B-1 et seq.).

C.43:15A-7.3 Appeal for person denied membership in PERS.

14. An appeal by any person who is denied membership in the Public Employees' Retirement System shall be transmitted as a contested case, along with all relevant materials and documents, by the State Treasurer to the Office of Administrative Law which shall conduct an adjudicatory proceeding thereon pursuant to the "Administrative Procedure Act," P.L.1968, C.410 (C.52:14B-1 et seq.).

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

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

2. As used in this act:

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

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

(c) 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. 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 Youth and Family Services in the Department of Children and Families, provided they are reported for coverage and are wholly dependent upon the employee for support and maintenance. A spouse, partner in a civil union couple, domestic partner or child enlisting or inducted into military service shall not be considered a dependent during the military service. The term "dependents" shall not include spouses, partners in a civil union couple or domestic partners of retired persons who are otherwise eligible for the benefits under this act but who, although they meet the age or disability eligibility requirement of Medicare, are not covered by Medicare Hospital Insurance, also known as Medicare Part A, and Medicare Medical Insurance, also known as Medicare Part B.

(2) Notwithstanding the provisions of paragraph (1) of this subsection to the contrary and subject to the provisions of paragraph (3) of this subsection, for the purposes of an employer other than the State that is 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 Youth and Family Services in the Department of Children and Families provided they are reported for coverage and are wholly dependent upon the employee for support and maintenance. A spouse, partner in a civil union couple or child enlisting or inducted into military service shall not be considered a dependent during the military service. The term "dependents" shall not include spouses or partners in a civil union couple of retired persons who are otherwise eligible for benefits under P.L.1961, c.49 (C.52:14-17.25 et seq.) but who, although they meet the age or disability eligibility requirement of Medicare, are not covered by Medicare Hospital Insurance, also known as Medicare Part A, and Medicare Medical Insurance, also known as Medicare Part B.

(3) An employer other than the State that is participating in the State Health Benefits Program pursuant to section 3 of P.L.1964, c.125 (C.52:14-17.34) may adopt a resolution providing that the term "dependents" as de-

fined 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).

C.52:14-17.26a Fraudulent obtaining, attempt to obtain SHBP benefits, fourth degree crime.

16. Any person who knowingly obtains, or attempts or conspires to obtain, coverage or benefits under the State Health Benefits Program for himself or another, knowing that the person for whom membership or benefits are sought is ineligible therefor, shall be guilty of a crime of the fourth degree. Nothing in this section shall preclude prosecution or conviction for any other offense.

C.52:14-17.27a Audit program for SHBP.

17. The State Health Benefits Commission shall establish an audit program through which it shall conduct a continuous review of the various public employers participating in the State Health Benefits Program for the purpose of ensuring that only eligible employees and retirees, and their dependents, are receiving health care coverage under the program. Every public entity whose employees are covered by the program, as well as employees and retirees thereof, and their dependents, and any other public entity having relevant information, shall cooperate fully with the commission and shall provide all information, records and documents requested by the commission in connection with an audit.

18. Section 39 of P.L.1971, c.121 (C.18A:66-6.1) is amended to read as follows:

C.18A:66-6.1 Membership required as condition of employment; delayed filing; contribution; payment.

39. a. In the case of any person who was required to become a member of the retirement system as a condition of employment, and whose application for enrollment in the retirement system or whose application for transfer from one employer to another within the system was filed beyond the effective date for

his compulsory enrollment in the system or his transfer within the system, such person shall be required to purchase membership credit for his compulsory coverage by paying into the annuity savings fund the amount required by applying, in accordance with N.J.S.18A:66-29, his rate of contribution on his current base salary subject to the retirement system for each year of previous service during which he was required to have been a member.

b. If more than 1 year has elapsed from the time that contributions would have been required from such person, 1/2 of the employee's cost established by the computation provided by subsection a. of this section, will be required of his employer and shall be included in the next budget subsequent to the certification of this special liability by the retirement system. The amount certified by the system shall be payable by the employer to the contingent reserve fund and shall be due and owing to the system even if the employee is no longer in the employ of the employer by the date such moneys are to be paid to the system.

c. The employee's obligation may be satisfied by regular installments, equal to at least 1/2 of the normal contribution to the retirement system, over a maximum period of 10 years, but not more than 2 years in the case of any employee who has attained or will attain age 60 within the 2-year period or, for a person who became a member of the retirement system on or after the effective date of P.L.2008, c.89, has attained or will attain age 62 within the 2-year period.

d. In the case of any person coming under the provisions of this section, full pension credit for the period of employment for which arrears are being paid by the employee shall be given upon the payment of at least 1/2 of the total employee's arrearage obligation and the completion of 1 year of membership and the making of such arrears payments, except that in the case of retirement pursuant to N.J.S.18A:66-36, 18A:66-37, 18A:66-44 and 18A:66-71, the total membership credit for such service shall be in direct proportion as the amount paid bears to the total amount of the arrearage obligation of the employee.

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

Vesting of TPAF members.

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

18A:28-13 inclusive, such person may elect to receive, in lieu of the payment provided in N.J.S.18A:66-34:

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

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

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

ship from his age at the time of his return to service. He shall be credited with all service as a member standing to his credit at the time of his election to receive a deferred retirement allowance.

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

Early retirement.

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

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

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

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

Subparagraph (b) or (c) of this section shall not apply to a person who at the time of enrollment in the retirement system on or after July 1, 2007 transfers service credit from another State-administered retirement system pursuant to N.J.S.18A:66-15.1, but shall apply to a former member of the

retirement system who has been granted a retirement allowance and is reenrolled in the retirement system on or after July 1, 2007 pursuant to N.J.S.18A:66-53.2 after becoming employed again in a position that makes the person eligible to be a member of the retirement system.

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

21. N.J.S.18A:66-43 is amended to read as follows:

Retirement for service age limits.

18A:66-43. Retirement for service shall be as follows: (a) A person who was a member before the effective date of P.L.2008, c.89 and has attained 60 years of age may retire on a service retirement allowance by filing with the retirement system a written application, duly attested, stating at which time subsequent to the execution and filing thereof he desires to be retired. The board of trustees shall retire him at the time specified or at such other time within 1 month after the date so specified as the board finds advisable.

(b) A person who becomes a member on or after the effective date of P.L.2008, c.89 and has attained 62 years of age may retire on a service retirement allowance by filing with the retirement system a written application, duly attested, stating at which time subsequent to the execution and filing thereof the member desires to be retired. The board of trustees shall retire the member at the time specified or at such other time within 1 month after the date so specified as the board finds advisable.

22. Section 48 of P.L.1971, c.213 (C.43:15A-7.1) is amended to read as follows:

C.43:15A-7.1 Delinquent enrollment for compulsory membership; payment by employee and employer.

48. a. In the case of any person who was required to become a member of the retirement system as a condition of employment, and whose application for enrollment in the retirement system or whose application for transfer from one employer to another within the system was filed beyond the effective date for his compulsory enrollment in the system or his transfer within the system, such person shall be required to purchase membership credit for his compulsory coverage by paying into the annuity savings fund the amount required by applying, in accordance with section 25 of chapter 84 of the laws of 1954, his rate of contribution on his current base salary

subject to the retirement system for each year of previous service during which he was required to have been a member.

b. If more than 1 year has elapsed from the time that contributions would have been required from such person, 1/2 of the employee's cost, established by the computation provided by subsection a. of this section, will be required of his employer and shall be included in the next budget subsequent to the certification of this special liability by the retirement system. The amount certified by the system shall be payable by the employer to the contingent reserve fund and shall be due and owing to the system even if the employee is no longer in the employ of the employer by the date such moneys are to be paid to the system.

c. The employees' obligation may be satisfied by regular installments, equal to at least 1/2 the normal contribution to the retirement system, over a maximum period of 10 years but not more than 2 years in the case of any employee who has attained or will attain age 60 within the 2-year period, or in the case of any employee who became a member of the retirement system on or after the effective date of P.L.2008, c.89, has attained or will attain age 62 within the 2-year period.

d. In the case of any person coming under the provisions of this section, full pension credit for the period of employment for which arrears are being paid by the employee shall be given upon the payment of at least 1/2 of the total employee's arrearage obligation and the completion of 1 year of membership and the making of such arrears payments, except that in the case of retirement pursuant to sections 38, 41(b), 48 and 61 of chapter 84 of the laws of 1954, the total membership credit for such service shall be in direct proportion as the amount paid bears to the total amount of the arrearage obligation of the employee.

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

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

41. a. A member who withdraws from service or ceases to be an employee for any cause other than death or retirement shall, upon the filing of an application therefor, receive all of his accumulated deductions standing to the credit of his individual account in the annuity savings fund, plus regular interest, less any outstanding loan, except that for any period after June 30, 1944, the interest payable shall be such proportion of the interest determined at the regular rate of 2% per annum bears to the regular rate of interest, and except that no interest shall be payable in the case of a member who has less

than three years of membership credit for which he has made contributions. He shall cease to be a member two years from the date he discontinued service as an eligible employee, or, if prior thereto, upon payment to him of his accumulated deductions. If any such person or member shall die before withdrawing or before endorsing the check constituting the return of his accumulated deductions, such deductions shall be paid to the member's beneficiary. No member shall be entitled to withdraw the amounts contributed by his employer covering his military leave unless he shall have returned to the payroll and contributed to the retirement system for a period of 90 days.

b. Should a member resign after having established 25 years of creditable service before reaching age 60, or before reaching age 62 if the person became a member of the retirement system on or after the effective date of P.L.2008, c.89, he may elect "early retirement," provided, that such election is communicated by such member to the retirement system by filing a written application, duly attested, stating at what time subsequent to the execution and filing thereof he desires to be retired. He shall receive, in lieu of the payment provided in subsection a. of this section, an annuity which is the actuarial equivalent of his accumulated deductions together with regular interest, and a pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of 1/64 of his final compensation for each year of service credited as Class A service and 1/55 of his final compensation for each year of service credited as Class B service, calculated in accordance with section 48 (C.43:15A-48) of this act, reduced:

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

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

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

Paragraph (b) or (c) of this subsection shall not apply to a person who at the time of enrollment in the retirement system on or after July 1, 2007 transfers service credit from another State-administered retirement system pursuant to section 14 of P.L.1954, c.84 (C.43:15A-14), but shall apply to a

former member of the retirement system who has been granted a retirement allowance and is reenrolled in the retirement system on or after July 1, 2007 pursuant to section 27 of P.L.1966, c.217 (C.43:15A-57.2) after becoming employed again in a position that makes the person eligible to be a member of the retirement system.

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

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

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

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

24. Section 47 of P.L.1954, c.84 (C.43:15A-47) is amended to read as follows:

C.43:15A-47 Retirement based on age.

47. a. A person who was a member before the effective date of P.L.2008, c.89 and has attained 60 years of age may retire on a service retirement allowance by filing with the retirement system a written application, duly attested, stating at which time subsequent to the execution and filing thereof the member desires to be retired. The board of trustees shall retire him at the time specified or at such other time within one month after the date so specified as the board finds advisable.

b. A person who becomes a member on or after the effective date of P.L.2008, c.89 and has attained 62 years of age may retire on a service retirement allowance by filing with the retirement system a written application, duly attested, stating at which time subsequent to the execution and filing thereof the member desires to be retired. The board of trustees shall retire the member at the time specified or at such other time within one month after the date so specified as the board finds advisable.

C.11A:6-24.1 Paid holidays granted to State government employees.

25. a. Paid holidays granted to all State government employees each calendar year shall be limited to the following:

(1) January 1, known as New Year's Day;

(2) the third Monday in January, known as Martin Luther King's Birthday;

(3) the third Monday in February, known as Washington's Birthday, which shall be known and celebrated as Presidents Day in this State;

(4) the day designated and known as Good Friday;

(5) the last Monday in May, known as Memorial Day;

(6) July 4, known as Independence Day;

(7) the first Monday in September, known as Labor Day;

(8) the second Monday in October, known as Columbus Day;

(9) November 11, known as Armistice Day or Veterans' Day;

(10) the fourth Thursday in November, known as Thanksgiving Day;

(11) December 25, known as Christmas Day; and

(12) any general election day in this State.

b. The provisions of this section shall not impair any collective bargaining agreement or contract in effect on the effective date of P.L.2008, c.89. The provision of this section shall take effect in the calendar year following the expiration of the collective bargaining agreements or contracts covering a majority of the Executive Branch employees in effect on the effective date of P.L.2008, c.89.

26. R.S.36:1-1 is amended to read as follows:

Legal holidays.

36:1-1. a. The following days in each year shall, for all purposes whatsoever as regards the presenting for payment or acceptance, and of the protesting and giving notice of dishonor, of bills of exchange, bank checks and promissory notes be treated and considered as the first day of the week, commonly called Sunday, and as public holidays, except as provided under subsection d. of this section: January 1, known as New Year's Day; the third Monday in January, known as Martin Luther King's Birthday; February 12, known as Lincoln's Birthday; the third Monday in February, known as Washington's Birthday; the day designated and known as Good Friday; the last Monday in May, known as Memorial Day; July 4, known as Independence Day; the first Monday in September, known as Labor Day; the second Monday in October, known as Columbus Day; November 11, known as Armistice Day or Veterans' Day; the fourth Thursday in November, known as Thanksgiving Day; December 25, known as Christmas Day; any general election day in this State; every Saturday; and any day heretofore or hereafter appointed, ordered or recommended by the Governor of this State, or the President of the United States, as a day of fasting and prayer, or other religious observance, or as a bank holiday or holidays. All such bills, checks and notes, otherwise presentable for acceptance or payment on any of the days herein enumerated, shall be deemed to be

payable and be presentable for acceptance or payment on the secular or business day next succeeding any such holiday.

b. Whenever any of the days herein enumerated can and shall fall on a Sunday, the Monday next following shall, for any of the purposes herein enumerated be deemed a public holiday, except as provided under subsection d. of this section; and bills of exchange, checks and promissory notes which otherwise would be presentable for acceptance or payment on such Monday shall be deemed to be presentable for acceptance or payment on the secular or business day next succeeding such holiday.

c. In construing this section, every Saturday shall, until 12 o'clock noon, be deemed a secular or business day, except as is hereinbefore provided in regard to bills of exchange, bank checks and promissory notes, and the days herein enumerated except bank holidays and Saturdays shall be considered as the first day of the week, commonly called Sunday, and public holidays, for all purposes whatsoever as regards the transaction of business in the public offices of this State, or counties of this State, except as provided under subsection d. of this section; but on all other days or half days, except Sunday or as otherwise provided by law, such offices shall be kept open for the transaction of business.

d. Notwithstanding the provisions of subsections a. through c. of this section, when the provisions of this subsection take effect, the following day each calendar year shall not be considered a public holiday for the purposes of conducting State government business:

February 12, known as Lincoln's Birthday.

All public offices of State government in this State shall be open on this day for the transaction of business.

27. Section 1 of P.L.1978, c.135 (C.36:1-1.2) is amended to read as follows:

C.36:1-1.2 Legal holiday on Saturday; preceding Friday deemed to be holiday.

1. Whenever any legal holiday enumerated in R.S.36:1-1 other than Saturday, and other than those days enumerated under subsection d. of R.S.36:1-1, can and shall fall on a Saturday, the preceding Friday shall be deemed to be said holiday for State employees, and the public offices of the State government shall be closed for the transaction of business.

28. This act shall take effect on the first day of second month following enactment.

Approved September 29, 2008.

CHAPTER 90

AN ACT exempting certain renewable energy systems from real property taxation and supplementing chapter 4 of Title 54 of the Revised Statutes.

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

C.54:4-3.113a Definitions relative to certain renewable energy systems.

1. As used in this act:

"Board of appeals" means the construction board of appeals established under section 9 of P.L.1975, c.217 (C.52:27D-127), having jurisdiction in the municipality in which the property is located.

"Commissioner" means the Commissioner of Community Affairs.

"Director" means the Director of the Division of Taxation in the Department of the Treasury.

"Local enforcing agency" means the enforcing agency in any municipality provided for under the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and rules and regulations adopted pursuant thereto.

"Renewable energy" means: (1) electric energy produced from solar technologies, photovoltaic technologies, wind energy, fuel cells, geothermal technologies, wave or tidal action, methane gas from landfills, a resource recovery facility, a hydropower facility or a biomass facility, provided that the biomass is cultivated and harvested in a sustainable manner, and provided further that the Commissioner of Environmental Protection has determined that the resource recovery facility, hydropower facility or biomass facility, as appropriate, meets the highest environmental standards and minimizes any impacts to the environment and local communities; and (2) energy produced from solar thermal or geothermal technologies.

"Renewable energy system" means any equipment that is part of, or added to, a residential, commercial, industrial, or mixed use building as an accessory use, and that produces renewable energy onsite to provide all or a portion of the electrical, heating, cooling, or general energy needs of that building.

C.54:4-3.113b Property certified as renewable energy system exempt from taxation.

2. Property that has been certified by a local enforcing agency as a renewable energy system shall be exempt from taxation under chapter 4 of Title 54 of the Revised Statutes. The owner of real property which is equipped with a certified renewable energy system may have exempted annually from the assessed valuation of the real property a sum equal to the

assessed valuation of the real property with the renewable energy system included, minus the assessed valuation of the real property without the renewable energy system included.

C.54:4-3.113c Requirements for certification by local enforcing agency.

3. No certification shall be made by the local enforcing agency as provided in this act, except upon written application therefor, which application shall be made under oath on a form prescribed by the director, and provided for the use of claimants by the local enforcing agency. The local enforcing agency may at any time inquire into the right of a claimant to the exemption, and for that purpose the local enforcing agency may require the filing of a new application or the submission of such proof as the local enforcing agency shall deem necessary to determine the right of the claimant to the continuance of the exemption. The local enforcing agency shall have the right to make an inspection of the premises which are the subject of the claim for exemption under this act.

C.54:4-3.113d Certification by local enforcing agency.

4. The local enforcing agency, when requested for a certification pursuant to this act, shall certify a system as being a renewable energy system whenever the local enforcing agency finds that the system installed was designed primarily as a renewable energy system in accordance with rules and regulations adopted by the commissioner pursuant to subsection b. of section 7 of this act. The certificate shall contain information identifying the renewable energy system and the cost thereof and shall be in such form and detail as the director shall prescribe. The certificate shall be provided to the applicant therefor, with a copy retained on file by the local enforcing agency, and a copy of the certificate shall be sent to the assessor of the taxing district in which the property containing the renewable energy system is located and has been installed. The exemption from taxation for the renewable energy system shall become effective for the tax year following the year in which certification has been granted and thereafter during its use primarily for such purposes.

C.54:4-3.113e Revocation of certificate.

5. The local enforcing agency, after giving notice to the holder of a renewable energy system certificate, may revoke a certificate whenever any of the following appears or occurs:

a. the certificate was obtained by fraud or misrepresentation;

b. the claimant for tax exemption has failed substantially to proceed with the construction, reconstruction, installation or acquisition of a renewable energy system;

c. the structure or equipment or both to which the certificate relates has ceased to be used for the primary purpose of providing renewable energy to provide all or a portion of the electrical, heating, cooling, or general energy needs of the structure and is being used for a different primary purpose; or

d. the claimant for the tax exemption has so departed from the equipment, design and construction previously certified by the local enforcing agency that, in the opinion of the local enforcing agency, the renewable energy system is not suitable and reasonably adequate for the purpose of using renewable energy to provide all or a portion of the electrical, heating, cooling, or general energy needs of the structure.

C.54:4-3.113f Review for aggrieved persons.

6. a. Any person aggrieved by any action of the local enforcing agency may seek review before the board of appeals.

b. Any person aggrieved by any action of the assessor or of the county tax board may seek a review of such action in the State Tax Court by filing a complaint in the Tax Court, pursuant to rules of court.

C.54:4-3.113g Rules, regulations.

7. a. The director, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt any rules and regulations necessary for the proper certification of any tax exemption pursuant to this act, the form of any certificate to be issued, and any other matter related to the exemption.

b. The commissioner, in consultation with the Board of Public Utilities, shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), standards with respect to the technical sufficiency of renewable energy systems for the purposes of qualification for exemption.

8. This act shall take effect immediately.

Approved October 1, 2008.

CHAPTER 91

AN ACT concerning tobacco products 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:170-51.5 Findings, declarations relative to flavored cigarettes.

1. The Legislature finds and declares that:

a. There has been a proliferation of flavored cigarettes in recent years, and many of these products have fruit, chocolate or other flavors that are particularly attractive to children;

b. According to public health experts, the existence of these products increases the incidence of tobacco use among children;

c. The earlier a person begins using tobacco, the more likely the person will become addicted to tobacco products and continue to smoke throughout that person's life;

d. As a result, flavored cigarettes lead to increased tobacco use and addiction, higher health care costs, and a greater incidence of smoking-related illness and death; and

e. Therefore, flavored cigarettes pose a significant threat to the health of the general public, and the protection of the public health warrants that the sale and distribution of these products be prohibited in this State.

C.2A:170-51.6 Sales, distribution of certain flavored cigarettes prohibited; definitions; violations, penalties.

2. a. No person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, shall sell, offer for sale, distribute for commercial purpose at no cost or minimal cost or with coupons or rebate offers, give or furnish, to a person a cigarette, or any component part thereof, which contains a natural or artificial constituent or additive that causes the cigarette or any smoke emanating from that product to have a characterizing flavor other than tobacco, clove or menthol. In no event shall a cigarette or any component part thereof be construed to have a characterizing flavor based solely on the use of additives or flavorings, or the provision of an ingredient list made available by any means.

As used in this section:

(1) "characterizing flavor other than tobacco, clove or menthol" means that: the cigarette, or any smoke emanating from that product, imparts a distinguishable flavor, taste or aroma other than tobacco, clove or menthol prior to or during consumption, including, but not limited to, any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb or spice flavoring; or the cigarette or any component part thereof is advertised or marketed as having or producing any such flavor, taste or aroma;

(2) "cigarette" means (a) any roll of tobacco wrapped in paper or in any substance not containing tobacco, and (b) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the

type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette as described in subparagraph (a) of this paragraph (2); and

(3) "component part thereof" includes, but is not limited to, the tobacco, paper, roll or filter, or any other matter or substance which can be smoked.

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

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

3. This act shall take effect on the 60th day after enactment.

Approved October 1, 2008.

CHAPTER 92

AN ACT authorizing municipalities operating under the State fiscal year to revert to a calendar fiscal year, amending and supplementing P.L.1991, c.75.

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

1. Section 2 of P.L.1991, c.75 (C.40A:4-3.1) is amended to read as follows:

C.40A:4-3.1 Municipalities, operation under State, calendar fiscal year.

2. a. Except as provided in subsection b. or c. of this section, any municipality operating under the State fiscal year as of January 1, 1997 shall continue to operate under the State fiscal year; and any municipality which was required to change to the State fiscal year but failed to implement the change shall continue to operate under the calendar year fiscal year.

b. Any municipality may apply to the Local Finance Board for approval to convert to the State fiscal year, and the Board shall approve the conversion if it finds it is in the interest of the taxpayers of the municipality to change. Any municipality whose fiscal year is changed pursuant to this section shall prepare a transition year budget to cover the period between January 1 and June 30 prior to the beginning of its first State fiscal year.

c. A municipality operating under the State fiscal year, and which has adopted an ordinance pursuant to subsection b. of section 3 of P.L.1991, c.75 (C.40A:4-3.2) (as amended by section 2 of P.L.2008, c.92), may apply to the Local Finance Board for approval to revert to a calendar fiscal year, commencing on January 1 of the succeeding calendar year. The Board shall approve the reversion after verification that ordinances have properly been adopted and that the municipality is poised to make a six-month transition year budget. A municipality that reverts to a calendar fiscal year pursuant to this subsection shall prepare a six-month transition year budget to cover the fiscal period between July 1 and December 31 immediately prior to the beginning of the calendar fiscal year.

A municipality that reverts to a calendar fiscal year pursuant to the provisions of this section shall:

(1) not issue bonds, notes or any other form of borrowing to finance that reversion;

(2) limit the municipal tax levy to an amount within the lower and upper amounts calculated by multiplying one-half the levy of the municipality for the current State fiscal year by .95 and 1.05, unless a different amount is approved by the director. The tax collector in consultation with the chief financial officer shall compute the estimated tax levy range for the municipality to use for the transition year;

(3) limit total appropriations during the transition year budget to an amount within the lower and upper amounts calculated by multiplying one-half the total appropriations for the municipality for the current State fiscal year by .95 and 1.25, unless a different amount is approved by the director. The chief financial officer shall compute the estimated total appropriations range for the municipality to use for the transition year.

2. Section 3 of P.L.1991, c.75 (C.40A:4-3.2) is amended to read as follows:

C.40A:4-3.2 Adoption of State, calendar fiscal year by ordinance.

3. a. Any municipality for which the fiscal year is not changed pursuant to section 2 of P.L.1991, c.75 (C.40A:4-3.1) may, by ordinance, adopt a State fiscal year. The ordinance shall be introduced prior to or concurrently with the introduction of the municipal budget to take effect in the current calendar year, except that in the first year following the effective date of P.L.1991, c.75 (C.40A:4-3.1 et al.), the director shall establish the last date for introduction of the ordinance. The ordinance may be introduced and adopted according to the same time schedule as the annual budget of the municipality, which shall be a transition year budget, and shall be filed with the director upon final adoption. The ordinance shall not be subject to referendum.

b. A municipality operating under the State fiscal year pursuant to an ordinance adopted pursuant to subsection a. of this section may, by ordinance, revert to a calendar fiscal year. After the adoption of the ordinance authorizing the reversion to a calendar fiscal year, the municipality shall apply to the Local Finance Board for approval to revert to a calendar fiscal year, commencing on January 1 of the succeeding calendar year. The Board shall approve the reversion after verification that ordinances have properly been adopted and that the municipality is poised to make a six-month transition year budget. A municipality that reverts to a calendar fiscal year pursuant to this subsection shall prepare a six-month transition year budget to cover the period between July 1 and December 31 immediately prior to the beginning of the calendar fiscal year.

A municipality that reverts to a calendar fiscal year pursuant to the provisions of this section shall:

(1) not issue bonds, notes or any other form of borrowing to finance that reversion;

(2) limit the municipal tax levy to an amount within the lower and upper amounts calculated by multiplying one-half the levy of the municipality for the current State fiscal year by .95 and 1.05, unless a different amount is

approved by the director. The tax collector in consultation with the chief financial officer shall compute the estimated tax levy range for the municipality to use for the transition year;

(3) limit total appropriations during the transition year budget to an amount within the lower and upper amounts calculated by multiplying one-half the total appropriations for the municipality for the current State fiscal year by .95 and 1.25, unless a different amount is approved by the director. The chief financial officer shall compute the estimated total appropriations range for the municipality to use for the transition year.

C.40A:4-3.5 Actions by director.

3. The Director of the Division of Local Government Services in the Department of Community Affairs shall take such action as the director deems necessary and consistent with the intent of P.L.2008, c.92 (C.40A:4-3.5 et al.) to implement its provisions.

4. This act shall take effect immediately.

Approved October 1, 2008.

CHAPTER 93

AN ACT concerning the powers of judges of compensation and supplementing chapter 15 of Title 34 of the Revised Statutes.

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

C.34:15-28.2 Powers of judges of compensation.

1. If any employer, insurer, claimant, or counsel to the employer, insurer, or claimant, or other party to a claim for compensation, fails to comply with any order of a judge of compensation or with the requirements of any statute or regulation regarding workers' compensation, a judge of compensation may, in addition to any other remedies provided by law:

a. Impose costs, simple interest on any moneys due, an additional assessment not to exceed 25% of moneys due for unreasonable payment delay, and reasonable legal fees, to enforce the order, statute or regulation;

b. Impose additional fines and other penalties on parties or counsel in an amount not exceeding $5,000 for unreasonable delay, with the proceeds of the penalties paid into the Second Injury Fund;

c. Close proofs, dismiss a claim or suppress a defense as to any party;

d. Exclude evidence or witnesses;

e. Hold a separate hearing on any issue of contempt and, upon a finding of contempt by the judge of compensation, the successful party or the judge of compensation may file a motion with the Superior Court for enforcement of those contempt proceedings; and

f. Take other actions deemed appropriate by the judge of compensation with respect to the claim.

C.34:15-28.3 Fines, penalties, assessments, costs not included in expense base of insurer.

2. Any fine, penalty, assessment, or cost, imposed on an insurer pursuant to section 1 of this act, shall not be included in the expense base of that insurer for the purpose of determining rates.

C.34:15-28.4 Rules, regulations.

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

4. This act shall take effect immediately.

Approved October 1, 2008.

CHAPTER 94

AN ACT concerning workers' compensation insurance and amending R.S.34:15-79 and P.L.1995, c.393.

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

1. R.S.34:15-79 is amended to read as follows:

Penalties for failure to carry insurance.

34:15-79. An employer who fails to provide the protection prescribed in this article shall be guilty of a disorderly persons offense and shall be guilty of a crime of the fourth degree if such failure is knowing. In cases where a workers' compensation award in the Division of Workers' Compensation of New Jersey against the defendant is not paid at the time of the

sentence, the court may suspend sentence upon that defendant and place him on probation for any period with an order to pay the delinquent compensation award to the claimant through the probation office of the county. Where the employer is a corporation, any officer who is actively engaged in the corporate business, including, but not limited to, the president, vice-president, secretary, and the treasurer thereof shall be liable for failure to secure the protection prescribed by this article. Any contractor placing work with a subcontractor shall, in the event of the subcontractor's failing to carry workers' compensation insurance as required by this article, become liable for any compensation which may be due an employee or the dependents of a deceased employee of a subcontractor. The contractor shall then have a right of action against the subcontractor for reimbursement.

A rebuttable presumption that an employer has established a successor firm, corporation or partnership shall arise if the two share at least three of the following capacities or characteristics: (1) perform similar work; (2) occupy the same premises; (3) have the same telephone or fax number; (4) have the same email address or internet website; (5) perform work in the same geographical area; (6) employ substantially the same work force; (7) utilize the same tools and equipment; (8) employ or engage the services of any person or persons involved in the direction or control of the other; or (9) list substantially the same work experience. If it is determined that an employer has established a successor firm, corporation or partnership, the "uninsured employer's fund" shall have a subrogation right against the successor firm, corporation or partnership for any benefits paid pursuant to R.S.34:15-1 et seq. by the "uninsured employer's fund," the injured worker may seek benefits not otherwise paid or payable by the "uninsured employer's fund" from the successor firm, corporation or partnership, and the successor firm, corporation or partnership shall have all of the same responsibilities regarding workers' compensation required pursuant to R.S.34:15-1 et seq. as the original employer.

Failure to produce at the time of the trial or upon written request by the division proof of workers' compensation insurance coverage by a mutual association or stock company authorized to write coverage on such risks in this State or written authorization by the Commissioner of Banking and Insurance to self-insure for workers' compensation pursuant to R.S.34:15-77, which was in force for the time cited by the division, creates a rebuttable presumption that the employer was uninsured when charged with a violation of this section.

The Director of the Division of Workers' Compensation, or any officer or employee of the division designated by the director, upon finding that an

employer has failed for a period of not less than 10 consecutive days to make the provisions for payment of compensation required by R.S.34:15-71 and R.S.34:15-72, shall impose upon that employer, in addition to all other penalties, fines or assessments provided for in chapter 15 of Title 34 of the Revised Statutes or in any supplement thereto, a penalty in the amount of up to $5,000 and when the period exceeds 10 days, an additional penalty of up to $5,000 for each period of 10 days thereafter. All penalties under this act shall be enforced and collected in accordance with section 12 of P.L.1966, c.126 (C.34:15-120.3). All penalties collected under this section shall be paid into the "uninsured employer's fund."

2. Section 2 of P.L.1995, c.393 (C.34:15-89.1) is amended to read as follows:

C.34:15-89.1 Notification to mutual associations, stock companies of requirements of employer ID numbers.

2. a. On or before March 1, 1996 and thereafter, the Compensation Rating and Inspection Bureau shall notify all mutual associations and stock companies authorized to write workers' compensation or employer's liability insurance on risks located in this State of the requirements of subsections b. and c. of this section.

b. On and after July 1, 1996, all mutual associations and stock companies authorized to write workers' compensation or employer's liability policies on risks located in this State shall, upon application for new policies or renewal of any existing policies, require submission of the employer identification number as assigned by the Department of Labor and Workforce Development pursuant to the provisions of the "unemployment compensation law," R.S.43:21-1 et seq., by each employer and shall maintain the identification number in their records and shall include the identification number on policies of insurance to be filed with the Compensation Rating and Inspection Bureau.

If the employer has been exempted from or is otherwise not subject to the provisions of the "unemployment compensation law," the mutual association or stock company writing workers' compensation insurance or employer's liability insurance coverage on risks of that employer shall, in a form and manner prescribed by the division, assign an identification number to that employer.

If an employer fails or refuses to comply with the reporting requirements of this subsection, the mutual association or stock company shall immediately notify the Division of Workers' Compensation of such failure

or refusal. Failure or refusal without reasonable cause shall result in the assessment of a penalty of up to $1,000 for each failure or refusal which shall be enforceable on a petition filed by the "uninsured employer's fund" in a summary proceeding before a judge of compensation upon notice to the employer and the proceeds of which shall be paid into the "uninsured employer's fund." Likewise, if a mutual association or stock company fails or refuses without reasonable cause to comply with the reporting requirements of this subsection and its insured employer has complied with those reporting requirements, a penalty of up to $1,000 for each such failure or refusal shall be enforceable on a petition filed by the "uninsured employer's fund" in a summary proceeding before a judge of compensation upon notice to the mutual association or stock company and any proceeds of the penalty shall be paid into the "uninsured employer's fund."

c. On and after July 1, 1996 the Compensation Rating and Inspection Bureau shall record and maintain the employer identification numbers received from mutual associations and stock companies pursuant to subsection b. of this section. The bureau shall, upon request of the Division of Workers' Compensation, provide to the division information, in a form and manner as prescribed by the division, with respect to the workers' compensation or employer's liability insurance coverage status of employers in this State, including the employer identification numbers.

d. On or before March 1, 1996 the Department of Banking and Insurance shall provide to the Division of Workers' Compensation a complete list of all employers engaged in business in this State who have been authorized, pursuant to the provisions of R.S.34:15-77 et seq., to self-insure for the payment of compensation. After that date, the department shall continue to provide notification to the division, in a form and manner as prescribed by the division, of any newly approved self-insured employer or the rescission of the authority for any previously approved employer to self-insure. On or before July 1, 2008 and thereafter, as may be requested by the division and in a form and manner as prescribed by the division, the Department of Banking and Insurance shall provide to the division a complete list of all mutual associations and stock companies authorized to write workers' compensation or employer's liability insurance coverage on risks in the State.

3. This act shall take effect immediately.

Approved October 1, 2008.

CHAPTER 95

AN ACT concerning proof of workers' compensation coverage under certain circumstances and supplementing chapter 15 of Title 34 of the Revised Statutes.

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

C.34:15-79.1 Proof of workers' compensation coverage required with certain annual reports of employers.

1. a. Every corporation, limited partnership, limited liability company, limited liability partnership or other employer required by law to submit an annual report, shall also include valid proof of workers' compensation coverage, if applicable, as part of the annual report. Without the inclusion of the valid proof of coverage, the annual report is not complete for purposes of filing, the requirement to submit the annual report is not fulfilled, and all requirements concerning the failure to submit the annual report shall apply.

b. For the purposes of this section, valid proof of current workers' compensation coverage shall be in the form of:

(1) Documentation of a current order from the Commissioner of Banking and Insurance authorizing the employer to be a self-insured employer pursuant to R.S.34:15-77; or

(2) A letter from an insurance carrier or verification from the employer which includes the name of the carrier, insurance policy number and date of commencement of coverage under the policy.

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

Approved October 1, 2008.

CHAPTER 96

AN ACT concerning medical care under workers' compensation and supplementing chapter 15 of Title 34 of the Revised Statutes.

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

C.34:15-15.3 Motion by worker for emergent medical treatment.

1. When through medical documentation a physician states that a worker is in need of emergent medical care that is not, following a request by the worker to the employer or the employer's carrier, being provided or authorized by the employer, the worker may file a motion for emergent medical treatment with or after the filing of a claim petition. The physician shall further state that delay of treatment will result in irreparable harm or damage and state the specific nature of the irreparable harm or damage. The motion, to which shall be appended all medical records in possession of the moving party, shall also be served on the employer and the employer's carrier, or their attorneys, at the time of filing. An answer to the motion shall be filed not later than five calendar days after the date of service. An initial conference on the motion shall take place within five calendar days of the filing of the answer. Thereafter the judge of compensation shall schedule the matter for a hearing in accordance with the rules adopted pursuant to section 3 of this act. The respondent shall be provided 15 calendar days from the date of service of the motion to secure a medical examination if it requires one.

C.34:15-15.4 Designation of contact person by carrier, self-insured employer.

2. Every carrier and self-insured employer shall designate a contact person who is responsible for responding to issues concerning medical and temporary disability benefits where no claim petition has been filed or where a claim petition has not been answered. The full name, telephone number, address, e-mail address, and fax number of the contact person shall be submitted to the division. Any changes in information about the contact person shall be immediately submitted to the division as they occur. After an answer is filed with the division, the attorney of record for the respondent shall act as the contact person in the case. Failure to comply with the provisions of this section shall result in a fine of $2,500 for each day of noncompliance, payable to the Second Injury Fund.

3. The Commissioner of Labor and Workforce Development shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt regulations to implement the provisions of this act.

4. This act shall take effect immediately.

Approved October 1, 2008.

CHAPTER 97

AN ACT concerning the Compensation Rating and Inspection Bureau, supplementing chapter 15 of Title 34 of the Revised Statutes and repealing R.S.34:15-89 and R.S.34:15-90.

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

C.34:15-90.1 Compensation Rating and Inspection Bureau continued; directors, appointment, terms.

1. a. The Compensation Rating and Inspection Bureau, established and continued by R.S.34:15-89, consisting of all insurers authorized to write workers' compensation or employers' liability insurance within this State as provided under R.S.34:15-90, is continued as provided by this act. No insurer shall write workers' compensation or employers' liability insurance in this State unless it is a member of the Compensation Rating and Inspection Bureau. Each member of the Compensation Rating and Inspection Bureau shall have one representative entitled to one vote in the administration of the Compensation Rating and Inspection Bureau's affairs.

b. The Compensation Rating and Inspection Bureau shall be governed by a committee of 10 directors. The Commissioner of Banking and Insurance or his designee shall serve as an ex-officio, non-voting director. Six directors of the governing committee shall be elected by the insurer members as provided in the approved plan of operation. Three directors shall be appointed by the commissioner: one of whom shall be an individual appointed from a list or lists of nominees provided by one or more recognized Statewide organizations representing licensed insurance producers; one of whom shall be an individual appointed from a list or lists of nominees provided by one or more recognized Statewide business organizations; and one of whom shall be an individual appointed from a list or lists of nominees provided by one or more recognized Statewide labor organizations.

Initially, two of the elected directors and one of the appointed directors shall serve for a term of three years; two of the elected directors and one of the appointed directors shall serve for a term of two years; and two of the elected directors and one of the appointed directors shall serve for a term of one year. Thereafter, all board members shall serve for a term of three years. Vacancies shall be filled in the same manner as the original selection.

C.34:15-90.2 Authority of Compensation Rating and Inspection Bureau.

2. The Compensation Rating and Inspection Bureau shall have authority to:

a. Enter into contracts as are necessary or proper to carry out the provisions and purposes of this act;

b. Sue or be sued, including taking any legal actions as may be necessary for recovery of any assessments;

c. Establish rules, conditions, and procedures for assessment of its members;

d. Assess members in accordance with chapter 15 of Title 34 of the Revised Statutes;

e. Appoint from among its members appropriate legal, actuarial, and other subcommittees of the governing committee as necessary to provide technical assistance in the operation of the bureau;

f. Establish and maintain rules, regulations and premium rates for workers' compensation and employers' liability insurance and equitably adjust the same, as far as practical, to the hazard of individual risks, by inspection by the bureau;

g. Adopt means for assuring uniform and accurate audit of payrolls as they relate to policies of workers' compensation and employers' liability insurance by auditors, appointed by the bureau, or by such other means as the bureau may, with the approval of the commissioner, establish;

h. Furnish upon request to any of its members or to any employer upon whose risks a rating has been promulgated by it, information as to such rating, including the method of its computation, and shall encourage employers to reduce the number and severity of accidents by adjusting premiums and rates through the use of credits and debits or other proper factors, under such uniform system of experience or other forms of merit rating as may be approved by the commissioner;

i. Prepare and file, for the approval of the commissioner, and for the use by all of its members, any amendments to its policy forms and its system of classification of risks and premiums thereto, together with the basis rates and system of merit or schedule rating applicable to such insurance, as currently set forth in the New Jersey Workers' Compensation and Employers' Liability Insurance Manual;

j. Develop and submit, for the approval of the commissioner, any amendments to its rules of procedure as currently set forth in the New Jersey Workers' Compensation and Employers' Liability Insurance Manual;

k. Resolve disputes concerning the application of its rating system to specific cases, in accordance with the workers' compensation and employ-

ers' liability insurance policy and the bureau's rules of procedure, subject to appeal to the commissioner; and

l. Take such other actions as may be reasonable and necessary to carry out its functions as provided in its approved rules of procedures, or as directed by the commissioner.

Repealer.

3. R.S.34:15-89 and R.S.34:15-90 are repealed.

C.34:15-90.3 Effective date.

4. This act shall take effect July 1, 2009, except that the Commissioner of Banking and Insurance may take such anticipatory administrative action in advance as shall be necessary for the orderly transition of the new Compensation Rating and Inspection Bureau and proper implementation of this act.

Approved October 1, 2008.

CHAPTER 98

AN ACT permitting implementation of encrypted counterfeit-resistant revenue stamps for cigarettes sold in the State, amending and supplementing P.L.1948, c.65.

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

1. Section 401 of P.L.1948, c.65 (C.54:40A-11) is amended to read as follows:

C.54:40A-11 Director to provide revenue stamps.

401. a. Director to provide revenue stamps. The taxes imposed and levied by this act shall be paid through the use of stamps, except as provided in section 205 of P.L.1948, c.65 (C.54:40A-7) in the case of a licensed consumer.

b. The director shall secure stamps of such designs and denominations as the director shall prescribe, suitable to be affixed to packages, and provide for the sale thereof to licensed distributors.

c. (1) The director may implement a program requiring the affixation of counterfeit resistant tax stamps pursuant to this subsection beginning not

later than the first day of the twelfth month next following the director's notice of the implementation of the program to all licensed distributors and other licensees under section 202 of P.L.1948, c.65 (C.54:40A-4). On and after the date of implementation of the program, no metering of evidence of tax payment in lieu of stamps, as otherwise allowed pursuant to section 407 of P.L.1948, c.65 (C.54:40A-17), shall be authorized; provided, however, that in the event that full implementation of the provisions of this act, including but not limited to the procurement of equipment or machinery, if any, necessary to ensure the integrity of the encrypted tax stamp program and the continuity of cigarette tax collections by the State, is not achieved on or before the first day of the twelfth month next following the director's notice of implementation, the director shall notify the Legislature and provide a full and complete report explaining the reason or reasons for the delay, and metering of evidence of tax payment in lieu of stamps, as otherwise permitted pursuant to section 407 of P.L.1948, c.65 (C.54:40A-17) shall continue to be authorized for an additional period not to exceed six months, as determined by the director.

(2) Stamps shall be counterfeit-resistant and encrypted to identify, at a minimum (a) the name and address of the distributor affixing the stamp; (b) the date the stamp was affixed to the cigarette package; and (c) the denominated value of the stamp. The stamp shall be readable and traceable from the point of stamp production to the point of sale and shall be readable by a scanner or similar device that may be utilized by the director or licensed cigarette distributor, wholesalers and retailers.

(3) The stamp shall be produced in a secure manner and shall incorporate such encryption, security, and counterfeit-resistant features as the director may prescribe.

(4) Distributors or other parties approved by the director shall acquire either by lease, lease-to-own or purchase, equipment or machinery, including equipment to affix stamps and equipment to read or scan information from stamps, that is approved by the director and necessary to carry out the requirements set forth in this section.

(5) The encrypted data collected from stamps shall be provided by distributors and retained by the State in a secure data collection, management and decision support system.

d. Only licensed distributors shall affix and cancel stamps and no distributor shall affix or cancel any stamp except at the tax rate in effect on the date of such affixing or cancellation; except that on the effective date of a tax rate increase imposed under this act, licensed distributors and wholesale dealers shall take a physical inventory of cigarettes on hand at the close of

business prior to the date of the tax increase imposed under this act and must pay any additional tax for all cigarettes bearing stamps at the rate in effect prior to the tax increase. The director shall prescribe the method of collecting the additional tax. The director shall not authorize any person to sell revenue stamps except the director's duly constituted agents and assistants.

e. On sales of revenue stamps the director shall allow, as compensation for the services and expenses of the distributor in affixing and handling of such stamps, a discount of 1.80% of the face amount of any sale of 1,000 stamps or more; provided, that the distributor has complied with all the provisions of this act; and, provided, further, however, that the director shall be empowered to adjust such discount to provide equivalent compensation with respect to the face value of each 1,000 stamps or more. No discount shall be allowed on any sale of less than 1,000 stamps and stamps shall not be sold in blocks of less than 100 stamps.

2. Section 407 of P.L.1948, c.65 (C.54:40A-17) is amended to read as follows:

C.54:40A-17 Use of stamp metering machine.

407. The director, if the director shall determine that it is practicable in any case to permit licensed distributors to impress on or attach to each package of cigarettes, evidence of tax payment, by means of a metering machine, in lieu of stamps, may, except as provided by paragraph (1) of subsection c. of section 401 of P.L.1948, c.65 (C.54:40A-11), authorize any licensed distributor to use any metering machine approved by the director, such machine to be sealed by the director before being used and used in accordance with rules and regulations prescribed by the director. Any licensed distributor authorized by the director to affix evidence of tax payment to packages of cigarettes by means of a metering machine shall either make a prepayment, allowing for the discount, if any, provided for herein and subject also to the same conditions as in the case of the sale of stamps, covering the amount of the tax for which the meter is set; or if prepayment is not made, subject to the same conditions as in the case of the consignment of stamps.

3. On or before the 240th day following the effective date of P.L.2008, c.98, the Director of the Division of Taxation in the Department of the Treasury shall prepare and transmit to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, a report concerning evasion of the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.).

The report shall detail, in such a manner as to facilitate an evaluation of the effectiveness of current provisions of the "Cigarette Tax Act" and any changes thereto, the methods of tax evasion and an estimate of their revenue impact, including: "cross-border shopping" issues such as direct, Internet, and mail-order cigarette purchases by consumers; cigarette smuggling; sales by unlicensed parties; sales of unstamped cigarettes by licensed vendors, and stamp counterfeiting. The report shall include information to facilitate the evaluation of the effectiveness of P.L.1999, c.328 in preventing the stamping of reimported cigarettes originally produced for export.

The report shall also summarize any information available to the director on issues ancillary to tax evasion, such as the impact of the availability of counterfeit branded cigarettes; the hijacking, theft or other diversion of brand name cigarettes; and the theft or other diversion of cigarette stamps or stamp affixing equipment.

The director shall include in the report such further observations and recommendations about the evasion of the "Cigarette Tax Act" as the director deems appropriate.

4. This act shall take effect immediately.

Approved October 31, 2008.

CHAPTER 99

AN ACT concerning the membership of the Joint Legislative Committee on Ethical Standards, and amending P.L.1971, c.182.

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

1. Section 11 of P.L.1971, c.182 (C.52:13D-22) is amended to read as follows:

C.52:13D-22 Joint Legislative Committee on Ethical Standards; membership; powers; terms; duties; penalties.

11. (a) There is established a Joint Legislative Committee on Ethical Standards in the Legislative Branch of State Government.

(b) Commencing on the 30th day after the effective date of P.L.2008, c.16, the joint committee shall be composed of eight members of the public

as follows: two appointed by the President of the Senate, two appointed by the Speaker of the General Assembly, two appointed by the Minority Leader of the Senate, and two appointed by the Minority Leader of the General Assembly. No member of the Senate or of the General Assembly shall be eligible to serve as a member of the joint committee. No more than two members of the joint committee may be former members of the Senate or of the General Assembly. The members shall be full-time residents of the State and available throughout the year to attend, in person, the meetings of the joint committee.

No member shall be a lobbyist or governmental affairs agent as defined by the "Legislative and Governmental Process Activities Disclosure Act," P.L.1971, c.183 (C.52:13C-18 et seq.), a full-time State employee or an officer or director of any entity which is required to file a statement with the Election Law Enforcement Commission, and no former lobbyist or governmental affairs agent shall be eligible to serve as a member for one year following the cessation of all activity by that person as a governmental affairs agent or lobbyist. Notwithstanding the above restrictions, among the members appointed pursuant to this section, one may be a full-time faculty member of a State public institution of higher education having a doctoral degree and expertise in the areas of ethics, philosophy and government with extensive experience in State legislative organization and procedures. No person who served as a member of the joint committee at any time prior to the 30th day after the effective date of P.L.2008, c.16 shall be eligible to serve as a member of the joint committee as constituted under this subsection. The members shall serve for terms of two years.

The terms of the members shall run from the second Tuesday in January of an even-numbered year to the second Tuesday in January of the next even-numbered year, regardless of the original date of appointment.

Vacancies in the membership of the joint committee shall be filled in the same manner as the original appointments, but for the unexpired term only. The members of the joint committee shall serve without compensation, but shall be entitled to be reimbursed for all actual and necessary expenses incurred in the performance of their duties.

(c) Commencing on the 30th day after the effective date of P.L.2008, c.16, the chairman of the joint committee shall be selected jointly by the President of the Senate and the Speaker of the General Assembly, when the President and Speaker are members of the same political party, from among the members of the joint committee. The first chairman to be selected jointly shall be a full-time faculty member of a State public institution of higher education having a doctoral degree and expertise in the areas of eth-

ics, philosophy and government with extensive experience in State legislative organization and procedures. The vice chairman shall be selected jointly by the Minority Leader of the Senate and the Minority Leader of the General Assembly, when the Minority Leaders are members of the same political party, from among the members of the joint committee. When the President of the Senate and the Speaker of the General Assembly are not members of the same political party, the President and Speaker shall alternate in selecting the chairman of the joint committee with the President of the Senate selecting the chairman first, and then, at the next organization of the joint committee if the President and the Speaker are not members of the same political party, the Speaker of the General Assembly selecting the chairman. When the Minority Leader of the Senate and the Minority Leader of the General Assembly are not members of the same political party, the Minority Leaders shall alternate in selecting the vice chairman of the joint committee with the Minority Leader of the Senate selecting the vice chairman first, and then, at the next organization of the joint committee if the Minority Leaders are not members of the same political party, the Minority Leader of the General Assembly selecting the vice chairman. The alternating method of selection shall continue regardless of intervening periods when joint selections are made.

The chairman and the vice chairman shall not be members of the same political party.

(d) The Legislative Counsel in the Office of Legislative Services shall act as legal adviser to the joint committee. The Executive Director of the Office of Legislative Services shall appoint another attorney in the Office of Legislative Services to serve as Ethics Counsel to the individual members of the Legislature and officers and employees in the Legislative Branch. The Ethics Counsel shall provide informal ethics advice to individual members of the Legislature and officers and employees in the Legislative Branch upon request, when the request is one fully answered by the New Jersey Conflicts of Interest Law or the Legislative Code of Ethics or is on a subject previously determined by the Joint Committee. Informal ethics advice from the Ethics Counsel to a member of the Legislature or an officer or employee in the Legislative Branch shall be confidential and subject to the attorney-client privilege. The Ethics Counsel may also assist members of the Legislature and officers or employees in the Legislative Branch in requesting formal advisory opinions from the joint committee on novel subject matters. The Legislative Counsel shall, upon request, assist and advise the joint committee in the rendering of formal advisory opinions by the joint committee, in the approval and review of codes of ethics adopted by State agencies

in the Legislative Branch, and in the recommendation of revisions in codes of ethics or legislation relating to the conduct of members of the Legislature or State officers and employees in the Legislative Branch.

(e) The joint committee may, within the limits of funds appropriated or otherwise available to it for the purpose, employ other professional, technical, clerical or other assistants, excepting legal counsel, and incur expenses as may be necessary to the performance of its duties.

(f) The joint committee shall have all the powers granted pursuant to chapter 13 of Title 52 of the Revised Statutes.

(g) The joint committee is authorized to render formal advisory opinions as to whether a given set of facts and circumstances would, in its opinion, constitute a violation of the provisions of this act, of a code of ethics promulgated pursuant to the provisions of this act or of any rule of either or both Houses which gives the joint committee jurisdiction and the authority to investigate a matter.

(h) (1) The joint committee shall have jurisdiction to initiate, receive, hear and review complaints regarding violations of the provisions of this act or of a code of ethics promulgated pursuant to the provisions of this act. It shall further have such jurisdiction as to enforcement of the rules of either or both Houses of the Legislature governing the conduct of the members or employees thereof as those rules may confer upon the joint committee. A complaint regarding a violation of a code of ethics promulgated pursuant to the provisions of this act may be referred by the joint committee for disposition in accordance with subsection 12(d) of this act.

(2) The joint committee shall not accept a complaint against a member of the Legislature submitted within 90 days of a primary or general election in which the member is a candidate. An attempt to file a complaint during this period shall toll any statute of limitations. This paragraph shall not bar the joint committee from initiating a complaint during this period.

A complaint that is filed within seven days following a primary or general election shall be considered by the joint committee in an expedited manner that results in a final determination by the end of the annual session of the Legislature.

(3) The joint committee, when reviewing a complaint, shall have the authority to require a member of the Legislature who is the subject of a complaint to submit detailed financial disclosures containing information that is in addition to the information required to be disclosed by a law, rule or code of ethics. Such additional information shall remain confidential, unless the joint committee, by a vote of at least three-fourths of the total membership, directs that the information be made public.

(4) The joint committee shall inform a complainant of the time, date, and location of any meeting at which the joint committee will discuss or make a determination on any aspect of the complaint.

(i) Any State officer or employee or special State officer or employee in the Legislative Branch found guilty by the joint committee of violating any provisions of this act, of a code of ethics promulgated pursuant to the provisions of this act or of any rule of either or both Houses which gives the joint committee jurisdiction and the authority to investigate a matter shall be fined not less than $500.00 nor more than $10,000, which penalty may be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), and may be reprimanded and ordered to pay restitution where appropriate and may be suspended from office or employment by order of the joint committee for a period not in excess of one year. If the joint committee finds that the conduct of the officer or employee constitutes a willful and continuous disregard of the provisions of this act, of a code of ethics promulgated pursuant to the provisions of this act or of any rule of either or both Houses which gives the joint committee jurisdiction and the authority to investigate a matter, it may order that person removed from office or employment and may further bar the person from holding any public office or employment in this State in any capacity whatsoever for a period not exceeding five years from the date on which the person was found guilty by the joint committee.

(j) A member of the Legislature who shall be found guilty by the joint committee of violating the provisions of this act, of a code of ethics promulgated pursuant to the provisions of this act or of any rule of either or both Houses which gives the joint committee jurisdiction and the authority to investigate a matter shall be fined not less than $500.00 nor more than $10,000, which penalty may be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), and shall be subject to such further action as may be determined by the House of which the person is a member. In such cases the joint committee shall report its findings to the appropriate House and shall recommend to the House such further action as the joint committee deems appropriate, but it shall be the sole responsibility of the House to determine what further action, if any, shall be taken against such member.

2. This act shall take effect immediately.

Approved October 31, 2008.

CHAPTER 100

AN ACT concerning certificates of birth resulting in stillbirth and amending R.S.26:8-37.

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

1. R.S.26:8-37 is amended to read as follows:

Stillborn child to be registered as fetal death; birth certificate options.

26:8-37. a. A stillborn child shall be registered as a fetal death as required by R.S.26:6-11.

b. (1) The State registrar shall establish a certificate of birth resulting in stillbirth, subject to the provisions of paragraph (2) of this subsection, which shall contain such items as shall be listed on a form provided or approved by the State registrar pursuant to subsection c. of R.S.26:8-24, for an unintended, intrauterine fetal death occurring in this State after a gestational period of 20 or more weeks. This certificate shall be offered to the parent of a stillborn child.

(2) The certificate shall be provided by the State Registrar upon the parent's written request, which may be transmitted to the State registrar directly by the parent or, at the parent's option, by a licensed health care professional on the parent's behalf.

(3) The person who prepares a certificate pursuant to this subsection shall leave blank any references to the stillborn child's name if the stillborn child's parent does not wish to provide a name for the stillborn child.

(4) The certificate of birth resulting in stillbirth shall be filed with the local registrar of the district in which the birth resulting in stillbirth occurred within three days following receipt by the State registrar of the parent's request for the certificate.

(5) When a birth resulting in stillbirth occurring in this State has not been registered within one year after the date of delivery, a certificate marked "delayed" may be filed and registered.

2. This act shall take effect on the 60th day after enactment and shall apply to stillbirths that occurred before, on, or after the effective date.

Approved November 5, 2008.

CHAPTER 101

AN ACT concerning child support and amending P.L.1985, c.278 and P.L.1997, c.14.

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

1. Section 19 of P.L.1985, c.278 (C.2A:17-56.22) is amended to read as follows:

C.2A:17-56.22 Fees for application, collection of child support.

19. a. The State IV-D agency shall have the authority to charge an application fee to individuals not receiving Temporary Assistance for Needy Families who apply for IV-D services.

(1) The application fee shall be uniformly applied on a Statewide basis and shall be a flat dollar amount not to exceed $25 or other amount as may be appropriate for any fiscal year to reflect administrative costs.

(2) The fee shall be collected directly from the individual who applied for IV-D services.

(3) The State IV-D agency shall determine by regulation the distribution of the fees collected.

b. In addition to the application fee, the State IV-D agency shall charge a $25 annual fee for the collection of child support for IV-D services in those cases in which the State has collected at least $500 on behalf of an individual receiving support for a child who has never received Temporary Assistance for Needy Families.

The State IV-D agency shall have the authority to pay the fee using federal incentive dollars as available, and when not available, the State IV-D agency shall exercise its option under the federal "Deficit Reduction Act of 2005," Pub.L.109-171 and its implementing regulations to collect the fee from the non-custodial parent.

2. Section 6 of P.L.1997, c.14 (C.44:10-49) is amended to read as follows:

C.44:10-49 Assignment of child support rights by signing application for benefits.

6. a. The signing of an application for benefits under the Work First New Jersey Program shall constitute an assignment of any child support rights pursuant to Title IV-D on behalf of individual assistance unit mem-

bers to the county agency. The assignment shall terminate with respect to current support rights when a determination is made by the county agency that the person in the assistance unit is no longer eligible for benefits. The determination of the amount of repayment to the county agency and distribution of any unpaid support obligations that have accrued during the period of receipt of benefits shall be determined by regulation of the commissioner in accordance with federal law.

b. The county agency shall pass through to the assistance unit the full amount of the current child support collected on behalf of a child in those circumstances defined by the commissioner.

c. An assistance unit eligible for benefits and in receipt of child support shall receive, in addition to its regular grant of cash assistance benefits, a monthly amount of child support based on the current child support received for the month, as determined by regulations adopted by the commissioner, and in accordance with federal law.

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

4. Section 1 of this act shall take effect on June 30, 2008 and section 2 of this act shall take effect on October 1, 2008, but the Commissioner of Human Services may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved November 17, 2008.

CHAPTER 102

AN ACT increasing the carryover period of the net operating loss deduction under the corporation business tax, amending P.L.1945, c.162.

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

1. Section 4 of P.L.1945, c.162 (C.54:10A-4) is amended to read as follows:

C.54:10A-4 Definitions.

4. For the purposes of this act, unless the context requires a different meaning:

(a) "Commissioner" or "director" shall mean the Director of the Division of Taxation of the State Department of the Treasury.

(b) "Allocation factor" shall mean the proportionate part of a taxpayer's net worth or entire net income used to determine a measure of its tax under this act.

(c) "Corporation" shall mean any corporation, joint-stock company or association and any business conducted by a trustee or trustees wherein interest or ownership is evidenced by a certificate of interest or ownership or similar written instrument, any other entity classified as a corporation for federal income tax purposes, and any state or federally chartered building and loan association or savings and loan association.

(d) "Net worth" shall mean the aggregate of the values disclosed by the books of the corporation for (1) issued and outstanding capital stock, (2) paid-in or capital surplus, (3) earned surplus and undivided profits, and (4) surplus reserves which can reasonably be expected to accrue to holders or owners of equitable shares, not including reasonable valuation reserves, such as reserves for depreciation or obsolescence or depletion. Notwithstanding the foregoing, net worth shall not include any deduction for the amount of the excess depreciation described in paragraph (2)(F) of subsection (k) of this section. The foregoing aggregate of values shall be reduced by 50% of the amount disclosed by the books of the corporation for investment in the capital stock of one or more subsidiaries, which investment is defined as ownership (1) of at least 80% of the total combined voting power of all classes of stock of the subsidiary entitled to vote and (2) of at least 80% of the total number of shares of all other classes of stock except nonvoting stock which is limited and preferred as to dividends. In the case of investment in an entity organized under the laws of a foreign country, the foregoing requisite degree of ownership shall effect a like reduction of such investment from the net worth of the taxpayer, if the foreign entity is considered a corporation for any purpose under the United States federal income tax laws, such as (but not by way of sole examples) for the purpose of supplying deemed paid foreign tax credits or for the purpose of status as a controlled foreign corporation. In calculating the net worth of a taxpayer entitled to reduction for investment in subsidiaries, the amount of liabilities of the taxpayer shall be reduced by such proportion of the liabilities as corresponds to the ratio which the excluded portion of the subsidiary values bears to the total assets of the taxpayer.

In the case of banking corporations which have international banking facilities as defined in subsection (n), the foregoing aggregate of values shall also be reduced by retained earnings of the international banking facility. Retained earnings means the earnings accumulated over the life of such facility and shall not include the distributive share of dividends paid and federal income taxes paid or payable during the tax year.

If in the opinion of the commissioner, the corporation's books do not disclose fair valuations the commissioner may make a reasonable determination of the net worth which, in his opinion, would reflect the fair value of the assets, exclusive of subsidiary investments as defined aforesaid, carried on the books of the corporation, in accordance with sound accounting principles, and such determination shall be used as net worth for the purpose of this act.

(e) (Deleted by amendment, P.L.1998, c.114.)

(f) "Investment company" shall mean any corporation whose business during the period covered by its report consisted, to the extent of at least 90% thereof of holding, investing and reinvesting in stocks, bonds, notes, mortgages, debentures, patents, patent rights and other securities for its own account, but this shall not include any corporation which: (1) is a merchant or a dealer of stocks, bonds and other securities, regularly engaged in buying the same and selling the same to customers; or (2) had less than 90% of its average gross assets in New Jersey, at cost, invested in stocks, bonds, debentures, mortgages, notes, patents, patent rights or other securities or consisting of cash on deposit during the period covered by its report; or (3) is a banking corporation, a savings institution, or a financial business corporation as defined in the Corporation Business Tax Act.

(g) "Regulated investment company" shall mean any corporation which for a period covered by its report, is registered and regulated under the Investment Company Act of 1940 (54 Stat. 789), as amended.

(h) "Taxpayer" shall mean any corporation, and any partnership required, or consenting, to report or to pay taxes, interest or penalties under this act. "Taxpayer" shall not include a partnership that is listed on a United States national stock exchange.

(i) "Fiscal year" shall mean an accounting period ending on any day other than the last day of December on the basis of which the taxpayer is required to report for federal income tax purposes.

(j) Except as herein provided, "privilege period" shall mean the calendar or fiscal accounting period for which a tax is payable under this act.

(k) "Entire net income" shall mean total net income from all sources, whether within or without the United States, and shall include the gain de-

rived from the employment of capital or labor, or from both combined, as well as profit gained through a sale or conversion of capital assets.

For the purpose of this act, the amount of a taxpayer's entire net income shall be deemed prima facie to be equal in amount to the taxable income, before net operating loss deduction and special deductions, which the taxpayer is required to report, or, if the taxpayer is classified as a partnership for federal tax purposes, would otherwise be required to report, to the United States Treasury Department for the purpose of computing its federal income tax, provided however, that in the determination of such entire net income,

(1) Entire net income shall exclude for the periods set forth in paragraph (2)(F)(i) of this subsection, any amount, except with respect to qualified mass commuting vehicles as described in section 168(f)(8)(D)(v) of the Internal Revenue Code as in effect immediately prior to January 1, 1984, which is included in a taxpayer's federal taxable income solely as a result of an election made pursuant to the provisions of paragraph (8) of that section.

(2) Entire net income shall be determined without the exclusion, deduction or credit of:

(A) The amount of any specific exemption or credit allowed in any law of the United States imposing any tax on or measured by the income of corporations.

(B) Any part of any income from dividends or interest on any kind of stock, securities or indebtedness, except as provided in paragraph (5) of subsection (k) of this section.

(C) Taxes paid or accrued to the United States, a possession or territory of the United States, a state, a political subdivision thereof, or the District of Columbia, or to any foreign country, state, province, territory or subdivision thereof, on or measured by profits or income, or business presence or business activity, or the tax imposed by this act, or any tax paid or accrued with respect to subsidiary dividends excluded from entire net income as provided in paragraph (5) of subsection (k) of this section.

(D) (Deleted by amendment, P.L.1985, c.143.)

(E) (Deleted by amendment, P.L.1995, c.418.)

(F) (i) The amount by which depreciation reported to the United States Treasury Department for property placed in service on and after January 1, 1981, but prior to taxpayer fiscal or calendar accounting years beginning on and after the effective date of P.L.1993, c.172, for purposes of computing federal taxable income in accordance with section 168 of the Internal Revenue Code in effect after December 31, 1980, exceeds the amount of depreciation determined in accordance with the Internal Revenue Code provisions in effect prior to January 1, 1981, but only with respect to a taxpayer's ac-

counting period ending after December 31, 1981; provided, however, that where a taxpayer's accounting period begins in 1981 and ends in 1982, no modification shall be required with respect to this paragraph (F) for the report filed for such period with respect to property placed in service during that part of the accounting period which occurs in 1981. The provisions of this subparagraph shall not apply to assets placed in service prior to January 1, 1998 of a gas, gas and electric, and electric public utility that was subject to the provisions of P.L.1940, c.5 (C.54:30A-49 et seq.) prior to 1998.

(ii) For the periods set forth in subparagraph (F)(i) of this subsection, any amount, except with respect to qualified mass commuting vehicles as described in section 168(f)(8)(D)(v) of the Internal Revenue Code as in effect immediately prior to January 1, 1984, which the taxpayer claimed as a deduction in computing federal income tax pursuant to a qualified lease agreement under paragraph (8) of that section.

The director shall promulgate rules and regulations necessary to carry out the provisions of this section, which rules shall provide, among others, the manner in which the remaining life of property shall be reported.

(G) (i) The amount of any civil, civil administrative, or criminal penalty or fine, including a penalty or fine under an administrative consent order, assessed and collected for a violation of a State or federal environmental law, an administrative consent order, or an environmental ordinance or resolution of a local governmental entity, and any interest earned on the penalty or fine, and any economic benefits having accrued to the violator as a result of a violation, which benefits are assessed and recovered in a civil, civil administrative, or criminal action, or pursuant to an administrative consent order. The provisions of this paragraph shall not apply to a penalty or fine assessed or collected for a violation of a State or federal environmental law, or local environmental ordinance or resolution, if the penalty or fine was for a violation that resulted from fire, riot, sabotage, flood, storm event, natural cause, or other act of God beyond the reasonable control of the violator, or caused by an act or omission of a person who was outside the reasonable control of the violator.

(ii) The amount of treble damages paid to the Department of Environmental Protection pursuant to subsection a. of section 7 of P.L.1976, c.141 (C.58:10-23.11f), for costs incurred by the department in removing, or arranging for the removal of, an unauthorized discharge upon failure of the discharger to comply with a directive from the department to remove, or arrange for the removal of, the discharge.

(H) The amount of any sales and use tax paid by a utility vendor pursuant to section 71 of P.L.1997, c.162.

(I) Interest paid, accrued or incurred for the privilege period to a related member, as defined in section 5 of P.L.2002, c.40 (C.54:10A-4.4), except that a deduction shall be permitted to the extent that the taxpayer establishes by clear and convincing evidence, as determined by the director, that: (i) a principal purpose of the transaction giving rise to the payment of the interest was not to avoid taxes otherwise due under Title 54 of the Revised Statutes or Title 54A of the New Jersey Statutes, (ii) the interest is paid pursuant to arm's length contracts at an arm's length rate of interest, and (iii)(aa) the related member was subject to a tax on its net income or receipts in this State or another state or possession of the United States or in a foreign nation, (bb) a measure of the tax includes the interest received from the related member, and (cc) the rate of tax applied to the interest received by the related member is equal to or greater than a rate three percentage points less than the rate of tax applied to taxable interest by this State.

A deduction shall also be permitted if the taxpayer establishes by clear and convincing evidence, as determined by the director, that the disallowance of a deduction is unreasonable, or the taxpayer and the director agree in writing to the application or use of an alternative method of apportionment under section 8 of P.L.1945, c.162 (C.54:10A-8); nothing in this subsection shall be construed to limit or negate the director's authority to otherwise enter into agreements and compromises otherwise allowed by law.

A deduction shall also be permitted to the extent that the taxpayer establishes by a preponderance of the evidence, as determined by the director, that the interest is directly or indirectly paid, accrued or incurred to (i) a related member in a foreign nation which has in force a comprehensive income tax treaty with the United States, provided however that the taxpayer shall disclose on its return for the privilege period the name of the related member, the amount of the interest, the relevant foreign nation, and such other information as the director may prescribe or (ii) to an independent lender and the taxpayer guarantees the debt on which the interest is required.

(J) Amounts deducted for federal tax purposes pursuant to section 199 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.199, except that this exclusion shall not apply to amounts deducted pursuant to that section that are exclusively based upon domestic production gross receipts of the taxpayer which are derived only from any lease, rental, license, sale, exchange, or other disposition of qualifying production property which the taxpayer demonstrates to the satisfaction of the director was manufactured or produced by the taxpayer in whole or in significant part within the United States but not qualified production property that was grown or extracted by the taxpayer. "Manufactured or produced" as used in this para-

graph shall be limited to performance of an operation or series of operations the object of which is to place items of tangible personal property in a form, composition, or character different from that in which they were acquired. The change in form, composition, or character shall be a substantial change, and result in a transformation of property into a different or substantially more usable product.

(3) The commissioner may, whenever necessary to properly reflect the entire net income of any taxpayer, determine the year or period in which any item of income or deduction shall be included, without being limited to the method of accounting employed by the taxpayer.

(4) There shall be allowed as a deduction from entire net income of a banking corporation, to the extent not deductible in determining federal taxable income, the eligible net income of an international banking facility determined as follows:

(A) The eligible net income of an international banking facility shall be the amount remaining after subtracting from the eligible gross income the applicable expenses;

(B) Eligible gross income shall be the gross income derived by an international banking facility, which shall include, but not be limited to, gross income derived from:

(i) Making, arranging for, placing or carrying loans to foreign persons, provided, however, that in the case of a foreign person which is an individual, or which is a foreign branch of a domestic corporation (other than a bank), or which is a foreign corporation or foreign partnership which is controlled by one or more domestic corporations (other than banks), domestic partnerships or resident individuals, all the proceeds of the loan are for use outside of the United States;

(ii) Making or placing deposits with foreign persons which are banks or foreign branches of banks (including foreign subsidiaries) or foreign branches of the taxpayers or with other international banking facilities;

(iii) Entering into foreign exchange trading or hedging transactions related to any of the transactions described in this paragraph; or

(iv) Such other activities as an international banking facility may, from time to time, be authorized to engage in;

(C) Applicable expenses shall be any expense or other deductions attributable, directly or indirectly, to the eligible gross income described in subparagraph (B) of this paragraph.

(5) Entire net income shall exclude 100% of dividends which were included in computing such taxable income for federal income tax purposes, paid to the taxpayer by one or more subsidiaries owned by the taxpayer to

the extent of the 80% or more ownership of investment described in subsection (d) of this section and shall exclude 50% of dividends which were included in computing such taxable income for federal income tax purposes, paid to the taxpayer by one or more subsidiaries owned by the taxpayer to the extent of 50% or more ownership of investment, such ownership of investment calculated in the same manner as the 80% or more of ownership of investment is calculated as described in subsection (d) of this section.

(6) (A) Net operating loss deduction. There shall be allowed as a deduction for the privilege period the net operating loss carryover to that period.

(B) Net operating loss carryover. A net operating loss for any privilege period ending after June 30, 1984 shall be a net operating loss carryover to each of the seven privilege periods following the period of the loss and a net operating loss for any privilege period ending after June 30, 2009 shall be a net operating loss carryover to each of the twenty privilege periods following the period of the loss. The entire amount of the net operating loss for any privilege period (the "loss period") shall be carried to the earliest of the privilege periods to which the loss may be carried. The portion of the loss which shall be carried to each of the other privilege periods shall be the excess, if any, of the amount of the loss over the sum of the entire net income, computed without the exclusions permitted in paragraphs (4) and (5) of this subsection or the net operating loss deduction provided by subparagraph (A) of this paragraph, for each of the prior privilege periods to which the loss may be carried.

(C) Net operating loss. For purposes of this paragraph the term "net operating loss" means the excess of the deductions over the gross income used in computing entire net income without the net operating loss deduction provided for in subparagraph (A) of this paragraph and the exclusions in paragraphs (4) and (5) of this subsection.

(D) Change in ownership. Where there is a change in 50% or more of the ownership of a corporation because of redemption or sale of stock and the corporation changes the trade or business giving rise to the loss, no net operating loss sustained before the changes may be carried over to be deducted from income earned after such changes. In addition where the facts support the premise that the corporation was acquired under any circumstances for the primary purpose of the use of its net operating loss carryover, the director may disallow the carryover.

(E) Notwithstanding the provisions of this paragraph (6) of subsection (k) of this section to the contrary, for privilege periods beginning during calendar year 2002 and calendar year 2003, no deduction for any net operating loss carryover shall be allowed and for privilege periods beginning during calendar year 2004 and calendar year 2005, there shall be allowed as

a deduction for the privilege period so much of the net operating loss carryover as reduces entire net income otherwise calculated by 50%. If and only to the extent that any net operating loss carryover deduction is disallowed by reason of this subparagraph (E), the date on which the amount of the disallowed net operating loss carryover deduction would otherwise expire shall be extended by a period equal to the period for which application of the net operating loss was disallowed by this subparagraph.

Provided, that this subparagraph (E) shall not restrict the surrender or acquisition of corporation business tax benefit certificates pursuant to section 1 of P.L.1997, c.334 (C.34:1B-7.42a) and shall not restrict the application of corporation business tax benefit certificates pursuant to section 2 of P.L.1997, c.334 (C.54:10A-4.2).

(7) The entire net income of gas, electric and gas and electric public utilities that were subject to the provisions of P.L.1940, c.5 (C.54:30A-49 et seq.) prior to 1998, shall be adjusted by substituting the New Jersey depreciation allowance for federal tax depreciation with respect to assets placed in service prior to January 1, 1998. For gas, electric, and gas and electric public utilities that were subject to the provisions of P.L.1940, c.5 (C.54:30A-49 et seq.) prior to 1998, the New Jersey depreciation allowance shall be computed as follows: All depreciable assets placed in service prior to January 1, 1998 shall be considered a single asset account. The New Jersey tax basis of this depreciable asset account shall be an amount equal to the carryover adjusted basis for federal income tax purposes on December 31, 1997 of all depreciable assets in service on December 31, 1997, increased by the excess, of the "net carrying value," defined to be adjusted book basis of all assets and liabilities, excluding deferred income taxes, recorded on the public utility's books of account on December 31, 1997, over the carryover adjusted basis for federal income tax purposes on December 31, 1997 of all assets and liabilities owned by the gas, electric, or gas and electric public utility as of December 31, 1997. "Books of account" for gas, gas and electric, and electric public utilities means the uniform system of accounts as promulgated by the Federal Energy Regulatory Commission and adopted by the Board of Public Utilities. The following adjustments to entire net income shall be made pursuant to this section:

(A) Depreciation for property placed in service prior to January 1, 1998 shall be adjusted as follows:

(i) Depreciation for federal income tax purposes shall be disallowed in full.

(ii) A deduction shall be allowed for the New Jersey depreciation allowance. The New Jersey depreciation allowance shall be computed for the

single asset account described above based on the New Jersey tax basis as adjusted above as if all assets in the single asset account were first placed in service on January 1, 1998. Depreciation shall be computed using the straight line method over a thirty-year life. A full year's depreciation shall be allowed in the initial tax year. No half-year convention shall apply. The depreciable basis of the single account shall be reduced by the adjusted federal tax basis of assets sold, retired, or otherwise disposed of during any year on which gain or loss is recognized for federal income tax purposes as described in subparagraph (B) of this paragraph.

(B) Gains and losses on sales, retirements and other dispositions of assets placed in service prior to January 1, 1998 shall be recognized and reported on the same basis as for federal income tax purposes.

(C) The Director of the Division of Taxation shall promulgate regulations describing the methodology for allocating the single asset account in the event that a portion of the utility's operations are separated, spun-off, transferred to a separate company or otherwise desegregated.

(8) In the case of taxpayers that are gas, electric, gas and electric, or telecommunication public utilities as defined pursuant to subsection (q) of this section, the director shall have authority to promulgate rules and issue guidance correcting distortions and adjusting timing differences resulting from the adoption of P.L.1997, c.162 (C.54:10A-5.25 et al.).

(9) Notwithstanding paragraph (1) of this subsection, entire net income shall not include the income derived by a corporation organized in a foreign country from the international operation of a ship or ships, or from the international operation of aircraft, if such income is exempt from federal taxation pursuant to section 883 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.883.

(10) Entire net income shall exclude all income of an alien corporation the activities of which are limited in this State to investing or trading in stocks and securities for its own account, investing or trading in commodities for its own account, or any combination of those activities, within the meaning of section 864 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.864, as in effect on December 31, 1998. Notwithstanding the previous sentence, if an alien corporation undertakes one or more infrequent, extraordinary or non-recurring activities, including but not limited to the sale of tangible property, only the income from such infrequent, extraordinary or non-recurring activity shall be subject to the tax imposed pursuant to P.L.1945, c.162 (C.54:10A-1 et seq.), and that amount of income subject to tax shall be determined without regard to the allocation to that specific transaction of any general business expense of the taxpayer and shall be spe-

cifically assigned to this State for taxation by this State without regard to section 6 of P.L.1945, c.162 (C.54:10A-6). For the purposes of this paragraph, "alien corporation" means a corporation organized under the laws of a jurisdiction other than the United States or its political subdivisions.

(11) No deduction shall be allowed for research and experimental expenditures, to the extent that those research and experimental expenditures are qualified research expenses or basic research payments for which an amount of credit is claimed pursuant to section 1 of P.L.1993, c.175 (C.54:10A-5.24) unless those research and experimental expenditures are also used to compute a federal credit claimed pursuant to section 41 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.41.

(12) (A) Notwithstanding the provisions of subsection (k) of section 168 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.168, subsection (b) of section 1400L of the federal Internal Revenue Code of 1986, 26 U.S.C. s.1400L, or any other federal law, for property acquired after September 10, 2001, the depreciation deduction otherwise allowed pursuant to section 167 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.167, shall be determined pursuant to the provisions of the federal Internal Revenue Code of 1986 (26 U.S.C. s.1 et seq.) in effect on December 31, 2001.

(B) The director shall prescribe the rules and regulations necessary to carry out the provisions of this paragraph, including, among others, those for determining the adjusted basis of the acquired property for the purposes of the Corporation Business Tax Act (1945), P.L.1945, c.162.

(13) (A) Notwithstanding the provisions of section 179 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.179, for property placed in service on or after January 1, 2004, the costs that a taxpayer may otherwise elect to treat as an expense which is not chargeable to a capital account shall be determined pursuant to the provisions of the federal Internal Revenue Code of 1986 (26 U.S.C. s.1 et seq.) in effect on December 31, 2002.

(B) The director shall prescribe the rules and regulations necessary to carry out the provisions of this paragraph, including, among others, those for determining the adjusted basis of the acquired property for the purposes of the Corporation Business Tax Act (1945), P.L.1945, c.162.

(l) "Real estate investment trust" shall mean any corporation, trust or association qualifying and electing to be taxed as a real estate investment trust under federal law.

(m)"Financial business corporation" shall mean any corporate enterprise which is (1) in substantial competition with the business of national banks and which (2) employs moneyed capital with the object of making profit by its use as money, through discounting and negotiating promissory

notes, drafts, bills of exchange and other evidences of debt; buying and selling exchange; making of or dealing in secured or unsecured loans and discounts; dealing in securities and shares of corporate stock by purchasing and selling such securities and stock without recourse, solely upon the order and for the account of customers; or investing and reinvesting in marketable obligations evidencing indebtedness of any person, copartnership, association or corporation in the form of bonds, notes or debentures commonly known as investment securities; or dealing in or underwriting obligations of the United States, any state or any political subdivision thereof, or of a corporate instrumentality of any of them. This shall include, without limitation of the foregoing, business commonly known as industrial banks, dealers in commercial paper and acceptances, sales finance, personal finance, small loan and mortgage financing businesses, as well as any other enterprise employing moneyed capital coming into competition with the business of national banks; provided that the holding of bonds, notes, or other evidences of indebtedness by individual persons not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with the business of national banks, shall not be deemed financial business. Nor shall "financial business" include national banks, production credit associations organized under the Farm Credit Act of 1933 or the Farm Credit Act of 1971, Pub.L.92-181 (12 U.S.C. s.2091 et seq.), stock and mutual insurance companies duly authorized to transact business in this State, security brokers or dealers or investment companies or bankers not employing moneyed capital coming into competition with the business of national banks, real estate investment trusts, or any of the following entities organized under the laws of this State: credit unions, savings banks, savings and loan and building and loan associations, pawnbrokers, and State banks and trust companies.

(n) "International banking facility" shall mean a set of asset and liability accounts segregated on the books and records of a depository institution, United States branch or agency of a foreign bank, or an Edge or Agreement Corporation that includes only international banking facility time deposits and international banking facility extensions of credit as such terms are defined in section 204.8(a)(2) and section 204.8(a)(3) of Regulation D of the board of governors of the Federal Reserve System, 12 CFR Part 204, effective December 3, 1981. In the event that the United States enacts a law, or the board of governors of the Federal Reserve System adopts a regulation which amends the present definition of international banking facility or of such facilities' time deposits or extensions of credit, the Commissioner of Banking and Insurance shall forthwith adopt regulations defining such

terms in the same manner as such terms are set forth in the laws of the United States or the regulations of the board of governors of the Federal Reserve System. The regulations of the Commissioner of Banking and Insurance shall thereafter provide the applicable definitions.

(o) "S corporation" means a corporation included in the definition of an "S corporation" pursuant to section 1361 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.1361.

(p) "New Jersey S corporation" means a corporation that is an S corporation; which has made a valid election pursuant to section 3 of P.L.1993, c.173 (C.54:10A-5.22); and which has been an S corporation continuously since the effective date of the valid election made pursuant to section 3 of P.L.1993, c.173 (C.54:10A-5.22).

(q) "Public Utility" means "public utility" as defined in R.S.48:2-13.

(r) "Qualified investment partnership" means a partnership under this act that has more than 10 members or partners with no member or partner owning more than a 50% interest in the entity and that derives at least 90% of its gross income from dividends, interest, payments with respect to securities loans, and gains from the sale or other disposition of stocks or securities or foreign currencies or commodities or other similar income (including but not limited to gains from swaps, options, futures or forward contracts) derived with respect to its business of investing or trading in those stocks, securities, currencies or commodities, but "investment partnership" shall not include a "dealer in securities" within the meaning of section 1236 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.1236.

(s) "Savings institution" means a state or federally chartered building and loan association, savings and loan association, or savings bank.

(t) "Partnership" means an entity classified as a partnership for federal income tax purposes.

2. This act shall take effect immediately and shall apply to net operating losses accruing for privilege periods ending after June 30, 2009.

Approved November 24, 2008.

CHAPTER 103

AN ACT concerning the location of the meeting of the electors of president and vice president and amending R.S.19:36-1.

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

1. R.S.19:36-1 is amended to read as follows:

Time and place of meeting.

19:36-1. The electors of president and vice president shall convene at the State House at Trenton, or in another State building within the State House Complex at Trenton, or the War Memorial at Trenton, on the day appointed by congress for that purpose, at the hour of three o'clock in the afternoon of that day, and constitute an electoral college. In any year in which, on July 20, the "Agreement Among the States to Elect the President by National Popular Vote" is in effect in states cumulatively possessing a majority of the electoral votes, and the State of New Jersey remains a member of that agreement, the electors for president and vice president shall be those electors certified as the elector slate in accordance with section 1 of P.L.2007, c.334 (C.19:36-4).

2. This act shall take effect immediately.

Approved November 25, 2008.

CHAPTER 104

A SUPPLEMENT to "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 2009 and regulating the disbursement thereof," approved June 30, 2008 (P.L.2008, c.35).

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

1. Notwithstanding the provisions of P.L.2008, c.22 (C.52:9H-2.1), there is appropriated from the Long Term Obligation and Capital Expenditure Fund the sum of $12,500,000 for the following purposes: to the Department of Community Affairs, for a grant in the amount of $2,500,000 to the New Jersey Housing and Mortgage Finance Agency for mortgage counseling; to the Department of Community Affairs for a grant in the amount

of $9,500,000 to the New Jersey Housing and Mortgage Finance Agency for foreclosure mediation; and to the Administrative Office of the Courts the amount of $500,000 for foreclosure mediation.

2. Upon certification by the Director of the Division of Budget and Accounting in the Department of the Treasury that federal funds to support the expenditures listed below are available, the following sum is appropriated:

22 DEPARTMENT OF COMMUNITY AFFAIRS
40 Community Development and Environmental Management
41Community Development Management

02-8020 Housing Services	$51,471,000
Total Appropriation, Community Development Management	$51,471,100
Special Purpose:	
Title III, Housing and Economic Recovery Act of 2008 – Neighborhood Stabilization Program	($51,471,000)

3. This act shall take effect immediately.

Approved December 1, 2008.

CHAPTER 105

AN ACT establishing the Public Assistance Cost Reduction and Transportation Independence Pilot Program and supplementing P.L.1997, c.38 (C.44:10-55 et seq.).

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

C.44:10-62.1 Short title.

1. This act shall be known and may be cited as the "Public Assistance Cost Reduction and Transportation Independence Pilot Program Act."

C.44:10-62.2 Findings, declarations relative to "Public Assistance Cost Reduction and Transportation Independence Pilot Program Act."

2. The Legislature finds and declares that:

a. The Work First New Jersey program provides transportation assistance to eligible persons to further employment opportunities, to promote

personal responsibility and economic self-sufficiency, and to help end the cycle of dependence on public assistance;

b. The cost of providing such transportation assistance, in the form of cash payments as well as free New Jersey Transit bus and rail passes, is a worthwhile investment for the taxpayers of New Jersey and for the benefit of recipients and their families;

c. Nonprofit charitable organizations have assisted in reducing such costs, while also providing a greater degree of transportation independence to such recipients and families, by accepting donated motor vehicles and making those vehicles available for use by, or for transfer to, recipients of public assistance in order to provide independent transportation to places of employment, day care facilities, and other locations as necessary to promote employment; and

d. It is in the public interest for the State Treasurer to have the discretion to establish a pilot program to determine whether providing surplus State motor vehicles to nonprofit charitable organizations engaged in such activity may result in net cost savings to the State as well as support for transportation assistance to recipients of public assistance.

C.44:10-62.3 Establishment of pilot program for transfer of ownership of surplus State motor vehicles to certain nonprofit entities.

3. a. The State Treasurer is authorized to establish a pilot program for the transfer of ownership and title of surplus State motor vehicles to any qualified nonprofit charitable organization for the purpose of providing transportation to persons eligible for transportation assistance under the Work First New Jersey program, established under the "Work First New Jersey Act," pursuant to P.L.1997, c.38 (C.44:10-55 et seq.).

b. As used in this section, "surplus State motor vehicle" shall mean any motor vehicle that is in the custody and control of any State department, commission, board, body, or other agency of the State and is deemed by the Director of the Division of Purchase and Property in the Department of the Treasury as surplus, obsolete or no longer suitable for the purpose for which it was intended.

c. In determining whether to establish such a pilot program, the State Treasurer shall consult with the Commissioner of the Department of Human Services and shall solicit and consider information provided by county agencies responsible for administering the Work First New Jersey program. The State Treasurer shall also consider whether it may be possible to realize net cost savings to the State through such a program.

d. A pilot program established pursuant to this section, shall be designed to maximize, to the greatest extent possible, potential net cost savings to the State and shall include such terms and conditions as the State Treasurer shall provide by regulations adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

e. In determining the eligibility of a nonprofit charitable organization to participate in a pilot program established pursuant to this section, the State Treasurer shall examine the organization's experience in providing donated motor vehicles to recipients of public assistance and the availability of mass transportation facilities, including but not limited to New Jersey Transit bus or rail routes, in the geographic area in which the nonprofit organization operates.

f. The State shall not be liable for any damages that may result from the use or operation of any motor vehicle transferred pursuant to this section.

g. The State Treasurer shall report findings and recommendations to the Governor and the Legislature within two years of the establishment of a pilot program pursuant to this section.

4. This act shall take effect immediately.

Approved December 4, 2008.

CHAPTER 106

AN ACT concerning superintendents of schools and amending P.L.1991, c.267.

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

1. Section 4 of P.L.1991, c.267 (C.18A:17-20.1) is amended to read as follows:

C.18A:17-20.1 Reappointment of superintendent.

4. At the conclusion of the term of the initial contract or of any subsequent contract as hereinafter provided, the superintendent shall be deemed reappointed for another contracted term of the same duration as the previous contract unless either: a. the board by contract reappoints him for a different term which term shall be not less than three nor more than five years,

in which event reappointments thereafter shall be deemed for the new term unless a different term is again specified; or b. the board notifies the superintendent in writing that he will not be reappointed at the end of the current term, in which event his employment shall cease at the expiration of that term, provided that such notification shall be given prior to the expiration of the first or any subsequent contract by a length of time equal to 30 days for each year in the term of the current contract.

2. This act shall take effect immediately.

Approved December 4, 2008.

CHAPTER 107

AN ACT concerning motor vehicle accidents resulting in death or incapacitation to the driver or passenger, designating the act as "Daniel Mackay's Law," and amending R.S.39:4-131 and P.L.1964, c.81.

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

1. R.S.39:4-131 is amended to read as follows:

Accident reports; availability.

39:4-131. The commission shall prepare and supply to police departments and other suitable agencies, forms for accident reports calling for sufficiently detailed information with reference to a motor vehicle accident, including the cause, the conditions then existing, the persons and vehicles involved, the compliance with P.L.1984, c.179 (C.39:3-76.2e et seq.) by the operators and passengers of the vehicles involved in the accident, whether the operator of the vehicle was using a cellular telephone when the accident occurred, and such other information as the chief administrator may require.

Every law enforcement officer who investigates a vehicle accident of which report must be made as required in this Title, or who otherwise prepares a written report as a result of an accident or thereafter by interviewing the participants or witnesses, shall forward a written report of such accident to the commission, on forms furnished by it, within five days after his investigation of the accident.

Such written reports required to be forwarded by law enforcement officers and the information contained therein shall not be privileged or held confidential. Every citizen of this State shall have the right, during regular business hours and under supervision, to inspect and copy such reports and shall also have the right in person to purchase copies of the reports at the same fee established by section 6 of P.L.2001, c.404 (C.47:1A-5). If copies of reports are requested other than in person, an additional fee of up to $5.00 for the first three pages and $1.00 per page thereafter may be added to cover the administrative costs of the report. Upon request, a police department shall send an accident report to a person through the mail or via fax as defined in section 2 of P.L.1976, c.23 (C.19:59-2). The police department may require the person requesting the report to provide a completed request form and the appropriate fee prior to faxing or mailing the report. The police department shall provide the person requesting the report with the option of submitting the form and providing the appropriate fee either in person, through the mail, or via fax as defined in section 2 of P.L.1976, c.23 (C.19:59-2).

The provisions of any other law or regulation to the contrary notwithstanding, reports obtained pursuant to this act shall not be subject to confidentiality requirements except as provided by section 28 of P.L.1960, c.52 (C.2A:84A-28).

When a motor vehicle accident results in the death or incapacitation of the driver or any passenger, the law enforcement officer responsible for notifying the next of kin that their relative is deceased or incapacitated, also shall inform the relative, in writing, how to obtain a copy of the accident report required by this section and the name, address, and telephone number of the person storing the motor vehicle pursuant to section 1 of P.L.1964, c.81 (C.39:10A-1).

2. Section 1 of P.L.1964, c.81 (C.39:10A-1) is amended to read as follows:

C.39:10A-1 Public auction of abandoned motor vehicles; notices required.

1. a. When the State or any county, county park commission, municipality or any authority created by any thereof, hereinafter referred to as a "public agency," shall have taken possession of a motor vehicle found abandoned, such taking of possession shall be reported immediately to

(1) The Chief Administrator of the Motor Vehicle Commission on a form prescribed by the administrator, for verification of ownership and

(2) The National Insurance Crime Bureau.

(3) Upon receipt of verification of ownership of the vehicle from the administrator, the public agency shall within three business days provide notice of possession of the vehicle to the owner of record and the holder of any security interest filed with the administrator by telephone, mail, facsimile or electronically. The public agency may assess the person claiming the vehicle, be it the owner of record or the holder of any security interest, for the actual costs of providing the notice required under this paragraph.

(4) The public agency shall also within three business days notify the person storing the abandoned motor vehicle. The notice shall be given in the same manner as in the case of notification of the owner of record and the security interest holder and shall include the name and address of the owner of record and the holder of any security interest in the stored motor vehicle.

(5) Upon receipt of the notice required by paragraph (4) of this subsection, the person storing the abandoned motor vehicle shall provide notice to the owner of record and to any security interest holder.

(a) The notice shall be by first class mail, with a certificate of mailing, and shall include a schedule of the costs imposed for storing the motor vehicle and instructions explaining how the owner of record or the security interest holder may claim the stored motor vehicle.

(b) Except as provided in subparagraph (c) of this paragraph, if the person storing the motor vehicle fails to provide this notice to the owner of record and to the security interest holder within 30 days of the date on which the storer of the vehicle received the notice required under paragraph (4) from the public agency, the maximum amount that person may charge the owner of record or the security interest holder for storing that motor vehicle shall be $750, provided that the owner of record or security interest holder submits a proper claim for the vehicle not later than the 30th day following the date the notice is delivered from the public agency to the person storing the motor vehicle.

(c) When a vehicle is abandoned due to the death or incapacitation of the driver or any passenger, the person storing the vehicle shall charge the owner of record or the security interest holder no more than $100 for the first 72 hours after the vehicle is placed on the premises.

(d) If the owner of record or security interest holder fails to submit a proper claim for the vehicle on or before that 30th day, the person storing the motor vehicle may charge the security interest holder reasonable costs for the removal and storage of the motor vehicle. If the notice is properly provided by the person storing the motor vehicle, that person may charge the owner of record or the security interest holder reasonable costs for the

removal and storage of the motor vehicle from the date the person removed and stored the motor vehicle.

(e) The public agency may assess the person storing the abandoned motor vehicle, and the person storing the abandoned motor vehicle may assess the security interest holder, for the actual costs of providing the notices required under paragraphs (4) and (5) of this subsection.

b. When such motor vehicle which has been ascertained not to be stolen and to be one which can be certified for a junk title certificate under section 3 of P.L.1964, c.81 (C.39:10A-3) shall have remained unclaimed by the owner or other person having a legal right thereto for a period of 15 business days, even if at that time the owner has not been identified as a result of efforts to make identification by the public agency or the Motor Vehicle Commission, the same may be sold at auction in a public place. If the certified motor vehicle is sold at auction prior to identification of the owner, the public agency shall document the condition of the motor vehicle in writing and with photographs prior to the sale; document the amount obtained from the sale of the motor vehicle; and notify the owner, if his name and address are identified after the sale, of the actions taken by the public agency to dispose of the motor vehicle.

c. When a motor vehicle which cannot be certified for a junk title certificate under section 3 of P.L.1964, c.81 (C.39:10A-3) remains unclaimed by the owner or other person having a legal right thereto for a period of 20 business days, the motor vehicle may be sold at auction in a public place, but shall be sold no later than 90 business days after the public agency takes possession of the vehicle, except that a waiver of the 90-day limit may be obtained for good cause from the Division of Local Government Services in the Department of Community Affairs.

d. The public agency shall give notice of a sale conducted pursuant to subsection b. or c. of this section, by certified mail, to the owner, if his name and address be known and to the holder of any security interest filed with the administrator, and by publication in a form to be prescribed by the 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 such motor vehicle is held.

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

Approved December 4, 2008.

CHAPTER 108

AN ACT establishing an Organized Retail Theft Task Force.

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

1. There is established an Organized Retail Theft Task Force. The task force shall consist of nine members, to be appointed as follows:

a. Seven members by the Governor, as follows:

(1) A representative from the New Jersey Food Council;

(2) A representative from the New Jersey Retail Merchants Association;

(3) A representative from the New Jersey State Association of Chiefs of Police;

(4) A member with experience as a flea market vendor;

(5) A member representing an e-commerce website;

(6) A representative of the International Council of Shopping Centers; and

(7) A county prosecutor; and

b. The Attorney General or his designee; and

c. The Director of Consumer Affairs or his designee.

2. The public members shall be appointed within three months of enactment and shall, to the greatest extent practicable, have, by education or experience, knowledge of organized retail theft, and the possible effects of measures implemented to counter losses from such theft. Any vacancy in the public membership of the task force shall be filled by appointment in the same manner as the original appointment was made.

The task force shall organize as soon as possible after the appointments of its members. The Attorney General, or his designee, shall serve as the chair of the task force and shall appoint a secretary, who need not be a member of the task force. The members shall select a vice chair from among themselves.

3. The task force shall focus on organized retail theft, and shall examine the advantages and drawbacks of instituting various measures to counter losses from such theft in New Jersey. In conducting its inquiry, the task force shall study initiatives which have been adopted or considered in other states and countries and determine their effect on businesses and economic development. The task force shall compare these various initiatives and establish an opinion on which components of the policies would provide the most benefit if adopted in New Jersey.

4. The task force shall be entitled to call to its assistance and shall avail itself of the services of the employees of any State, county, or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes. The task force shall further be entitled to employ counsel and stenographic and clerical assistance and incur traveling and other miscellaneous expenses as it may deem necessary to perform its duties, within the limits of funds appropriated or otherwise made available for its purposes.

5. The task force may conduct public hearings in furtherance of its general purposes at such place or places as it shall designate, at which it may request the appearance of officials of any federal, State, or interstate department, board, bureau, commission, agency, or authority and solicit the testimony of interested groups and the general public.

6. The task force shall report its progress to the Governor and Legislature annually, with the first report no later than 12 months after its organization, and shall issue a final proposal to the Governor and Legislature no later than three years after its organization. The final proposal shall outline the findings of the task force, including, but not limited to:

a. The advantages and drawbacks of implementing the various measures intended to counter losses from organized retail theft, in general;

b. Guidelines outlining specific components that any measures concerning organized retail theft should include, if any were to be adopted in New Jersey, to ensure the most successful implementation possible; and

c. A recommendation as to what, if any, legislation New Jersey should adopt to help combat organized retail theft in this State.

7. The members of the task force shall serve without compensation, but may be reimbursed for necessary expenses incurred in the performance of their duties. Any reimbursement of members shall be within the limits of funds appropriated or otherwise made available to the task force for its purposes.

8. This act shall take effect immediately, and shall expire upon the filing of the task force's final proposal to the Governor and Legislature in accordance with the provisions of section 6 of this act.

Approved December 4, 2008.

CHAPTER 109

AN ACT concerning the New Jersey Hall of Fame and amending P.L.1985, c.325 and P.L.2005, c.232.

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

1. Section 1 of P.L.1985, c.325 (C.5:10-6.1) is amended to read as follows:

C.5:10-6.1 New Jersey Hall of Fame.

1. a. The New Jersey Sports and Exposition Authority created by P.L.1971, c.137 (C.5:10-1 et seq.) is authorized to establish a New Jersey Hall of Fame as a project either within the Meadowlands complex, or within the State of New Jersey, but outside of the Meadowlands complex, at a site that the commissioners of the New Jersey Hall of Fame Advisory Commission and the board of trustees of the Foundation for the New Jersey Hall of Fame, acting jointly, determine to be appropriate to meet the requirements of the New Jersey Hall of Fame project and to best serve the interests of the public. With respect to this project, the authority may exercise all the rights and powers relating to the Meadowlands complex granted to the authority under P.L.1971, c.137 (C.5:10-1 et seq.) as though the rights and powers were granted under P.L.1985, c.325 (C.5:10-6.1) and P.L.2005, c.232 (C.5:10-6.4 et al.), and made applicable to a New Jersey Hall of Fame.

b. The New Jersey Sports and Exposition Authority shall establish a New Jersey Hall of Fame corporation, hereinafter referred to as the "hall of fame corporation," to operate and manage the New Jersey Hall of Fame project authorized by subsection a. of this section. The corporation shall be established as a separate, nonprofit corporation to be incorporated as a New Jersey nonprofit corporation pursuant to P.L.1983, c.127 (N.J.S.15A:1-1 et seq.), and organized and operated in such manner as to be eligible under applicable federal law for tax-exempt status, and shall be authorized to sue and to be sued as a legal entity separate from the authority and from the State of New Jersey. The voting membership of the board of directors of the hall of fame corporation shall consist of the members of the board of trustees of the Foundation for the New Jersey Hall of Fame established pursuant to subsection a. of section 6 of P.L.2005, c.232 (C.5:10-6.8), but may, subject to any bylaws of the corporation adopted by the voting membership

of the board of directors thereof, include as nonvoting ex officio members the members of the New Jersey Hall of Fame Advisory Commission established pursuant to section 4 of P.L.2005, c.232 (C.5:10-6.6).

c. The terms of the 11 members appointed by the Governor to the board of directors of the New Jersey Sports Hall of Fame pursuant to P.L.1985, c.325 (C.5:10-6.1), shall continue after the effective date of P.L.2005, c.232 (C.5:10-6.4 et al.) and such board members serving on the effective date of P.L.2005, c.232 (C.5:10-6.4 et al.) shall serve as members of the New Jersey Hall of Fame Advisory Commission established pursuant to section 4 of P.L.2005, c.232 (C.5:10-6.6) until the expiration of their terms.

2. Section 5 of P.L.2005, c.232 (C.5:10-6.7) is amended to read as follows:

C.5:10-6.7 Duties, authority of commission.

5. a. It shall be the duty of the commission to develop plans for establishing and operating a New Jersey Hall of Fame and to provide information to the authority with respect to the operation, management and location of the New Jersey Hall of Fame as a project at a site either within the Meadowlands complex, or within the State of New Jersey, but outside of the Meadowlands complex, that the commission determines to be appropriate to meet the requirements of the New Jersey Hall of Fame project and to best serve the interests of the public, giving due consideration to architectural designs, development of new structures or the adapting of existing structures within which the New Jersey Hall of Fame may be located, criteria for selection of nominees to the Hall of Fame, the annual ceremonies for the induction of nominees into the Hall of Fame and other areas the commission may deem relevant to the creation at a site either within the Meadowlands complex, or within the State of New Jersey, but outside of the Meadowlands complex, of a New Jersey Hall of Fame including, but not limited to, such programs and events that the Foundation for the New Jersey Hall of Fame, established pursuant to section 6 of P.L.2005, c.232 (C.5:10-6.8), may wish to consider in connection with the foundation's fund-raising activities to support the operation, maintenance, support and promotion of the New Jersey Hall of Fame and to support charitable organizations that directly benefit children in need in New Jersey and throughout the world.

b. The commission shall also develop policies to improve the image of New Jersey, promote the heritage of the residents of this State and instill pride in the State by increasing the public's awareness of the contributions

made to society by past and present residents of New Jersey, make recommendations for local and State actions to follow up the commission's goals and consider such other matters relating to the accomplishment of its goals as the commission may deem appropriate.

c. The commission shall be authorized, within the limits of the funds made available to it for its purposes, to employ an executive director and professional, technical and administrative personnel and to contract for such professional and administrative services, and incur traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties. No member of the commission shall engage in any business transaction or professional activity for profit with the State of New Jersey. Employees of the commission shall not be construed to be employees of the State of New Jersey.

d. The commission shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for this purpose.

e. The foundation is authorized to receive and administer gifts, contributions, and funds from public and private sources to be expended solely for the purposes provided in this section.

3. This act shall take effect immediately.

Approved December 4, 2008.

CHAPTER 110

AN ACT concerning municipal and county authority over roads and amending R.S.39:4-8, R.S.39:4-197, R.S.39:4-201, P.L.1945, c.284, and P.L.2004, c.107 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.39:4-8 is amended to read as follows:

Commissioner of Transportation's approval required; exceptions.

39:4-8. a. Except as otherwise provided in this section, no ordinance, resolution, or regulation concerning, regulating, or governing traffic or traf-

fic conditions, adopted or enacted by any board or body having jurisdiction over highways, shall be of any force or effect unless the same is approved by the commissioner, according to law. The commissioner shall not be required to approve any such ordinance, resolution, or regulation, unless, after investigation by the commissioner, the same shall appear to be in the interest of safety and the expedition of traffic on the public highways. The commissioner's investigation need not include more than a review of the ordinance, resolution, or regulation, and the supporting documentation submitted by a board or body having jurisdiction over highways, unless the commissioner determines that additional investigation is warranted.

Prior to the adoption of any municipal or county ordinance, resolution, or regulation, which places any impact on roadways in an adjoining municipality or county, the governing board or body of the municipality or county shall provide appropriate notice to the adjoining municipality or county.

Notwithstanding any other provision of this section to the contrary, any municipal or county ordinance, resolution, or regulation which places any impact on a State roadway shall require the approval of the commissioner.

Where the commissioner's approval is required, a certified copy of the adopted ordinance, resolution, or regulation shall be transmitted by the clerk of the municipality or county, as applicable, to the commissioner within 30 days of adoption, together with: a copy of the municipal or county engineer's certification, a statement of the reasons for the municipal or county engineer's decision, detailed information as to the location of streets, intersections, and signs affected by the ordinance, resolution, or regulation, and traffic count, crash, and speed sampling data, when appropriate. The commissioner may invalidate the provisions of the ordinance, resolution, or regulation if the commissioner finds that the provisions of the ordinance, resolution, or regulation are inconsistent with the Manual on Uniform Traffic Control Devices for Streets and Highways, inconsistent with accepted engineering standards, are not based on the results of an accurate traffic and engineering survey, or place an undue traffic burden or impact on the State highway system, or affect the flow of traffic on the State highway system.

b. (1) A municipality may, without the approval of the commissioner, and consistent with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways, establish by ordinance, resolution, or regulation, any of the provisions contained in R.S.39:4-197.

(a) (Deleted by amendment, P.L.2008, c.110)

(b) (Deleted by amendment, P.L.2008, c.110)

(c) (Deleted by amendment, P.L.2008, c.110)

(d) (Deleted by amendment, P.L.2008, c.110)

(2) A county may, without the approval of the commissioner, and consistent with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways, establish by ordinance, resolution, or regulation, any of the provisions contained in R.S.39:4-197.

(a) (Deleted by amendment, P.L.2008, c.110)

(b) (Deleted by amendment, P.L.2008, c.110)

(c) (Deleted by amendment, P.L.2008, c.110)

(d) (Deleted by amendment, P.L.2008, c.110)

(3) The municipal or county engineer shall, under his seal as a licensed professional engineer, certify to the governing body of the municipality or county, as appropriate, that any designation or erections of signs or placement of pavement markings has been approved by the engineer after investigation of the circumstances, appears to the engineer to be in the interest of safety and the expedition of traffic on the public highways, and conforms to the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways, as adopted by the commissioner.

The provisions of the ordinance, resolution, or regulation shall be consistent with the Manual on Uniform Traffic Control Devices for Streets and Highways, consistent with accepted engineering standards, based on the results of an accurate traffic and engineering survey, and not place an undue traffic burden or impact on streets in an adjoining municipality or negatively affect the flow of traffic on the State highway system.

Nothing in this subsection shall allow municipalities to designate any intersection with any highway under State or county jurisdiction as a stop or yield intersection or counties to designate any intersection with any highway under State or municipal jurisdiction as a stop or yield intersection.

c. Subject to the provisions of R.S.39:4-138, in the case of any street under municipal or county jurisdiction, a municipality or county may, without the approval of the commissioner, and consistent with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways, by ordinance, resolution, or regulation:

(1) prohibit or restrict general parking;

(2) designate restricted parking under section 1 of P.L.1977, c.309 (C.39:4-197.6);

(3) designate time limit parking;

(4) install parking meters;

(5) designate loading and unloading zones and taxi stands;

(6) approve street closings for periods up to 48 continuous hours;

(7) designate restricted parking under section 1 of P.L.1977, c.202 (C.39:4-197.5);

(8) establish angle parking; and

(9) reinstate or add parking on any street.

d. A municipality or county may, without the approval of the commissioner, and consistent with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways, by ordinance, resolution, or regulation, regarding any street under its jurisdiction, install or place an in-street pedestrian crossing right-of-way sign at a marked crosswalk or unmarked crosswalk at an intersection. The installation shall be subject to guidelines issued by the commissioner after consultation with the Director of the Division of Highway Traffic Safety in the Department of Law and Public Safety. The guidelines shall be aimed at ensuring safety to both pedestrians and motorists including, but not limited to, the proper method of sign installation, dimensions, composition of material, proper placement points and maintenance. A claim against the State or a municipality or county for damage or injury under this subsection for a wrongful act or omission shall be dismissed if the municipality or county is deemed to have conformed to the guidelines required hereunder.

e. A municipality or county may, without the approval of the commissioner, and consistent with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways, by ordinance, resolution, or regulation in any street under its jurisdiction, designate stops, stations, or stands for omnibuses. The designation shall be subject to guidelines issued by the commissioner. The guidelines shall be aimed at ensuring safety to both pedestrians and motorists including, but not limited to, the proper method of sign installation, dimensions, composition of material, proper placement points, and maintenance. A claim against the State or a municipality or county for damage or injury under this subsection for a wrongful act or omission shall be dismissed if the municipality or county is deemed to have conformed to the guidelines required hereunder.

2. R.S.39:4-197 is amended to read as follows:

Ordinance, resolution, regulation on matters covered by chapter.

39:4-197. Except as otherwise provided in R.S.39:4-8, no municipality shall pass an ordinance or resolution on a matter covered by or which alters or in any way nullifies the provisions of this chapter or any supplement to this chapter; except that a municipality may pass, without the approval of the commissioner, and consistent with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways, ordinances or resolutions, or by ordinances or resolutions may authorize the

adoption of regulations by the board, body, or official having control of traffic in the public streets, regulating special conditions existent in the municipality on the subjects and within the limitations following:

(1) Ordinance:

a. Altering speed limitations as provided in R.S.39:4-98;

b. Limiting use of streets to certain class of vehicles, except that nothing in this paragraph shall permit a municipality to pass an ordinance or resolution limiting use of streets by commercial motor vehicles without the approval of the commissioner;

c. Designating one-way streets;

d. Regulating the stopping or starting of street cars at special places, such as railroad stations, public squares or in front of certain public buildings;

e. Regulating the passage or stopping of traffic at certain congested street corners or other designated points, including the establishment of multi-way stop controls;

f. Regulating the parking of vehicles on streets and portions thereof, including angle parking as provided in R.S.39:4-135;

g. Regulating the parking of vehicles upon land owned or leased and maintained by the municipality, a parking authority or the board of education of a school district, including any lands devoted to the public parking of vehicles, the entrances thereto and exits therefrom;

h. Regulating the entrances to and exits from parking yards and parking places which are open to the public or to which the public is invited, except that this shall not apply to entrances or exits to and from State highways;

i. Designating streets or roads upon which buses and trucks over four tons gross weight may be required not to exceed specially fixed limits based on engineering and traffic investigation and to use a lower gear in descending steep declivities having a grade in excess of 5% fixing such special speed limits and providing for the use of such a gear thereon; and

j. Designating any intersection as a stop intersection and erecting appropriate signs, on streets under municipal jurisdiction if that intersection is located within 500 feet of a school, or of a playground or youth recreational facility and the street on which the stop sign will be erected is contiguous to that school, playground, or youth recreational facility. The municipal engineer shall certify to the following in regard to the designated site in which a stop intersection is being designated: (i) that both intersecting streets are under municipal jurisdiction; (ii) that the intersection is within 500 feet of a school, playground, or youth recreational facility as defined herein; and (iii) that the intersection is on a street contiguous to a school, playground, or youth recreational facility. A claim against a municipality for damage or

injury under this subparagraph for a wrongful act or omission shall be dismissed if the municipality is deemed to have conformed to the provisions contained in this subparagraph.

(2) Ordinance or resolution:

a. Designating through streets, as provided in article 17 of this chapter (R.S.39:4-140 et seq.); and

b. Designating and providing for the maintenance as "no passing" zones of portions of highway where overtaking and passing or driving to the left of the roadway is deemed especially hazardous.

(3) Ordinance, resolution, or regulation:

a. Designating stops, stations, or stands for omnibuses and taxis;

b. Designating curb loading zones; and

c. Designating restricted parking spaces for use by persons who have been issued special vehicle identification cards by the New Jersey Motor Vehicle Commission pursuant to the provisions of P.L.1949, c.280 (C.39:4-204 et seq.) and section 1 of P.L.1977, c.202 (C.39:4-197.5). Any person parking a motor vehicle in a restricted parking space without a special vehicle identification card shall be liable to a fine of $250 for the first offense and, for subsequent offenses, a fine of at least $250 and up to 90 days' community service on such terms and in such form as the court shall deem appropriate, or any combination thereof.

3. R.S.39:4-201 is amended to read as follows:

Resolutions, ordinances, regulations pertaining to traffic on county roads; notice; penalties.

39:4-201. Except as otherwise provided in R.S.39:4-8, no governing body of any county in this State may adopt resolutions, ordinances, or regulations on a matter covered by or which alters or in any way nullifies the provisions of this chapter or of any supplement thereto, except that, without the approval of the commissioner, and consistent with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways, ordinances, resolutions, or regulations may be passed by a governing body for the supervision and regulation of traffic on any county roads of the county upon the subject matter and within the limitations prescribed in R.S.39:4-197, and the governing body may prescribe penalties for violations of the resolutions, ordinances, or regulations; provided, however, that a fine of not less than $50.00 be imposed upon the violator of an ordinance, resolution, or regulation, as the case may be, establishing parking spaces for the handicapped.

Matters pertaining to the supervision and regulation of traffic, to be established by ordinance, resolution, or regulation pursuant to R.S.39:4-197, shall in counties operating under the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.) be established by ordinance.

No ordinance, resolution, or regulation adopted pursuant to this section shall be effective unless due notice to the public is given as provided in R.S.39:4-198.

The penalties may be enforced by the proper method of procedure before a magistrate. In default of the payment of the penalty, the magistrate may commit the offender to the county jail for a period not exceeding 5 days.

4. Section 1 of P.L.2004, c.107 (C.39:4-8.9) is amended to read as follows:

C.39:4-8.9 Definitions relative to speed humps.

1. As used in this act:

"Department" means the Department of Transportation.

"Private roads" means semipublic or private roads, streets, driveways, parkways, parking areas, or other roadways owned by a private person, corporation or institution open to or used by the public for the purposes of vehicular travel by permission of such persons, corporations or institutions and not as a matter of public right.

"Speed hump" means one of several traffic calming measures which use forces of vertical acceleration to discourage speeding. For purposes of this chapter, speed humps means all vertical speed deflectors, including but not limited to, speed tables, raised crosswalks, raised intersections, and modified speed humps.

"Vertical speed deflector" means a raised area in the roadway pavement surface extending transversely across the travel way.

5. Section 2 of P.L.2004, c.107 (C.39:4-8.10) is amended to read as follows:

C.39:4-8.10 Construction of speed humps, traffic calming measures by municipality, county.

2. a. Pursuant to the provisions of section 3 of P.L.2004, c.107 (C.39:4-8.11), a municipality or county may, without the approval of the commissioner, construct a speed hump on two-lane residential streets and on one-way residential streets under municipal or county jurisdiction with a posted speed of 30 mph or less and which have fewer than 3,000 vehicles per day. The board of

directors of any corporation, or the board of trustees of any corporation or other institution of a public or semipublic nature not for pecuniary profit, having control over private roads, may construct or provide for the construction of a speed hump on any private road subject to the provisions of Title 39 of the Revised Statutes, pursuant to P.L.1945, c.284 (C.39:5A-1 et seq.).

b. Pursuant to the provisions of section 3 of P.L.2004, c.107 (C.39:4-8.11), a municipality or county may, without the approval of the commissioner, construct traffic calming measures where appropriate, which may include, but are not limited to, speed humps on streets under municipal or county jurisdiction with a posted speed of 30 mph or less and which have fewer than 3,000 vehicles per day when any road construction project or repair of a street set forth in this subsection is undertaken and located within 500 feet of that street is a school or any property used for school purposes.

c. Prior to a municipality or county constructing a speed hump which places any impact on roadways in an adjoining municipality or county, the governing board or body of the municipality or county shall provide appropriate notice to the adjoining municipality or county.

d. Prior to a municipality or county constructing a speed hump which places any impact on a State roadway, the county or municipality shall obtain the approval of the commissioner.

6. Section 1 of P.L.1945, c.284 (C.39:5A-1) is amended to read as follows:

C.39:5A-1 Written request; provisions made applicable.

1. Upon the filing of a written request by a person, or by the board of directors of any corporation, or by the board of trustees of any corporation or other institution of a public or semipublic character not for pecuniary profit, incorporated under Title 15 of the Revised Statutes, with the clerk of any municipality of this State within which the property of such person, corporation or institution is situate, that the provisions of subtitle 1, Title 39, of the Revised Statutes shall be made applicable to the semipublic or private roads, streets, driveways, trails, terraces, bridle paths, parkways, parking areas, or other roadways open to or used by the public, tenants, employees, and the members of such institutions for purposes of vehicular travel by permission of such persons, corporations, or institutions and not as matter of public right, the provisions of subtitle 1, Title 39, of the Revised Statutes, shall, in the discretion of the municipal authorities vested with the police powers in the locality within which the property of such persons, corporations, or institutions is situate, be made applicable thereto.

Such written request shall contain the name and post office address of the person, corporation or institution and shall designate with reasonable accuracy the semipublic or private roads, streets, driveways, trails, terraces, bridle paths, parkways, parking areas, or other roadway open to or used by vehicular traffic, to be affected thereby.

C.39:4-8.19 Request for commissioner's review; fees; rules, regulations.

7. a. Notwithstanding the provisions of R.S.39:4-8, a municipality or county may request the commissioner's review and non-binding recommendation regarding any proposed municipal or county ordinance, resolution, or regulation that would concern, regulate, or otherwise govern traffic or traffic conditions, and for which the approval of the commissioner is not required pursuant to R.S.39:4-8, prior to the adoption or enactment of that proposed ordinance, resolution, or regulation. Any ordinance, resolution, or regulation submitted for the commissioner's review shall include a municipal or county traffic engineer's recommendation regarding the proposed traffic regulation. The commissioner shall assess a municipality or a county a non-refundable fee for the commissioner's review. All fees collected by the commissioner for the review shall be utilized by the department to offset costs incurred by the department in processing the request.

b. The commissioner shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and regulations necessary to effectuate the purposes of this section, including but not limited to, establishing guidelines for the review process and applicable fees.

8. This act shall take effect immediately.

Approved December 4, 2008.

CHAPTER 111

AN ACT concerning termination of lease agreements in rental premises, supplementing Title 46 of the Revised Statutes, and amending P.L.1971, c.223.

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

C.46:8-9.4 Short title.

1. Sections 1 through 8 and 10 of P.L.2008, c.111 (C.46:8-9.4 et seq.) shall be known and may be cited as the "New Jersey Safe Housing Act."

C.46:8-9.5 Findings, declarations relative to termination of lease agreements by domestic violence victims.

2. The Legislature finds and declares:

a. Domestic violence is a serious crime that materially affects the health and safety of numerous New Jersey tenants and there are thousands of persons in this State who are regularly beaten, tortured, sexually assaulted and, in some cases, killed by their spouses or cohabitants;

b. The inability to terminate a lease and its corresponding financial obligations may prevent domestic violence victims from leaving abusive relationships and seeking help;

c. Domestic violence victims require an efficient method of terminating their lease obligations to escape abuse without that damaging their credit and rental history and, consequently, their ability to secure other safe housing; and

d. The assistance and cooperation of the entire community, including landlords, neighbors, and employers, is necessary to reduce the incidence of domestic violence in our State.

C.46:8-9.6 Requirements for termination of lease.

3. The tenant may terminate any lease of a residential property that has been leased and used by the tenant solely for the purpose of providing a dwelling place for the tenant, or for the tenant's family, prior to the expiration date thereof, if the tenant fulfills all requirements and procedures as established by P.L.2008, c.111 (C.46:8-9.4 et al.) and provides the landlord with:

a. written notice that the tenant or a child of the tenant faces an imminent threat of serious physical harm from another named person if the tenant remains on the leased premises; and

b. any of the following:

(1) a certified copy of a permanent restraining order issued by a court pursuant to section 13 of "The Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-29), and protecting the tenant from the person named in the written notice;

(2) a certified copy of a permanent restraining order from another jurisdiction, issued pursuant to the jurisdiction's laws concerning domestic violence, and protecting the tenant from the person named in the written notice;

(3) a law enforcement agency record documenting the domestic violence, or certifying that the tenant or a child of the tenant is a victim of domestic violence;

(4) medical documentation of the domestic violence provided by a health care provider;

(5) certification, provided by a certified Domestic Violence Specialist, or the director of a designated domestic violence agency, that the tenant or a child of the tenant is a victim of domestic violence; or

(6) other documentation or certification, provided by a licensed social worker, that the tenant or a child of the tenant is a victim of domestic violence.

C.46:8-9.7 Effective date of lease termination, conditions affecting co-tenants.

4. a. Lease terminations pursuant to section 3 of P.L.2008, c.111 (C.46:8-9.6) shall take effect on the thirtieth day following receipt by the landlord of notice complying with section 3 of P.L.2008, c.111 (C.46:8-9.6), unless the landlord and tenant agree on an earlier termination date. The rent shall be paid, pro rata, up to the time a lease terminates pursuant to this section.

b. A lease terminates under section 3 of P.L.2008, c.111 (C.46:8-9.6) only if the victim of domestic violence acts in good faith and fulfills all requirements and procedures as established by section 3 of P.L.2008, c.111 (C.46:8-9.6) in terminating the lease.

c. If there are tenants on the lease other than the tenant who has given notice of termination as described in section 3 of P.L.2008, c.111 (C.46:8-9.6), those co-tenants' lease also terminates, notwithstanding any provisions in section 2 of P.L.1974, c.49 (C.2A:18-61.1) requiring certain grounds for eviction to the contrary. The co-tenants may enter into a new lease, for a new term, at the option of the landlord. Nothing in this section shall prohibit any co-tenants of the victim of domestic violence from holding over if holding over is permitted by the landlord.

C.46:8-9.8 Notice relative to public housing leases.

5. Where the leased premises are under the control of a public housing authority or redevelopment agency, the victim of domestic violence shall give notice in accordance with any relevant regulations pertaining to public housing leases. When the terms of the tenancy are controlled by a publicly-funded housing assistance contract, notice and security deposit terms, requirements, and protections shall conform and be subject to restrictions, limitations or other requirements imposed by State or federal law.

C.46:8-9.9 Waiving of rights, remedies prohibited.

6. The parties to a lease agreement creating a tenancy in residential rental property may not agree to waive any rights or remedies arising under P.L.2008, c.111 (C.46:8-9.4 et al.).

C.46:8-9.10 Existing lease agreements unaffected.

7. Nothing in P.L.2008, c.111 (C.46:8-9.4 et al.) shall operate to alter, limit or impair the terms of lease agreements existing at the time of the adoption of P.L.2008, c.111 (C.46:8-9.4 et al.).

C.46:8-9.11 Disclosure of certain information by landlord prohibited; exceptions.

8. A landlord shall not disclose information documenting domestic violence that has been provided to the landlord by a victim of domestic violence pursuant to section 3 of P.L.2008, c.111 (C.46:8-9.6). The information shall not be entered into any shared database or provided to any person or entity, but may be used when required as evidence in an eviction proceeding, action for unpaid rent or damages arising out of the tenancy, with the consent of the tenant, or as otherwise required by law.

9. Section 3 of P.L.1971, c.223 (C.46:8-21.1) is amended to read as follows:

C.46:8-21.1 Return of deposit; displaced tenant; termination of lease; civil penalties, certain.

3. Within 30 days after the termination of the tenant's lease or licensee's agreement, the owner or lessee shall return by personal delivery, registered or certified mail the sum so deposited plus the tenant's portion of the interest or earnings accumulated thereon, less any charges expended in accordance with the terms of a contract, lease, or agreement, to the tenant or licensee, or, in the case of a lease terminated pursuant to P.L.1971, c.318 (C.46:8-9.1), the executor or administrator of the estate of the tenant or licensee or the surviving spouse of the tenant or licensee so terminating the lease. The interest or earnings and any such deductions shall be itemized and the tenant, licensee, executor, administrator or surviving spouse notified thereof by personal delivery, registered or certified mail. Notwithstanding the provisions of this or any other section of law to the contrary, no deductions shall be made from a security deposit of a tenant who remains in possession of the rental premises.

Within five business days after:

a. the tenant is caused to be displaced by fire, flood, condemnation, or evacuation, and

b. an authorized public official posts the premises with a notice prohibiting occupancy; or

c. any building inspector, in consultation with a relocation officer, where applicable, has certified within 48 hours that displacement is expected

to continue longer than seven days and has so notified the owner or lessee in writing, the owner or lessee shall have available and return to the tenant or the tenant's designated agent upon his demand the sum so deposited plus the tenant's portion of the interest or earnings accumulated thereon, less any charges expended in accordance with the terms of the contract, lease or agreement and less any rent due and owing at the time of displacement.

Within 15 business days after a lease terminates as described in section 3 of P.L.2008, c.111 (C.46:8-9.6), the owner or lessee shall have available and return to the tenant or the tenant's designated agent upon his demand any money or advance of rent deposited as security plus the tenant's portion of the interest or earnings accumulated thereon, including the portion of any money or advance of rent due to a victim of domestic violence terminating a lease pursuant to section 3 of P.L.2008, c.111 (C.46:8-9.6), less any charges expended in accordance with the terms of the contract, lease or agreement and less any rent due and owing at the time of the lease termination.

Such net sum shall continue to be available to be returned upon demand during normal business hours for a period of 30 days at a location in the same municipality in which the subject leased property is located and shall be accompanied by an itemized statement of the interest or earnings and any deductions. The owner or lessee may, by mutual agreement with the municipal clerk, have the municipal clerk of the municipality in which the subject leased property is located return said net sum in the same manner. Within three business days after receiving notification of the displacement, the owner or lessee shall provide written notice to a displaced tenant by personal delivery or mail to the tenant's last known address. In the event that a lease terminates as described in section 3 of P.L.2008, c.111 (C.46:8-9.6), within three business days after the termination, the owner or lessee shall provide written notice to the victim of domestic violence by personal delivery or mail to the tenant's last known address. Such notice shall include, but not be limited to, the location at which and the hours and days during which said net sum shall be available to him. The owner or lessee shall provide a duplicate notice in the same manner to the relocation officer. Where a relocation officer has not been designated, the duplicate notice shall be provided to the municipal clerk. When the last known address of the tenant is that from which he was displaced and the mailbox of that address is not accessible during normal business hours, the owner or lessee shall also post such notice at each exterior public entrance of the property from which the tenant was displaced. Notwithstanding the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.), or any other law to the contrary, the

municipal clerk, and any designee, agent or employee of the municipal clerk, shall not knowingly disclose or otherwise make available personal information about any victim of domestic violence that the clerk or any designee, agent or employee has obtained pursuant to the procedures described in section 3 of P.L.1971, c.223 (C.46:8-21.1).

Any such net sum not demanded by and returned to the tenant or the tenant's designated agent within the period of 30 days shall be redeposited or reinvested by the owner or lessee in an appropriate interest bearing or dividend yielding account in the same investment company, State or federally chartered bank, savings bank or savings and loan association from which it was withdrawn. In the event that said displaced tenant resumes occupancy of the premises, said tenant shall redeliver to the owner or lessee one-third of the security deposit immediately, one-third in 30 days and one-third 60 days from the date of reoccupancy. Upon the failure of said tenant to make such payments of the security deposit, the owner or lessee may institute legal action for possession of the premises in the same manner that is authorized for nonpayment of rent.

The Commissioner of Community Affairs, the Public Advocate, the Attorney General, or any State entity which made deposits on behalf of a tenant may impose a civil penalty against an owner or lessee who has willfully and intentionally withheld deposits in violation of section 1 of P.L.1967, c.265 (C.46:8-19), when the deposits were made by or on behalf of a tenant who has received financial assistance through any State or federal program, including welfare or rental assistance. An owner or lessee of a tenant on whose behalf deposits were made by a State entity and who has willfully and intentionally withheld such deposits in violation of this section shall be liable for a civil penalty of not less than $500 or more than $2,000 for each offense. The penalty prescribed in this paragraph shall be collected and enforced by summary proceedings pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The State entity which made such deposits on behalf of a tenant shall be entitled to any penalty amounts recovered pursuant to such proceedings.

In any action by a tenant, licensee, executor, administrator or surviving spouse, or other person acting on behalf of a tenant, licensee, executor, administrator or surviving spouse, for the return of moneys due under this section, the court upon finding for the tenant, licensee, executor, administrator or surviving spouse shall award recovery of double the amount of said moneys, together with full costs of any action and, in the court's discretion, reasonable attorney's fees.

C.46:8-9.12 Inapplicability of act to seasonal use, rental.

10. The provisions of P.L.2008, c.111 (C.46:8-9.4 et al.) shall not apply to any lease for the seasonal use or rental of real property. For purposes of this paragraph "seasonal use or rental" means use or rental for a term of not more than 125 consecutive days for residential purposes by a person having a permanent place of residence elsewhere, but shall not include use or rental of living quarters for seasonal, temporary or migrant farm workers in connection with any work or place where work is being performed. The landlord shall have the burden of proving that the use or rental of the residential property is seasonal.

11. This act shall take effect immediately.

Approved December 4, 2008.

CHAPTER 112

AN ACT establishing a grant program to stimulate certain capital investment and job creation in New Jersey during a limited period, supplementing P.L.1974, c.80 (C.34:1B-1 et seq.) and making appropriations.

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

C.34:1B-237 Short title.

1. This act shall be known and may be cited as the "InvestNJ Business Grant Program Act."

C.34:1B-238 Definitions relative to the "InvestNJ Business Grant Program Act."

2. As used in this act:

"Authority" means the New Jersey Economic Development Authority established by section 4 of P.L.1974, c.80 (C.34:1B-4).

"Business" means any entity including, but not limited to a corporation, an S corporation, limited liability corporation, partnership, limited liability partnership, and sole proprietorship, and shall include all entities related by common ownership or control.

"Capital investment" means expenses of at least $5,000 incurred for the direct use and operation of a business for (1) the site preparation and construction, renovation, improvement, equipping of, or obtaining and installing fixtures and machinery, apparatus or equipment in, a newly constructed,

renovated or improved building, structure, facility, or improvement to real property; and (2) obtaining and installing fixtures and machinery, apparatus or equipment in a building, structure, or facility. Provided however, that "capital investment" shall not include soft costs such as financing and design, furniture or decorative items such as artwork or plants, or office equipment if the office equipment is property with a recovery period of less than five years. The recovery period of any property, for purposes of this section, shall be determined as of the date such property is first placed in service or use in this State by the business, determined in accordance with section 168 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.168). "Capital investment" shall also include remediation of a business facility site, but only to the extent the remediation has not received financial assistance from another federal, State or local government funding source.

"Chief Executive Officer" means the Chief Executive Officer of the New Jersey Economic Development Authority.

"Eligible position" means a full-time position filled by an individual whose wages are subject to withholding as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. An eligible position shall include only a position for which a business provides employee health benefits under a group health plan as defined under section 14 of P.L.1997, c.146 (C.17B:27-54), a health benefits plan as defined under section 1 of P.L.1992, c.162 (C.17B:27A-17), or a policy or contract of health insurance covering more than one person issued pursuant to Article 2 of chapter 27 of Title 17B of the New Jersey Statutes. An eligible position shall not include an independent contractor or a consultant.

C.34:1B-239 Invest in New Jersey Business Grant Program.

3. a. There is established the Invest in New Jersey Business Grant Program to be administered by the New Jersey Economic Development Authority. The program shall include an investment grant component to provide an incentive to businesses, during the current national economic crisis, to encourage capital investments by the award of grants of up to 7 percent of the qualifying capital investment made by a business in New Jersey during a limited period.

b. The Chief Executive Officer shall approve the issuance of a grant to a business that:

(1) has operated continuously for at least two years prior to filing an application for a grant;

(2) employs at least 5 full-time employees; and

(3) makes a capital investment in New Jersey after the effective date of P.L.2008, c.112 (C.34:1B-237 et seq.) but prior to January 1, 2011.

c. A business seeking to participate in the investment grant component shall submit an application in such form as required by the Chief Executive Officer. Such application shall include such information as the officer shall determine is necessary to administer the grant program. All applications shall be submitted prior to January 1, 2011.

d. The Chief Executive Officer shall review and may approve an application for the grant program. The Chief Executive Officer shall issue payment of the grant amount pursuant to a series of scheduled payments as the Chief Executive Officer may determine and subject to the submission of proof by an approved applicant of the expenditures contributing to the capital investment. A grantee that fails to comply with a grant agreement that shall be made as a condition of a grant award shall repay any grant amount received and, if so determined by the Chief Executive Officer, shall pay a penalty not in excess of ten percent of the grant amount.

e. The value of the grant shall be 7 percent of the capital investment provided that no grantee shall receive more than $1,000,000 pursuant to this section. Provided further, that the sum of grants awarded pursuant to this section shall not exceed $70,000,000 of which not more than $20,000,000 shall be allocated for capital investment grants described under paragraph (2) of "capital investment" as defined in section 2 of this act.

f. For the purpose of determining eligibility for a grant pursuant to this section, the authority shall exclude any expenses incurred at a site for which the business is receiving a business employment incentive grant pursuant to the provisions of P.L.1996, c.26 (C.34:1B-124 et al.), a business retention and relocation assistance grant pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.) or an urban transit hub tax credit pursuant to P.L.2007, c.346 (C.34:1B-207 et seq.), and shall exclude any expenses covered by a retail sales purchase exemption pursuant to section 20 of P.L.1983, c.303 (C.52:27H-79), section 25 of P.L.1980, c.105 (C.54:32B-8.13), section 26 of P.L.1980, c.105 (C.54:32B-8.14), section 28 of P.L.1980, c.105 (C.54:32B-8.16), section 41 of P.L.1980, c.105 (C.54:32B-8.29), section 45 of P.L.1980, c.105 (C.54:32B-8.33), or section 1 of P.L.1981, c.546 (C.54:32B-8.36).

C.34:1B-240 Employment grant component for eligible businesses.

4. a. There is also established under the Invest in New Jersey Business Grant Program to be administered by the New Jersey Economic Development Authority, an employment grant component to provide an incentive to businesses, during the current national economic crisis, to create full-time jobs that are retained for at least one year by the award of a grant of $3,000 to qualified businesses for each eligible position created.

b. The Chief Executive Officer shall approve the issuance of a grant to a business that:

(1) has operated continuously in this State for at least two years prior to filing an application for a grant;

(2) employs at least 5 full-time employees;

(3) adds an eligible position created in New Jersey after December 1, 2008 and before January 1, 2011, for a period of at least 12 consecutive months in this State; and

(4) the applicant has experienced a net increase in employment of eligible positions in this State during the same 12 consecutive months.

c. A business seeking to participate in the grant program shall submit an application in such form as required by the Chief Executive Officer. Such application shall include such information as the Chief Executive Officer shall determine is necessary to administer the grant program. All applications shall be submitted prior to January 1, 2011.

d. The Chief Executive Officer shall review and may approve an application for the grant program. The Chief Executive Officer shall issue payment of the grant upon the submission of proof by an approved applicant of the employment of an individual in the eligible position during a period of at least 12 consecutive months in this State and proof of the other requirements set forth in subsection b. of this section. Such submission shall be subject to review and audit by the Department of Labor and Workforce Development.

e. The value of the grant shall be $3,000 for each eligible position, provided that no grantee shall receive more than $500,000 in grants pursuant to this section. Provided further, that the sum of grants awarded pursuant to this section shall not exceed $50,000,000.

f. For the purpose of determining eligibility for a grant pursuant to this section, the authority shall not include any position that is included in the calculation of a business employment incentive grant pursuant to the provisions of P.L.1996, c.26 (C.34:1B-124 et al.), a business retention and relocation assistance grant pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.) or an urban transit hub tax credit pursuant to P.L.2007, c.346 (C.34:1B-207 et seq.).

C.34:1B-241 Rules, regulations.

5. The authority may promulgate rules and regulations necessary for the effective implementation of P.L.2008, c.112 (C.34:1B-237 et seq.). Notwithstanding any provision of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the authority may adopt, immediately upon filing with the Office of Administrative Law, such regulations as are necessary to implement the provisions of P.L.2008, c.112

(C.34:1B-237 et seq.), which shall be effective for a period not to exceed 12 months following enactment, and may thereafter be amended, adopted, or readopted by the authority in accordance with the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). Such regulations may include, but shall not be limited to: examples of and the determination of capital investment; the determination of the limits, if any, on the expense or type of furnishings that may constitute capital investments; and the promulgation of procedures and forms necessary to apply for a benefit under P.L.2008, c.112 (C.34:1B-237 et seq.).

6. Notwithstanding the provisions of P.L.2008, c.22 (C.52:9H-2.1 et al.), there is appropriated from the Long Term Obligation and Capital Expenditure Fund to the New Jersey Economic Development Authority a sum of up to $400,000 for the purpose of defraying reasonable and necessary administrative expenses incurred in carrying out the provisions of this act, subject to the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury.

7. Notwithstanding the provisions of P.L.2008, c.22 (C.52:9H-2.1 et al.), there are appropriated from the Long Term Obligation and Capital Expenditure Fund to the New Jersey Economic Development Authority, such 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.

8. This act shall take effect immediately.

Approved December 9, 2008.

CHAPTER 113

A SUPPLEMENT to "An Act making appropriations for the support of State Government and several public purposes for the fiscal year ending June 30, 2009 and regulating the disbursement thereof," approved June 30, 2008 (P.L.2008, c.35).

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

1. Notwithstanding the provisions of P.L.2008, c.22 (C.52:9H-2.1 et al.), there are appropriated out of the Long Term Obligation and Capital Expenditure Fund the following sums for the purposes specified:

10 DEPARTMENT OF AGRICULTURE
40 Community Development and Environmental Management
49 Agricultural Resources, Planning, and Regulation

GRANTS-IN-AID
05-3350 Food and Nutrition Services $3,000,000
Total Grants-in-Aid Appropriation, Agricultural Resources, Planning, and Regulation $3,000,000
Grants-in-Aid:
05 Hunger Initiative/Food Assistance Program .....($3,000,000)

Department of Agriculture, Total State Appropriation..... $3,000,000

82 DEPARTMENT OF THE TREASURY
50 Economic Planning, Development, and Security
52 Economic Regulation

GRANTS-IN-AID
88-2058 Energy Assistance Programs $10,000,000
Total Grants-in-Aid Appropriation, Economic Regulation..... $10,000,000
Grants-in-Aid:
88 NJ SHARES – Utility Assistance Program .....($10,000,000)

80 Special Government Services
82 Protection of Citizens' Rights
2048 State Legal Services Office

GRANTS-IN-AID
57-2048 Trial Services to Indigents and Special Programs $9,500,000
Total Grants-in-Aid Appropriation, State Legal Services Office..... $9,500,000
Grants-in-Aid:
57 State Legal Services Office .....($9,200,000)
57 Community Health Law Project .....(300,000)

The $9,200,000 appropriated hereinabove for the State Legal Services Office is contingent upon the State Legal Services Office's cooperation with an audit of the operations of the office by the State Auditor.

The amounts appropriated hereinabove for the Trial Services to Indigents and Special Programs program classification shall be used to provide

legal services to homeowners and tenants in civil matters related to financial distress, including but not limited to mortgage foreclosure, bankruptcy, debt collection and eviction; provided, however, that no more than 5% of the amount appropriated shall be used for management and administrative expenses unrelated to direct client services.

Department of the Treasury, Total State Appropriation	$19,500,000
Long Term Obligation and Capital Expenditure Fund	$22,500,000
Total State Appropriation, All Funds	$22,500,000

2. This act shall take effect immediately.

Approved December 12, 2008.

CHAPTER 114

AN ACT concerning certain adoption agencies, supplementing P.L.1977, c.367, (C.9:3-37 et seq.), and amending P.L.2003, c.186.

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

C.9:3-40.2 Definitions relative to adoption agencies.

1. As used in this act:

"Approved agency" or "agency" shall have the same meaning as provided in section 2 of P.L.1977, c.367 (C.9:3-38);

"Department" means the Department of Children and Families;

"Staff member" means a person 18 years of age or older who is an administrator of an agency, or who works in an agency on a regularly scheduled basis during the agency's operating hours. Staff member includes full-time, part-time, voluntary, contract, consulting, and substitute staff, whether compensated or not.

C.9:3-40.3 Criminal history record background check for staff members of adoption agency.

2. a. As a condition of securing or maintaining approval by the Department of Children and Families as an adoption agency, the administrator of an agency shall ensure that a criminal history record background check is conducted on each staff member of the agency.

b. If the administrator of an agency refuses to consent to, or cooperate in, the securing of a criminal history record background check, the department shall suspend, deny, revoke or refuse to renew the agency's approval as an adoption agency, as appropriate.

c. If a staff member of an agency, other than the administrator, refuses to consent to, or cooperate in, the securing of a criminal history record background check, the individual shall be immediately terminated from employment at the agency.

d. The cost of a criminal history record background check conducted pursuant to this act shall be paid by the agency.

C.9:3-40.4 Request for criminal history record background check by agency.

3. a. In the case of an adoption agency established after the effective date of this act, the administrator of the agency, prior to the agency's opening, shall ensure that a request for a criminal history record background check on each staff member is sent to the department for processing by the Division of State Police in the Department of Law and Public Safety and the Federal Bureau of Investigation.

A staff member shall not be left alone as the only adult accompanying a child until the staff member's criminal history record background check has been reviewed by the department pursuant to this act.

b. In the case of an adoption agency approved prior to the effective date of this act, the administrator of the agency shall ensure that a request for a criminal history record background check on each staff member is submitted to the department within 60 days of the effective date of this act for processing by the Division of State Police and the Federal Bureau of Investigation.

c. Within two weeks after a new staff member begins employment at an approved agency, the administrator of the agency shall ensure that a request for a criminal history record background check on the new staff member is submitted to the department for processing by the Division of State Police and the Federal Bureau of Investigation.

A new staff member shall not be left alone as the only adult accompanying a child until the staff member's criminal history record background check has been reviewed by the department pursuant to this act.

C.9:3-40.5 Disqualification of staff member for employment.

4. Except as provided in subsection d. of this section, a current staff member, or an applicant for employment, shall be disqualified from employment at an approved agency if the criminal history record background

check of the staff member or applicant reveals a record of conviction for any of the following crimes and offenses:

a. In New Jersey, any crime or disorderly persons offense as follows:

(1) a crime against a child, including endangering the welfare of a child and child pornography pursuant to N.J.S.2C:24-4;

(2) abuse, abandonment or neglect of a child pursuant to R.S.9:6-3;

(3) endangering the welfare of an incompetent person pursuant to N.J.S.2C:24-7;

(4) sexual assault, criminal sexual contact or lewdness pursuant to N.J.S.2C:14-2 through N.J.S.2C:14-4;

(5) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant to N.J.S.2C:11-4;

(6) stalking pursuant to section 1 of P.L.1992, c.209 (C.2C:12-10);

(7) kidnapping and related offenses including criminal restraint, false imprisonment, interference with custody, criminal coercion, or enticing a child into a motor vehicle, structure or isolated area pursuant to N.J.S.2C:13-1 through N.J.S.2C:13-5 and section 1 of P.L.1993, c.291 (C.2C:13-6);

(8) arson pursuant to N.J.S.2C:17-1, or causing or risking widespread injury or damage, which would constitute a crime of the second degree pursuant to N.J.S.2C:17-2;

(9) aggravated assault, which would constitute a crime of the second or third degree pursuant to subsection b. of N.J.S.2C:12-1;

(10) robbery, which would constitute a crime of the first degree pursuant to N.J.S.2C:15-1;

(11) burglary, which would constitute a crime of the second degree pursuant to N.J.S.2C:18-2;

(12) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17 et al.);

(13) terroristic threats pursuant to N.J.S.2C:12-3; or

(14) an attempt or conspiracy to commit any of the crimes or offenses listed in paragraphs (1) through (13) of this subsection.

b. In any other state or jurisdiction, of conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in subsection a. of this section.

c. Notwithstanding the provisions of this section to the contrary, a staff member shall not be disqualified from employment at an approved agency under this act on the basis of any conviction disclosed by a criminal history record background check performed pursuant to this act without an opportunity to challenge the accuracy of the disqualifying criminal history record pursuant to the provisions of section 7 of P.L.2003, c.186 (C.53:1-20.9d).

d. If a staff member is convicted of a crime specified in subsection a. of this section, the staff member shall be terminated from employment at the agency, except that the department may approve the staff member's employment at the agency if all of the following conditions are met:

(1) the department determines that the crime does not relate adversely to the position the staff member is employed in pursuant to the provisions of P.L.1968, c.282 (C.2A:168A-1 et seq.);

(2) the conviction is not related to a crime committed against a child, as specified in subsection a. of this section;

(3) the agency documents that the staff member's employment at the agency does not create a risk to the safety or well-being of children due to the nature and requirements of the position; as necessary, the agency shall identify restrictions regarding the staff member's contact with, care, or supervision of children;

(4) the agency documents that the staff member is uniquely qualified for the position due to specific skills, qualifications, characteristics or prior employment experiences; and

(5) the department determines that the staff member has affirmatively demonstrated rehabilitation, pursuant to the factors specified in subsection b. of section 5 of this act.

C.9:3-40.6 Convincing evidence of rehabilitation.

5. a. For crimes and offenses other than those cited in subsections a. and b. of section 4 of this act, a staff member may be eligible for employment at an approved agency if the staff member has affirmatively demonstrated to the department clear and convincing evidence of rehabilitation pursuant to subsection b. of this section.

b. In determining whether a staff member has affirmatively demonstrated rehabilitation, the following factors shall be considered:

(1) the nature and responsibility of the position at the agency that the convicted staff member would hold, has held or currently holds, as the case may be;

(2) the nature and seriousness of the offense;

(3) the circumstances under which the offense occurred;

(4) the date of the offense;

(5) the age of the staff member when the offense was committed;

(6) whether the offense was an isolated or repeated incident;

(7) any social conditions that may have contributed to the offense; and

(8) any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition

of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the staff member under their supervision.

c. The department shall make the final determination regarding the employment of the administrator of an agency with a criminal conviction specified under this section.

d. The administrator of the agency shall make the final determination regarding the employment of a staff member or applicant with a criminal conviction specified under this section.

e. If an administrator has knowledge that a staff member has criminal charges pending against the staff member, the administrator shall promptly notify the department to determine whether any action concerning the staff member is necessary.

C.9:3-40.7 Immunity from liability relative to disclosure of information by agency.

6. a. An approved agency that has received an employment application from an individual, or currently employs a staff member, shall be immune from liability for acting upon or disclosing information about the disqualification or termination of that applicant or staff member to another agency seeking to employ that staff member if the agency has:

(1) received notice from the department, that the applicant or staff member has been determined by the department to be disqualified from employment pursuant to this act; or

(2) terminated the employment of a staff member because the staff member was disqualified from employment on the basis of a conviction of a crime or disorderly persons offense pursuant to section 4 of this act after commencing employment at the agency.

b. An approved agency that acts upon or discloses information pursuant to subsection a. of this section shall be presumed to be acting in good faith unless it is shown by clear and convincing evidence that the agency acted with actual malice toward the staff member who is the subject of the information.

C.9:3-40.8 Child abuse record information check by agency.

7. a. In addition to the requirement for a criminal history record background check pursuant to section 2 of this act, the administrator of an agency shall request that the department conduct a child abuse record information check of its child abuse records to determine if an incident of child abuse or neglect has been substantiated, pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11), against any staff member of the agency.

b. The department shall deny, revoke or refuse to renew the agency's approval, as appropriate, if the department determines that an incident of child abuse or neglect by an administrator of an agency has been substantiated.

c. Each staff member of an agency or applicant for employment at the agency shall provide prior written consent for the department to conduct a child abuse record information check.

d. If the administrator of the agency refuses to consent to, or cooperate in, the securing of a child abuse record information check, the department shall suspend, deny, revoke or refuse to renew the agency's approval as an adoption agency, as appropriate.

e. If a staff member of an agency refuses to consent to, or cooperate in, the securing of a child abuse record information check, the individual shall be immediately terminated from employment at the agency.

f. The department shall complete the child abuse record information check within 45 days after receiving the request for the check.

C.9:3-40.9 Agency established after effective date, request for child abuse record information check for all staff members.

8. a. In the case of an adoption agency established after the effective date of this act, the administrator of the agency, prior to the agency's opening, shall ensure that a request for a child abuse record information check on each staff member is sent to the department.

The department shall not issue an approval to an adoption agency until the agency has requested that the department conduct a child abuse record information check on each staff member employed at the agency.

b. In the case of an adoption agency approved prior to the effective date of this act, the administrator of the agency shall submit a request to the department within 60 days of the effective date of this act for a child abuse record information check on each staff member.

c. Within two weeks after a new staff member begins employment at an agency, the administrator of the agency shall ensure that a request for a child abuse record information check on the new staff member is sent to the department.

A new staff member shall not be left alone as the only adult accompanying a child until the results of the staff member's child abuse record information check have been received by the administrator of the agency.

d. If the department determines that an incident of child abuse or neglect by a staff member has been substantiated, the department shall advise the administrator of the agency of the results, and the agency shall immediately terminate the staff member from employment at the agency.

e. The department shall consider, for the purposes of this act, any incidents of child abuse or neglect that were substantiated on or after June 29, 1995, to ensure that perpetrators have had an opportunity to appeal a substantiated finding of abuse or neglect; except that the department may consider substantiated incidents prior to that date, if the department, in its judgment, determines that the staff member poses a risk of harm to children in an agency. In cases involving incidents substantiated prior to June 29, 1995, in which the department determined that the individual posed such a risk, the department shall offer the staff member an opportunity for a hearing to contest the substantiation.

C.9:3-40.10 Adoption agencies located out-of-State.

9. In the case of an adoption agency located outside the State, the administrator of the agency shall ensure that all applicants or staff members meet all applicable laws and regulations in that state governing criminal history record background and child abuse record information checks that may be required as a condition of employment. In the event that criminal history record background and child abuse record information checks are not required, the administrator of the agency shall require that the applicant or staff member make a voluntary disclosure of any criminal conviction or substantiation for child abuse or neglect. The results of the disclosure shall be made available to the department, so the department can determine the suitability of the staff member or applicant for employment.

10. Section 7 of P.L. 2003, c.186 (C.53:1-20.9d) is amended to read as follows:

C.53:1-20.9d Exchange of fingerprint data, criminal history record information on residential child care, adoption agency staff.

7. a. The Commissioner of Children and Families is authorized to exchange fingerprint data with, and to receive criminal history record information from, the Division of State Police in the Department of Law and Public Safety and the Federal Bureau of Investigation.

Upon receipt of the criminal history record information for an applicant or staff member of a residential child care facility or approved adoption agency from the Federal Bureau of Investigation and the Division of State Police, the Department of Children and Families shall notify the applicant or staff member, as applicable, and the residential child care facility or approved adoption agency, as applicable, in writing, of the applicant's or staff member's qualification or disqualification for employment or service under section 4 or

5 of P.L.2003, c.186 (C.30:4C-27.19 or C.30:4C-27.20) or section 4 or 5 of P.L.2008, c.114 (C.9:3-40.5 or C.9:3-40.6). If the applicant or staff member is disqualified, the convictions that constitute the basis for the disqualification shall be identified in the written notice to the applicant or staff member. The applicant or staff member shall have 14 days from the date of the written notice of disqualification to challenge the accuracy of the criminal history record information. If no challenge is filed or if the determination of the accuracy of the criminal history record information upholds the disqualification, the department shall notify the facility or agency, as applicable, that the applicant or staff member has been disqualified from employment.

b. The Division of State Police shall promptly notify the Department of Children and Families in the event an applicant or staff member, who was the subject of a criminal history record background check conducted pursuant to subsection a. of this section, is convicted of a crime or offense in this State after the date the background check was performed. Upon receipt of such notification, the department shall make a determination regarding the employment of the applicant or staff member.

11. The Commissioner of Children and Families shall adopt regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the purposes of this act.

12. This act shall take effect on the 180th day after enactment.

Approved December 15, 2008.

CHAPTER 115

AN ACT concerning grants for wastewater treatment system projects, and amending P.L.2005, c.301.

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

1. Section 1 of P.L.2005, c.301 is amended to read as follows:

1. a. There is appropriated to the Department of Environmental Protection from the "Wastewater Treatment Fund" established pursuant to section 15 of the "Wastewater Treatment Bond Act of 1985," P.L.1985, c.329, the sum of $24,180,000 for the purpose of providing grants to or on behalf of local government units (hereinafter referred to as "project sponsors") to

finance up to 20% of the project costs for wastewater treatment system projects as follows:

Project Sponsor	Project Description	Estimated Project Cost	Grant Amount
Asbury Park City	Street and storm drain cleaning equipment acquisition	$500,000	$66,515
Atlantic County UA	Street and storm drain cleaning equipment acquisition	$552,500	$73,498
Bayonne MUA	Combined sewer system partial separation	$400,000	$53,211
Bergen County UA	Wastewater treatment plant wet weather system improvements	$14,411,770	$1,917,165
Bergen County UA	Sewer main construction	$50,000,000	$6,401,387
Cranford Twp	Storm sewer trunk lines/ pump station construction	$5,308,000	$706,111
Dumont Boro	Stormwater management equipment and stream bank rehabilitation/flood control project	$1,879,900	$250,000
East Newark Boro	Solids/Floatables control measures	$1,200,000	$159,633
Edgewater MUA	Combined sewer system separation	$2,250,000	$299,312
Gloucester County	Procurement of street sweeping equipment and construction of salt storage facility; planning, engineering and implementation of County-Wide Stormwater Management Program	$7,601,500	$1,011,210
Hackensack City	Combined sewer system partial separation	$5,000,000	$665,140
Hudson County	Truck wash facility	$1,000,000	$133,028
Kearny MUA	Pump station improvements	$2,250,000	$299,312
Kearny Town	Sewer separation and Solids/Floatables Control Measures	$2,116,200	$281,513

Mercer County	Stormwater drainage improvements and cleaning equipment	$1,000,000	$133,028
Monmouth County	Wreck Pond stormwater restoration project	$1,871,500	$248,961
Newark City	Solids/Floatables control measures	$13,813,000	$1,837,512
Newark City	Stormwater drainage Improvements	$1,877,000	$249,693
North Bergen MUA	Sewage conveyance and reduction of Combined Sewer Overflow discharges	$15,955,000	$2,122,458
North Hudson SA	Pump Station Rehabilitation and replacement of force mains	$1,368,000	$181,982
North Hudson SA	Pump Station Rehabilitation and replacement of force mains	$9,009,000	$1,198,447
Nutley Twp	Street sweeping equipment procurement	$500,000	$66,514
Ocean County	Long Swamp Creek stormwater restoration project	$126,000	$16,761
Paterson City	Netting & Romag screen construction and sewer separation	$21,918,400	$2,915,755
Perth Amboy City	Combined sewer system partial separation and Solids/floatables control netting facility	$3,000,000	$399,083
Rahway Valley SA	Gravity relief sewer construction	$13,958,733	$1,856,899
Wall Twp	Salt storage facility construction	$250,000	$33,257
West Milford Twp MUA	Sewer system replacement and rehabilitation	$2,430,000	$323,257
West Orange Twp	Storm sewer construction	$2,100,000	$279,358

b. There is appropriated to the Department of Environmental Protection from the "Wastewater Treatment Fund" established pursuant to section 15 of the "Wastewater Treatment Bond Act of 1985," P.L.1985, c.329, the sum of $2,230,147 for the purpose of providing grants to or on behalf of

Bayonne MUA, Bergen County Utilities Authority, Camden City, Camden County MUA, Cliffside Park Borough, East Newark Borough, Edgewater MUA, Elizabeth City, Fort Lee Borough, Gloucester City, Guttenberg Town, Hackensack City, Harrison Town, Jersey City MUA, Joint Meeting of Essex & Unions Counties, Kearny Town, Middlesex County Utilities Authority, Newark City, North Bergen MUA, North Hudson SA, Passaic Valley Sewerage Commissioners, Paterson City, Perth Amboy City and Ridgefield Park Village (hereinafter referred to as "project sponsors") to finance up to 20% of costs for preliminary engineering projects for the development and evaluation of pathogen control alternatives and cost performance analyses for combined sewer systems as required pursuant to a New Jersey Pollutant Discharge Elimination System permit issued by the department.

c. There is appropriated to the Department of Environmental Protection from the "Wastewater Treatment Fund" established pursuant to section 15 of the "Wastewater Treatment Bond Act of 1985," P.L.1985, c.329, the sum of $769,853 for the purpose of providing a grant to Bayonne MUA to conduct, under department and United States Environmental Protection Agency oversight, a pilot project to evaluate a variety of chemical and non-chemical disinfection technologies combined with several solids reduction technologies on combined sewer overflow discharges to provide engineering practitioners with basic design criteria for the control of pathogens discharges throughout the State and nationwide.

d. There is appropriated to the Department of Environmental Protection from the "Wastewater Treatment Fund" established pursuant to section 15 of the "Wastewater Treatment Bond Act of 1985," P.L.1985, c.329, the sum of $2,820,000 for the purpose of providing grants to the following local government units (hereinafter referred to as "project sponsors") to finance up to 20% of the project costs for the following wastewater effluent reuse/recharge projects:

Project Sponsor	**Wastewater Project Description**	**Total Estimated Project Cost**	**Grant Amount**
Atlantic County UA	Wastewater effluent reuse/recharge project	$6,300,000	$1,260,000
Cape May County MUA	Wastewater effluent reuse/recharge project	$7,800,000	$1,560,000

e. To the extent that the balance of the moneys available in the "Wastewater Treatment Fund" that have not been previously appropriated pursuant to law is insufficient to support the sums appropriated pursuant to

subsections a. and b. of this section, the following moneys shall be made available from the "Wastewater Treatment Fund" to support the remainder of the appropriations made in those subsections as required:

(1) moneys returned to the "Wastewater Treatment Fund" due to project withdrawals, cancellations, or cost savings involving projects previously funded by law; or

(2) moneys previously appropriated pursuant to law from the "Wastewater Treatment Fund" to finance projects deemed by the department to be no longer active as of the effective date of this act.

f. The grant amount to be provided each project sponsor listed in subsection b. of this section shall be awarded only upon the receipt and approval by the Department of Environmental Protection of an engineering project proposal submitted by the project sponsor. Grant amounts to be provided each project sponsor listed in subsection b. of this section shall be determined and allocated after a review by the department of the engineering study cost estimates submitted by these project sponsors to the department. The total amount of grants awarded pursuant to subsection b. of this section shall not exceed $2,230,147 and no grant shall exceed 20% of the cost for the required engineering studies.

g. Any moneys from projects listed in subsection a., b., c. or d. of this section that have not been obligated as of December 31, 2009 may be applied to any other project listed in subsection a., b., c. or d. of this section, provided that the grant amount awarded to a project sponsor for a particular project shall not exceed 20% of the project cost and that the total amount of grants awarded to project sponsors pursuant to this section shall not exceed $30,000,000.

h. The Department of Environmental Protection is authorized to make grants to or on behalf of the project sponsors for the wastewater treatment system projects listed in subsection a. of this section, up to the individual amounts indicated, except as any such amount may be reduced or increased by the Commissioner of Environmental Protection pursuant to section 2 of this act, or if a project fails to meet the requirements of section 3 of this act.

i. If the Commissioner of Environmental Protection, after the review of project-specific documentation submitted by the project sponsor in support of a grant authorized pursuant to subsection a., b., c. or d. of this section, determines that the project will not result in a significant water quality benefit during wet weather conditions or its purpose is inconsistent with the provisions of P.L.1985, c.329, the commissioner may disapprove the project or any portion thereof.

2. Section 4 of P.L.2005, c.301 is amended to read as follows:

4. The authorization for the making of grants pursuant to subsection a. of section 1 of this act shall expire on December 31, 2009, and any project sponsor which has not executed and delivered an agreement with the department for a grant authorized in this act shall no longer be entitled to that grant.

3. This act shall take effect immediately.

Approved December 15, 2008.

CHAPTER 116

AN ACT concerning the "New Jersey Forensic DNA Laboratory Fund" and amending R.S.39:5-41.

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

1. R.S.39:5-41 is amended to read as follows:

Fines, penalties, forfeiture, disposition of; exceptions.

39:5-41. a. All fines, penalties and forfeitures imposed and collected under authority of law for any violations of R.S.39:4-63 and R.S.39:4-64 shall be forwarded by the judge to whom the same have been paid to the proper financial officer of a county, if the violation occurred within the jurisdiction of that county's central municipal court, established pursuant to N.J.S.2B:12-1 et seq. or the municipality wherein the violation occurred, to be used by the county or municipality to help finance litter control activities in addition to or supplementing existing litter pickup and removal activities in the municipality.

b. Except as otherwise provided by subsection a. of this section, all fines, penalties and forfeitures imposed and collected under authority of law for any violations of the provisions of this Title, other than those violations in which the complaining witness is the chief administrator, a member of his staff, a member of the State Police, a member of a county police department and force or a county park police system in a county that has established a central municipal court, an inspector of the Board of Public Utilities, or a law enforcement officer of any other State agency, shall be forwarded by the judge to whom the same have been paid as follows: one-

half of the total amount collected to the financial officer, as designated by the local governing body, of the respective municipalities wherein the violations occurred, to be used by the municipality for general municipal use and to defray the cost of operating the municipal court; and one-half of the total amount collected to the proper financial officer of the county wherein they were collected, to be used by the county as a fund for the construction, reconstruction, maintenance and repair of roads and bridges, snow removal, the acquisition and purchase of rights-of-way, and the purchase, replacement and repair of equipment for use on said roads and bridges therein. Up to 25% of the money received by a municipality pursuant to this subsection, but not more than the actual amount budgeted for the municipal court, whichever is less, may be used to upgrade case processing.

All fines, penalties and forfeitures imposed and collected under authority of law for any violations of the provisions of this Title, in which the complaining witness is a member of a county police department and force or a county park police system in a county that has established a central municipal court, shall be forwarded by the judge to whom the same have been paid to the financial officer, designated by the governing body of the county, for all violations occurring within the jurisdiction of that court, to be used for general county use and to defray the cost of operating the central municipal court.

Whenever any county has deposited moneys collected pursuant to this section in a special trust fund in lieu of expending the same for the purposes authorized by this section, it may withdraw from said special trust fund in any year an amount which is not in excess of the amount expended by the county over the immediately preceding three-year period from general county revenues for said purposes. Such moneys withdrawn from the trust fund shall be accounted for and used as are other general county revenues.

c. (Deleted by amendment, P.L.1993, c.293.)

d. Notwithstanding the provisions of subsections a. and b. of this section, $1 shall be added to the amount of each fine and penalty imposed and collected through a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. In addition, upon the forfeiture of bail, $1 of that forfeiture shall be forwarded to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "Body Armor Replacement" fund established pursuant to section 1 of P.L.1997, c.177 (C.52:17B-4.4). Beginning in the fiscal year next following the effective date of this act, the State Treasurer annually shall allocate from those

moneys so forwarded an amount not to exceed $400,000 to the Department of the Treasury to be expended exclusively for the purposes of funding the operation of the "Law Enforcement Officer Crisis Intervention Services" telephone hotline established and maintained under the provisions of sections 115 and 116 of P.L.2008, c.29 (C.26:2NN-1 and C.26:2NN-2).

e. Notwithstanding the provisions of subsections a. and b. of this section, $1 shall be added to the amount of each fine and penalty imposed and collected through a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "New Jersey Spinal Cord Research Fund" established pursuant to section 9 of P.L.1999, c.201 (C.52:9E-9). In order to comply with the provisions of Article VIII, Section II, paragraph 5 of the State Constitution, a municipal or county agency which forwards moneys to the State Treasurer pursuant to this subsection may retain an amount equal to 2% of the moneys which it collects pursuant to this subsection as compensation for its administrative costs associated with implementing the provisions of this subsection.

f. Notwithstanding the provisions of subsections a. and b. of this section, $1 shall be added to the amount of each fine and penalty imposed and collected through a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "Autism Medical Research and Treatment Fund" established pursuant to section 1 of P.L.2003, c.144 (C.30:6D-62.2).

g. Notwithstanding the provisions of subsections a. and b. of this section, $2 shall be added to the amount of each fine and penalty imposed and collected by a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "New Jersey Forensic DNA Laboratory Fund" established pursuant to P.L.2003, c.183. Prior to depositing the moneys into the fund, the State Treasurer shall forward to the Administrative Office of the Courts an amount not to exceed $475,000 from moneys initially collected pursuant to this subsection to be used exclusively to establish a collection mechanism and to provide funding to update the

Automated Traffic System Fund created pursuant to N.J.S.2B:12-30 to implement the provisions of this subsection.

h. Notwithstanding the provisions of subsections a. and b. of this section, $1 shall be added to the amount of each fine and penalty imposed and collected under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "New Jersey Brain Injury Research Fund" established pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9). The Administrative Office of the Courts may retain an amount equal to $475,000 from the moneys which it initially collects pursuant to this subsection, prior to depositing any moneys in the "New Jersey Brain Injury Research Fund," in order to meet the expenses associated with utilizing the Automated Traffic System Fund created pursuant to N.J.S.2B:12-30 to implement the provisions of this subsection and serve other statutory purposes.

i. Notwithstanding the provisions of subsections a. and b. of this section, all fines and penalties imposed and collected under authority of law for any violation related to the unlawful operation or the sale of a vehicle under section 1 of P.L.1955, c.53 (C.39:3-17.1) shall be forwarded by the judge to whom the same have been paid to the State Treasurer, if the complaining witness is the chief administrator, a member of his staff, a member of the State Police, an inspector of the Board of Public Utilities, or a law enforcement officer or other official of any other State agency; or, if the complaining witness is not one of the foregoing, one-half to the chief financial officer of the county and one-half to the chief financial officer of the municipality wherein the violation occurred.

2. This act shall take effect immediately.

Approved December 15, 2008.

CHAPTER 117

AN ACT establishing the "Main Street Business Assistance Program," amending P.L.1992, c.16 and making an appropriation.

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

1. Notwithstanding the provisions of P.L.2008, c.22 (C.52:9H-2.1 et al.), there is appropriated the sum of $50,000,000 from the Long Term Obligation and Capital Expenditure Fund to the Economic Recovery Fund, established pursuant to P.L.1992, c.16 (C.34:1B-7.12 et al.), for the purpose of implementing the "Main Street Business Assistance Program" established pursuant to subsection a. of section 4 of P.L.1992, c.16 (C.34:1B-7.13).

2. Section 4 of P.L.1992, c.16 (C.34:1B-7.13) is amended to read as follows:

C.34:1B-7.13 Use of moneys in fund.

4. The authority may use the moneys in the fund to pay principal of, premium, if any, and interest on bonds or notes, which shall be entitled "Economic Recovery Fund Bonds or Notes," as appropriate, the proceeds, or net proceeds, of which shall be deposited into the fund, or used for purposes of the fund, and moneys in the fund, including money received from the sale of bonds shall, in such manner as is determined by the authority, and pursuant to subsections d., e., and f. of this section, be used for the financing of projects as set forth in section 3 of P.L.1974, c.80 (C.34:1B-3) and to establish:

a. an economic growth account for business programs, which will invest in small and medium-size businesses that have the greatest potential for creating jobs and stimulating economic growth through such elements as a Statewide lending pool for small business, a business composite bond guarantee, a fund to further supplement the export finance program of the authority to provide direct loans and working capital necessary for New Jersey businesses to compete in the global market, real estate partnerships, a Statewide composite bond pool to assist municipalities in acquiring needed financing for capital expenditures, community-based assistance to assist municipalities in establishing local development corporations to stimulate economic development, a venture capital fund for start-up costs for businesses developing new concepts and inventions, a fund to assist businesses with expansion in such areas as manufacturing retooling to improve quality, to reduce production costs and to train employees to apply the latest technology, and a "Main Street Business Assistance Program" to provide guarantees and loans to small and mid-size businesses and not-for-profit corporations on an expedited basis for a period not to exceed two years from the date of enactment of P.L.2008, c.117, to stimulate the economy. The authority may promulgate rules and regulations for the effective implementation of the "Main Street Business Assistance Program." Notwithstanding any provision of the "Administrative Procedure Act,"

P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the authority may adopt, immediately upon filing with the Office of Administrative Law, such regulations as are necessary to implement the provisions of this act, which shall be effective for a period not to exceed 12 months following enactment, and may thereafter be amended, adopted, or readopted by the authority in accordance with the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.);

b. an economic development infrastructure program account, which shall provide for the financing and development of infrastructure and transportation projects, including but not limited to ports, terminal and transit facilities, roads and airports, parking facilities used in connection with transit facilities, and related facilities, including public-private partnerships, that are integral to economic growth;

c. an account for a cultural, recreational, fine and performing arts, military and veterans memorial, historic preservation project and tourism facilities and improvements program, which shall provide for the financing and development of cultural, recreational, fine and performing arts, military and veterans memorial, historic preservation and tourism projects, including partnerships with public, private and nonprofit entities;

d. an account, into which shall be deposited an amount not less than $45,000,000, out of the total amounts deposited or credited to the fund from the proceeds of the sale of Economic Recovery Fund Bonds or Notes, for the financing of capital facilities for primary and secondary schools in the State for the purpose of the renovation, repair or alteration of existing school buildings, the construction of new school buildings or the conversion of existing school buildings to other instructional purposes.

(1) Of the amount deposited in the account, not less than $25,000,000 shall be deposited in the "Public School Facilities Code Compliance Loan Fund" established pursuant to section 4 of P.L.1993, c.102 (C.34:1B-7.23).

(2) Of the amount deposited in the account, not less than $20,000,000 shall be deposited in the "Public School Facilities Loan Assistance Fund" established pursuant to section 5 of P.L.1993, c.102 (C.34:1B-7.24);

e. an environmental cleanup assistance account, into which shall be deposited an amount not less than $10,000,000, out of the total amounts deposited or credited to the fund from the proceeds of the sale of Economic Recovery Fund Bonds or Notes, to provide financial assistance to the persons and other entities entitled to apply for financial assistance pursuant to P.L.1993, c.139; and

f. an account, into which shall be deposited an amount not less than $15,000,000, out of the total amounts deposited or credited to the fund from

the proceeds of the sale of Economic Recovery Fund Bonds or Notes, for the financing of shore restoration, maintenance, monitoring, protection and preservation projects pursuant to the shore protection master plan prepared by the Department of Environmental Protection pursuant to P.L.1978, c.157.

3. This act shall take effect immediately.

Approved December 16, 2008.

CHAPTER 118

AN ACT broadening the small qualified business exception under the UEZ sales tax rebate program, amending P.L.1983, c.303.

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

1. Section 20 of P.L.1983, c.303 (C.52:27H-79) is amended to read as follows:

C.52:27H-79 Sales tax procedure relative to sales to enterprise zone business; definitions; evaluation.

20. a. Retail sales of personal property (except motor vehicles and energy) and sales of services (except telecommunications and utility services) to a qualified business for the exclusive use or consumption of such business within an enterprise zone are exempt from the taxes imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

b. Notwithstanding the provisions of subsection a. of this section, the seller shall charge and collect from a purchaser that is not a small qualified business the tax at the rate then in effect, and the tax shall be refunded to the purchaser by the filing, within one year following the date of sale, of a claim with the New Jersey Division of Taxation for a refund of sales and use taxes paid for the goods and materials. Proof of claim for refund shall be made by the submission of auditable receipts and such other documentation as the Director of the Division of Taxation may require.

c. As used in this section:

"Qualified business" includes a business that becomes qualified by the time the refund application is filed pursuant to subsection b. of this section; and

"Small qualified business" means a qualified business that has been determined and certified by the director to have had less than $10,000,000 in annual gross receipts in that business's prior annual tax period.

d. The director shall submit to the Senate Legislative Oversight Committee and the Assembly Regulatory Oversight Committee any rules or regulations to effectuate amendments made to this section by P.L.2006, c.34 that are proposed for publication in the New Jersey Register. The director shall evaluate the effectiveness of the amendments made to this section by P.L.2006, c.34 and report any findings and recommendations regarding the amendments to the Senate Legislative Oversight Committee and the Assembly Regulatory Oversight Committee before the Governor presents a budget proposal for Fiscal Year 2008.

2. This act shall take effect immediately and apply to sales of personal property and services made or rendered on or after the first day of the second month next following the date of enactment.

Approved December 17, 2008.

CHAPTER 119

AN ACT concerning income qualification limits for the homestead property tax reimbursement program, amending P.L.1997, c.348, and supplementing Title 54 of the Revised Statutes.

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

1. Section 1 of P.L.1997, c.348 (C.54:4-8.67) is amended to read as follows:

C.54:4-8.67 Definitions relative to homestead property tax reimbursement.

1. As used in this act:

"Base year" means, in the case of a person who is an eligible claimant on or before December 31, 1997, the tax year 1997; and in the case of a person who first becomes an eligible claimant after December 31, 1997, the tax year in which the person first becomes an eligible claimant.

"Commissioner" means the Commissioner of Health and Senior Services.

"Director" means the Director of the Division of Taxation.

"Condominium" means the form of real property ownership provided for under the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.).

"Cooperative" means a housing corporation or association which entitles the holder of a share or membership interest thereof to possess and occupy for dwelling purposes a house, apartment or other unit of housing owned or leased by the corporation or association, or to lease or purchase a unit of housing constructed or to be constructed by the corporation or association.

"Disabled person" means an individual receiving monetary payments pursuant to Title II of the federal Social Security Act (42 U.S.C.s.401 et seq.) on December 31,1998, or on December 31 in all or any part of the year for which a homestead property tax reimbursement under this act is claimed.

"Dwelling house" means any residential property assessed as real property which consists of not more than four units, of which not more than one may be used for commercial purposes, but shall not include a unit in a condominium, cooperative, horizontal property regime or mutual housing corporation.

"Eligible claimant" means a person who:

is 65 or more years of age, or who is a disabled person;

is an owner of a homestead, or the lessee of a site in a mobile home park on which site the applicant owns a manufactured or mobile home;

has an annual income of less than $17,918 in tax year 1998, less than $18,151 in tax year 1999, or less than $37,174 in tax year 2000, if single, or, if married, whose annual income combined with that of the spouse is less than $21,970 in tax year 1998, less than $22,256 in tax year 1999, or less than $45,582 in tax year 2000, which income eligibility limits for single and married persons shall be subject to adjustments in tax years 2001 through 2006 pursuant to section 9 of P.L.1997, c.348 (C.54:4-8.68);

has an annual income of $60,000 or less in tax year 2007, $70,000 or less in tax year 2008, or $80,000 or less in tax year 2009, if single or married, which income eligibility limits shall be subject to adjustments in subsequent tax years pursuant to section 9 of P.L.1997, c.348 (C.54:4-8.68);

as a renter or homeowner, has made a long-term contribution to the fabric, social structure and finances of one or more communities in this State, as demonstrated through the payment of property taxes directly, or through rent, on any homestead or rental unit used as a principal residence in this State for at least 10 consecutive years at least three of which as owner of the homestead for which a homestead property tax reimbursement is sought prior to the date that an application for a homestead property tax reimbursement is filed.

"Homestead" means:

a dwelling house and the land on which that dwelling house is located which constitutes the place of the eligible claimant's domicile and is owned and used by the eligible claimant as the eligible claimant's principal residence;

a site in a mobile home park equipped for the installation of manufactured or mobile homes, where these sites are under common ownership and control for the purpose of leasing each site to the owner of a manufactured or mobile home for the installation thereof and such site is used by the eligible claimant as the eligible claimant's principal residence;

a dwelling house situated on land owned by a person other than the eligible claimant which constitutes the place of the eligible claimant's domicile and is owned and used by the eligible claimant as the eligible claimant's principal residence;

a condominium unit or a unit in a horizontal property regime or a continuing care retirement community which constitutes the place of the eligible claimant's domicile and is owned and used by the eligible claimant as the eligible claimant's principal residence.

In addition to the generally accepted meaning of "owned" or "ownership," a homestead shall be deemed to be owned by a person if that person is a tenant for life or a tenant under a lease for 99 years or more, is entitled to and actually takes possession of the homestead under an executory contract for the sale thereof or under an agreement with a lending institution which holds title as security for a loan, or is a resident of a continuing care retirement community pursuant to a contract for continuing care for the life of that person which requires the resident to bear, separately from any other charges, the proportionate share of property taxes attributable to the unit that the resident occupies;

a unit in a cooperative or mutual housing corporation which constitutes the place of domicile of a residential shareholder or lessee therein, or of a lessee or shareholder who is not a residential shareholder therein, which is used by the eligible claimant as the eligible claimant's principal residence.

"Homestead property tax reimbursement" means payment of the difference between the amount of property tax or site fee constituting property tax due and paid in any year on any homestead, exclusive of improvements not included in the assessment on the real property for the base year, and the amount of property tax or site fee constituting property tax due and paid in the base year, when the amount paid in the base year is the lower amount; but such calculations shall be reduced by any current year property tax reductions or reductions in site fees constituting property taxes resulting from judgments entered by county boards of taxation or the State Tax Court.

"Horizontal property regime" means the form of real property ownership provided for under the "Horizontal Property Act," P.L.1963, c.168 (C.46:8A-1 et seq.).

"Manufactured home" or "mobile home" means a unit of housing which:

(1) Consists of one or more transportable sections which are substantially constructed off site and, if more than one section, are joined together on site;

(2) Is built on a permanent chassis;

(3) Is designed to be used, when connected to utilities, as a dwelling on a permanent or nonpermanent foundation; and

(4) Is manufactured in accordance with the standards promulgated for a manufactured home by the Secretary of the United States Department of Housing and Urban Development pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," Pub.L.93-383 (42 U.S.C.s.5401 et seq.) and the standards promulgated for a manufactured or mobile home by the commissioner pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

"Mobile home park" means a parcel of land, or two or more parcels of land, containing no fewer than 10 sites equipped for the installation of manufactured or mobile homes, where these sites are under common ownership and control for the purpose of leasing each site to the owner of a manufactured or mobile home for the installation thereof, and where the owner or owners provide services, which are provided by the municipality in which the park is located for property owners outside the park, which services may include but shall not be limited to:

(1) The construction and maintenance of streets;

(2) Lighting of streets and other common areas;

(3) Garbage removal;

(4) Snow removal; and

(5) Provisions for the drainage of surface water from home sites and common areas.

"Mutual housing corporation" means a corporation not-for-profit, incorporated under the laws of this State on a mutual or cooperative basis within the scope of section 607 of the Langham Act (National Defense Housing), Pub.L.849, (42 U.S.C.s.1521 et seq.), as amended, which acquired a National Defense Housing Project pursuant to that act.

"Income" means income as determined pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.).

"Principal residence" means a homestead actually and continually occupied by an eligible claimant as his or her permanent residence, as distin-

guished from a vacation home, property owned and rented or offered for rent by the claimant, and other secondary real property holdings.

"Property tax" means the general property tax due and paid as set forth in this section, on a homestead, but does not include special assessments and interest and penalties for delinquent taxes. For the sole purpose of qualifying for a benefit under P.L.1997, c.348 (C.54:4-8.67 et al.), property taxes paid by June 1 of the year following the year for which the benefit is claimed will be deemed to be timely paid.

"Site fee constituting property tax" means 18 percent of the annual site fee paid or payable to the owner of a mobile home park.

"Tax year" means the calendar year in which a homestead is assessed and the property tax is levied thereon and it means the calendar year in which income is received or accrued.

C.54:4-8.82 Limitation on amount of deductions.

2. Notwithstanding any other provision of law to the contrary, for tax year 2008 and all subsequent tax years, the total amount of rebates, credits, deductions, or exemptions received by a taxpayer, or on behalf of the taxpayer, for a tax year pursuant to the "Homestead Property Tax Credit Act," sections 1 through 10 of P.L.1990, c.61 (C.54:4-8.57 through 54:4-8.66) and sections 3, 14 through 16, 18 and 19 of P.L.1999, c.63 (C.54:4-8.58a and C.54:4-8.66a through C.54:4-8.66e); the homestead property tax reimbursement program, P.L.1997, c.348 (C.54:4-8.67 et al.); the annual veterans deduction, P.L.1963, c.171 (C.54:4-8.10 et al.); or the property tax deduction for senior citizens and disabled persons, P.L.1963, c.172 (C.54:4-8.40 et seq.) may not exceed the total amount of property taxes or rent constituting property taxes and site fee constituting property tax paid by the taxpayer for the taxpayer's residence for the same tax year.

3. This act shall take effect immediately.

Approved December 18, 2008.

CHAPTER 120

AN ACT eliminating the throwout of receipts in allocation of entire net income under the corporation business tax and eliminating the "regular place of business" requirement to allocate less than 100% of income to New Jersey, amending P.L.1945, c.162.

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

1. Section 5 of P.L.1945, c.162 (C.54:10A-5) is amended to read as follows:

C.54:10A-5 Franchise tax.

5. The franchise tax to be annually assessed to and paid by each taxpayer shall be the greater of the amount computed pursuant to this section or the alternative minimum assessment computed pursuant to section 7 of P.L.2002, c.40 (C.54:10A-5a); provided however, that in the case of a taxpayer that is a New Jersey S corporation, an investment company, a professional corporation organized pursuant to P.L.1969, c.232 (C.14A:17-1 et seq.) or a similar corporation for profit organized for the purpose of rendering professional services under the laws of another state, or a person operating on a cooperative basis under Part I of Subchapter T of the federal Internal Revenue Code of 1986, 26 U.S.C. s.1381 et seq., there shall be no alternative minimum assessment computed pursuant to section 7 of P.L.2002, c.40 (C.54:10A-5a).

The amount computed pursuant to this section shall be the sum of the amount computed under subsection (a) hereof, or in the alternative to the amount computed under subsection (a) hereof, the amount computed under subsection (f) hereof, and the amount computed under subsection (c) hereof:

(a) That portion of its entire net worth as may be allocable to this State as provided in section 6, multiplied by the following rates: 2 mills per dollar on the first $100,000,000.00 of allocated net worth; 4/10 of a mill per dollar on the second $100,000,000.00; 3/10 of a mill per dollar on the third $100,000,000.00; and 2/10 of a mill per dollar on all amounts of allocated net worth in excess of $300,000,000.00; provided, however, that with respect to reports covering accounting or privilege periods set forth below, the rate shall be that percentage of the rate set forth in this subsection for the appropriate year:

Accounting or Privilege Periods Beginning on or after:	The Percentage of the Rate to be Imposed Shall be:
April 1, 1983	75%
July 1, 1984	50%
July 1, 1985	25%
July 1, 1986	0

(b) (Deleted by amendment, P.L.1968, c.250, s.2.)

(c) (1) For a taxpayer that is not a New Jersey S corporation, 3 1/4% of its entire net income or such portion thereof as may be allocable to this State as provided in section 6 of P.L.1945, c.162 (C.54:10A-6) plus such portion thereof as is specifically assigned to this State as provided in section 5 of P.L.1993, c.173 (C.54:10A-6.1); provided, however, that with respect to reports covering accounting or privilege periods or parts thereof ending after December 31, 1967, the rate shall be 4 1/4%; and that with respect to reports covering accounting or privilege periods or parts thereof ending after December 31, 1971, the rate shall be 5 1/2%; and that with respect to reports covering accounting or privilege periods or parts thereof ending after December 31, 1974, the rate shall be 7 1/2%; and that with respect to reports covering privilege periods or parts thereof ending after December 31, 1979, the rate shall be 9%; provided however, that for a taxpayer that has entire net income of $100,000 or less for a privilege period and is not a partnership the rate for that privilege period shall be 7 1/2% and provided further that for a taxpayer that has entire net income of $50,000 or less for a privilege period and is not a partnership the rate for that privilege period shall be 6 1/2%.

(2) For a taxpayer that is a New Jersey S corporation:

(i) for privilege periods ending on or before June 30, 1998 the rate determined by subtracting the maximum tax bracket rate provided under N.J.S.54A:2-1 for the privilege period from the tax rate that would otherwise be applicable to the taxpayer's entire net income for the privilege period if the taxpayer were not an S corporation provided under paragraph (1) of this subsection for the privilege period; and

(ii) For a taxpayer that has entire net income in excess of $100,000 for the privilege period, for privilege periods ending on or after July 1, 1998, but on or before June 30, 2001, the rate shall be 2%,

for privilege periods ending on or after July 1, 2001, but on or before June 30, 2006, the rate shall be 1.33%,

for privilege periods ending on or after July 1, 2006, but on or before June 30, 2007, the rate shall be 0.67%, and

for privilege periods ending on or after July 1, 2007 there shall be no rate of tax imposed under this paragraph; and

(iii) For a taxpayer that has entire net income of $100,000 or less for privilege periods ending on or after July 1, 1998, but on or before June 30, 2001 the rate for that privilege period shall be 0.5%, and for privilege periods ending on or after July 1, 2001 there shall be no rate of tax imposed under this paragraph.

(iv) The taxpayer's rate determined under subparagraph (i), (ii) or (iii) of this paragraph shall be multiplied by its entire net income that is not subject

to federal income taxation or such portion thereof as may be allocable to this State pursuant to sections 6 through 10 of P.L.1945, c.162 (C.54:10A-6 through 54:10A-10) plus such portion thereof as is specifically assigned to this State as provided in section 5 of P.L.1993, c.173 (C.54:10A-6.1).

(3) For a taxpayer that is a New Jersey S corporation, in addition to the amount, if any, determined under paragraph (2) of this subsection, the tax rate that would otherwise be applicable to the taxpayer's entire net income for the privilege period if the taxpayer were not an S corporation provided under paragraph (1) of this subsection for the privilege period multiplied by its entire net income that is subject to federal income taxation or such portion thereof as may be allocable to this State pursuant to sections 6 through 10 of P.L.1945, c.162 (C.54:10A-6 through 54:10A-10).

(d) Provided, however, that the franchise tax to be annually assessed to and paid by any investment company or real estate investment trust, which has elected to report as such and has filed its return in the form and within the time provided in this act and the rules and regulations promulgated in connection therewith, shall, in the case of an investment company, be measured by 40% of its entire net income and 40% of its entire net worth, and in the case of a real estate investment trust, by 4% of its entire net income and 15% of its entire net worth, at the rates hereinbefore set forth for the computation of tax on net income and net worth, respectively, but in no case less than $250, and further provided, however, that the franchise tax to be annually assessed to and paid by a regulated investment company which for a period covered by its report satisfies the requirements of Chapter 1, Subchapter M, Part I, Section 852(a) of the federal Internal Revenue Code shall be $250.

(e) The tax assessed to any taxpayer pursuant to this section shall not be less than $25 in the case of a domestic corporation, $50 in the case of a foreign corporation, or $250 in the case of an investment company or regulated investment company. Provided however, that for privilege periods beginning in calendar year 1994 and thereafter the minimum taxes for taxpayers other than an investment company or a regulated investment company shall be as provided in the following schedule:

Period Beginning In Calendar Year	Domestic Corporation Minimum Tax	Foreign Corporation Minimum Tax
1994	$ 50	$100
1995	$100	$200
1996	$150	$200
1997	$200	$200

1998	$200	$200
1999	$200	$200
2000	$200	$200
2001	$210	$210

and for calendar years 2002 through 2005 the minimum tax for all taxpayers shall be $500, and for calendar year 2006 and thereafter the minimum tax shall be based on the New Jersey gross receipts, as defined for the purposes of this section pursuant to section 7 of P.L.2002, c.40 (C.54:10A-5a), of the taxpayer pursuant to the following schedule:

New Jersey Gross Receipts:	Minimum Tax:
Less than $100,000	$ 500
$100,000 or more but less than $250,000	$ 750
$250,000 or more but less than $500,000	$1,000
$500,000 or more but less than $1,000,000	$1,500
$1,000,000 or more	$2,000

provided however, that for a taxpayer that is a member of an affiliated group or a controlled group pursuant to section 1504 or 1563 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.1504 or 1563, and whose group has total payroll of $5,000,000 or more for the privilege period, the minimum tax shall be $2,000 for the privilege period.

(f) In lieu of the portion of the tax based on net worth and to be computed under subsection (a) of this section, any taxpayer, the value of whose total assets everywhere, less reasonable reserves for depreciation, as of the close of the period covered by its report, amounts to less than $150,000, may elect to pay the tax shown in a table which shall be promulgated by the director.

(g) Provided however, that for privilege periods beginning on or after January 1, 2001 but before January 1, 2002 the franchise tax annually assessed to and paid by a taxpayer:

(1) that is a limited liability company or foreign limited liability company classified as a partnership for federal income tax purposes shall be the amount determined pursuant to the provisions of section 3 of P.L.2001, c.136 (C.54:10A-15.6); or

(2) that is a limited partnership or foreign limited partnership classified as a partnership for federal income tax purposes shall be the amount deter-

mined pursuant to the provisions of section 4 of P.L.2001, c.136 (C.54:10A-15.7).

(h) Provided however, that for privilege periods beginning on or after January 1, 2002 the franchise tax annually assessed to and paid by a taxpayer that is a partnership shall be the amount determined pursuant to the provisions of section 12 of P.L.2002, c.40 (C.54:10A-15.11).

(i) (Deleted by amendment, P.L.2008, c.120)

2. Section 6 of P.L.1945, c.162 (C.54:10A-6) is amended to read as follows:

C.54:10A-6 Allocation factor.

6. The portion of its entire net worth to be used as a measure of the tax imposed by subsection (a) of section 5 of P.L.1945, c.162 (C.54:10A-5), and the portion of its entire net income to be used as a measure of the tax imposed by subsection (c) of section 5 of P.L.1945, c.162 (C.54:10A-5), shall be determined by multiplying such entire net worth and entire net income, respectively, by an allocation factor which is the property fraction, plus twice the sales fraction plus the payroll fraction and the denominator of which is four, except as the director may determine pursuant to section 8 of P.L.1945, c.162 (C.54:10A-8), that is:

(A) The property fraction is the average value of the taxpayer's real and tangible personal property within the State during the period covered by its report divided by the average value of all the taxpayer's real and tangible personal property wherever situated during such period; provided, however, that for the purpose of determining average value, the provisions with respect to depreciation as set forth in subparagraph (F) of paragraph (2) of subsection (k) of section 4 of P.L.1945, c.162 (C.54:10A-4) shall be taken into account for arriving at such value.

(B) The sales fraction is the receipts of the taxpayer, computed on the cash or accrual basis according to the method of accounting used in the computation of its net income for federal tax purposes, arising during such period from

(1) sales of its tangible personal property located within this State at the time of the receipt of or appropriation to the orders where shipments are made to points within this State,

(2) sales of tangible personal property located without the State at the time of the receipt of or appropriation to the orders where shipment is made to points within the State,

(3) (Deleted by amendment.)

(4) services performed within the State,

(5) rentals from property situated, and royalties from the use of patents or copyrights, within the State,

(6) all other business receipts (excluding dividends excluded from entire net income by paragraph (1) of subsection (k) of section 4 of P.L.1945, c.162 (C.54:10A-4)) earned within the State,

divided by the total amount of the taxpayer's receipts, similarly computed, arising during such period from all sales of its tangible personal property, services, rentals, royalties and all other business receipts, whether within or without the State.

(C) The payroll fraction is the total wages, salaries and other personal service compensation, similarly computed, during such period of officers and employees within the State divided by the total wages, salaries and other personal service compensation, similarly computed, during such period of all the taxpayer's officers and employees within and without the State.

In the case of a banking corporation which maintains a regular place of business outside this State other than a statutory office, and which elects to take the exclusion from net worth provided in subsection (d) of section 4 of P.L.1945, c.162 (C.54:10A-4) or the deduction from entire net income provided in paragraph (4) of subsection (k) of section 4 of P.L.1945, c.162 (C.54:10A-4), the allocation factor shall be computed and applied in accordance with section 6 of P.L.1945, c.162 (C.54:10A-6); provided, however, that the numerators and the denominators of the fractions described in (A), (B) or (C) above shall include all amounts attributable, directly or indirectly, to the production of the eligible net income of an international banking facility as defined in paragraph (4) of subsection (k) of section 4 of P.L.1945, c.162 (C.54:10A-4), whether or not such amounts are otherwise attributable to this State.

3. This act shall take effect immediately and apply to privilege periods beginning on or after July 1, 2010.

Approved December 19, 2008.

CHAPTER 121

AN ACT concerning fraud with respect to workers' compensation coverage and amending and supplementing P.L.1998, c.21.

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

1. Section 34 of P.L.1998, c.21 (C.17:33A-18) is amended to read as follows:

C.17:33A-18 Establishment of liaison between office, other departments; responsibilities.

34. a. A section of the Office of Insurance Fraud Prosecutor shall be designated to be responsible for establishing a liaison and continuing communication between the office and the Department of Health and Senior Services, the Department of Human Services, the Department of Labor and Workforce Development, any professional board in the Division of Consumer Affairs in the Department of Law and Public Safety, the Department of Banking and Insurance, the Division of State Police, every county prosecutor's office, such local government units as may be necessary or practicable and insurers.

b. The section of the office responsible for such liaison shall establish procedures: (1) for receiving notice from all entities enumerated in subsection a. of this section of any case in which fraud is suspected or has been substantiated; (2) for receiving referrals for the investigation of alleged fraud; (3) for receiving referrals for the prosecution of fraud by the office; (4) for receiving and referring information regarding cases, administrative or otherwise, under investigation by any department or other entity to the appropriate authority; and (5) for providing information to and coordinating information among any referring entities on pending cases of insurance fraud which are under investigation or being litigated or prosecuted. The liaison section of the office shall maintain a record of every referral or investigation.

C.17:33A-19.1 Additional investigatory and prosecutorial authority, referral for criminal prosecution.

2. In addition to the investigatory and prosecutorial authority granted pursuant to section 35 of P.L.1998, c.21 (C.17:33A-19), the Insurance Fraud Prosecutor may investigate, and if warranted, prosecute, cases of failure to provide workers' compensation insurance coverage, or self-insurance for such coverage, as required pursuant to chapter 15 of Title 34 of the Revised Statutes. The Commissioner of Labor and Workforce Development shall not refer any case of failure to provide required workers' compensation insurance coverage, or self-insurance for such coverage, for criminal prosecution unless the employer has been afforded a reasonable opportunity to obtain that coverage. The provisions of this section are not

jurisdictional, and the failure to afford such opportunity shall not in any manner be construed as a prerequisite to a criminal prosecution or conviction. Nothing in this section shall be deemed to limit the existing authority of the Insurance Fraud Prosecutor or any other prosecutorial entity.

3. This act shall take effect immediately.

Approved December 19, 2008.

CHAPTER 122

AN ACT authorizing the State Treasurer to sell certain surplus property owned by the State in the City of Camden in Camden County.

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

1. a. The Department of the Treasury, on behalf of the Department of Human Services, is authorized to sell and convey, as surplus real property, all of the State's interest in the 10,228+/- square foot parcel of land, and improvements thereon that include a 6,300+/- square foot building, located at 413-419 Broadway in the City of Camden in the County of Camden and designated as Block 190, Lot 49 and Lot 50 on the tax map of the City of Camden, which land and improvements have been declared surplus to the needs of the State.

b. The sale and conveyance authorized by subsection a. of this section shall be executed in accordance with the terms and conditions approved by the State House Commission.

2. This act shall take effect immediately.

Approved December 19, 2008.

CHAPTER 123

AN ACT revising the sales and use tax to conform with the Streamlined Sales and Use Tax Agreement, amending P.L.2005, c.126, P.L.1980, c.105, and P.L.1985, c.24, amending and supplementing P.L.1966, c.30, and repealing section 27 of P.L.2005, c.126 and section 1 of P.L.2006, c.41.

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

1. Section 2 of P.L.1966, c.30 (C.54:32B-2) is amended to read as follows:

C.54:32B-2 Definitions.

2. Unless the context in which they occur requires otherwise, the following terms when used in this act shall mean:

(a) "Person" includes an individual, trust, partnership, limited partnership, limited liability company, society, association, joint stock company, corporation, public corporation or public authority, estate, receiver, trustee, assignee, referee, fiduciary and any other legal entity.

(b) "Purchase at retail" means a purchase by any person at a retail sale.

(c) "Purchaser" means a person to whom a sale of personal property is made or to whom a service is furnished.

(d) "Receipt" means the amount of the sales price of any tangible personal property or digital property or service taxable under this act.

(e) "Retail sale" means any sale, lease, or rental for any purpose, other than for resale, sublease, or subrent.

(1) For the purposes of this act a sale is for "resale, sublease, or subrent" if it is a sale (A) for resale either as such or as converted into or as a component part of a product produced for sale by the purchaser, including the conversion of natural gas into another intermediate or end product, other than electricity or thermal energy, produced for sale by the purchaser, (B) for use by that person in performing the services subject to tax under subsection (b) of section 3 where the property so sold becomes a physical component part of the property upon which the services are performed or where the property so sold is later actually transferred to the purchaser of the service in conjunction with the performance of the service subject to tax, or (C) of telecommunications service to a telecommunications service provider for use as a component part of telecommunications service provided to an ultimate customer.

(2) For the purposes of this act, the term "retail sale" includes: sales of tangible personal property to all contractors, subcontractors or repairmen of materials and supplies for use by them in erecting structures for others, or building on, or otherwise improving, altering, or repairing real property of others.

(3) (Deleted by amendment, P.L.2005, c.126).

(4) The term "retail sale" does not include:

(A) Professional, insurance, or personal service transactions which involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

(B) The transfer of tangible personal property to a corporation, solely in consideration for the issuance of its stock, pursuant to a merger or consolidation effected under the laws of New Jersey or any other jurisdiction.

(C) The distribution of property by a corporation to its stockholders as a liquidating dividend.

(D) The distribution of property by a partnership to its partners in whole or partial liquidation.

(E) The transfer of property to a corporation upon its organization in consideration for the issuance of its stock.

(F) The contribution of property to a partnership in consideration for a partnership interest therein.

(G) The sale of tangible personal property where the purpose of the vendee is to hold the thing transferred as security for the performance of an obligation of the seller.

(f) "Sale, selling or purchase" means any transfer of title or possession or both, exchange or barter, rental, lease or license to use or consume, conditional or otherwise, in any manner or by any means whatsoever for a consideration, or any agreement therefor, including the rendering of any service, taxable under this act, for a consideration or any agreement therefor.

(g) "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. "Tangible personal property" includes electricity, water, gas, steam, and prewritten computer software including prewritten computer software delivered electronically.

(h) "Use" means the exercise of any right or power over tangible personal property, digital property, services to property, or services by the purchaser thereof and includes, but is not limited to, the receiving, storage or any keeping or retention for any length of time, withdrawal from storage, any distribution, any installation, any affixation to real or personal property, or any consumption of such property. Use also includes the exercise of any right or power over intrastate or interstate telecommunications and prepaid calling services. Use also includes the exercise of any right or power over utility service. Use also includes the derivation of a direct or indirect benefit from a service.

(i) "Seller" means a person making sales, leases or rentals of personal property or services.

(1) The term "seller" includes:

(A) A person making sales, leases or rentals of tangible personal property, digital property or services, the receipts from which are taxed by this act;

(B) A person maintaining a place of business in the State or having an agent maintaining a place of business in the State and making sales, whether at such place of business or elsewhere, to persons within the State of tangible personal property, digital property or services, the use of which is taxed by this act;

(C) A person who solicits business either by employees, independent contractors, agents or other representatives or by distribution of catalogs or other advertising matter and by reason thereof makes sales to persons within the State of tangible personal property, digital property or services, the use of which is taxed by this act;

(D) Any other person making sales to persons within the State of tangible personal property, digital property or services, the use of which is taxed by this act, who may be authorized by the director to collect the tax imposed by this act;

(E) The State of New Jersey, any of its agencies, instrumentalities, public authorities, public corporations (including a public corporation created pursuant to agreement or compact with another state) or political subdivisions when such entity sells services or property of a kind ordinarily sold by private persons;

(F) (Deleted by amendment, P.L.2005, c.126);

(G) A person who sells, stores, delivers or transports energy to users or customers in this State whether by mains, lines or pipes located within this State or by any other means of delivery;

(H) A person engaged in collecting charges in the nature of initiation fees, membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization; and

(I) A person engaged in the business of parking, storing or garaging motor vehicles.

(2) In addition, when in the opinion of the director it is necessary for the efficient administration of this act to treat any salesman, representative, peddler or canvasser as the agent of the seller, distributor, supervisor or employer under whom the agent operates or from whom the agent obtains tangible personal property or digital property sold by the agent or for whom the agent solicits business, the director may, in the director's discretion, treat such agent as the seller jointly responsible with the agent's principal, distributor, supervisor or employer for the collection and payment over of the tax. A person is an agent of a seller in all cases, but not limited to such cases, that: (A) the

person and the seller have the relationship of a "related person" described pursuant to section 2 of P.L.1993, c.170 (C.54:10A-5.5); and (B) the seller and the person use an identical or substantially similar name, tradename, trademark, or goodwill, to develop, promote, or maintain sales, or the person and the seller pay for each other's services in whole or in part contingent upon the volume or value of sales, or the person and the seller share a common business plan or substantially coordinate their business plans, or the person provides services to, or that inure to the benefit of, the seller related to developing, promoting, or maintaining the seller's market.

(j) "Hotel" means a building or portion of it which is regularly used and kept open as such for the lodging of guests. The term "hotel" includes an apartment hotel, a motel, boarding house or club, whether or not meals are served.

(k) "Occupancy" means the use or possession or the right to the use or possession, of any room in a hotel.

(l) "Occupant" means a person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

(m) "Permanent resident" means any occupant of any room or rooms in a hotel for at least 90 consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

(n) "Room" means any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.

(o) "Admission charge" means the amount paid for admission, including any service charge and any charge for entertainment or amusement or for the use of facilities therefor.

(p) "Amusement charge" means any admission charge, dues or charge of a roof garden, cabaret or other similar place.

(q) "Charge of a roof garden, cabaret or other similar place" means any charge made for admission, refreshment, service, or merchandise at a roof garden, cabaret or other similar place.

(r) "Dramatic or musical arts admission charge" means any admission charge paid for admission to a theater, opera house, concert hall or other hall or place of assembly for a live, dramatic, choreographic or musical performance.

(s) "Lessor" means any person who is the owner, licensee, or lessee of any premises, tangible personal property or digital property which the person leases, subleases, or grants a license to use to other persons.

(t) "Place of amusement" means any place where any facilities for entertainment, amusement, or sports are provided.

(u) "Casual sale" means an isolated or occasional sale of an item of tangible personal property or digital property by a person who is not regularly engaged in the business of making retail sales of such property where the item was obtained by the person making the sale, through purchase or otherwise, for the person's own use.

(v) "Motor vehicle" includes all vehicles propelled otherwise than by muscular power (excepting such vehicles as run only upon rails or tracks), trailers, semitrailers, house trailers, or any other type of vehicle drawn by a motor-driven vehicle, and motorcycles, designed for operation on the public highways.

(w) "Persons required to collect tax" or "persons required to collect any tax imposed by this act" includes: every seller of tangible personal property, digital property or services; every recipient of amusement charges; every operator of a hotel; every seller of a telecommunications service; every recipient of initiation fees, membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization; and every recipient of charges for parking, storing or garaging a motor vehicle. Said terms shall also include any officer or employee of a corporation or of a dissolved corporation who as such officer or employee is under a duty to act for such corporation in complying with any requirement of this act and any member of a partnership.

(x) "Customer" includes: every purchaser of tangible personal property, digital property or services; every patron paying or liable for the payment of any amusement charge; every occupant of a room or rooms in a hotel; every person paying charges in the nature of initiation fees, membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization; and every purchaser of parking, storage or garaging a motor vehicle.

(y) "Property and services the use of which is subject to tax" includes: (1) all property sold to a person within the State, whether or not the sale is made within the State, the use of which property is subject to tax under section 6 or will become subject to tax when such property is received by or comes into the possession or control of such person within the State; (2) all services rendered to a person within the State, whether or not such services are performed within the State, upon tangible personal property or digital property the use of which is subject to tax under section 6 or will become subject to tax when such property is distributed within the State or is received by or comes into possession or control of such person within the

State; (3) intrastate, interstate, or international telecommunications sourced to this State pursuant to section 29 of P.L.2005, c.126 (C.54:32B-3.4); (4) (Deleted by amendment, P.L.1995, c.184); (5) energy sold, exchanged or delivered in this State for use in this State; (6) utility service sold, exchanged or delivered in this State for use in this State; (7) mail processing services in connection with printed advertising material distributed in this State; (8) (Deleted by amendment, P.L.2005, c.126); and (9) services the benefit of which are received in this State.

(z) "Director" means the Director of the Division of Taxation in the State Department of the Treasury, or any officer, employee or agency of the Division of Taxation in the Department of the Treasury duly authorized by the director (directly, or indirectly by one or more redelegations of authority) to perform the functions mentioned or described in this act.

(aa) "Lease or rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A "lease or rental" may include future options to purchase or extend.

(1) "Lease or rental" does not include:

(A) A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

(B) A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price does not exceed the greater of $100 or one percent of the total required payments; or

(C) Providing tangible personal property or digital property along with an operator for a fixed or indeterminate period of time. A condition of this exclusion is that the operator is necessary for the equipment to perform as designed. For the purpose of this subparagraph, an operator must do more than maintain, inspect, or set-up the tangible personal property or digital property.

(2) "Lease or rental" does include agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. s.7701(h)(1).

(3) The definition of "lease or rental" provided in this subsection shall be used for the purposes of this act regardless of whether a transaction is characterized as a lease or rental under generally accepted accounting principles, the federal Internal Revenue Code or other provisions of federal, state or local law.

(bb) (Deleted by amendment, P.L.2005, c.126).

(cc) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points.

"Telecommunications service" shall include such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice over Internet protocol services or is classified by the Federal Communications Commission as enhanced or value added.

"Telecommunications service" shall not include:

(1) (Deleted by amendment, P.L.2008, c.123);

(2) (Deleted by amendment, P.L.2008, c.123);

(3) (Deleted by amendment, P.L.2008, c.123);

(4) (Deleted by amendment, P.L.2008, c.123);

(5) (Deleted by amendment, P.L.2008, c.123);

(6) (Deleted by amendment, P.L.2008, c.123);

(7) data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;

(8) installation or maintenance of wiring or equipment on a customer's premises;

(9) tangible personal property;

(10) advertising, including but not limited to directory advertising;

(11) billing and collection services provided to third parties;

(12) internet access service;

(13) radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services shall include but not be limited to cable service as defined in section 47 U.S.C. s.522(6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in section 47 C.F.R. 20.3;

(14) ancillary services; or

(15) digital products delivered electronically, including but not limited to software, music, video, reading materials, or ringtones.

For the purposes of this subsection:

"ancillary service" means a service that is associated with or incidental to the provision of telecommunications services, including but not limited

to detailed telecommunications billing, directory assistance, vertical service, and voice mail service;

"conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge;

"detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement;

"directory assistance" means an ancillary service of providing telephone number information or address information or both;

"vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services; and

"voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. Voice mail service does not include any vertical service that a customer may be required to have to utilize the voice mail service.

(dd) (1) "Intrastate telecommunications" means a telecommunications service that originates in one United States state or a United States territory or possession or federal district, and terminates in the same United States state or United States territory or possession or federal district.

(2) "Interstate telecommunications" means a telecommunications service that originates in one United States state or a United States territory or possession or federal district, and terminates in a different United States state or United States territory or possession or federal district.

(3) "International telecommunications" means a telecommunications service that originates or terminates in the United States and terminates or originates outside the United States, respectively. "United States" includes the District of Columbia or a United States territory or possession.

(ee) (Deleted by amendment, P.L.2008, c.123)

(ff) "Natural gas" means any gaseous fuel distributed through a pipeline system.

(gg) "Energy" means natural gas or electricity.

(hh) "Utility service" means the transportation or transmission of natural gas or electricity by means of mains, wires, lines or pipes, to users or customers.

(ii) "Self-generation unit" means a facility located on the user's property, or on property purchased or leased from the user by the person owning

the self-generation unit and such property is contiguous to the user's property, which generates electricity to be used only by that user on the user's property and is not transported to the user over wires that cross a property line or public thoroughfare unless the property line or public thoroughfare merely bifurcates the user's or self-generation unit owner's otherwise contiguous property.

(jj) "Co-generation facility" means a facility the primary purpose of which is the sequential production of electricity and steam or other forms of useful energy which are used for industrial or commercial heating or cooling purposes and which is designated by the Federal Energy Regulatory Commission, or its successor, as a "qualifying facility" pursuant to the provisions of the "Public Utility Regulatory Policies Act of 1978," Pub.L.95-617.

(kk) "Non-utility" means a company engaged in the sale, exchange or transfer of natural gas that was not subject to the provisions of P.L.1940, c.5 (C.54:30A-49 et seq.) prior to December 31, 1997.

(ll) "Pre-paid calling service" means the right to access exclusively telecommunications services, which shall be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(mm) "Mobile telecommunications service" means the same as that term is defined in the federal "Mobile Telecommunications Sourcing Act," 4 U.S.C. s.124 (Pub.L.106-252).

(nn) (Deleted by amendment, P.L.2008, c.123)

(oo) (1) "Sales price" is the measure subject to sales tax and means the total amount of consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

(A) The seller's cost of the property sold;

(B) The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;

(C) Charges by the seller for any services necessary to complete the sale;

(D) Delivery charges;

(E) Installation charges;

(F) (Deleted by amendment, P.L.2008, c.123).

(2) "Sales price" does not include:

(A) Discounts, including cash, term, or coupons that are not reimbursed by a third party, that are allowed by a seller and taken by a purchaser on a sale;

(B) Interest, financing, and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(C) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(D) The amount of sales price for which food stamps have been properly tendered in full or part payment pursuant to the federal Food Stamp Act of 1977, Pub.L.95-113 (7 U.S.C. s.2011 et seq.); or

(E) Credit for any trade-in of property of the same kind accepted in part payment and intended for resale if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser.

(3) "Sales price" includes consideration received by the seller from third parties if:

(A) The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

(B) The seller has an obligation to pass the price reduction or discount through to the purchaser;

(C) The amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(D) One of the following criteria is met:

(i) the purchaser presents a coupon, certificate, or other documentation to the seller to claim a price reduction or discount where the coupon, certificate, or documentation is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate, or documentation is presented;

(ii) the purchaser identifies himself to the seller as a member of a group or organization entitled to a price reduction or discount; provided however, that a preferred customer card that is available to any patron does not constitute membership in such a group; or

(iii) the price reduction or discount is identified as a third party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate, or other documentation presented by the purchaser.

(4) In the case of a bundled transaction that includes a telecommunications service, an ancillary service, internet access, or an audio or video programming service, if the price is attributable to products that are taxable and products that are nontaxable, the portion of the price attributable to the nontaxable products is subject to tax unless the provider can identify by

reasonable and verifiable standards such portion from its books and records that are kept in the regular course of business for other purposes, including non-tax purposes.

(pp) "Purchase price" means the measure subject to use tax and has the same meaning as "sales price."

(qq) "Sales tax" means the tax imposed on certain transactions pursuant to the provisions of the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

(rr) "Delivery charges" means charges by the seller for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating, and packing. If a shipment includes both exempt and taxable property, the seller should allocate the delivery charge by using: (1) a percentage based on the total sales price of the taxable property compared to the total sales price of all property in the shipment; or (2) a percentage based on the total weight of the taxable property compared to the total weight of all property in the shipment. The seller shall tax the percentage of the delivery charge allocated to the taxable property but is not required to tax the percentage allocated to the exempt property.

(ss) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addresses on a mailing list provided by the purchaser or at the direction of the purchaser in cases in which the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property or digital property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address.

(tt) "Streamlined Sales and Use Tax Agreement" means the agreement entered into as governed and authorized by the "Uniform Sales and Use Tax Administration Act," P.L.2001, c.431 (C.54:32B-44 et seq.).

(uu) "Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume.

(vv) "Digital property" means electronically delivered music, ringtones, movies, books, audio and video works and similar products, where the customer is granted a right or license to use, retain or make a copy of such item. Digital property does not include video programming services, including video on demand television services, and broadcasting services, including content to provide such services.

(ww) "Landscaping services" means services that result in a capital improvement to land other than structures of any kind whatsoever, such as: seeding, sodding or grass plugging of new lawns; planting trees, shrubs, hedges, plants; and clearing and filling land.

(xx) "Investigation and security services" means:

(1) investigation and detective services, including detective agencies and private investigators, and fingerprint, polygraph, missing person tracing and skip tracing services;

(2) security guard and patrol services, including bodyguard and personal protection, guard dog, guard, patrol, and security services;

(3) armored car services; and

(4) security systems services, including security, burglar, and fire alarm installation, repair or monitoring services.

(yy) "Information services" means the furnishing of information of any kind, which has been collected, compiled, or analyzed by the seller, and provided through any means or method, other than personal or individual information which is not incorporated into reports furnished to other people.

2. Section 3 of P.L.1966, c.30 (C.54:32B-3) is amended to read as follows:

C.54:32B-3 Imposition of sales tax.

3. There is imposed and there shall be paid a tax of 7% upon:

(a) The receipts from every retail sale of tangible personal property or digital property, except as otherwise provided in this act.

(b) The receipts from every sale, except for resale, of the following services:

(1) Producing, fabricating, processing, printing or imprinting tangible personal property or digital property, performed for a person who directly or indirectly furnishes the tangible personal property or digital property, not purchased by him for resale, upon which such services are performed.

(2) Installing tangible personal property or digital property, or maintaining, servicing, repairing tangible personal property or digital property not held for sale in the regular course of business, whether or not the services are performed directly or by means of coin-operated equipment or by any other means, and whether or not any tangible personal property or digital property is transferred in conjunction therewith, except (i) such services rendered by an individual who is engaged directly by a private homeowner or lessee in or about his residence and who is not in a regular trade or business offering his services to the public, (ii) such services rendered with respect to

personal property exempt from taxation hereunder pursuant to section 13 of P.L.1980, c.105 (C.54:32B-8.1), (iii) (Deleted by amendment, P.L.1990, c.40), (iv) any receipts from laundering, dry cleaning, tailoring, weaving, or pressing clothing, and shoe repairing and shoeshining and (v) services rendered in installing property which, when installed, will constitute an addition or capital improvement to real property, property or land, other than landscaping services and other than installing carpeting and other flooring.

(3) Storing all tangible personal property not held for sale in the regular course of business; the rental of safe deposit boxes or similar space; and the furnishing of space for storage of tangible personal property by a person engaged in the business of furnishing space for such storage.

"Space for storage" means secure areas, such as rooms, units, compartments or containers, whether accessible from outside or from within a building, that are designated for the use of a customer and wherein the customer has free access within reasonable business hours, or upon reasonable notice to the furnisher of space for storage, to store and retrieve property. Space for storage shall not include the lease or rental of an entire building, such as a warehouse or airplane hanger.

(4) Maintaining, servicing or repairing real property, other than a residential heating system unit serving not more than three families living independently of each other and doing their cooking on the premises, whether the services are performed in or outside of a building, as distinguished from adding to or improving such real property by a capital improvement, but excluding services rendered by an individual who is not in a regular trade or business offering his services to the public, and excluding garbage removal and sewer services performed on a regular contractual basis for a term not less than 30 days.

(5) Mail processing services for printed advertising material, except for mail processing services in connection with distribution of printed advertising material to out-of-State recipients.

(6) (Deleted by amendment, P.L.1995, c.184).

(7) Utility service provided to persons in this State, any right or power over which is exercised in this State.

(8) Tanning services, including the application of a temporary tan provided by any means.

(9) Massage, bodywork or somatic services, except such services provided pursuant to a doctor's prescription.

(10) Tattooing, including all permanent body art and permanent cosmetic make-up applications.

(11) Investigation and security services.

(12) Information services.

(13) Transportation services originating in this State and provided by a limousine operator, as permitted by law, except such services provided in connection with funeral services.

(14) Telephone answering services.

(15) Radio subscription services.

Wages, salaries and other compensation paid by an employer to an employee for performing as an employee the services described in this subsection are not receipts subject to the taxes imposed under this subsection (b).

Services otherwise taxable under paragraph (1) or (2) of this subsection (b) are not subject to the taxes imposed under this subsection, where the tangible personal property or digital property upon which the services were performed is delivered to the purchaser outside this State for use outside this State.

(c) (1) Receipts from the sale of prepared food in or by restaurants, taverns, or other establishments in this State, or by caterers, including in the amount of such receipts any cover, minimum, entertainment or other charge made to patrons or customers, except for meals especially prepared for and delivered to homebound elderly, age 60 or older, and to disabled persons, or meals prepared and served at a group-sitting at a location outside of the home to otherwise homebound elderly persons, age 60 or older, and otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private, nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization; and

(2) Receipts from sales of food and beverages sold through vending machines, at the wholesale price of such sale, which shall be defined as 70% of the retail vending machine selling price, except sales of milk, which shall not be taxed. Nothing herein contained shall affect other sales through coin-operated vending machines taxable pursuant to subsection (a) above or the exemption thereto provided by section 21 of P.L.1980, c.105 (C.54:32B-8.9).

The tax imposed by this subsection (c) shall not apply to food or drink which is sold to an airline for consumption while in flight.

(3) For the purposes of this subsection:

"Food and beverages sold through vending machines" means food and beverages dispensed from a machine or other mechanical device that accepts payment; and

"Prepared food" means:

(i) A. food sold in a heated state or heated by the seller; or

B. two or more food ingredients mixed or combined by the seller for sale as a single item, but not including food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration in Chapter 3, part 401.11 of its Food Code so as to prevent food borne illnesses; or

C. food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food;

provided however, that

(ii) "prepared food" does not include the following sold without eating utensils:

A. food sold by a seller whose proper primary NAICS classification is manufacturing in section 311, except subsector 3118 (bakeries);

B. food sold in an unheated state by weight or volume as a single item; or

C. bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies, and tortillas.

(d) The rent for every occupancy of a room or rooms in a hotel in this State, except that the tax shall not be imposed upon a permanent resident.

(e) (1) Any admission charge to or for the use of any place of amusement in the State, including charges for admission to race tracks, baseball, football, basketball or exhibitions, dramatic or musical arts performances, motion picture theaters, except charges for admission to boxing, wrestling, kick boxing or combative sports exhibitions, events, performances or contests which charges are taxed under any other law of this State or under section 20 of P.L.1985, c.83 (C.5:2A-20), and, except charges to a patron for admission to, or use of, facilities for sporting activities in which such patron is to be a participant, such as bowling alleys and swimming pools. For any person having the permanent use or possession of a box or seat or lease or a license, other than a season ticket, for the use of a box or seat at a place of amusement, the tax shall be upon the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by the holder, licensee or lessee, and shall be paid by the holder, licensee or lessee.

(2) The amount paid as charge of a roof garden, cabaret or other similar place in this State, to the extent that a tax upon such charges has not been paid pursuant to subsection (c) hereof.

(f) (1) The receipts from every sale, except for resale, of intrastate, interstate, or international telecommunications services and ancillary services sourced to this State in accordance with section 29 of P.L.2005, c.126 (C.54:32B-3.4).

(2) (Deleted by amendment, P.L.2008, c.123)

(g) (Deleted by amendment, P.L.2008, c.123)

(h) Charges in the nature of initiation fees, membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization in this State, except for: (1) membership in a club or organization whose members are predominantly age 18 or under; and (2) charges in the nature of membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization that is exempt from taxation pursuant to paragraph (1) of subsection (a) of section 9 of P.L.1966, c.30 (C.54:32B-9), or that is exempt from taxation pursuant to paragraph (1) or (2) of subsection (b) of section 9 of P.L.1966, c.30 and that has complied with subsection (d) of section 9 of P.L.1966, c.30.

(i) The receipts from parking, storing or garaging a motor vehicle, excluding charges for the following: residential parking; employee parking, when provided by an employer or at a facility owned or operated by the employer; municipal parking, storing or garaging; receipts from charges or fees imposed pursuant to section 3 of P.L.1993, c.159 (C.5:12-173.3) or pursuant to an agreement between the Casino Reinvestment Development Authority and a casino operator in effect on the date of enactment of P.L.2007, c.105; and receipts from parking, storing or garaging a motor vehicle subject to tax pursuant to any other law or ordinance.

For the purposes of this subsection, "municipal parking, storing or garaging" means any motor vehicle parking, storing or garaging provided by a municipality or county, or a parking authority thereof.

3. Section 29 of P.L.2005, c.126 (C.54:32B-3.4) is amended to read as follows:

C.54:32B-3.4 Sourcing of certain telecommunication services; definitions.

29. a. Notwithstanding the general sourcing provisions of section 26 of P.L.2005, c.126 (C.54:32B-3.1), except for the telecommunication services enumerated in subsection c. of this section, the sale of telecommunication service sold on a call-by-call basis shall be sourced to:

(1) each level of taxing jurisdiction where the call originates and terminates in that jurisdiction; or

(2) each level of taxing jurisdiction where the call either originates or terminates and in which the service address is also located.

b. Except for the telecommunication services enumerated in subsection c. of this section, a sale of telecommunications services sold on a basis other than a call-by-call basis shall be sourced to the customer's place of primary use.

c. The sale of the following telecommunication services shall be sourced to each level of taxing jurisdiction as follows:

(1) A sale of mobile telecommunications services other than air-to-ground radiotelephone service and prepaid calling service shall be sourced to the customer's place of primary use as required by the federal "Mobile Telecommunications Sourcing Act," 4 U.S.C. s.116 et seq.

(2) A sale of post-paid calling service shall be sourced to the origination point of the telecommunications signal as first identified by either:

(a) the seller's telecommunications system; or

(b) information received by the seller from its service provider, if the system used to transport such signals is not that of the seller.

(3) A sale of prepaid calling service or a sale of a prepaid wireless calling service shall be sourced in accordance with the general sourcing provisions of section 26 of P.L.2005, c.126 (C.54:32B-3.1); provided however, that in the case of a sale of prepaid wireless calling service, the rule provided in paragraph (5) of subsection a. of that section shall include as an option the location associated with the mobile telephone number.

(4) A sale of a private communication service shall be sourced as follows:

(a) Service for a separate charge related to a customer channel termination point shall be sourced to each level of jurisdiction in which such customer channel termination point is located.

(b) Service for which all customer termination points are located entirely within one jurisdiction or levels of jurisdiction shall be sourced to such jurisdiction in which the customer channel termination points are located.

(c) Service for segments of a channel between two customer channel termination points located in different jurisdictions and which segments of channel are separately charged shall be sourced fifty percent to each level of jurisdiction in which the customer channel termination points are located.

(d) Service for segments of a channel located in more than one jurisdiction or levels of jurisdiction and which segments of channel are not separately billed shall be sourced to each jurisdiction based on the percentage determined by dividing the number of customer channel termination points in such jurisdiction by the total number of customer channel termination points.

(5) A sale of an ancillary service shall be sourced to the customer's place of primary use.

d. For the purposes of this section:

"Air-to-ground radiotelephone service" means a radio service, as that term is defined in 47 CFR 22.99, in which common carriers are authorized to offer and provide radio telecommunications service for hire to subscribers in aircraft;

"Ancillary service" means a service that is associated with or incidental to the provision of telecommunication services, including but not limited to detailed telecommunications billing, directory assistance, vertical service, and voice mail services;

"Call-by-call basis" means any method of charging for telecommunications services in which the price is measured by individual calls;

"Communications channel" means a physical or virtual path of communications over which signals are transmitted between or among customer channel termination points;

"Customer" means the person or entity that contracts with the seller of telecommunications services. If the end user of telecommunications services is not the contracting party, then the end user of the telecommunications service is the customer of the telecommunication service, but this provision applies only for the purpose of sourcing sales of telecommunications services under this section. "Customer" does not include a reseller of telecommunications service or, for mobile telecommunications service, a serving carrier under an agreement to serve the customer outside the home service provider's licensed service area;

"Customer channel termination point" means the location where the customer either inputs or receives the communications;

"End user" means the person who utilizes the telecommunication service. In the case of an entity, "end user" means the individual who utilizes the service on behalf of the entity;

"Home service provider" has the same meaning as that term is defined by the federal "Mobile Telecommunications Sourcing Act," 4 U.S.C. s.124;

"Mobile telecommunications service" has the same meaning as that term is defined by the federal "Mobile Telecommunications Sourcing Act," 4 U.S.C. s.124;

"Place of primary use" means the street address representative of where the customer's use of the telecommunications service primarily occurs, which shall be the residential street address or the primary business street address of the customer. In the case of mobile telecommunications ser-

vices, "place of primary use" shall be within the licensed service area of the home service provider;

"Post-paid calling service" means the telecommunications service obtained by making a payment on a call-by-call basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by a charge made to a telephone number which is not associated with the origination or termination of the telecommunications service. A post-paid calling service includes a telecommunications service, except a prepaid wireless calling service, that would be a prepaid calling service except it is not exclusively a telecommunications service;

"Prepaid calling service" means the right to access exclusively telecommunications services, which shall be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount;

"Prepaid wireless calling service" means a telecommunications service that provides the right to utilize mobile wireless service as well as other non-telecommunications services, including the download of digital products delivered electronically, content, and ancillary services, which must be paid for in advance and that is sold in predetermined units or dollars of which the number declines with use in a known amount;

"Private communication service" means a telecommunication service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels; and

"Service address" means

(1) The location of the telecommunications equipment to which a customer's call is charged and from which the call originates or terminates, regardless of where the call is billed or paid;

(2) If the location in paragraph (1) of this definition is not known, "service address" means the origination point of the signal of the telecommunications services first identified by either the seller's telecommunications system or in information received by the seller from its service provider, in the case that the system used to transport such signals is not that of the seller; or

(3) If the locations in paragraphs (1) and (2) of this definition are not known, "service address" means the location of the customer's place of primary use.

4. Section 4 of P.L.1966, c.30 (C.54:32B-4) is amended to read as follows:

C.54:32B-4 Tax bracket schedule.

4. a. For the purpose of adding and collecting the tax imposed by this act, or an amount equal as nearly as possible or practicable to the average equivalent thereof, to be reimbursed to the seller by the purchaser, a seller shall use one of the two following options:

(1) a tax shall be calculated based on the following formula:

Amount of Sale	Amount of Tax
$0.01 to $0.10	No Tax
0.11 to 0.19	$0.01
0.20 to 0.32	0.02
0.33 to 0.47	0.03
0.48 to 0.62	0.04
0.63 to 0.77	0.05
0.78 to 0.90	0.06
0.91 to $1.10	0.07

and in addition to a tax of $0.07 on each full dollar, a tax shall be collected on each part of a dollar in excess of a full dollar, in accordance with the above formula; or

(2) tax shall be calculated to the third decimal place. One-half cent ($0.005) or higher shall be rounded up to the next cent; less than $0.005 shall be dropped in order to round the result down.

Sellers may compute the tax due on a transaction on either an item or an invoice basis.

b. (Deleted by amendment, P.L.2008, c.123)

5. Section 6 of P.L.1966, c.30 (C.54:32B-6) is amended to read as follows:

C.54:32B-6 Imposition of compensating use tax.

6. Unless property or services have already been or will be subject to the sales tax under this act, there is hereby imposed on and there shall be paid by every person a use tax for the use within this State of 7%, except as otherwise exempted under this act, (A) of any tangible personal property or digital property purchased at retail, including energy, provided however, that electricity consumed by the generating facility that produced it shall not be subject to tax, (B) of any tangible personal property or digital property manu-

factured, processed or assembled by the user, if items of the same kind of tangible personal property or digital property are offered for sale by him in the regular course of business, or if items of the same kind of tangible personal property are not offered for sale by him in the regular course of business and are used as such or incorporated into a structure, building or real property, (C) of any tangible personal property or digital property, however acquired, where not acquired for purposes of resale, upon which any taxable services described in paragraphs (1) and (2) of subsection (b) of section 3 of P.L.1966, c.30 (C.54:32B-3) have been performed, (D) of intrastate, interstate, or international telecommunications services described in subsection (f) of section 3 of P.L.1966, c.30, (E) (Deleted by amendment, P.L.1995, c.184), (F) of utility service provided to persons in this State for use in this State, provided however, that utility service used by the facility that provides the service shall not be subject to tax, (G) of mail processing services described in paragraph (5) of subsection (b) of section 3 of P.L.1966, c.30 (C.54:32B-3), (H) (Deleted by amendment, P.L.2008, c.123), (I) of any services subject to tax pursuant to subsection (11), (12), (13), (14) or (15) of subsection (b) of section 3 of P.L.1966, c.30 (C.54:32B-3), and (J) of access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization in this State. For purposes of clause (A) of this section, the tax shall be at the applicable rate, as set forth hereinabove, of the consideration given or contracted to be given for such property or for the use of such property including delivery charges made by the seller, but excluding any credit for property of the same kind accepted in part payment and intended for resale. For the purposes of clause (B) of this section, the tax shall be at the applicable rate, as set forth hereinabove, of the price at which items of the same kind of tangible personal property or digital property are offered for sale by the user, or if items of the same kind of tangible personal property are not offered for sale by the user in the regular course of business and are used as such or incorporated into a structure, building or real property the tax shall be at the applicable rate, as set forth hereinabove, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled by the user into the tangible personal property the use of which is subject to use tax pursuant to this section, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property or digital property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him. For purposes of clause (C) of this section, the tax shall be at the applicable rate, as set forth hereinabove, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property or

digital property transferred in conjunction with the performance of the service, including delivery charges made by the seller. For the purposes of clause (D) of this section, the tax shall be at the applicable rate on the charge made by the telecommunications service provider; provided however, that for prepaid calling services and prepaid wireless calling services the tax shall be at the applicable rate on the consideration given or contracted to be given for the prepaid calling service or prepaid wireless calling service or the recharge of the prepaid calling service or prepaid wireless calling service. For purposes of clause (F) of this section, the tax shall be at the applicable rate on the charge made by the utility service provider. For purposes of clause (G) of this section, the tax shall be at the applicable rate on that proportion of the amount of all processing costs charged by a mail processing service provider that is attributable to the service distributed in this State. For purposes of clause (I) of this section, the tax shall be at the applicable rate on the charge made by the service provider. For purposes of clause (J) of this section, the tax shall be at the applicable rate on the charges in the nature of initiation fees, membership fees or dues.

6. Section 13 of P.L.1980, c.105 (C.54:32B-8.1) is amended to read as follows:

C.54:32B-8.1 Exemption for certain medical supplies, equipment; definitions.

13. a. Receipts from sales of the following sold for human use are exempt from the tax imposed under the "Sales and Use Tax Act":

(1) drugs sold pursuant to a doctor's prescription;

(2) over-the-counter drugs;

(3) diabetic supplies;

(4) prosthetic devices;

(5) tampons or like products;

(6) medical oxygen;

(7) human blood and its derivatives;

(8) durable medical equipment for home use;

(9) mobility enhancing equipment sold by prescription; and

(10) repair and replacement parts for any of the foregoing exempt devices and equipment.

b. As used in this section:

"Drug" means a compound, substance or preparation, and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages:

(1) recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, and supplement to any of them; or

(2) intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or

(3) intended to affect the structure or any function of the body.

"Over-the-counter-drug" means a drug that contains a label which identifies the product as a drug, required by 21 CFR 201.66. The label includes:

(1) a "Drug Facts" panel or

(2) a statement of the "active ingredient" or "active ingredients" with a list of those ingredients contained in the compound, substance or preparation. "Over-the-counter drug" does not include a grooming and hygiene product.

"Grooming and hygiene product" is soap or cleaning solution, shampoo, toothpaste, mouthwash, anti-perspirant, or sun tan lotion or screen, regardless of whether the item meets the definition of "over-the-counter drug."

"Prescription" means an order, formula or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this State.

"Prosthetic device" means a replacement, corrective, or supportive device including repair and replacement parts for same worn on or in the body in order to:

(1) artificially replace a missing portion of the body; or

(2) prevent or correct a physical deformity or malfunction; or

(3) support a weak or deformed portion of the body.

"Durable medical equipment" means equipment, including repair and replacement parts, but not including mobility enhancing equipment, that:

(1) can withstand repeated use;

(2) is primarily and customarily used to serve a medical purpose;

(3) is generally not useful to a person in the absence of illness or injury; and

(4) is not worn in or on the body.

"Mobility enhancing equipment" means equipment, including repair and replacement parts, other than durable medical equipment, that:

(1) is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either at home or in a motor vehicle; and

(2) is not generally used by persons with normal mobility; and

(3) does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer.

c. Receipts from sales of supplies purchased for use in providing medical services for compensation, but not transferred to the purchaser of the service in conjunction with the performance of the service, shall be considered taxable receipts from retail sales notwithstanding the exemption from the tax imposed under the "Sales and Use Tax Act" provided under this section.

7. Section 14 of P.L.1980, c.105 (C.54:32B-8.2) is amended to read as follows:

C.54:32B-8.2 Food items, certain, exemption from tax; definitions.

14. a. Receipts from the following are exempt from the tax imposed under the "Sales and Use Tax Act:" sales of food and food ingredients and dietary supplements, sold for human consumption off the premises where sold but not including (1) candy, and (2) soft drinks, all of which shall be subject to the retail sales and compensating use taxes.

b. The exemption in this section is not applicable to prepared food subject to tax under subsection (c) of section 3 of the Sales and Use Tax Act (C.54:32B-3).

c. As used in this section:

"Candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" does not include any preparation containing flour or requiring refrigeration;

"Dietary supplement" means any product, other than tobacco, intended to supplement the diet, that:

(1) contains one or more of the following dietary ingredients: a vitamin; a mineral; an herb or other botanical; an amino acid; a dietary substance for use by humans to supplement the diet by increasing the total dietary intake; a concentrate, metabolite, constituent, extract, or combination of any ingredient described herein;

(2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and

(3) is required to be labeled as a dietary supplement, identifiable by the "Supplemental Facts" box found on the label and as required pursuant to 21 C.F.R. s.101.36;

"Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion

or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" does not include alcoholic beverages or tobacco;

"Soft drinks" means non-alcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain: milk or milk products; soy, rice or similar milk substitutes; or greater than fifty percent of vegetable or fruit juice by volume; and

"Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

8. Section 16 of P.L.1980, c.105 (C.54:32B-8.4) is amended to read as follows:

C.54:32B-8.4 Clothing, footwear, exemption from tax; definitions.

16. a. Receipts from sales of articles of clothing and footwear for human use are exempt from the tax imposed under the "Sales and Use Tax Act." This exemption does not apply to fur clothing, clothing accessories or equipment, sport or recreational equipment, or protective equipment.

b. Receipts from sales of protective equipment necessary for the daily work of the user are exempt from the tax imposed under the "Sales and Use Tax Act."

c. Receipts from sales of sewing materials, such as fabrics, thread, knitting yarn, buttons and zippers, purchased by noncommercial purchasers for incorporation into clothing as a constituent part thereof, are exempt from the tax imposed under the "Sales and Use Tax Act."

d. As used in this section:

"Clothing" means all human wearing apparel suitable for general use. Clothing shall not include: clothing accessories or equipment, sport or recreational equipment, protective equipment, sewing equipment and supplies, or sewing materials that become part of clothing.

"Clothing accessories or equipment" means incidental items worn on the person or in conjunction with clothing.

"Fur clothing" means clothing that is required to be labeled as a fur product under 15 U.S.C. s.69, and the value of the fur components in the product is more than three times the value of the next most valuable tangible component. For the purposes of this section, "fur" means any animal skin or part thereof with hair, fleece, or fur fibers attached thereto, either in its raw or processed state, but shall not include such skins that have been converted into leather or suede, or which in processing the hair, fleece, or fur fiber has been completely removed.

"Protective equipment" means items for human wear and designed as protection of the wearer against injury or disease or as protections against damage or injury of other persons or property but not suitable for general use.

"Sport or recreational equipment" means items designed for human use and worn in conjunction with an athletic or recreational activity that are not suitable for general use.

9. Section 26 of P.L.1980, c.105 (C.54:32B-8.14) is amended to read as follows:

C.54:32B-8.14 Sales of tangible personal, digital property for use in R&D exempt, exceptions.

26. Receipts from sales of tangible personal property, except energy, and digital property purchased for use or consumption directly and exclusively in research and development in the experimental or laboratory sense are exempt from the tax imposed under the Sales and Use Tax Act. Such research and development shall not be deemed to include the ordinary testing or inspection of materials or products for quality control, efficiency surveys, management studies, consumer surveys, advertising, promotions or research in connection with literary, historical or similar projects.

10. Section 1 of P.L.1985, c.24 (C.54:32B-8.39) is amended to read as follows:

C.54:32B-8.39 Certain printed advertising material receipts, exemption from tax.

1. Receipts from sales of printed advertising material for distribution to out-of-State recipients and receipts from sales of processing services in connection with distribution of printed advertising material to out-of-State recipients are exempt from the tax imposed under the "Sales and Use Tax Act." The exemption provided by this section shall apply to receipts from charges for the printing or production of printed advertising material whether prepared in, or shipped into New Jersey after preparation and stored for subsequent shipment to out-of-State customers. The mail processing services exemption provided by this section shall apply to receipts from charges for all mail processing services for distribution to out-of-State recipients, including but not limited to the following: preparing and maintaining mailing lists, addressing, separating, folding, inserting, sorting and packaging printed advertising materials and transporting to the point of shipment by the mail service or other carrier.

11. Section 15 of P.L.2005, c.126 (C.54:32B-8.56) is amended to read as follows:

C.54:32B-8.56 Certain prewritten software, exemption from tax; definitions.

15. Receipts from sales of prewritten software delivered electronically and used directly and exclusively in the conduct of the purchaser's business, trade or occupation are exempt from the tax imposed under the "Sales and Use Tax Act", P.L.1966, c.30 (C.54:32B-1 et seq.). The exemption provided by this section shall not apply to receipts from sales of prewritten software delivered by a load and leave method.

"Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

"Computer software" means a set of coded instruction designed to cause a computer or automatic data processing equipment to perform a task.

"Delivered electronically" means delivered to the purchaser by means other than tangible storage media.

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

"Load and leave" means delivery to the purchaser by the use of a tangible storage medium where the tangible storage medium is not physically transferred to the purchaser.

"Prewritten computer software" means computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof shall not cause the combination to be other than prewritten computer software. "Prewritten computer software" includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than such purchaser. If a person modifies or enhances computer software of which that person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, shall remain prewritten software; provided, however, that if there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute pre-written computer software.

12. Section 12 of P.L.1966, c.30 (C.54:32B-12) is amended to read as follows:

C.54:32B-12 Collection of tax from customer.

12. (a) Every person required to collect the tax shall collect the tax from the customer when collecting the price, service charge, amusement charge or rent to which it applies. If the customer is given any sales slip, invoice, receipt or other statement or memorandum of the price, service charge, amusement charge or rent paid or payable, the tax shall be stated, charged and shown separately on the first of such documents given to him. The tax shall be paid to the person required to collect it as trustee for and on account of the State.

(b) For the purpose of the proper administration of this act and to prevent evasion of the tax hereby imposed, and subject to the rules regarding the administration of exemptions authorized by the Streamlined Sales and Use Tax Agreement, it shall be presumed that all receipts for property or services of any type mentioned in subsections (a), (b), (c), and (f) of section 3, all rents for occupancy of the type mentioned in subsection (d) of said section, all amusement charges of any type mentioned in subsection (e) of said section, all charges in the nature of initiation fees, membership fees or dues mentioned in subsection (h) of said section, and all receipts from parking, storing or garaging a motor vehicle mentioned in subsection (i) of said section are subject to tax until the contrary is established, and the burden of proving that any such receipt, charge or rent is not taxable hereunder shall be upon the person required to collect tax or the customer. Unless a seller shall have taken from the purchaser a certificate, signed by the purchaser if in paper form, and bearing the purchaser's name and address and the number of the purchaser's registration certificate, to the effect that the property or service was purchased for resale or was otherwise exempt pursuant to the provisions of the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), or the purchaser, prior to taking delivery, furnishes to the seller any affidavit, statement or additional evidence, documentary or otherwise, which the director may require demonstrating that the purchaser is an exempt organization described in section 9(b)(1), the sale shall be deemed a taxable retail sale. Provided however, the director may, in the director's discretion, authorize a purchaser, who acquires tangible personal property, digital property or services under circumstances which make it impossible at the time of acquisition to determine the manner in which the tangible personal property, digital property or services will be used, to pay the tax directly to the director and waive the collection of the tax by the seller or

provide for direct pay authority under rules adopted under the Streamlined Sales and Use Tax Agreement. Provided further, the director shall authorize any eligible person, as defined in section 34 of P.L.1997, c.162 (C.54:32B-14.1), who purchases natural gas from a non-utility on and after January 1, 1998 through December 31, 2002, to pay the tax on the commodity directly to the director and waive the collection of the tax by the seller. No such authority shall be granted or exercised except upon application to the director, and the issuance by the director of a direct payment permit. If a direct payment permit is granted, its use shall be subject to conditions specified by the director, and the payment of tax on all acquisitions pursuant to the permit shall be made directly to the director by the permit holder.

(c) The director may provide by regulation that the tax upon receipts from sales on the installment plan may be paid on the amount of each installment and upon the date when such installment is due. He may also provide by regulation for the exclusion from taxable receipts, amusement charges or rents of amounts subject, as applicable, to the provisions of section 30 of P.L.2005, c.126 (C.54:32B-12.1), representing sales where the contract of sale has been canceled, the property returned or the receipt, charge or rent has been ascertained to be uncollectible or, in the case the tax has been paid upon such receipt, charge or rent, for refund or credit of the tax so paid.

13. Section 14 of P.L.1966, c.30 (C.54:32B-14) is amended to read as follows:

C.54:32B-14 Liability for tax.

14. (a) Every person required to collect any tax imposed by this act shall be personally liable for the tax imposed, collected or required to be collected under this act. Any such person shall have the same right in respect to collecting the tax from that person's customer or in respect to nonpayment of the tax by the customer as if the tax were a part of the purchase price of the property or service, amusement charge or rent, as the case may be, and payable at the same time; provided, however, that the director shall be joined as a party in any action or proceeding brought to collect the tax.

(b) Where any customer has failed to pay a tax imposed by this act to the person required to collect the same, then in addition to all other rights, obligations and remedies provided, such tax shall be payable by the customer directly to the director and it shall be the duty of the customer to file a return with the director and to pay the tax to the director within 20 days of the date the tax was required to be paid.

(c) The director may, whenever the director deems it necessary for the proper enforcement of this act, provide by regulation that customers shall file returns and pay directly to the director any tax herein imposed, at such times as returns are required to be filed and payment over made by persons required to collect the tax.

(d) No person required to collect any tax imposed by this act shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the tax is not considered as an element in the price, amusement charge or rent payable by the customer, or except as provided by subsection (f) of this section that the person required to collect the tax will pay the tax, that the tax will not be separately charged and stated to the customer or that the tax will be refunded to the customer. Upon written application duly made and proof duly presented to the satisfaction of the director showing that in the particular business of the person required to collect the tax it would be impractical for the seller to separately charge the tax to the customer, the director may waive the application of the requirement herein as to such seller.

(e) All sellers of energy or utility service shall include the tax imposed by the "Sales and Use Tax Act" within the purchase price of the tangible personal property or service.

(f) A vendor other than a vendor subject to subsection (e) of this section making retail sales of tangible personal property or sales of services may advertise that the vendor will pay the tax for the customer subject to the conditions of this subsection.

(1) The advertising shall indicate that the vendor is, in fact, paying the tax for the customer and shall not indicate or imply that the sale or charge is exempt from taxation.

(2) Notwithstanding the provisions of section 12 of P.L.1966, c.30 (C.54:32B-12) to the contrary, any sales slip, invoice, receipt or other statement or memorandum of the price or service charge paid or payable given to the customer shall state that the tax will be paid by the vendor; provided however that such record shall be otherwise subject to the provisions of section 12 of P.L.1966, c.30 (C.54:32B-12).

(3) The vendor shall pay the amount of tax due on the retail sale or service receipt, as determined pursuant to section 4 of P.L.1966, c.30 (C.54:32B-4), as trustee for and on account of the State, and shall have the same liability for that amount of tax pursuant to the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), as for an amount collected from a customer.

(g) No person required to collect any tax imposed by this act shall be held liable for having charged and collected the incorrect amount of sales and use tax by reason of reliance on erroneous data provided by the director with respect to tax rates, boundaries or taxing jurisdiction assignments or contained in the taxability matrix.

(h) In connection with a purchaser's request from a seller of over-collected sales or use taxes, a seller shall be presumed to have a reasonable business practice, if in the collection of such sales or use taxes, the seller: (1) uses either a provider or a system, including a proprietary system, that is certified by the State; and (2) has remitted to the State all taxes collected less any deductions, credits, or collection allowances.

(i) No purchaser shall be held liable for any tax, interest or penalty for failure to pay the correct amount of tax by reason of:

(1) the reliance of the purchaser's seller or certified service provider on erroneous data provided by the director with respect to tax rates, boundaries or taxing jurisdiction assignments or contained in the taxability matrix;

(2) the reliance of the purchaser holding a direct pay permit on erroneous data provided by the director with respect to tax rates, boundaries or taxing jurisdiction assignments or contained in the taxability matrix;

(3) the reliance of the purchaser on erroneous data provided by the director with respect to the taxability matrix; or

(4) the reliance of a purchaser using databases of taxing jurisdiction assignments on erroneous data provided by the director with respect to tax rates, boundaries or taxing jurisdiction assignments, provided however that, to the extent that the director provides or certifies an address-based database for assigning tax rates and jurisdictions and upon appropriate notice, no relief from liability shall be allowed for errors resulting from reliance on a zip code database for assigning tax rates and jurisdictions.

Provided however, that as to the relief from liability for tax, the relief from liability for tax by reason of reliance on the taxability matrix shall be limited to the director's erroneous classification in the taxability matrix of terms "taxable" or "exempt," "included in sales price" or "excluded from sales price" or "included in the definition" or "excluded from the definition."

14. Section 16 of P.L.1966, c.30 (C.54:32B-16) is amended to read as follows:

C.54:32B-16 Records to be kept.

16. Every person required to collect any tax imposed by this act shall keep records of every purchase, purchase for lease, sale or amusement

charge or occupancy and of all amounts paid, charged or due thereon and of the tax payable thereon, in such form as the director may by regulation require. Such records shall include a true copy of each sales slip, invoice, receipt, statement or memorandum upon which subsection (a) of section 12 requires that the tax be stated separately. Such records shall be available for inspection and examination at any time upon demand by the director or his duly authorized agent or employee and shall be preserved for a period of four years, except that the director may consent to their destruction within that period or may require that they be kept longer.

15. Section 17 of P.L.1966, c.30 (C.54:32B-17) is amended to read as follows:

C.54:32B-17 Returns; streamlined systems; amnesty.

17. (a) Every person required to collect or pay tax under this act shall on or before August 28, 1966, and on or before the twentieth day of each month thereafter, make and file a return for the preceding month with the director. The return of a seller of tangible personal property, digital property or services shall show his receipts from sales and also the aggregate value of tangible personal property, digital property and services sold by him, the use of which is subject to tax under this act, and the amount of taxes required to be collected with respect to such sales and use. The return of a recipient of amusement charges shall show all such charges and the amount of tax thereon, and the return of a person required to collect tax on leases or rentals shall show all lease or rental payments received or charged and the amount of tax thereon. The return of a recipient of initiation fees, membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization shall show all such charges and the amount of tax thereon. The return of the recipient of charges from parking, storing or garaging a motor vehicle shall show all such charges and the amount of tax thereon.

(b) The director may permit or require returns to be made covering other periods and upon such dates as he may specify. In addition, the director may require payments of tax liability at such intervals and based upon such classifications as he may designate. In prescribing such other periods to be covered by the return or intervals or classifications for payment of tax liability, the director may take into account the dollar volume of tax involved as well as the need for insuring the prompt and orderly collection of the taxes imposed.

(c) The form of returns shall be prescribed by the director and shall contain such information as he may deem necessary for the proper administration of this act. The director may require amended returns to be filed within 20 days after notice and to contain the information specified in the notice.

(d) Pursuant to the Streamlined Sales and Use Tax Agreement, the director is authorized to accept certified automated systems and certified service providers to aid in the administration of the collection of the tax imposed under the "Sales and Use Tax Act".

(e) Subject to the limitations of this subsection and other provisions of the "Sales and Use Tax Act":

(1) In addition to the powers of the director prescribed pursuant to section 24 of P.L.1966, c.30 (C.54:32B-24) and the "State Uniform Tax Procedure Law," R.S.54:48-1 et seq., and notwithstanding the provisions of any other law to the contrary, the director shall grant "amnesty" for uncollected or unpaid sales or use tax to a seller that registers to collect and remit applicable sales or use tax on sales made to purchasers in this State in accordance with the terms of the Streamlined Sales and Use Tax Agreement, provided that the seller was not so registered in this State in the twelve-month period preceding the commencement of this State's participation in the agreement.

(2) Under terms of the "amnesty" granted pursuant to paragraph (1) of this subsection, a seller that registers shall not be assessed for uncollected or unpaid sales or use tax and shall not be assessed penalties or interest for sales made during the period the seller was not registered in this State, provided that the seller registers pursuant to paragraph (1) of this subsection within twelve months of the effective date of this State's participation in the Streamlined Sales and Use Tax Agreement.

(3) The limitations on deficiency assessments, penalties and interest pursuant to paragraph (2) of this subsection shall not be available to a seller with respect to any matter for which the seller received notice of the commencement of an audit and which audit is not yet finally resolved including any related administrative and judicial processes.

(4) The limitations on deficiency assessments, penalties and interest pursuant to paragraph (2) of this subsection shall not be available for sales or use taxes already paid or remitted to the State or to taxes already collected by the seller.

(5) The "amnesty" limitations on deficiency assessments, penalties and interest pursuant to paragraph (2) of this subsection shall be in full effect and the director shall not assess deficiencies for uncollected or unpaid sales or use tax and shall not assess penalties or interest for sales made during the

period the seller was not registered in this State so long as the seller continues registration and continues collection and remittance of applicable sales or use taxes for a period of at least 36 months; provided however that the director may make such assessments by reason of the seller's fraud or intentional misrepresentation of a material fact. The statutes of limitations applicable to asserting tax liabilities, deficiencies, penalties and interest are tolled for this 36-month period.

(6) The "amnesty" granted pursuant to paragraph (1) of this subsection shall apply only to sales or use taxes due from a seller in its capacity as a seller and shall not apply to sales or use taxes due from a seller in its capacity as a buyer.

C.54:32B-8.58 Coin-operated telephone service receipts exempt.

16. a. Receipts from sales of coin-operated telephone service are exempt from the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

b. For purposes of this section:

"Coin-operated telephone service" means a telecommunications service paid for by inserting money into a telephone accepting direct deposits of money to operate.

C.54:32B-8.59 Receipts from certain telecommunications services exempt.

17. Receipts from telecommunications services provided by a person, or by that person's wholly owned subsidiary, not engaged in the business of rendering or offering telecommunications services to the public, for private and exclusive use within its organization, are exempt from the tax imposed under the Sales and Use Tax Act; provided however, that the exemption provided by this section shall not apply to sales of telecommunications services attributable to the excess unused telecommunications capacity of that person to another.

Repealer.

18. a. Section 27 of P.L.2005, c.126 (C.54:32B-3.2) and section 1 of P.L.2006, c.41 (C.54:32G-1) are repealed.

b. Notwithstanding the repeal of section 1 of P.L.2006, c.41, the repeal shall not affect any obligation, lien, or duty to pay taxes, interest or penalties which have accrued or may accrue by virtue of any taxes imposed pursuant to the provisions of P.L.2006, c.41 or which may be imposed with respect to any redetermination, correction, recomputation, or deficiency assessment; and provided that all taxes and returns which would be due and

payable prior to the effective date of P.L.2008, c.123 (C.54:32B-8.58 et al.) shall be due and payable as if P.L.2006, c.41 were in effect; and provided that this repeal shall not affect the legal authority of the State to audit records and assess and collect taxes due or which may be due, together with such interest and penalties as have accrued or would have accrued thereon under the provisions of the law repealed; and provided that the repeal by subsection a. of this section, shall not affect any determination of, or affect any proceeding for, the enforcement thereof.

19. This act shall take effect immediately; provided however, that sections 1 through 18 shall remain inoperative until January 1, 2009.

Approved December 19, 2008.

CHAPTER 124

AN ACT concerning the NJ STARS and NJ STARS II Programs and amending and supplementing P.L.2004, c.59 and P.L.2005, c.359.

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

1. Section 5 of P.L.2004, c.59 (C.18A:71B-85) is amended to read as follows:

C.18A:71B-85 NJ STARS scholarships; eligibility.

5. a. A scholarship under the NJ STARS Program shall cover the full cost of tuition and fees, subject to the prior application of other grants and scholarships against those costs as provided under paragraph (2) of subsection c. of this section, for up to 18 credit hours in any semester, for an eligible student enrolled in a full-time course of study at the New Jersey county college serving the student's county of residence. An otherwise eligible student who demonstrates to the authority, in accordance with such criteria and by means of such documentation as the authority shall establish by regulation, that the county college serving the student's county of residence does not offer the curriculum that the student chooses to study shall be eligible for such scholarship at another New Jersey county college offering that curriculum. The amount of any scholarship allowed hereunder to a

student at a county college serving a county other than the student's county of residence shall be computed as though the student were a resident of the county served by that college, and the college shall likewise compute the amount of any additional payment, required with respect to the enrollment of that student for credit hours of study during a semester in which the scholarship is awarded that are not covered by that scholarship, as though the student were a resident of the county.

b. A student shall be eligible for a scholarship under the NJ STARS Program for up to five semesters, including summer sessions. The scholarship shall be payable for the first year of enrollment in a county college to a student who:

(1) graduated in the top 15.0% of the student's high school graduating class, provided that in the case of students graduating from high schools that do not calculate the class rank of their students, the student's ranking shall be determined by the high school in consultation with the authority; and

(2) completed a rigorous high school course of study in accordance with standards established by the Commission on Higher Education in consultation with the Commissioner of Education.

During a student's enrollment in a county college after the first year of enrollment, the scholarship shall be payable to that student if the student attains a grade point average of at least 3.0 by the start of the student's second year of county college enrollment. A student who attains a grade point average of less than 3.0 at the start of the second semester of the student's first year of county college enrollment shall participate in an enrichment program designed by the county college during the second semester of the student's first year of enrollment.

c. To be eligible to receive a scholarship under the NJ STARS Program a student shall:

(1) be a State resident pursuant to guidelines established by the authority. Notwithstanding the provisions of section 1 of P.L.1979, c.361 (C.18A:62-4) or any other section of law to the contrary, a dependent child of a parent or guardian who has been transferred to a military installation located in this State shall be considered a resident of this State for the purposes of qualifying for an NJ STARS scholarship;

(2) have applied for all other available forms of State and federal need-based grants and merit scholarships, exclusive of loans, the full amount of which grants and scholarships shall be applied to tuition and fee charges to reduce the amount of any scholarship that the student shall receive under the provisions of this act;

(3) except as otherwise provided pursuant to subsection a. of section 3 of P.L.2008, c.124 (C.18A:71B-85.2), be enrolled in a full-time course of study at a New Jersey county college;

(4) have graduated from high school in 2004 or later, and not earlier than the calendar year two years prior to the first calendar year in which a scholarship payment is to be made; and

(5) except as otherwise provided pursuant to subsection a. of section 3 of P.L.2008, c.124 (C.18A:71B-85.2), maintain continuous enrollment in a full-time course of study, unless on medical leave due to the illness of the student or a member of the student's immediate family or emergency leave because of a family emergency, which medical or emergency leave shall have been approved by the county college, or unless called to partial or full mobilization for State or federal active duty as a member of the National Guard or a Reserve component of the Armed Forces of the United States.

d. A student who is dismissed for academic or disciplinary reasons from a county college shall no longer be eligible for a scholarship under this act. If a student participating in the program is dismissed for disciplinary reasons, the student shall repay in full all amounts received under the program. The county college shall be responsible for collecting the repayment, or the amount of any overpayment or other improper payment, of any State awards under the program, in accordance with the provisions of N.J.S.18A:71B-10.

e. A student scholarship under the NJ STARS Program may be renewed upon the student's filing of a renewal financial aid application and providing evidence that the student has satisfied the requirements pursuant to subsection b. of this section.

C.18A:71B-85.1 College placement test to determine eligibility for program.

2. a. Upon notice from the authority in a student's senior year of high school of conditional eligibility for the NJ STARS Program, a student who determines to pursue final eligibility for the program shall take a college placement test to determine readiness for college-level coursework. The test shall be selected by the New Jersey Council of County Colleges and administered by the county college of the county in which the student's school district is located at no cost to the student or the school district. A county college may enter into an agreement with the school district to administer the test at the high school or other selected site within the district.

b. A county college shall notify any student who does not achieve the required score on the placement test that the student requires remediation prior to pursuing county college coursework for credit under the NJ STARS Program. The student shall have the responsibility to address the identified defi-

ciencies through such means as the student determines, including enrollment in remedial classes at the county college during the senior year of high school.

c. Upon graduation from high school, if a student meets the eligibility criteria for receipt of an NJ STARS scholarship but is not able to demonstrate the skill levels required to pursue courses for credit at a county college, the student shall not receive an NJ STARS scholarship until that ability is demonstrated. The student shall have one year from the September 1 next following the date of high school graduation to demonstrate such ability, and if at the end of the one-year period the student continues to require remediation, then the student shall lose eligibility for the NJ STARS Program. If during or at the end of the one-year period the student demonstrates the required ability, then the student shall be eligible for an NJ STARS scholarship for five semesters.

C.18A:71B-85.2 Option for fewer credits for recipient, eligibility for NJ STARS II scholarship.

3. a. A student who receives an NJ STARS scholarship shall be eligible to take less than 12 credits in the final semester if the county college determines that the student needs to complete less than 12 credits in that semester to complete the degree program.

b. In the case of a student who is enrolled in an associate degree program regularly requiring six semesters, the student shall not receive an NJ STARS scholarship for the sixth semester but shall maintain eligibility for the New Jersey Student Tuition Assistance Reward Scholarship II (NJ STARS II) Program established pursuant to P.L.2005, c.359 (C.18A:71B-86.1 et seq.), provided that the student meets the requirements for receipt of an NJ STARS II scholarship.

C.18A:71B-85.3 Application of college credits earned in high school.

4. A student who is eligible for an NJ STARS scholarship who earned college credits while enrolled in high school may submit to the county college a transcript from the institution of higher education that awarded the credits. If the county college determines that the student's coursework is equivalent to that offered by the county college, then the county college shall apply the credits toward the award of the student's associate degree under the NJ STARS Program.

C.18A:71B-85.4 Current recipients unaffected; exceptions.

5. a. In the case of a student who is receiving a scholarship under the NJ STARS Program on the effective date of P.L.2008, c.124 (C.18A:71B-85.1 et al.), the scholarship shall be administered and the student shall re-

main eligible for the program in accordance with the provisions of P.L.2004, c.59 (C.18A:71B-81 et seq.) as the same read before the effective date of P.L.2008, c.124 (C.18A:71B-85.1 et al.); except that a student who is in the first year of county college enrollment shall be required to attain at least a 3.25 cumulative grade point average upon graduation from a county college in order to qualify for the New Jersey Student Tuition Assistance Reward Scholarship II (NJ STARS II) Program and a student who is in the second year of county college enrollment shall be required to attain at least a 3.0 cumulative grade point average upon graduation from a county college to qualify for NJ STARS II.

b. Notwithstanding the provisions of subsection a. of section 4 of P.L.2005, c.359 (C.18A:71B-86.4) to the contrary, in the case of a student who is in the second year of county college enrollment on the effective date of P.L.2008, c.124 (C.18A:71B-85.1 et al.) who attains a cumulative grade point average equal to or greater than 3.0 and less than 3.25 upon graduation from a county college and who meets all other requirements for receipt of an NJ STARS II scholarship, the amount of the scholarship for the student's third academic year of study shall equal up to $3,000 per semester.

6. Section 4 of P.L.2005, c.359 (C.18A:71B-86.4) is amended to read as follows:

C.18A:71B-86.4 Eligibility for NJ STARS II; scholarship amounts.

4. a. A scholarship under the NJ STARS II Program shall be applied toward the cost of tuition or in the case of a student who receives a Tuition Aid Grant toward the cost of tuition and fees, subject to the prior application of other grants and scholarships against such costs as provided under paragraph (2) of subsection e. of this section, for an eligible student enrolled in a full-time course of study at a New Jersey four-year public institution of higher education. In the case of a student with a grade point average equal to or greater than 3.25 and less than 3.50, the scholarship shall equal up to $3,000 per semester, and in the case of a student with a grade point average equal to or greater than 3.50, the scholarship shall equal up to $3,500 per semester. The cost of a scholarship shall be paid 50% by the State and 50% by the public institution of higher education. Any cost of attendance that is not covered by the NJ STARS II scholarship or other available forms of grants and scholarships shall be paid by the student.

b. A student shall be eligible for a scholarship under the NJ STARS II Program for up to four semesters, excluding summer sessions, at a New Jersey four-year public institution of higher education.

c. A student shall be eligible to receive a scholarship under the NJ STARS II Program for the student's third academic year of study if the student: has an annual family income, both taxable and non-taxable, as derived from the Free Application for Federal Student Aid (FAFSA) for the academic year, of less than $250,000; attained an associate's degree from a New Jersey county college; except as otherwise provided pursuant to subsection c. of section 2 and subsection b. of section 3 of P.L.2008, c.124 (C.18A:71B-85.2), received a scholarship under the "New Jersey Student Tuition Assistance Reward Scholarship (NJ STARS) Program Act," P.L.2004, c.59 (C.18A:71B-81 et seq.), for each semester of study in the county college, or was eligible for but did not receive a scholarship under NJ STARS because the student's tuition and fees were fully covered by other State or federal need-based grants or merit scholarships, or was eligible for but did not receive a scholarship under NJ STARS because the student was enrolled while a high school student in county college courses and received an associate's degree in accordance with a joint program offered by the student's school district and a county college; attains a cumulative grade point average of at least 3.25 upon graduation from county college; enrolls in a baccalaureate degree program at a New Jersey four-year public institution of higher education for the third academic year of study in the academic year immediately following the student's attainment of an associate's degree; and meets the criteria set forth in subsection e. of this section. A grade for credits earned during a summer semester shall for the purposes of this subsection be included in the calculation of the cumulative grade point average. The amount of the scholarship awarded for the third academic year of study shall be based on the student's cumulative grade point average upon graduation from the county college in accordance with the provisions of subsection a. of this section.

d. A student shall be eligible to receive a scholarship under the NJ STARS II Program for the student's fourth academic year of study if the student: received a scholarship under the NJ STARS II Program for the student's third academic year of study pursuant to subsection c. of this section; based on the student's performance during the third academic year of study, attained a grade point average of at least 3.25; and meets the criteria set forth in subsection e. of this section. A grade for credits earned during a summer semester shall for the purposes of this subsection be included in the calculation of the grade point average for the preceding academic year. The amount of the scholarship awarded for the fourth academic year of study shall be based on the student's grade point average during the third academic year of study in accordance with the provisions of subsection a. of this section.

e. To be eligible to receive a scholarship under the NJ STARS II Program, a student shall:

(1) be a State resident pursuant to guidelines established by the authority. Notwithstanding the provisions of section 1 of P.L.1979, c.361 (C.18A:62-4) or any other section of law to the contrary, a dependent child of a parent or guardian who has been transferred to a military installation located in this State shall be considered a resident of this State for the purposes of qualifying for an NJ STARS II scholarship;

(2) have applied for all other available forms of State and federal need-based grants and merit scholarships, exclusive of loans, the full amount of which grants and scholarships shall be applied to tuition, and fee charges if applicable, to reduce the amount of any scholarship that the student shall receive under the provisions of P.L.2005, c.359 (C.18A:71B-86.1 et seq.);

(3) be enrolled in a full-time course of study at a four-year public institution of higher education; and

(4) maintain continuous enrollment in a full-time course of study, unless on medical leave due to the illness of the student or a member of the student's immediate family or emergency leave because of a family emergency, which medical or emergency leave shall have been approved by the four-year public institution of higher education, or unless called to partial or full mobilization for State or federal active duty as a member of the National Guard or a Reserve component of the Armed Forces of the United States.

f. A student who is dismissed for academic or disciplinary reasons from a four-year public institution of higher education shall no longer be eligible for a scholarship under this act. If a student participating in the program is dismissed for disciplinary reasons, the student shall repay in full all amounts received under the program. The four-year public institution of higher education shall be responsible for collecting the repayment, or the amount of any overpayment or other improper payment, of any State awards under the program, in accordance with the provisions of N.J.S.18A:71B-10.

g. A student scholarship under the NJ STARS II Program may be renewed upon the student's filing of a renewal financial aid application and providing evidence that the student has satisfied the requirements pursuant to this section.

7. Section 5 of P.L.2005, c.359 (C.18A:71B-86.5) is amended to read as follows:

C.18A:71B-86.5 Transfer of academic credits.

5. The policies and procedures set forth in the Statewide transfer agreement established pursuant to P.L.2007, c.175 (C.18A:62-46 et seq.) shall govern the transfer of academic credits awarded by a county college to an NJ STARS student who subsequently enrolls in a four-year public institution of higher education and is participating in the NJ STARS II Program at the institution.

8. Section 7 of P.L.2005, c.359 (C.18A:71B-86.7) is amended to read as follows:

C.18A:71B-86.7 Construction of act relative to application, admissions procedures.

7. Nothing in this act shall be construed to require a four-year public institution of higher education to admit a student eligible for a scholarship under this act or to waive its admission standards and application procedures; except that the institution shall apply the same admission standards and application procedures that it applies to all other transfer students.

C.18A:71B-86.4a Eligibility of certain NJ STARS II recipients.

9. In the case of a student who is receiving a scholarship under the NJ STARS II Program and is in the third academic year of study at a public institution of higher education on the effective date of P.L.2008, c.124 (C.18A:71B-85.1 et al.), the scholarship shall be administered and the student shall remain eligible for the program in accordance with the provisions of P.L.2005, c.359 (C.18A:71B-86.1 et seq.) as the same read before the effective date of P.L.2008, c.124 (C.18A:71B-85.1 et al.).

10. This act shall take effect immediately and shall first be applicable to the 2009-2010 academic year.

Approved December 19, 2008.

CHAPTER 125

AN ACT to establish the "New Jersey-Israel Commission" as a permanent commission in the Department of 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.52:16A-104 Findings, declarations relative to establishing the "New Jersey-Israel Commission" as permanent.

1. The Legislature finds and declares:

a. On April 25, 1988, in commemoration of the 40th anniversary of the founding of the State of Israel, the State of New Jersey entered into a Sister State Agreement with Israel as a symbol of the potential for cooperation that exists between our two states; and

b. The agreement calls for the development of trade and cultural and educational exchanges, in addition to encouraging the development of capital investment and joint business ventures; and

c. On May 31, 1989, the State of New Jersey established the New Jersey-Israel Commission as a temporary commission by Executive Order No. 208 of Governor Thomas H. Kean to enhance New Jersey's ability to implement the stated goals of the agreement; and

d. The commission was continued by Executive Orders Nos. 35 and 90 of Governor James J. Florio through and including May 31, 1995; and

e. The commission was continued by Executive Orders Nos. 37 and 70 of Governor Christine T. Whitman through and including January 1, 2002; and

f. The commission was continued by Executive Order No. 12 of Governor James E. McGreevey through and including January 1, 2007; and

g. The commission was continued by Executive Order No. 49 of Governor Jon S. Corzine through and including January 1, 2012; and

h. The commission has effectively fostered a spirit of cooperation between the citizens of the State of Israel and the citizens of the State of New Jersey that should continue, on a permanent basis, in order to further the goals of the agreement.

C.52:16A-105 New Jersey-Israel Commission deemed permanent; membership, vacancies, compensation, meetings.

2. a. The New Jersey-Israel Commission continued pursuant to Executive Order No. 49 of 2007, together with its functions, powers, duties, and subcommittees is hereby continued and established as a permanent commission in the Department of State, in accordance with the provisions of this act, P.L.2008, c.125 (C.52:16A-104 et seq.).

b. Upon the effective date of this act and through December 31, 2011, the commission shall consist of a minimum of 15 members and a maximum of 100 members, to be appointed by the Governor. Eight members of the commission shall be members of the Legislature. Four of the legislative members shall be members of the General Assembly, no more than two of

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whom shall be of the same political party, and four shall be members of the Senate, no more than two of whom shall be of the same political party. The eight legislative members shall be appointed by the Governor upon the recommendation of the Speaker of the General Assembly and the President of the Senate, respectively. All members of the commission shall serve at the pleasure of the Governor, and vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made. The members of the commission appointed pursuant to Executive Order No. 49 of 2007 and serving on the effective date of this act shall continue as members of the commission until December 31, 2011 on which date the appointments of all the members shall expire.

c. On January 1, 2012 and thereafter, the membership of the commission shall consist of 85 members to be appointed by the Governor, as follows:

(1) Eight members of the commission shall be members of the Legislature. Four of the legislative members shall be members of the General Assembly, no more than two of whom shall be of the same political party, and four shall be members of the Senate, no more than two of whom shall be of the same political party. The eight legislative members shall be appointed by the Governor upon the recommendation of the Speaker of the General Assembly and the President of the Senate, respectively. The legislative members shall serve during the two-year legislative term in which the appointment is made.

(2) Seventy-seven members of the commission shall be members of the public, to be appointed by the Governor to serve for a term of three years, except that of those 77 members first appointed, 25 shall be appointed to serve an initial term of two years, 25 shall be appointed to serve an initial term of three years, and 27 shall be appointed to serve an initial term of four years.

(3) A vacancy in the membership of the commission shall be filled in the same manner as the original appointment is made.

d. Members of the commission shall serve without compensation, but may be reimbursed for expenses actually incurred in the performance of their duties, within the limit of funds appropriated to the commission or otherwise made available to it for its purposes.

e. The commission may meet and hold hearings at the places it designates throughout the State.

C.52:16A-106 Designation of chairpersons, subcommittee chairpersons; quorum.

3. The Governor shall designate a chairperson or co-chairpersons from among the members of the commission, who shall serve in that capac-

ity at the pleasure of the Governor. The chairperson or co-chairpersons, as applicable, shall appoint from among the commission members the subcommittee chairpersons who shall each chair one subcommittee. The chairperson or co-chairpersons, as applicable, shall organize the commission's executive committee, to be composed of the chairperson or co-chairpersons, as applicable, the subcommittee chairpersons, and additional at-large members to be appointed by the chairperson or co-chairpersons, as applicable, from among the members of the commission.

A majority of the members of the executive committee shall constitute a quorum for the transaction of the business of the commission. Action may be taken and motions adopted at any meeting of the commission only if a majority of the executive committee of the commission is present and voting.

C.52:16A-107 Purpose of New Jersey-Israel Commission.

4. a. The purpose of the New Jersey-Israel Commission shall be to implement the stated goals of the Sister State Agreement between New Jersey and Israel. In furtherance of its purpose, the commission shall establish subcommittees to examine the following issues:

(1) Economic Development and International Trade;

(2) Research, Science and Technology;

(3) Education;

(4) Culture and Tourism; and

(5) other issues as determined by the commission pursuant to its purposes.

b. The commission shall report its findings, recommendations and plans directly to the Governor.

C.52:16A-108 Authority of New Jersey-Israel Commission.

5. The New Jersey-Israel Commission shall be authorized to raise funds, through direct solicitation or other fundraising events, alone or with other groups, and accept gifts, grants and bequests from individuals, corporations, foundations, governmental agencies, public and private organizations and institutions, to defray the commission's administrative expenses and carry out its purposes as set forth in this act, P.L.2008, c.125 (C.52:16A-104 et seq.). The funds, gifts, grants, or bequests received pursuant to this section shall be deposited in a State Treasury account and allocated and annually appropriated to the Department of State to defray the commission's administrative expenses and carry out its purposes.

C.52:16A-109 Consistent provisions of Executive Orders remain in force, effect.

6. All other provisions of Executive Order No. 208 of 1989, Executive Order No. 35 of 1991, Executive Order No. 90 of 1993, Executive Order

No. 37 of 1995, Executive Order No. 70 of 1997, Executive Order No. 12 of 2002, and Executive Order No. 49 of 2007 that are not inconsistent with this act, P.L.2008, c.125 (C.52:16A-104 et seq.), shall remain in full force and effect.

7. This act shall take effect immediately.

Approved December 22, 2008.

CHAPTER 126

AN ACT concerning health benefits coverage for hearing aids for children and supplementing various parts of the statutory law.

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

1. This act shall be known and may be cited as "Grace's Law."

C.17:48-6gg Hospital service corporation to provide coverage for hearing aids for certain persons aged 15 or younger.

2. A hospital service corporation contract that provides hospital and medical expense benefits and is delivered, issued, executed or renewed in this State pursuant to P.L.1938, c.366 (C.17:48-1 et seq.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for medically necessary expenses incurred in the purchase of a hearing aid for a covered person 15 years of age or younger, as provided in this section.

A hospital service corporation contract shall provide coverage that includes the purchase of a hearing aid for each ear, when medically necessary and as prescribed or recommended by a licensed physician or audiologist. A hospital service corporation may limit the benefit provided in this section to $1,000 per hearing aid for each hearing-impaired ear every 24 months. A covered person may choose a hearing aid that is priced higher than the benefit payable under this section and may pay the difference between the price of the hearing aid and the benefit payable under this section, without financial or contractual penalty to the provider of the hearing aid.

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

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

C.17:48A-7dd Medical service corporation to provide coverage for hearing aids for certain persons aged 15 or younger.

3. A medical service corporation contract that provides hospital and medical expense benefits and is delivered, issued, executed or renewed in this State pursuant to P.L.1940, c.74 (C.17:48A-1 et seq.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for medically necessary expenses incurred in the purchase of a hearing aid for a covered person 15 years of age or younger, as provided in this section.

A medical service corporation contract shall provide coverage that includes the purchase of a hearing aid for each ear, when medically necessary and as prescribed or recommended by a licensed physician or audiologist. A medical service corporation may limit the benefit provided in this section to $1,000 per hearing aid for each hearing-impaired ear every 24 months. A covered person may choose a hearing aid that is priced higher than the benefit payable under this section and may pay the difference between the price of the hearing aid and the benefit payable under this section, without financial or contractual penalty to the provider of the hearing aid.

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

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

C.17:48E-35.31 Health service corporation to provide coverage for hearing aids for certain persons aged 15 or younger.

4. A health service corporation contract that provides hospital and medical expense benefits and is delivered, issued, executed or renewed in this State pursuant to P.L.1985, c.236 (C.17:48E-1 et al.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for medically necessary expenses incurred in the purchase of a hearing aid for a covered person 15 years of age or younger, as provided in this section.

A health service corporation contract shall provide coverage that includes the purchase of a hearing aid for each ear, when medically necessary and as prescribed or recommended by a licensed physician or audiologist. A health service corporation may limit the benefit provided in this section

to $1,000 per hearing aid for each hearing-impaired ear every 24 months. A covered person may choose a hearing aid that is priced higher than the benefit payable under this section and may pay the difference between the price of the hearing aid and the benefit payable under this section, without financial or contractual penalty to the provider of the hearing aid.

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

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

C.17B:26-2.1aa Individual health insurance policy to provide coverage for hearing aids for certain persons aged 15 or younger.

5. An individual health insurance policy that provides hospital and medical expense benefits and is delivered, issued, executed or renewed in this State pursuant to chapter 26 of Title 17B of the New Jersey Statutes, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for medically necessary expenses incurred in the purchase of a hearing aid for a covered person 15 years of age or younger, as provided in this section.

A policy shall provide coverage that includes the purchase of a hearing aid for each ear, when medically necessary and as prescribed or recommended by a licensed physician or audiologist. An insurer may limit the benefit provided in this section to $1,000 per hearing aid for each hearing-impaired ear every 24 months. A covered person may choose a hearing aid that is priced higher than the benefit payable under this section and may pay the difference between the price of the hearing aid and the benefit payable under this section, without financial or contractual penalty to the provider of the hearing aid.

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

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

C.17B:27-46.1gg Group health insurance policy to provide coverage for hearing aids for certain persons aged 15 or younger.

6. A group health insurance policy that provides hospital and medical expense benefits and is delivered, issued, executed or renewed in this State pursuant to chapter 27 of Title 17B of the New Jersey Statutes, or approved for issuance or renewal in this State by the Commissioner of Banking and

Insurance, on or after the effective date of this act, shall provide coverage for medically necessary expenses incurred in the purchase of a hearing aid for a covered person 15 years of age or younger, as provided in this section.

A policy shall provide coverage that includes the purchase of a hearing aid for each ear, when medically necessary and as prescribed or recommended by a licensed physician or audiologist. An insurer may limit the benefit provided in this section to $1,000 per hearing aid for each hearing-impaired ear every 24 months. A covered person may choose a hearing aid that is priced higher than the benefit payable under this section and may pay the difference between the price of the hearing aid and the benefit payable under this section, without financial or contractual penalty to the provider of the hearing aid.

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

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

C.17B:27A-7.14 Individual health benefits plan to provide coverage for hearing aids for certain persons aged 15 or younger.

7. An individual health benefits plan that provides hospital and medical expense benefits and is delivered, issued, executed or renewed in this State pursuant to P.L.1992, c.161 (C.17B:27A-2 et al.), on or after the effective date of this act, shall provide coverage for medically necessary expenses incurred in the purchase of a hearing aid for a covered person 15 years of age or younger, as provided in this section.

A health benefits plan shall provide coverage that includes the purchase of a hearing aid for each ear, when medically necessary and as prescribed or recommended by a licensed physician or audiologist. A carrier may limit the benefit provided in this section to $1,000 per hearing aid for each hearing-impaired ear every 24 months. A covered person may choose a hearing aid that is priced higher than the benefit payable under this section and may pay the difference between the price of the hearing aid and the benefit payable under this section, without financial or contractual penalty to the provider of the hearing aid.

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

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

C.17B:27A-19.18 Small employer health benefits plan to provide coverage for hearing aids for certain persons aged 15 or younger.

8. A small employer health benefits plan that provides hospital and medical expense benefits and is delivered, issued, executed or renewed in this State pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.), on or after the effective date of this act, shall provide coverage for medically necessary expenses incurred in the purchase of a hearing aid for a covered person 15 years of age or younger, as provided in this section.

A health benefits plan shall provide coverage that includes the purchase of a hearing aid for each ear, when medically necessary and as prescribed or recommended by a licensed physician or audiologist. A carrier may limit the benefit provided in this section to $1,000 per hearing aid for each hearing-impaired ear every 24 months. A covered person may choose a hearing aid that is priced higher than the benefit payable under this section and may pay the difference between the price of the hearing aid and the benefit payable under this section, without financial or contractual penalty to the provider of the hearing aid.

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

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

C.26:2J-4.32 Health maintenance organization to provide coverage for hearing aids for certain persons aged 15 or younger.

9. A health maintenance organization contract for health care services that is delivered, issued, executed or renewed in this State pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide health care services for medically necessary expenses incurred in the purchase of a hearing aid for an enrollee 15 years of age or younger, as provided in this section.

The health care services shall include the purchase of a hearing aid for each ear, when medically necessary and as prescribed or recommended by a licensed physician or audiologist. A health maintenance organization may limit the health care services provided in this section to $1,000 per hearing aid for each hearing-impaired ear every 24 months. An enrollee may choose a hearing aid that is priced higher than the health care services payable under this section and may pay the difference between the price of the hearing aid and the health care services payable under this section, without financial or contractual penalty to the provider of the hearing aid.

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

This section shall apply to those contracts for health care services under which the right to change the schedule of charges for enrollee coverage is reserved.

C.52:14-17.29n State Health Benefits Commission to provide coverage for hearing aids for certain persons aged 15 or younger.

10. The State Health Benefits Commission shall, on or after the effective date of this act, provide benefits for medically necessary expenses incurred in the purchase of a hearing aid for a covered person 15 years of age or younger, as provided in this section.

The benefits shall include the purchase of a hearing aid for each ear, when medically necessary and as prescribed or recommended by a licensed physician or audiologist. The commission may limit the benefit provided in this section to $1,000 per hearing aid for each hearing-impaired ear every 24 months. A covered person may choose a hearing aid that is priced higher than the benefit payable under this section and may pay the difference between the price of the hearing aid and the benefit payable under this section, without financial or contractual penalty to the provider of the hearing aid.

C.30:4J-12.2 NJ FamilyCare Program to provide coverage for hearing aids for certain persons aged 15 or younger.

11. The Commissioner of Human Services shall ensure that every contract for health care services under the NJ FamilyCare Program established pursuant to sections 3 through 5 of P.L.2005, c.156 (C.30:4J-10 through C.30:4J-12), entered into on or after the effective date of this act, provides benefits for medically necessary expenses incurred in the purchase of a hearing aid for a covered person 15 years of age or younger, as provided in this section.

The benefits shall include the purchase of a hearing aid for each ear, when medically necessary and as prescribed or recommended by a licensed physician or audiologist. The commissioner may limit the benefit provided in this section to $1,000 per hearing aid for each hearing-impaired ear every 24 months in any of the NJ FamilyCare Program plans, and may provide, when applicable, that a covered person may choose a hearing aid that is priced higher than the benefit payable under this section and may pay the difference between the price of the hearing aid and the benefit payable under this section, without financial or contractual penalty to the provider of the hearing aid.

12. This act shall take effect on the 90th day after enactment.

Approved December 30, 2008.

CHAPTER 127

AN ACT providing residential mortgage assistance under certain circumstances, supplementing Title 46 and Title 55 of the Revised Statutes, amending P.L.1983, c.530, and P.L.1988, c.29; and making appropriations.

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

C.55:14K-82 Short title.

1. This act shall be known and may be cited as the "Mortgage Stabilization and Relief Act."

C.55:14K-83 Findings, declarations relative to residential mortgage assistance.

2. The Legislature finds and declares that:

a. Many thousands of New Jersey homeowners are at risk of losing their homes as a result of mortgage foreclosures.

b. Foreclosures involve the loss of a family's home, often the family's most valuable financial asset, and foreclosures especially undermine the health and economic vitality of the urban neighborhoods in which a disproportionate share of foreclosures take place.

c. Foreclosures result in the loss of millions of dollars in assets, not only those of the homeowners who are the victims of foreclosure, but also adversely affect the property values of homes located in the vicinity of foreclosed properties.

d. The loss of a house often results in abandonment of properties, leading to significant costs and lost revenue for local governments, as well as harm to the neighborhoods in which properties are abandoned.

e. Many of these foreclosures could be avoided if homeowners had greater access to high-quality, in-person foreclosure prevention counseling, emergency financial assistance, or additional time during which to negotiate loan modifications or obtain refinancing.

f. There is a compelling public policy need for the State of New Jersey to provide the means by which homeowners can obtain mortgage related counseling, emergency financial assistance, and time to adjust their

finances in order to increase their ability to retain their homes, and to protect local governments and neighborhoods from the negative social, economic, and fiscal consequences of foreclosure and property abandonment.

g. New Jersey must ensure that neighborhoods are not adversely affected by properties that are abandoned as a result of foreclosure and become dilapidated eyesores in the community.

h. The Legislature recognizes that the difficulties encountered by homeowners who are delinquent, or are in danger of becoming delinquent, on their mortgage payment does not lend itself to a "one size fits all" solution and therefore it is necessary to establish a number of programs to assist these homeowners.

C.55:14K-84 Short title.

3. Sections 3 through 7 of P.L.2008, c.127 (C.55:14K-84 et seq.) shall be known and may be referred to as the "Mortgage Stabilization Program."

C.55:14K-85 Definitions relative to "Mortgage Stabilization Program."

4. As used in sections 4 through 7 of P.L.2008, c.127 (C.55:14K-84 et seq.):

"Affordable mortgage payment" means a monthly mortgage payment that does not exceed the greater of either 33% or the applicable percentage required by governmental or private first mortgage loan insurance, of the household's monthly average annual gross income, towards the payment of principal, interest, taxes, and insurance (PITI) which is determined using traditional underwriting standards.

"Agency" means the New Jersey Housing and Mortgage Finance Agency established pursuant to P.L.1983, c.530 (C.55:14K-1 et seq.).

"Covered Mortgage" means a first mortgage loan that is in imminent danger of foreclosure.

"Homeowner" means the individual who holds legal title to a residential real property that is the individual's principal dwelling and is in imminent danger of foreclosure.

"Lender" means any lawfully constituted mortgage lender, mortgage investor or mortgage loan servicer that owns and is willing to refinance or is authorized to negotiate the terms of the homeowner's mortgage.

"Maximum income limit" means a household income that does not exceed 120% of the area median income, as defined for New Jersey in guidelines published annually by the United States Department of Housing and Urban Development, or that does not exceed the New Jersey Housing and

Mortgage Finance Agency's Mortgage Revenue Bond Program income limits, whichever is greater.

"Mortgage lender loan" means a loan provided by a lender that is secured by a lien holding second priority and equal to one-half of the difference between the new first mortgage loan and the current appraised value of the property.

"Mortgage Stabilization Program" or "program" means a financing program established pursuant to section 5 of P.L.2008, c.127 (C.55:14K-86).

"Mortgage stabilization program loan" means the loan provided to the homeowner by the agency pursuant to section 5 of P.L.2008, c.127 (C.55:14K-86).

"Property" means an owner-occupied primary residence, (1) that is either a single-family one-unit house; an attached, semi-detached, or detached house; a condominium unit; or an owner-occupied two- or three-unit house, and (2) that is the principal dwelling of a homeowner who has resided in the property for at least one year prior to applying for assistance.

C.55:14K-86 Mortgage Stabilization Program, Mortgage Stabilization Program Fund.

5. There is established in the New Jersey Housing and Mortgage Finance Agency a Mortgage Stabilization Program and Mortgage Stabilization Program Fund for the purpose of assisting homeowners and lenders willing to refinance covered mortgages in order to ensure that the homeowner has an affordable mortgage payment. The program shall meet the following requirements:

a. Program assistance shall not be made available unless a lender modifies or refinances the homeowner's mortgage loan so that the new first mortgage loan amount:

(1) results in an affordable mortgage payment; and

(2) results in a new first mortgage loan amount that is less than the appraised value of the property at the time of the modification or refinancing.

b. The program shall provide:

(1) a mortgage stabilization program loan that is a non-amortizing (no monthly payment) second mortgage loan equal to one-half of the difference between the new first mortgage loan amount and the appraised value of the subject property. The available funds for such loan shall not exceed $25,000 per loan, and the proceeds of the loan shall be provided to the covered mortgage lender; and

(2) a mortgage lender loan.

Loans made pursuant to this subsection shall share a co-equal second mortgage position with each other.

c. The mortgage stabilization program loan and the mortgage lender loan shall each have an interest rate and term identical to the interest rate and term of the new first mortgage loan.

d. Mortgage stabilization program loans and mortgage lender loans may be prepaid at any time without penalty and shall be repaid on a proportional basis by the homeowner out of the net sale proceeds from the sale of the property.

e. The homeowner shall not be permitted to take cash-out refinances, except for agency approved emergency repairs or unless the mortgage stabilization program loan and the mortgage lender loan are repaid in full.

f. In order to be eligible to participate in the program, the homeowner must not exceed the maximum income limits as defined in section 4 of P.L.2008, c.127 (C.55:14K-85).

g. The homeowner may not hold any interest in other residential real property at the time the application to participate in the program is made.

h. If a homeowner has an existing subordinate mortgage loan held by one or more entities, the holder of the subordinate lien must agree to take subordinated mortgage position behind the mortgage stabilization program loan and the mortgage lender loan.

i. If the property is subject to an existing subordinate mortgage the mortgage stabilization program loan may, at the discretion of the agency, be used to satisfy that mortgage, or the mortgage lender loan may, at the discretion of the mortgage lender, be used to satisfy an existing subordinate mortgage, or both.

j. Homeowners must participate in budget counseling sessions approved by the agency in order to be eligible for the program.

k. Repayments of mortgage stabilization program loans shall be deposited into the Mortgage Stabilization Program Fund.

l. Benefits directly or indirectly received by a homeowner under the Mortgage Stabilization Program shall not be treated as income in determining eligibility requirements for other State programs and payments and benefits directly or indirectly received by a homeowner who is a taxpayer shall not be treated as income for New Jersey gross income tax purposes pursuant to section 2 of P.L.1988, c.29 (C.54A:6-22).

C.55:14K-87 Rules, regulations.

6. The agency is authorized to promulgate rules and regulations, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate this program.

7. Notwithstanding the provisions of P.L.2008, c.22 (C.52:9H-2.1 et al.), there is appropriated from the Long Term Obligation and Capital Expenditure Fund the sum of $25,000,000 to the Mortgage Stabilization Program Fund for the purposes of the Mortgage Stabilization Program, of which five percent may be used for the purposes of administering the program.

C.55:14K-88 Short title.

8. Sections 8 through 14 of P.L.2008, c.127 (C.55:14K-88 et seq.) shall be known and may be referred to as the "New Jersey Housing Assistance and Recovery Program."

C.55:14K-89 Definitions relative to "New Jersey Housing Assistance and Recovery Program."

9. As used in sections 9 through 14 of P.L.2008, c.127 (C.55:14K-89 et seq.):

"Affordable rent" means monthly rent or lease payments that do not exceed 33% of the household's monthly average gross income.

"Agency" means the New Jersey Housing and Mortgage Finance Agency established pursuant to P.L.1983, c.530 (C.55:14K-1 et seq.).

"Commissioner" means the Commissioner of Community Affairs.

"Homeowner" means the individual who holds legal title to a residential real property that is the individual's principal dwelling and is in imminent danger of foreclosure.

"Household" means a homeowner and individuals who resided with the homeowner at the time the lease-purchase agreement was executed and continue to reside with the homeowner at the time the agreement of sale is executed.

"HUD" means the United States Department of Housing and Urban Development.

"HUD certified housing counseling agency" means a community-based non-profit organization, as demonstrated by section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. s.501(c)(3), which has been certified by the United States Department of Housing and Urban Development as experienced in housing counseling for at least one year prior to receiving certification.

"Fund" means the Housing Assistance and Recovery Program Support Fund established by section 10 of P.L.2008, c.127 (C.55:14K-90).

"Lease-purchase agreement" means a use and occupancy agreement approved by the agency whereby the sponsor acquires title to the homeowner's property and agrees to permit the former homeowner to use and occupy the property for a period not to exceed 36 months at an affordable rent.

"Lender" means the owner of the homeowner's mortgage.

"Maximum income limit" means a household income that does not exceed 120% of the area median income, as defined for New Jersey in guidelines published annually by the United States Department of Housing and Urban Development, or that does not exceed the New Jersey Housing and Mortgage Finance Agency's Mortgage Revenue Bond Program income limits, whichever is greater.

"Program" means the "New Jersey Housing Assistance and Recovery Program."

"Property" means a one-, two- or three-family dwelling that is the primary residence of the household.

"Sponsor" means a non-profit community development corporation, a non-profit housing counseling organization, or a public entity, including a municipality, county, or a municipal or county authority.

"Trained foreclosure prevention and default mitigation counselor" means a housing counselor employed by a HUD certified housing counseling agency who has successfully completed a foreclosure prevention and default mitigation training course provided by a nationally recognized homeownership education and counseling organization such as course HO345d-rq "Foreclosure Intervention and Default Counseling Certification Part I" provided by the NeighborWorks America Center for Homeownership Education and Counseling.

C.55:14K-90 Housing Assistance and Recovery Program Support Fund.

10. a. There is established in the New Jersey Housing and Mortgage Finance Agency a Housing Assistance and Recovery Program (HARP) Support Fund, for the purpose of providing support and aid to any sponsor who establishes a Housing Assistance and Recovery Program which meets the following requirements. The sponsor shall:

(1) upon application to the commissioner, be certified by the commissioner as eligible to participate in the Housing Assistance and Recovery Program;

(2) employ trained foreclosure prevention and default mitigation counselors or contract with a HUD certified counseling agency that employs trained foreclosure prevention and default mitigation counselors;

(3) provide counseling to the homeowner both before and after the execution of a lease-purchase agreement, which shall include contact information for legal services programs within the county where the property is located;

(4) screen and assess the eligibility of homeowners to repurchase the property and sustain the homeowner's mortgage payments;

(5) have prior experience in (a) negotiating mortgage debt reduction from lenders, and (b) the purchase of distressed properties; and

(6) receive a commitment from a regulated financial institution or a government entity for a line of credit or other financing mechanism to purchase properties under a housing assistance and recovery program.

b. The lease-purchase agreement shall:

(1) include terms and conditions under which the sponsor shall convey the property to the homeowner at the expiration of the agreed upon use and occupancy period;

(2) enable the homeowner to continue to live in the property during the use and occupancy period for an affordable rent; and

(3) include a provision that the property will be sold back to the homeowner at a price not to exceed the price at which the sponsor purchased the property, plus any reasonable sponsor funded repair and maintenance costs.

c. Monies from the fund may be allocated solely for:

(1) appraisal of the property to determine current market value;

(2) construction and rehabilitation of the property to ensure compliance with all codes and standards;

(3) payment of property taxes accrued during the sponsor's ownership of the property;

(4) maintenance of property insurance, including, but not limited to landlord liability and fire insurance coverage;

(5) payment of no more than $25,000 toward the difference between the appraised value and the purchase price of the property; and

(6) any other activity the agency deems necessary to effectuate the purposes of the program.

d. No money allocated from the fund shall be used for the purchase of real property, other than as provided for in paragraph (5) of subsection c. of this section.

e. The agency shall conduct a quarterly audit of all funds received and expended for the program. The agency shall issue an annual report at the end of the State fiscal year detailing the result of the quarterly audits for the prior State fiscal year. The annual report shall be completed no more than 60 days after the end of the State fiscal year. The annual report shall be provided to the commissioner and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature and made available to the public on the Department of Community Affairs website.

C.55:14K-91 Execution of lease-purchase agreement.

11. A sponsor who receives monies from the fund and the homeowner shall execute a lease-purchase agreement, not to exceed a term of 36 months, that includes the following:

a. The terms and conditions under which the sponsor shall convey the property to the homeowner or other member of the household upon termination of the use and occupancy period;

b. Provisions permitting the homeowner and other members of the household to remain in the property during the use and occupancy period in exchange for an affordable rent; and

c. A provision that the property will be sold back to the homeowner or to another member of the household at a price not to exceed the price at which the sponsor purchased the property plus reasonable sponsor maintenance costs.

C.55:14K-92 Notification relative to noncompliance of sponsor.

12. The Department of Community Affairs shall notify the agency in the event a sponsor fails to maintain compliance with the department's certification process.

C.55:14K-93 Rules, regulations.

13. The commissioner and the agency are authorized to promulgate rules and regulations, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate this program.

14. Notwithstanding the provisions of P.L.2008, c.22 (C.52:9H-2.1 et al.), there is appropriated from the Long Term Obligation and Capital Expenditure Fund the sum of $15,000,000 to the Housing Assistance and Recovery Program (HARP) Support Fund, for the purposes of effectuating the New Jersey Housing Assistance and Recovery Program, of which five percent may be used for the purposes of administering the program.

C.46:10B-49 Report of mortgage foreclosure actions.

15. a. A creditor that institutes a mortgage foreclosure action in the Superior Court of New Jersey shall report to the Department of Banking and Insurance, on a quarterly basis and on a form promulgated by the department, information about the number of mortgage foreclosure actions filed by the creditor in the State.

b. The Department of Banking and Insurance shall produce a report, on a quarterly basis; detailing information about mortgage foreclosures filed by creditors in each county of the State, and shall make the report

available to the public on its website. The report shall describe the type of mortgage being foreclosed on based on the following categories:

(1) prime rate mortgages foreclosed upon;

(2) subprime rate mortgages foreclosed upon;

(3) fixed rate mortgages foreclosed upon;

(4) adjustable rate mortgages foreclosed upon;

(5) nonconforming mortgages, as defined by Fannie Mae, Freddie Mac, or their successors;

(6) mortgages insured by the Federal Housing Administration foreclosed upon;

(7) mortgages insured by the Veteran's Administration foreclosed upon; and

(8) any other category of classification the department deems appropriate to effectuate the purpose of this section.

c. The Department of Banking and Insurance, pursuant to the "Administrative Procedure Act," P.L.1986, c.410 (C.52:14B-1 et seq.) shall adopt regulations necessary to effectuate the purpose of this section.

C.46:10B-50 Six-month forbearance period before foreclosure; definitions.

16. a. A creditor that files, pursuant to the "Fair Foreclosure Act," P.L.1995, c.244 (C.2A:50-53 et al.), a complaint of foreclosure on a high risk mortgage loan, shall grant the borrower a six-month period of forbearance to pursue a loan workout, loan modification, refinancing, or other alternative through mediation sponsored by the Administrative Office of the Courts. During the six-month forbearance period, the interest rate on the covered mortgage loan shall not increase and the creditor shall take no further action to pursue foreclosure of the property. Nothing in this subsection shall constitute a limitation on the ability of the creditor and borrower to participate in mediation sponsored by the Administrative Office of the Courts or enter into an agreement as a result of that mediation pursuant to subsection b. of this section.

As used in this section:

"Forbearance" means a period of six months during which the judicial foreclosure proceedings filed by the creditor against the borrower are suspended; however the borrower is obligated to continue making monthly mortgage payments.

"High Risk Mortgage" means the first mortgage loan that has one or more of the following characteristics:

is an interest only mortgage with a future interest reset rate;

has a reset mortgage interest rate that increases the interest rate;

contains a payment option plan or a "pick a payment" plan;
contains a negative amortization schedule;
is a subprime mortgage;
contains an enforceable prepayment penalty; or
is a high cost home loan as defined in section 3 of the "New Jersey Home Ownership Security Act of 2002," P.L.2003, c.64 (C.46:10B-24).

b. Upon filing of a complaint for foreclosure, and the beginning of the six-month forbearance period, the borrower and creditor shall participate in mediation sponsored by the Administrative Office of the Courts.

c. If the borrower ceases to occupy the property at any time subsequent to the period of forbearance under this section, the creditor may notify the court, and upon notification the period of forbearance shall be deemed to have ended.

d. The provisions of this section shall expire two years following the effective date of P.L.2008, c.127.

C.46:10B-51 Procedure for serving notice of intention to foreclose.

17. a. A creditor serving a notice of intention to foreclose on a mortgage on residential property in this State shall serve the public officer of the municipality in which the property is located, or, if the municipality has not designated a public officer pursuant to P.L.1942, c.112 (C.40:48-2.3 et seq.), the municipal clerk, with a copy of the notice at the same time it is served on the owner of the property. In the event that the property being foreclosed is an affordable unit pursuant to the "Fair Housing Act," then the creditor shall identify that the property is subject to the "Fair Housing Act." The copy served on the public officer or municipal clerk shall include the full name and contact information of an individual located within the State who is authorized to accept service on behalf of the creditor.

b. If a residential property becomes vacant at any point subsequent to the creditor's filing the notice of intention to foreclose, but prior to vesting of title in the creditor or any other third party, and the property is found to be a nuisance or in violation of any applicable State or local code, the local public officer or municipal clerk shall notify the creditor, 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 the public officer or municipal clerk.

c. If the municipality expends public funds in order to abate a nuisance or correct a violation on a residential 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 public officer or municipal clerk 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).

C.46:10B-52 Information provided to third party by consumer reporting agency, other business entity.

18. A consumer reporting agency or any other business entity shall not sell to, or exchange with, a third party, unless the third party holds an existing mortgage loan on the property, the existence of a credit inquiry arising from a consumer mortgage loan application when the sale or exchange is triggered by an inquiry made in response to an application for credit. This section shall not apply to information provided by a mortgage originator or servicer to a third party providing services in connection with the mortgage loan origination or servicing; a proposed or actual securitization; secondary market sale, including sales of servicing rights; or similar transaction related to the consumer mortgage loan.

19. Section 8 of P.L.1983, c.530 (C.55:14K-8) is amended to read as follows:

C.55:14K-8 Eligibility for admission to housing projects; termination of tenancy or interest; excessive income; surcharge; disposition.

8. a. Admission to housing projects constructed, improved or rehabilitated under this act shall be limited to families whose gross aggregate family income at the time of admission does not exceed six times the annual rental or carrying charges, including the value or cost to them of heat, light, water, sewerage, parking facilities and cooking fuel, of the dwellings that may be furnished to such families, or seven times those charges if there are three or more dependents. There may be included in the carrying charges to any family for residence in any mutual housing project constructed, improved or rehabilitated with a loan from the agency an amount equal to 6% of the original cash investment of the family in the mutual housing project and, to the extent authorized by the agency where not included in the carrying charges, the value or cost of repainting the apartment and replacing any fixtures or appliances. Notwithstanding the provisions of this section, no family or individual shall be eligible for admission to any housing project constructed, improved or rehabilitated with a loan from the agency, whose gross aggregate family income exceeds such amount as shall be established from time to time by the agency, by rules or regulations promulgated here-

under; except that with respect to any project financed by an agency loan insured or guaranteed by the United States of America or any agency or instrumentality thereof, the agency may adopt the admission standards for such projects then currently utilized or required by the guarantor or insurer.

The provisions of this subsection shall not apply to any housing project that the agency determines is necessary to promote the long term development and viability of a neighborhood and spur its revitalization or is situated in a qualified municipality that is constructed, improved or rehabilitated on or after the date upon which the commissioner determines that the municipality fulfills the definition of a qualified municipality pursuant to section 4 of P.L.2002, c.43 (C.52:27BBB-4).

b. The agency shall by rules and regulations provide for the periodic examination of the income of any person or family residing in any housing project constructed, improved or rehabilitated with a loan from the agency. If the gross aggregate family income of a family residing in a housing project increases and the ratio to the current rental or carrying charges of the dwelling unit becomes greater than the ratio prescribed for admission in subsection a. of this section but is not more than 25% above the family income so prescribed for admission to the project, the owner or managing agent of the housing project shall permit the family to continue to occupy the unit. The agency or (with the approval of the agency) the housing sponsor of any housing project constructed, improved or rehabilitated with a loan from the agency, may terminate the tenancy or interest of any family residing in the housing project whose gross aggregate family income exceeds by 25% or more the amount prescribed herein and which continues to do so for a period of six months or more; but no tenancy or interest of any such family in any such housing project shall be terminated except upon reasonable notice and opportunity to obtain suitable alternate housing, in accordance with rules and regulations of the agency; and any such family, with the approval of the agency, may be permitted to continue to occupy the unit, subject to payment of a rent or carrying charge surcharge to the housing sponsor in accordance with a schedule of surcharges fixed by the agency. The housing sponsor shall pay the surcharge to the municipality granting tax exemption, but only up to an amount that together with payments made to the municipality in lieu of taxes and for any land taxes equals 25% of the total rents or carrying charges of the housing project for the current and any prior years that the project has been in operation.

The provisions of this subsection shall not apply to any housing project situated in a qualified municipality that is constructed, improved or rehabilitated on or after the date upon which the commissioner determines that

the municipality fulfills the definition of a qualified municipality pursuant to section 4 of P.L.2002, c.43 (C.52:27BBB-4).

c. For projects on which the agency has made a loan and financed the loan with the proceeds of bonds issued prior to January 1, 1973, any remainder of the surcharge, or the total surcharge if tax exemption has not been granted, shall be paid into the housing finance fund securing the bonds issued to finance the project for the use of the agency; for projects financed on or after January 1, 1973, any remainder of the surcharge, or the total surcharge if tax exemption has not been granted, shall be paid to the agency.

d. Any family residing in a mutual housing project required to remove from the project because of excessive income as herein provided shall be discharged from liability on any note, bond or other evidence of indebtedness relating thereto and shall be reimbursed, in accordance with the rules of the agency, for all sums paid by the family to the housing sponsor on account of the purchase of stock or debentures as a condition of occupancy or on account of the acquisition of title for such purpose.

The provisions of this subsection shall not apply to any housing project situated in a qualified municipality that is constructed, improved or rehabilitated on or after the date upon which the commissioner determines that the municipality fulfills the definition of a qualified municipality pursuant to section 4 of P.L.2002, c.43 (C.52:27BBB-4).

e. The agency shall establish admission rules and regulations for any housing project financed in whole or in part by loans authorized hereunder which shall provide priority categories for persons displaced by urban renewal projects, highway programs or other public works, persons living in substandard housing, persons and families who, by reason of family income, family size or disabilities, have special needs, elderly persons and families living under conditions violative of minimum health and safety standards.

The provisions of this subsection shall not apply to any housing project situated in a qualified municipality that is constructed, improved or rehabilitated on or after the date upon which the commissioner determines that the municipality fulfills the definition of a qualified municipality pursuant to section 4 of P.L.2002, c.43 (C.52:27BBB-4).

20. Section 2 of P.L.1988, c.29 (C.54A:6-22) is amended to read as follows:

C.54A:6-22 Gross income exclusion.

2. Gross income shall not include payments and benefits directly received by a taxpayer under homeless persons' assistance programs, includ-

ing but not limited to assistance in obtaining housing, temporary shelter and short-term financial assistance, as may be established pursuant to subsection h. of section 24 of P.L. 1944, c.85 (C. 52:27C-24), or benefits, including imputed income, received pursuant to the "Mortgage Stabilization and Relief Act," P.L.2008, c.127 (C.55:14K-82 et al.).

21. This act shall take effect immediately, but sections 3 through 5, sections 7 through 12, and sections 14 through 20 shall remain inoperative until the first day of the third month next following the date of enactment.

Approved January 9, 2009.

CHAPTER 128

AN ACT concerning support services for persons with developmental disabilities, supplementing P.L.1977, c.82 (C.30:6D-1 et seq.), and amending P.L.1983, c.524.

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

C.30:6D-12.1 Short title.

1. Sections 1 through 6 of this act shall be known as the "Self-Directed Support Services for Persons with Developmental Disabilities Rights Act."

C.30:6D-12.2 Findings, declarations relative to self-directed support services for persons with developmental disabilities.

2. The Legislature finds and declares that:

a. There is a need for innovative approaches to meet the needs of persons with developmental disabilities;

b. While there are many fine group homes, supervised apartments and other supervised living arrangements for persons with developmental disabilities, there is a need for not only an expansion of the availability of such programs, but also the development of innovative programs that are self-directed by persons with developmental disabilities and their families and guardians;

c. The availability of innovative self-directed programs will expand the capacity of the Department of Human Services to serve the needs of persons with developmental disabilities; and

d. It is important to emphasize that persons with developmental disabilities who participate in these highly desirable self-directed approaches to care retain the rights guaranteed to them under the "Developmentally Disabled Rights Act," P.L.1977, c.82 (C.30:6D-1 et seq.).

C.30:6D-12.3 Definitions relative to self-directed support services for persons with developmental disabilities.

3. As used in this act:

"Commissioner" means the Commissioner of Human Services.

"Department" means the Department of Human Services.

"Developmental disability" means developmental disability as defined in section 3 of P.L.1977, c.82 (C.30:6D-3).

"Self-directed support services" means an arrangement in which funding is made available by the department, through the Division of Developmental Disabilities or any other division in the department, to a person with a developmental disability or person who has been authorized to serve as a fiduciary of the person with a developmental disability, who is living in his own home, the home of a family member or guardian, or some other similar living environment. The purpose of the arrangement is to support the needs of the person with a developmental disability by allowing the person, or his family or guardian, or both, to determine the nature and scope of services to be provided, in lieu of the department placing the person with a developmental disability in a residential program operated by the department directly or by contracting with a residential provider of services for persons with developmental disabilities.

"Services" means services as defined in section 3 of P.L.1977, c.82 (C.30:6D-3).

C.30:6D-12.4 Responsibilities of the commissioner.

4. The commissioner shall ensure that:

a. the provisions of section 9 of P.L.1977, c.82 (C.30:6D-9), concerning the design of services to maximize the developmental potential of persons with developmental disabilities with full recognition and respect for their dignity, individuality and legal rights, apply to persons with developmental disabilities receiving self-directed support services;

b. a written, individualized habilitation plan, as provided for in sections 10 and 11 of P.L.1977, c.82 (C.30:6D-10 and 11), is developed and placed into effect for each person receiving self-directed support services no later than the 30th day following the initial receipt of such services. In the case of persons receiving such services at the time of enactment of

P.L.2008, c.128 (C.30:6D-12.1 et al.), the plan shall be effected no later than the 60th day following enactment; and

c. each person's individualized habilitation plan is reviewed annually pursuant to section 12 of P.L.1977, c.82 (C.30:6D-12).

C.30:6D-12.5 Rights applicable to persons receiving self-directed support services.

5. a. A right recognized in section 4 of P.L.1977, c.82 (C.30:6D-4), shall apply to persons receiving self-directed support services pursuant to P.L.2008, c.128 (C.30:6D-12.1 et al.).

b. A person receiving self-directed support services shall be entitled to enforce a right provided for in P.L.2008, c.128 (C.30:6D-12.1 et al.) or section 4 of P.L.1977, c.82 (C.30:6D-4), by civil action or other remedy otherwise available by common law or statute.

C.30:6D-12.6 Development, expansion of self-directed support services.

6. a. Except in the case of a short-term pilot program, the commissioner shall, to the extent feasible, develop and expand the use of self-directed support services throughout the State, and eliminate obstacles to the use of such services. The services shall be made available without regard to the severity of a person's disability, except to the extent that the person's disability would prevent that person from being safely accommodated with self-directed support services.

b. In the event that two or more divisions in the department are funding self-directed support services for the same person, the commissioner shall designate one division as the lead division for the purpose of enforcing a right guaranteed by section 4 of P.L.1977, c.82 (C.30:6D-4) or P.L.2008, c.128 (C.30:6D-12.1 et al.).

7. Section 2 of P.L.1983, c.524 (C.30:6D-14) is amended to read as follows:

C.30:6D-14 Definitions.

As used in this act:

a. "Department" means the Department of Human Services.

b. "Community residential facility" means any residential arrangement, public or private, other than an institution, in which one or more developmentally disabled persons reside under the sponsorship of the department. A family home in which all of the developmentally disabled persons residing within are related to the head of the household by blood, marriage or adoption is not a community residential facility.

c. "Transfer" means moving a developmentally disabled person from an institution to a community residential facility, from one community residential facility to another, from a community residential facility to an institution, or from receiving self-directed support services as defined in section 3 of P.L.2008, c.128 (C.30:6D-12.3) to a community residential facility as defined in this section or a facility as defined in section 3 of P.L.1977, c.82 (C.30:6D-3). The placement of a person who has never before received services from the department directly into a community residential facility is a transfer.

8. This act shall take effect immediately.

Approved January 12, 2009.

CHAPTER 129

AN ACT providing for the adjustment of the date for holding certain elections, and amending P.L.1995, c.278 and P.L.1981, c.379.

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

1. Section 1 of P.L.1995, c.278 (C.19:60-1) is amended to read as follows:

C.19:60-1 School elections, adjustments, ballots.

1. a. An annual school election shall be held in each type II district on the third Tuesday in April. However, in any school year, the Commissioner of Education shall make any adjustments to the school budget and election calendar which may be necessary to change the annual school election date or any other school budget and election calendar date if that date coincides with a period of religious observance that limits significantly the usual activities of the followers of a particular religion or that would result in significant religious consequences for such followers. The commissioner shall inform local school boards, county clerks and boards of elections of these adjustments no later than the first working day in January of the year in which the adjustments are to occur.

As used in this subsection "a period of religious observance" means any day or portion thereof on which a religious observance imposes a substantial burden on an individual's ability to vote.

b. All school elections shall be by ballot and, except as otherwise provided by P.L.1995, c.278 (C.19:60-1 et al.), shall be conducted in the manner provided for general elections pursuant to Title 19 of the Revised Statutes. No grouping of candidates or party designation shall appear on any ballot to be used in a school election.

2. Section 2 of P.L.1995, c.278 (C.19:60-2) is amended to read as follows:

C.19:60-2 Special elections; days, certain, changes; notice.

2. a. Except as otherwise provided pursuant to subsection c. of this section, the board of education of a type II district may call a special election of the legal voters of the district on only the fourth Tuesday in January other than in a year when a presidential primary election occurs, in which case no such election on that date may be called, the second Tuesday in March, the last Tuesday in September, or the second Tuesday in December when in its judgment the interests of the schools require such an election. The board of education shall give the municipal clerk or clerks, as the case may be, and the county board of elections no less than 60 days' notice, in writing, of its intention to hold a special election.

b. No business shall be transacted at any special election except such as shall have been set forth in the notices by which the election was called.

c. The Commissioner of Education may change in any school year any date authorized for a special school election pursuant to subsection a. of this section if that date coincides with a period of religious observance that limits significantly the usual activities of the followers of a particular religion or that would result in significant religious consequences for such followers. The commissioner shall inform local school boards, county clerks, and boards of election of the adjustment no later than the first working day in January of the year in which the adjustments are to occur.

As used in this section "a period of religious observance" means any day or portion thereof on which a religious observance imposes a substantial burden on an individual's ability to vote.

3. Section 3 of P.L.1981, c.379 (C.40:45-7) is amended to read as follows:

C.40:45-7 Regular municipal elections; date; place; conduct; change; election officers.

3. Except as may otherwise be provided by law for initial elections conducted in a municipality following its adoption of a plan or form of

government, or a charter or an amendment thereto, regular municipal elections shall be held in each municipality governed by this act on the second Tuesday in May in the years in which municipal officers are to be elected. The municipal election shall be held at the same place or places and conducted in the same manner, so far as possible, as the general election. The election officers shall be those provided for conducting the general election.

Notwithstanding the provisions of this section, the Secretary of State may change in any year the date provided for a regular municipal election if the date coincides with a period of religious observance that limits significantly the usual activities of the followers of a particular religion or that would result in significant religious consequences for such followers. The secretary shall inform the municipal clerks, county clerks and boards of election of the adjustment no later than the first working day in January of the year in which the adjustments are to occur.

As used in this section "a period of religious observance" means any day or portion thereof on which a religious observance imposes a substantial burden on an individual's ability to vote.

4. This act shall take effect immediately.

Approved January 12, 2009.

CHAPTER 130

AN ACT concerning electronic waste management, and amending, supplementing and repealing various sections of P.L.1987, c.102 and P.L.2007, c.347.

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

1. Section 2 of P.L.2007, c.347 (C.13:1E-99.95) is amended to read as follows:

C.13:1E-99.95 Definitions relative to electronic waste management.

2. As used in sections 1 through 21 of P.L.2007, c.347 (C.13:1E-99.94 et seq.) and section 3 of P.L.2008, c.130 (C.13:1E-99.96a):

"Authorized recycler" means a person who: (1) engages in the manual or mechanical separation of covered electronic devices to recover compo-

nents and commodities contained therein for the purpose of re-use or recycling; or (2) changes the physical or chemical composition of a covered electronic device by deconstructing, size reduction, crushing, cutting, sawing, compacting, shredding, or refining for the purpose of segregating components, and for the purpose of recovering or recycling those components, and who arranges for the transport of those components to an end user.

"Brand" means symbols, words, or marks that identify a covered electronic device, rather than any of its components.

"Business concern" means any corporation, association, firm, partnership, sole proprietorship, trust or other form of commercial organization. "Business concern" shall not include a small business enterprise.

"Cathode ray tube" means a vacuum tube or picture tube used to convert an electronic signal into a visual image.

"Computer" means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage function, and may include both a computer central processing unit and a monitor, but the term shall not include an automated typewriter or typesetter, a portable handheld calculator, a portable digital assistant, or other similar device.

"Consumer" means a person who purchases a covered electronic device in a transaction that is a retail sale. "Consumer" shall not include any business concern purchasing covered electronic devices.

"Covered electronic device" means a desktop or personal computer, computer monitor, portable computer, or television sold to a consumer. A "covered electronic device" shall not include any of the following: (1) an electronic device that is a part of a motor vehicle or any component part of a motor vehicle assembled by, or for, a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle; (2) an electronic device that is functionally or physically a part of a larger piece of equipment designed and intended for use in an industrial, commercial, or medical setting, including diagnostic, monitoring, or control equipment; (3) an electronic device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or (4) a telephone of any type unless it contains a video display area greater than four inches measured diagonally.

"Department" means the Department of Environmental Protection.

"Local government unit" means any county or municipality, or any agency, instrumentality, authority or corporation of any county or munici-

pality, including, but not limited to, sewerage, utilities and improvement authorities, or any other political subdivision of the State.

"Manufacturer" means any person: (1) who manufactures or manufactured covered electronic devices under a brand that it owns or owned or is or was licensed to use, other than a license to manufacture covered electronic devices for delivery exclusively to or at the order of the licensor; (2) who sells or sold covered electronic devices manufactured by others under a brand that the seller owns or owned or is or was licensed to use, other than a license to manufacture covered electronic devices for delivery exclusively to or at the order of the licensor; (3) who manufactures or manufactured covered electronic devices without affixing a brand; (4) who manufactures or manufactured covered electronic devices to which the person affixes or affixed a brand that the person neither owns or owned nor is or was licensed to use; (5) for whose account covered electronic devices manufactured outside the United States are or were imported into the United States, provided however, if, at the time such covered electronic devices are or were imported into the United States, another person has registered as the manufacturer of the brand of the covered electronic devices pursuant to subsection b. of section 9 of P.L.2007, c.347 (C.13:1E-99.102), then paragraph (5) of this definition shall not apply; or (6) a person who assumes the obligations and responsibilities for any manufacturer pursuant to paragraphs (1) through (5) of this definition.

"Market share" means a television manufacturer's national sales of televisions expressed as a percentage of the total of all television manufacturers' national sales based on the best available public data.

"Monitor" means a separate video display component of a computer, whether sold separately or together with a computer central processing unit and computer box, and includes a cathode ray tube, liquid crystal display, gas plasma, digital light processing, or other image projection technology, greater than four inches measured diagonally, and its case, interior wires and circuitry, cable to the central processing unit, and power cord.

"Obligation" means: (1) the return share in weight, identified for an individual manufacturer, as determined by the department pursuant to subsection a. of section 12 of P.L.2007, c.347 (C.13:1E-99.105); or (2) the market share, identified for an individual television manufacturer, as determined by the department pursuant to subsection c. of section 3 of P.L.2007, c.347 (C.13:1E-99.96).

"Orphan device" means a covered electronic device for which no manufacturer can be identified, or for which the original manufacturer no longer exists.

"Person" means an individual, trust firm, joint stock company, business concern, and corporation, including, but not limited to, a government department, partnership, limited liability company, or association.

"Portable computer" means a computer and video display greater than four inches in size that can be carried as one unit by an individual, including a laptop computer.

"Program year" means a full calendar year beginning on or after January 1, 2011.

"Purchase" means the taking, by sale, of title in exchange for consideration.

"Recycling" means any process by which materials which would otherwise become solid waste are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products. "Recycling" shall not include energy recovery or energy generation by means of incinerating electronic waste whether apart or in combination with other wastes.

"Registrant" means a manufacturer of covered electronic devices that is in full compliance with the requirements of this act.

"Retail sales" means the sale of covered electronic devices through sales outlets, via the Internet, mail order, or other means, whether or not the retailer has a physical presence in this State.

"Retailer" means a person who owns or operates a business that sells new covered electronic devices in this State by any means to a consumer.

"Return share" means the proportion of covered electronic devices for which an individual manufacturer is responsible to collect, transport, and recycle, as determined by the department pursuant to subsection a. of section 12 of P.L.2007, c.347 (C.13:1E-99.105).

"Return share in weight" means the total weight of covered electronic devices for which an individual manufacturer is responsible to collect, transport, and recycle, as determined by the department pursuant to subsection a. of section 12 of P.L.2007, c.347 (C.13:1E-99.105).

"Sale" or "sell" means any transfer for consideration of title, including, but not limited to, transactions conducted through sales outlets, catalogs, or the Internet, or any other, similar electronic means, and excluding leases.

"Small business enterprise" means any business which has its principal place of business in this State, is independently owned and operated, and employs the equivalent of fewer than 50 full-time employees.

"Television" means a stand-alone display system containing a cathode ray tube or any other type of display primarily intended to receive video programming via broadcast, having a viewable area greater than four inches

measured diagonally, able to adhere to standard consumer video formats and having the capability of selecting different broadcast channels and support sound capability.

"Video display" means an output surface having a viewable area greater than four inches when measured diagonally that displays moving graphical images or a visual representation of image sequences or pictures, showing a number of quickly changing images on a screen in fast succession to create the illusion of motion, including, if applicable, a device that is an integral part of the display and cannot be easily removed from the display by the consumer that produces the moving image on the screen. A "video display" typically uses a cathode ray tube, liquid crystal display, gas plasma, digital light processing, or other image projection technology.

2. Section 3 of P.L.2007, c.347 (C.13:1E-99.96) is amended to read as follows:

C.13:1E-99.96 Registration for television manufacturers; fee, annual report, recycling program.

3. a. Beginning on January 1, 2010, and each January 1 thereafter, each manufacturer of televisions offered for sale for delivery in this State shall register with the department and pay a registration fee of $5,000. Each television manufacturer's registration and renewal shall include a list of all of the brands under which its televisions are sold.

b. Each registered television manufacturer shall submit an annual renewal of its registration to the department and pay to the department a registration renewal fee of $5,000 by January 1 of each program year. Each registered television manufacturer's renewal shall include an annual report.

c. In addition to reporting all brands under which its televisions are sold, regardless of whether the brand is owned or licensed, the registered television manufacturer's annual report shall include the total number of all new televisions sold in the State in the previous program year. The department shall determine a registered television manufacturer's market share.

d. A registered television manufacturer shall inform the department, in writing, as soon as it becomes aware that it will cease selling televisions in the State.

e. By June 1, 2010, each registered television manufacturer or group of registered television manufacturers shall submit a plan to the department to collect, transport and recycle used televisions based on the television manufacturer's market share. Every plan shall be filed with a television manufacturer's annual registration, and shall include:

(1) Methods that will be used to collect the used televisions including proposed collection services;

(2) The processes and methods that will be used to recycle recovered used televisions including a description of the recycling processes that will be used, including the name and location of all authorized recyclers to be directly utilized by the plan;

(3) Means that will be utilized to publicize the collection services, including specification of a website or toll-free telephone number that provides information about the registrant's recycling program in sufficient detail to allow consumers to learn how to return their used televisions for recycling, including limitations placed by collection sites on the number of used televisions permitted for drop-off by consumers; and

(4) The intention of the registrant to fulfill its obligation through its own operations, either individually or with other registered television manufacturers, or by contract with for-profit or not-for-profit corporations, or local government units.

The department shall hold confidential any information obtained pursuant to this subsection when shown by a registered television manufacturer that the information, if made public, would divulge competitive business information, methods or processes entitled to protection as trade secrets of the registered television manufacturer.

Recovered used televisions shall not be sent to prisons for recycling either directly or through intermediaries and nothing in this section shall be construed to allow for the recycling of used televisions by prisoners. Any person committed to a jail, prison, or other institution for the detention of persons charged with or convicted of an offense shall be disqualified from being an authorized recycler.

By January 1, 2011, each registered television manufacturer or group of registered television manufacturers shall commence its used television recycling program to implement and finance the collection, transportation, and recycling of used televisions. The used television recycling program shall accept all types and all brands of used televisions, including orphan devices.

f. Each registrant's plan or plan jointly submitted by a group of registrants shall be reviewed to determine its compliance with subsection e. of this section and approved by the department. The department may reject the plan, in whole or in part, and may impose additional requirements as a condition of approval.

g. If a registered television manufacturer fails to comply with all the conditions and terms of an approved plan, the registered television

manufacturer shall be prohibited from selling or offering for sale televisions in this State.

h. Registered television manufacturers that collect, transport, and recycle used televisions in excess of their market share may sell credits to another registrant or apply that excess to the following year's recycling program.

i. Nothing in this act is intended to exempt any person from liability the person would otherwise have under applicable law.

C.13:1E-99.96a Preparation of plan, annual report by department.

3. a. The department shall prepare a plan every three years that: (1) establishes used television per-capita collection and recycling goals; and (2) identifies any necessary State actions to expand collection opportunities to achieve the used television per-capita collection and recycling goals. The plan shall be posted on the department's Internet website and submitted, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

b. The department shall prepare an annual report, which shall be posted on the department's Internet website and submitted, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

The annual report shall include the following:

(1) Progress toward achieving the overall annual total recovery and recycling goals described in the plan prepared pursuant to subsection a. of this section; and

(2) An evaluation of the effectiveness of existing used television collection and processing infrastructure.

c. The used television recovery and recycling program implemented to effectuate the provisions of P.L.2007, c.347 (C.13:1E-99.94 et al.) and its associated regulations shall be fully audited by an independent, certified public accountant at the end of each calendar year and the audit report shall be submitted, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

4. Section 6 of P.L.2007, c.347 (C.13:1E-99.99) is amended to read as follows:

C.13:1E-99.99 Noncompliance by manufacturer, prohibition from sales.

6. a. Any manufacturer that is not in compliance with all financial and other requirements of this act shall be prohibited from selling or offering for sale in this State a covered electronic device.

b. Beginning on January 1, 2011, it shall be unlawful for any person to sell or offer for sale in this State a new covered electronic device from a manufacturer that is not in full compliance with the requirements of this act.

c. Beginning on January 1, 2011, the department shall maintain a list of all manufacturers in compliance with the requirements of this act and shall post the list on the department's Internet website.

d. Sellers of covered electronic devices in or into the State shall consult the list established by the department pursuant to subsection c. of this section prior to selling covered electronic devices in this State. A seller shall be considered to have complied with this responsibility if, on the date that the covered electronic device was ordered from the manufacturer or its agent, the manufacturer was listed as being in compliance on the aforementioned website.

5. Section 7 of P.L.2007, c.347 (C.13:1E-99.100) is amended to read as follows:

C.13:1E-99.100 Labeling of electronic device required.

7. Beginning on January 1, 2010, a manufacturer or retailer may not sell or offer for sale a covered electronic device in this State unless the covered electronic device is labeled with the manufacturer's brand, and the label is permanently affixed and readily visible.

6. Section 8 of P.L.2007, c.347 (C.13:1E-99.101) is amended to read as follows:

C.13:1E-99.101 Compliance with Directive 2002/95/EC.

8. Beginning on January 1, 2011, no person shall sell or offer for sale in this State a new covered electronic device, including a television, if the covered electronic device is prohibited from being sold or offered for sale in the European Union on or after its date of manufacture due to the concentration of one or more heavy metals in the covered electronic device exceeding its maximum concentration value, as specified in the Commission of European Communities' Decision of August 18, 2005, amending Directive 2002/95/EC (European Union document 2005/618/EC), or as specified in a subsequent amendment to the Directive.

7. Section 9 of P.L.2007, c.347 (C.13:1E-99.102) is amended to read as follows:

C.13:1E-99.102 Collection of sampling information by department; registration; fee; TV exception.

9. a. (1) By January 30, 2012, and by each January 30 thereafter, the department shall:

(a) have completed an auditable, statistically significant sampling of covered electronic devices collected from consumers in this State during the previous program year. The sampling information collected shall consist of a list of brands of covered electronic devices and the weight of covered electronic devices that are identified for each brand. The department's sampling shall be conducted in accordance with a procedure established by the department and may be conducted by a third-party organization including an authorized recycler, to be determined by the department. The department may, at its discretion, be present at the sampling and may audit the methodology and the results of the third-party organization. The costs associated with the sampling shall be recovered from the fees paid by manufacturers to the department; and

(b) determine the total weight of covered electronic devices, including orphan devices, collected from consumers in this State during the previous program year.

(2) If a manufacturer or group of manufacturers conducts its own sampling of covered electronic devices, the manufacturer or group of manufacturers shall submit a report to the department annually by March 1, beginning the year after the program is initiated. The report shall include:

(a) the results of an auditable, statistically significant sampling of covered electronic devices collected from consumers in this State by the manufacturer or group of manufacturers during the previous program year. The sampling information reported shall consist of a list of brands of covered electronic devices and the weight of covered electronic devices that are identified for each brand; and

(b) the total weight of covered electronic devices, including orphan devices, collected from consumers in this State by the manufacturer or group of manufacturers during the previous program year and documentation verifying collection and recycling of such devices.

b. By February 1, 2010, and each January 1 thereafter, each manufacturer of covered electronic devices offered for sale for delivery in this State shall register with the department and pay a registration fee of $5,000. Any manufacturer to whom the department provides notification of a return share and return share in weight pursuant to subsection a. of section 12 of P.L.2007, c.347 (C.13:1E-99.105) and who has not previously filed a registration shall file a registration with the department within 30 days of receiv-

ing such notification from the department. Each manufacturer's registration and renewal shall include a list of all of the manufacturer's brands of covered electronic devices.

The provisions of this section shall not apply to any manufacturer or retailer of televisions offered for sale for delivery in this State.

8. Section 10 of P.L.2007, c.347 (C.13:1E-99.103) is amended to read as follows:

C.13:1E-99.103 Requirements for manufacturer provided with return share in weight greater than zero, TV exception.

10. a. By June 1, 2010, each manufacturer to whom the department provides, by April 2, 2010, a return share in weight that is greater than zero shall submit a plan to the department to collect, transport and recycle covered electronic devices.

b. Each manufacturer to whom the department provides, by February 15, 2012 or by February 15 of any year thereafter, a return share in weight that is greater than zero shall, by March 15 of that year, comply with the requirements of subsection a. of this section.

c. An individual manufacturer submitting a plan pursuant to subsection a. of this section shall collect, transport, and recycle its return share in weight.

d. A group of manufacturers jointly submitting a plan pursuant to subsection a. of this section shall collect, transport, and recycle the sum of the obligations of each participating manufacturer.

e. Every plan shall be filed with a manufacturer's annual registration, and shall include:

(1) Methods that will be used to collect the covered electronic devices including proposed collection services;

(2) The processes and methods that will be used to recycle recovered covered electronic devices including a description of the recycling processes that will be used, including the name and location of all authorized recyclers to be directly utilized by the plan;

(3) The processes and methods that will be used to recycle recovered covered electronic devices which originated from transactions between business concerns;

(4) Means that will be utilized to publicize the collection services, including specification of a website or toll-free telephone number that provides information about the manufacturer's program in sufficient detail to allow consumers to learn how to return their covered electronic devices for recycling; and

(5) The intention of the registrant to fulfill its obligation through operation of its own plan, either individually or with other manufacturers.

The department shall hold confidential any information obtained pursuant to this subsection when shown by a manufacturer that the information, if made public, would divulge competitive business information, methods or processes entitled to protection as trade secrets of the manufacturer.

Recovered covered electronic devices shall not be sent to prisons for recycling either directly or through intermediaries and nothing in this section shall be construed to allow for the recycling of covered electronic devices by prisoners. Any person committed to a jail, prison, or other institution for the detention of persons charged with or convicted of an offense shall be disqualified from engaging in the manual or mechanical separation of covered electronic devices to recover components and commodities contained therein for the purpose of re-use or recycling.

f. Each manufacturer's plan or plan jointly submitted by a group of manufacturers shall be reviewed to determine its compliance with subsection e. of this section and approved by the department. The department may reject the plan, in whole or in part, and may impose additional requirements as a condition of approval.

g. If a manufacturer fails to comply with all the conditions and terms of an approved plan, the manufacturer shall be prohibited from selling or offering for sale in this State a covered electronic device.

h. Manufacturers that collect, transport, and recycle covered electronic devices in excess of their obligation may sell credits to another registrant or apply that excess to the following year's recycling obligation.

i. (Deleted by amendment, P.L.2008, c.130)

j. (Deleted by amendment, P.L.2008, c.130)

k. Nothing in this act is intended to exempt any person from liability the person would otherwise have under applicable law.

l. The provisions of this section shall not apply to any manufacturer or retailer of televisions offered for sale for delivery in this State.

9. Section 11 of P.L.2007, c.347 (C.13:1E-99.104) is amended to read as follows:

C.13:1E-99.104 Information provided by retailer relative to recycling.

11. a. A retailer shall provide information provided by the department that describes where and how to recycle the covered electronic device and opportunities and locations for the collection or return of the device, including limitations placed by collection sites on the number of covered elec-

tronic devices permitted for drop-off by consumers, through the use of a toll-free telephone number and website, information included in the packaging, or information provided accompanying the sale of the covered electronic device. This information shall be provided in clear written form in English and any other languages deemed to be primary languages by the State Department of Education.

b. Beginning January 1, 2011, a retailer shall only sell covered electronic devices from registrants. Retailers shall consult the list posted on the department's Internet website pursuant to section 6 of P.L.2007, c.347 (C.13:1E-99.99) prior to selling covered electronic devices in this State. A retailer shall be considered to have complied with this responsibility if on the date that the covered electronic device was ordered from the manufacturer or its agent, the manufacturer was listed as being in compliance on the aforementioned website.

10. Section 12 of P.L.2007, c.347 (C.13:1E-99.105) is amended to read as follows:

C.13:1E-99.105 Determination of return share for manufacturer; TV exception; annual report.

12. a. (1) The department shall determine the return share for each program year for each manufacturer by dividing the weight of covered electronic devices identified for each manufacturer by the total weight of covered electronic devices identified for all manufacturers. For the first program year, the return share of covered electronic devices identified for each manufacturer shall be based on the best available public return share data from the United States, including data from other states, for covered electronic devices from consumers. For the second and each subsequent program year, the return share of covered electronic devices identified for each manufacturer shall be based on the most recent samplings of covered electronic devices conducted in this State pursuant to subsection a. of section 9 of P.L.2007, c.347 (C.13:1E-99.102).

(2) The department shall determine the return share in weight for each program year for each manufacturer for whom a return share is determined pursuant to paragraph (1) of this subsection by multiplying the return share for each such manufacturer by the total weight in pounds of covered electronic devices, including orphan devices, collected from consumers the previous program year. For the first program year, the total weight in pounds of covered electronic devices shall be based on the best available public weight data from the United States, including data from other states, for covered electronic devices from consumers. For the second and each subsequent

program year, the total weight in pounds of covered electronic devices shall be based on the total weight of covered electronic devices, including orphan devices, determined by the department pursuant to subsection a. of section 9 of P.L.2007, c.347 (C.13:1E-99.102).

(3) By April 2, 2011, the department shall provide each manufacturer for whom a return share is determined pursuant to paragraph (1) of this subsection with its return share and its return share in weight for the first program year. Annually thereafter, by February 15, beginning in 2013, the department shall provide each manufacturer for whom a return share is determined pursuant to paragraph (1) of this subsection with its return share and its return share in weight for the second and subsequent program years.

b. (Deleted by amendment, P.L.2008, c.130)

c. (1) The department shall ensure that at least one electronics collection opportunity is available in each county throughout the State and in such a manner as to be convenient, to the maximum extent practicable and feasible, to all consumers in the county.

(2) The department shall ensure that collection sites do not place unreasonable limits on the number of covered electronic devices permitted for drop-off by consumers.

d. (1) Beginning on January 1, 2011, the department shall maintain a list of registrants and the brands reported in each manufacturer's registration, and post the list on the department's Internet website that is updated at least once a month.

(2) The department shall organize and coordinate public education and outreach.

e. The department shall prepare a plan every three years that: (1) establishes per-capita collection and recycling goals; and (2) identifies any necessary State actions to expand collection opportunities to achieve the per-capita collection and recycling goals. The plan shall be posted on the department's Internet website and submitted, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

f. The department shall prepare an annual report, which shall be posted on the department's Internet website and submitted, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

The annual report shall include the following:

(1) The total weight of covered electronic devices collected in the State the previous calendar year;

(2) Progress toward achieving the overall annual total recovery and recycling goals described in the plan prepared pursuant to subsection e. of this section;

(3) A complete listing of all collection sites operating in the State in the prior calendar year, the parties that operated them, and the amount of material by weight collected at each site;

(4) An evaluation of the effectiveness of the education and outreach program; and

(5) An evaluation of the existing collection and processing infrastructure.

g. The program implemented to effectuate the provisions of this act and its associated regulations shall be fully audited by an independent, certified public accountant at the end of each calendar year and the audit report shall be submitted, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

h. The provisions of this section shall not apply to any manufacturer or retailer of televisions offered for sale for delivery in this State.

11. Section 13 of P.L.2007, c.347 (C.13:1E-99.106) is amended to read as follows:

C.13:1E-99.106 Maintenance of Internet website, toll-free number listing recycling sites; review of goals, fees.

13. a. The department shall maintain an Internet website and toll-free number complete with up-to-date listings of where consumers can bring covered electronic devices for recycling under the provisions of this act.

b. (Deleted by amendment, P.L.2008, c.130)

c. No more frequently than annually and no less frequently than biennially, the department shall review, at a public hearing, the covered electronic device recycling goals and registration fees. Recommended changes to the covered electronic device recycling goals and registration fees shall be included in the annual reports required pursuant to section 3 of P.L.2008, c.130 (C.13:1E-99.96a) and subsection f. of section 12 of P.L.2007, c.347 (C.13:1E-99.105).

d. No fees or costs may be charged to consumers for the collection, transportation, or recycling of covered electronic devices. Any authorized recycler may charge fees to schools or local government units for the reasonable costs incurred by the authorized recycler for the collection, transportation, or recycling of covered electronic devices.

12. Section 15 of P.L.2007, c.347 (C.13:1E-99.108) is amended to read as follows:

C.13:1E-99.108 Recycling of covered electronic devices; compliance with laws; performance requirements.

15. a. Covered electronic devices collected through any program in this State shall be recycled in a manner that is in compliance with all applicable federal, State, and local laws, regulations, and ordinances, and shall not be exported for disposal in a manner that poses a significant risk to the public health or the environment.

The provisions of this subsection shall apply to the collection and recycling of used televisions.

b. The department shall establish performance requirements for collectors, transporters, and authorized recyclers. Every collector, transporter, and authorized recycler shall, at a minimum, demonstrate compliance with the United States Environmental Protection Agency's Plug-In to eCycling Guidelines for Materials Management as issued and available on the United States Environmental Protection Agency's Internet website in addition to any other requirements mandated by federal or State law. The department shall maintain an Internet website that shall include a list of collectors, transporters, and authorized recyclers that it has determined have met these performance requirements.

13. Section 16 of P.L.2007, c.347 (C.13:1E-99.109) is amended to read as follows:

C.13:1E-99.109 Used covered electronic device, disposal as solid waste prohibited.

16. On and after January 1, 2011, no person shall knowingly dispose of a used covered electronic device, or any of the components or subassemblies thereof, as solid waste.

14. Section 17 of P.L.2007, c.347 (C.13:1E-99.110) is amended to read as follows:

C.13:1E-99.110 Enforcement; violations, penalties.

17. a. The State, including the Attorney General and the department, shall be authorized to initiate independent action to enforce any provision of this act, including failure by a manufacturer to remit the registration fee required pursuant to section 3 of P.L.2007, c.347 (C.13:1E-99.96) or section 9 of P.L.2007, c.347 (C.13:1E-99.102), or any fee required pursuant to subsection b. of section 18 of P.L.2007, c.347 (C.13:1E-99.111) to the department. Any funds awarded by the court shall be used first to offset enforcement expenses. Money in excess of the enforcement expenses shall be

deposited into a separate account, and shall be dedicated for use by the department solely for the purposes of administering and enforcing the provisions of this act and any rules or regulations adopted pursuant thereto.

b. Any person who violates the provisions of this act shall be subject to a penalty of not less than $500 nor more than $1,000 for each offense, to be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. The Superior Court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999" in connection with this act.

If the violation is of a continuing nature, each day during which it continues constitutes an additional, separate, and distinct offense.

The department may institute a civil action for injunctive relief to enforce this act and to prohibit and prevent a violation of this act, and the court may proceed in the action in a summary manner.

c. Violations of the act include, but are not limited to:

(1) the sale of a new covered electronic device by any person that is not in full compliance with the provisions of this act;

(2) the use of a qualified collection program to recycle covered electronic devices not discarded within the State, or region as provided in section 19 of P.L.2007, c.347 (C.13:1E-99.112);

(3) the knowing failure to report or accurately report any data required to be reported to the department pursuant to this act; and

(4) the non-payment of any fee required pursuant to this act.

15. Section 18 of P.L.2007, c.347 (C.13:1E-99.111) is amended to read as follows:

C.13:1E-99.111 Rules, regulations; fees to cover department costs.

18. a. (1) The department shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations as are necessary to effectuate the purposes of P.L.2007, c.347 (C.13:1E-99.94 et al.) and section 3 of P.L.2008, c.130 (C.13:1E-99.96a).

(2) The department shall adopt rules and regulations, in accordance with the provisions of section 8 of P.L.2007, c.347 (C.13:1E-99.101), that prohibit a new covered electronic device from being sold or offered for sale in this State if the covered electronic device is prohibited from being sold or offered for sale in the European Union on and after its date of manufacture, to the extent that Directive 2002/95/EC, adopted by the European Parliament and the Council of the European Union on January 27, 2003, and as

amended thereafter by the Commission of European Communities, prohibits that sale due to the presence of certain heavy metals.

(a) The department shall exclude from the rules and regulations the sale of a new covered electronic device that contains a substance that is used to comply with the consumer, health, or safety requirements that are required by the Underwriters Laboratories or federal or State law.

(b) In adopting rules and regulations pursuant to this subsection, the department may not require the manufacture or sale of a new covered electronic device that is different than, or otherwise not prohibited by, the European Union under Directive 2002/95/EC, adopted by the European Parliament and the Council of the European Union on January 27, 2003. The department shall use, in addition to any other information deemed relevant by the department, the published decisions of the Technical Adaptation Committee and European Union member states that interpret the requirements of Directive 2002/95/EC.

b. The department may, in accordance with a fee schedule adopted as a rule or regulation pursuant to the provisions of the "Administrative Procedure Act," establish and charge reasonable fees for any of the services to be performed in connection with this act, which shall cover the full costs incurred by the department for the review of plans and for other costs incurred by the department for implementation of this act.

16. Section 19 of P.L.2007, c.347 (C.13:1E-99.112) is amended to read as follows:

C.13:1E-99.112 Establishment of organizations, compacts.

19. The department is authorized to participate in the establishment and implementation of a regional, multi-state organization or compact that is consistent with the requirements of P.L.2007, c.347 (C.13:1E-99.94 et al.) and section 3 of P.L.2008, c.130 (C.13:1E-99.96a).

17. Section 20 of P.L.2007, c.347 (C.13:1E-99.113) is amended to read as follows:

C.13:1E-99.113 Intent of act; implementation of national program.

20. The provisions of P.L.2007, c.347 (C.13:1E-99.94 et al.) and section 3 of P.L.2008, c.130 (C.13:1E-99.96a) are intended to govern all aspects of the collection and recycling of covered electronic devices as those terms are defined in section 2 of P.L.2007, c.347 (C.13:1E-99.95). Upon a determination by the Department of Environmental Protection of an equivalent national

program to collect or recycle covered electronic devices, the Commissioner of Environmental Protection shall notify, in writing, the Governor, the President of the Senate and the Speaker of the General Assembly, and the members of the Senate Environment Committee and the Assembly Environment and Solid Waste Committee, or their successors, of this determination.

The provisions of this act shall expire 60 days after the date of the notification required pursuant to this section or within the timeframe provided by federal law, as appropriate.

The department shall provide notice in the New Jersey Register of any determination made pursuant to this section, and shall take any administrative action necessary in order to implement the national program.

18. Section 21 of P.L.2007, c.347 (C.13:1E-99.114) is amended to read as follows:

C.13:1E-99.114 Report posted on website, to Legislature by January 1, 2014.

21. By January 1, 2014, the department shall prepare a report, which shall be posted on the department's Internet website and submitted, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, assessing the success or failure of the electronic waste management system implemented pursuant to the provisions of P.L.2007, c.347 (C.13:1E-99.94 et al.) and section 3 of P.L.2008, c.130 (C.13:1E-99.96a) relative to the statutory management of covered electronic devices in other states, including jurisdictions that have adopted a producer responsibility model versus those that have adopted an advance recovery fee approach, or both, with respect to the recycling of used televisions and other covered electronic devices.

19. Section 3 of P.L.1987, c.102 (C.13:1E-99.13) is amended to read as follows:

C.13:1E-99.13 District recycling plan.

3. a. Each county shall prepare and adopt a district recycling plan to implement the State Recycling Plan goals. Each district recycling plan shall be adopted as an amendment to the district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) and subject to the approval of the department. Each district recycling plan may be modified after adoption pursuant to a procedure set forth in the adopted plan as approved by the department.

b. Each district recycling plan required pursuant to this section shall include, but need not be limited to:

(1) Designation of a district recycling coordinator;

(2) Designation of the recyclable materials to be source separated in each municipality which shall include, in addition to leaves, at least three other recyclable materials separated from the municipal solid waste stream;

(3) Designation of the strategy for the collection, marketing and disposition of designated source separated recyclable materials in each municipality;

(4) Designation of recovery targets in each municipality to achieve the maximum feasible recovery of recyclable materials from the municipal solid waste stream which shall include, at a minimum, the following schedule:

(a) The recycling of at least 15% of the total municipal solid waste stream by December 31, 1989;

(b) The recycling of at least 25% of the total municipal solid waste stream by December 31, 1990; and

(c) The recycling of at least 50% of the total municipal solid waste stream, including yard waste and vegetative waste, by December 31, 1995; and

(5) Designation of countywide recovery targets to achieve the maximum feasible recovery of recyclable materials from the total solid waste stream which shall include, at a minimum, the recycling of at least 60% of the total solid waste stream by December 31, 1995.

Within 24 months of the effective date of P.L.2007, c.311 (C.13:1E-96.2 et al.), each district recycling plan shall be modified to include the designation of a district certified recycling coordinator.

For the purposes of this subsection, "district certified recycling coordinator" means a person who shall have completed the requirements of a course of instruction in various aspects of recycling program management, as determined and administered by the department; "total municipal solid waste stream" means the sum of the municipal solid waste stream disposed of as solid waste, as measured in tons, plus the total number of tons of recyclable materials recycled; and "total solid waste stream" means the aggregate amount of solid waste generated within the boundaries of any county from all sources of generation, including the municipal solid waste stream.

c. Each district recycling plan, in designating a strategy for the collection, marketing and disposition of designated recyclable materials in each municipality, shall authorize municipalities that adopt a recycling ordinance pursuant to subsection b. of section 6 of P.L.1987, c.102 (C.13:1E-99.16) to limit the collection of designated recyclable materials to specified operating hours in order to preserve the peace and quiet in neighborhoods during the hours when most residents are asleep.

d. A district recycling plan may be modified to require that each municipality within the county revise the ordinance adopted pursuant to sub-

section b. of section 6 of P.L.1987, c.102 (C.13:1E-99.16) to provide for the source separation and collection of used dry cell batteries as a designated recyclable material.

e. (Deleted by amendment, P.L.2008, c.130)

20. Section 6 of P.L.1987, c.102 (C.13:1E-99.16) is amended to read as follows:

C.13:1E-99.16 Municipal recycling system.

6. Each municipality in this State shall, within 24 months of the effective date of P.L.2007, c.311 (C.13:1E-96.2 et al.), designate one or more persons as the municipal certified recycling coordinator. For the purposes of this section, "municipal certified recycling coordinator" means a person who shall have completed the requirements of a course of instruction in various aspects of recycling program management, as determined and administered by the department. Each municipality shall establish and implement a municipal recycling program in accordance with the following requirements:

a. Each municipality shall provide for a collection system for the recycling of the recyclable materials designated in the district recycling plan as may be necessary to achieve the designated recovery targets set forth in the plan in those instances where a recycling collection system is not otherwise provided for by the generator or by the county, interlocal service agreement or joint service program, or other private or public recycling program operator.

b. The governing body of each municipality shall adopt an ordinance which requires persons generating municipal solid waste within its municipal boundaries to source separate from the municipal solid waste stream, in addition to leaves, the specified recyclable materials for which markets have been secured and, unless recycling is otherwise provided for by the generator, place these specified recyclable materials for collection in the manner provided by the ordinance.

c. The governing body of each municipality shall, at least once every 36 months, conduct a review and make necessary revisions to the master plan and development regulations adopted pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.), which revisions shall reflect changes in federal, State, county and municipal laws, policies and objectives concerning the collection, disposition and recycling of designated recyclable materials.

The revised master plan shall include provisions for the collection, disposition and recycling of recyclable materials designated in the municipal recycling ordinance adopted pursuant to subsection b. of this section, and for the collection, disposition and recycling of designated recyclable mate-

rials within any development proposal for the construction of 50 or more units of single-family residential housing or 25 or more units of multi-family residential housing and any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land.

d. The governing body of a municipality may exempt persons occupying commercial and institutional premises within its municipal boundaries from the source separation requirements of the ordinance adopted pursuant to subsection b. of this section if those persons have otherwise provided for the recycling of the recyclable materials designated in the district recycling plan from solid waste generated at those premises. To be eligible for an exemption pursuant to this subsection, a commercial or institutional solid waste generator annually shall provide written documentation to the municipality of the total number of tons recycled.

e. The governing body of each municipality shall, on or before July 1 of each year, submit a recycling tonnage report to the New Jersey Office of Recycling in accordance with rules and regulations adopted by the department therefor.

f. The governing body of each municipality shall, at least once every six months, notify all persons occupying residential, commercial, and institutional premises within its municipal boundaries of local recycling opportunities, and the source separation requirements of the ordinance. In order to fulfill the notification requirements of this subsection, the governing body of a municipality may, in its discretion, place an advertisement in a newspaper circulating in the municipality, post a notice in public places where public notices are customarily posted, include a notice with other official notifications periodically mailed to residential taxpayers, or any combination thereof, as the municipality deems necessary and appropriate.

The governing body of a municipality that adopts a recycling ordinance pursuant to subsection b. of this section may limit the collection of designated recyclable materials to specified operating hours in order to preserve the peace and quiet in neighborhoods during the hours when most residents are asleep.

21. Section 1 of P.L.2007, c.347 (C.13:1E-99.94) is amended to read as follows:

C.13:1E-99.94 Short title.

1. Sections 1 through 21 of P.L.2007, c.347 (C.13:1E-99.94 et seq.) and section 3 of P.L.2008, c.130 (C.13:1E-99.96a) shall be known and may be cited as the "Electronic Waste Management Act."

Repealer.

22. The following are repealed:
Sections 4 and 5 of P.L.2007, c.347 (C.13:1E-99.97 and 13:1E-99.98);
Section 14 of P.L.2007, c.347 (C.13:1E-99.107).

23. This act shall take effect immediately.

Approved January 12, 2009.

CHAPTER 131

AN ACT concerning the State Highway System, dedesignating a portion of State Highway Route No. 45, and conveying that portion to the county of Gloucester.

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

1. State Highway Route No. 45, as established and described in R.S.27:6-1, is redesignated to consist of and be described as follows:

ROUTE NO. 45. Camden to Salem, by way of Woodbury, Mullica Hill, Woodstown to Salem and thence to the southerly line thereof, except for the portion of the route beginning at mile post 17.59 at its intersection with Church Street and continuing to mile post 18.24 at its intersection with Earlington Avenue.

2. All right, title and interest of the Department of Transportation in that portion of State Highway Route No. 45 beginning at mile post 17.59 and continuing to mile post 18.24 are hereby transferred to the county of Gloucester, that portion of the roadway to be henceforth under the jurisdiction and control of the county of Gloucester.

3. This act shall take effect immediately.

Approved January 12, 2009.

JOINT RESOLUTIONS

JOINT RESOLUTION NO. 1

A JOINT RESOLUTION designating the month of April of each year as "Jewish Heritage Month" in the State of New Jersey.

WHEREAS, In 1654, the Jewish experience in America began as the first wave of Jewish refugees from Brazil arrived on the shores of Manhattan Island desperate yet determined; and

WHEREAS, In search of religious toleration and freedom from persecution, they established North America's first Jewish community and devoted their talents, skills, and relentless energy to help build what would become New York City; and

WHEREAS, More than 350 years later, Jewish immigrants from around the world continue to journey to our State in search of hope, shelter, and the opportunity for a new beginning; and

WHEREAS, As educators, journalists, scientists, physicians, lawyers, artists, and humanitarians, Jewish Americans have made vital contributions to the development of our communities, academic institutions, civic organizations, and businesses; and

WHEREAS, While making inroads into every facet of American society, Jewish Americans have infused our nation's civic, social, economic, and cultural life with their own unique culture, customs, and dynamic heritage; and

WHEREAS, Enriched with contrasting stories of achievement and adversity, success and unparalleled tragedy, the culture and heritage of Jewish Americans has provided our State and the nation with a pathway to guide us through periods of growth and expansion as well as depression and conflict; and

WHEREAS, In times of despair and extraordinary need, Jewish culture and heritage has uplifted, inspired, and provided solace, while also demonstrating and teaching our nation the virtues of persistence and perseverance; and

WHEREAS, In order to properly recognize the diverse contributions and achievements of Jewish Americans as well as to preserve and protect their compelling stories and unique culture for future generations, it is altogether proper and fitting that the people of New Jersey should study and learn from Jewish heritage; now, therefore,

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

C.36:2-109 "Jewish Heritage Month," April; designated.

1. The month of April of each year is hereby designated as "Jewish Heritage Month" in the State of New Jersey to recognize and honor the diverse contributions and achievements Jewish Americans have made to the development of our State and the nation.

C.36:2-110 Annual observance.

2. The Governor is requested to annually issue a proclamation and call upon public officials, private organizations, and all citizens and residents of this State to observe this month each year with appropriate events and activities.

3. This joint resolution shall take effect immediately.

Approved April 9, 2008.

JOINT RESOLUTION NO. 2

A JOINT RESOLUTION designating the month of May of each year as "Lyme Disease Awareness Month."

WHEREAS, Lyme disease is a bacterial infection that is spread by certain arthropods, primarily ticks, and is a significant public health problem in New Jersey; and

WHEREAS, If untreated, Lyme disease, in its later stages, can result in neurological disorders including, but not limited to, chronic and severe fatigue, encephalitis, meningitis, memory loss, dementia and seizures, severe arthritis, cardiac dysfunction, vision loss, gastrointestinal disorders, paralysis, death and stroke; and

WHEREAS, New Jersey has a disproportionately large share of the nation's total number of reported Lyme disease cases; according to data compiled by the Centers for Disease Control and Prevention (CDC), 2,432 new cases of Lyme disease in New Jersey were reported in 2006, which represented the third highest total after New York and Pennsylvania; and

WHEREAS, The CDC states that only 10% of cases meeting its surveillance criteria are actually reported; thus, using this estimate, some 24,320 new cases of Lyme disease may have occurred in New Jersey in 2006; and

WHEREAS, Although Lyme disease has received increased public attention in the last decade, it is still frequently misdiagnosed and is much more problematic to treat once it has spread and caused serious, permanent and life-threatening conditions; and

WHEREAS, While Lyme disease can be difficult to treat, it can be prevented if certain precautionary steps are taken, including wearing long sleeves, tucking pants into socks when in a wooded area and using insect repellent; and

WHEREAS, Increased public awareness can help the State to combat this public health problem by encouraging the prevention of the disease and ensuring its early detection and proper treatment; now, therefore,

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

C.36:2-111 "Lyme Disease Awareness Month," May; designated.

1. The month of May of each year is designated as "Lyme Disease Awareness Month" to recognize the importance of prevention, early detection and effective treatment of the disease throughout the State.

C.36:2-112 Observance of "Lyme Disease Awareness Month."

2. The Governor is respectfully requested to annually issue a proclamation recognizing May as "Lyme Disease Awareness Month" in New Jersey and calling upon public officials and the citizens of New Jersey to observe the month with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved May 30, 2008.

JOINT RESOLUTION NO. 3

A JOINT RESOLUTION designating May of each year as "Fibromyalgia Awareness Month" in New Jersey.

WHEREAS, An estimated 10 million people in the United States and millions more worldwide have been diagnosed with fibromyalgia, a disease for which there is no known cause or cure; and

WHEREAS, Fibromyalgia is a chronic illness, which is increasing at epidemic rates and causes fatigue and debilitating pain in women, men, and children of all ages and races; and

WHEREAS, Patients with this illness often have to learn to live with widespread pain throughout their bodies, extreme fatigue, sleep disorders, stiffness and weakness, migraine headaches, numbness and tingling, and impairment of memory and concentration; and

WHEREAS, The National Fibromyalgia Association reports that it is estimated that it takes an average of five years for an accurate diagnosis; many physicians are not adequately informed about fibromyalgia and symptoms of fibromyalgia overlap other conditions; and

WHEREAS, Fibromyalgia can be difficult to treat and lifestyle adaptations such as getting adequate sleep, exercise, nutrition, and taking pain medication may be necessary; and

WHEREAS, Treatment of fibromyalgia may require a team approach that includes the person's primary care physician, a rheumatologist or neurologist, and other health care providers who provide treatments such as physical therapy, therapeutic massage, acupressure, acupuncture, and osteopathic or chiropractic manipulation, in order to establish a multifaceted and individualized approach to treat the person's fibromyalgia; and

WHEREAS, Fibromyalgia in children and young adults presents unique challenges for this population, who suffer not only from the symptoms of this illness but also from a lack of understanding and social acceptance; and

WHEREAS, People with fibromyalgia face discrimination from employers, friends, family, and the judicial system while dealing with the ongoing stress of living with an unpredictable disease and uncertain future; and

WHEREAS, Employers could support their employees with fibromyalgia by making adaptations to the work environment so that people with fibromyalgia could continue to function at work and avoid having to seek disability payments; and

WHEREAS, The National Fibromyalgia Association and other fibromyalgia support organizations around the country have joined together to promote fibromyalgia awareness and support for people with fibromyalgia,

including efforts to improve education, diagnosis, research and treatment; and

WHEREAS, Understanding this illness will help guarantee hope for a better future for people with fibromyalgia; now, therefore,

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

C.36:2-113 "Fibromyalgia Awareness Month," May; designated.

1. May of each year is designated as "Fibromyalgia Awareness Month" in New Jersey to foster awareness and understanding of fibromyalgia among health care professionals and the general public.

C.36:2-114 Observance of "Fibromyalgia Awareness Month."

2. The Governor is respectfully requested to annually issue a proclamation recognizing May as "Fibromyalgia Awareness Month" in New Jersey and calling upon public officials and the citizens of this State to observe the month with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved May 30, 2008.

JOINT RESOLUTION NO. 4

A JOINT RESOLUTION designating September of each year as "Leukemia, Lymphoma, and Myeloma Awareness Month" in New Jersey.

WHEREAS, An estimated 135,520 people in the United States will be diagnosed with leukemia, lymphoma, or myeloma in 2007. New cases of leukemia, Hodgkin and non-Hodgkin lymphoma, and myeloma account for approximately 10% of the 1,444,920 new cancer cases diagnosed in the United States this year; and

WHEREAS, Leukemia, lymphoma, and myeloma will cause the deaths of an estimated 52,310 people in the United States this year. These blood cancers will account for over nine percent of the deaths from cancer in 2007 based on the 559,650 total cancer-related deaths; and

WHEREAS, Every 10 minutes, another child or adult is expected to die from leukemia, lymphoma, or myeloma. This statistic represents 143 people each day, or nearly six people every hour; and

WHEREAS, The Leukemia & Lymphoma Society, through voluntary contributions, is dedicated to finding cures for these diseases through research efforts, and support for those that suffer from them; and

WHEREAS, The Leukemia & Lymphoma Society maintains offices in New Jersey to support patients with these diseases and their family members residing in New Jersey; and

WHEREAS, New Jersey is similarly committed to the eradication of leukemia, lymphoma, and myeloma and supports the treatment of its citizens who suffer from these diseases; and

WHEREAS, New Jersey also encourages private efforts to enhance research funding and education programs that address these diseases; and

WHEREAS, The Leukemia & Lymphoma Society recognizes the month of September as a month of awareness for leukemia, lymphoma, and myeloma; and

WHEREAS, Increasing awareness in New Jersey and educating New Jersey's population about these blood cancers by having New Jersey join The Leukemia & Lymphoma Society in designating September as a month of awareness for leukemia, lymphoma, and myeloma will help to promote participation in events that facilitate the funding of leading-edge research and much-needed patient services; now, therefore,

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

C.36:2-115 "Leukemia, Lymphoma, and Myeloma Awareness Month," September; designated.

1. September of each year is designated as "Leukemia, Lymphoma, and Myeloma Awareness Month" in New Jersey to enable New Jersey to join with The Leukemia & Lymphoma Society in designating September as Leukemia, Lymphoma, and Myeloma Awareness Month, increase awareness and understanding of blood-related cancers, and encourage participation in voluntary activities to support education programs and the funding of research programs to find a cure for leukemia, lymphoma, and myeloma.

C.36:2-116 Issuance of annual proclamation.

2. The Governor is respectfully requested to annually issue a proclamation recognizing September as "Leukemia, Lymphoma, and Myeloma Awareness Month" in New Jersey and calling upon public officials and the citizens of New Jersey to observe the month with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved November 5, 2008.

JOINT RESOLUTION NO. 5

A JOINT RESOLUTION designating October of each year as "Blindness Awareness Month" in New Jersey.

WHEREAS, More than two-thirds of visually impaired adults in the United States are over 65 years of age; and nearly 20.5 million Americans age 40 and older are afflicted with cataracts, which is the leading cause of blindness in the United States; and

WHEREAS, Across the globe, a child goes blind every single minute, and some 37 million people are blind and 124 million severely visually impaired; however, the World Health Organization estimates that 75% of all blindness can be treated, cured, or prevented by highly cost-effective means; and

WHEREAS, The prevalence of blindness increases rapidly in later years, particularly after age 75; and the number of Americans with age-related eye disease is expected to double within the next three decades unless something is done to reverse the trend, according to EyeCare America, which is the public service foundation of the American Academy of Ophthalmology; and

WHEREAS, "World Sight Day" in October was launched by Lions Clubs International in 1998 to recognize and reinforce the importance of eradicating preventable blindness; and, since its inception, events have been held on six continents to observe this day, including cataract and glaucoma screenings, collection of used eyeglasses for recycling, and distribution of educational material; and

WHEREAS, "World Sight Day" is supported around the world by governments, health care providers, professional associations, and other concerned individuals who are working together with a shared commitment to eliminate avoidable blindness worldwide by the year 2020; and

WHEREAS, Lighthouse International, a leading resource on vision impairment and rehabilitation worldwide, celebrates, in concert with "World Sight Day" in October, "National Vision Rehabilitation Day," which features a public awareness campaign designed to educate Americans about the prevalence of vision impairment and the critical importance of

vision rehabilitation services, counseling, and training that help people overcome the challenges associated with vision loss; and

WHEREAS, October is recognized as "World Blindness Awareness Month" by the American Academy of Ophthalmology; and

WHEREAS, The New Jersey Commission for the Blind and Visually Impaired, in the Department of Human Services, provides services in the area of education, employment, independence, and eye health; and its prevention services program screens more than 45,000 people annually in all 21 counties, including diabetic eye screenings, adult eye screenings, school screenings, and migrant worker screenings; and

WHEREAS, The State of New Jersey should support the vitally important work of enhancing public awareness about ways to prevent, treat, and cure blindness and other serious visual impairments that are highlighted by these events during the month of October in each year; now, therefore,

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

C.36:2-117 "Blindness Awareness Month," October; designated.

1. October of each year is designated as "Blindness Awareness Month" in New Jersey to increase public awareness about eye disease and eye care and ways to address the rising trend of blindness and severe visual impairment.

C.36:2-118 Proclamation, activities, programs.

2. The Governor is respectfully requested to annually issue a proclamation recognizing October as "Blindness Awareness Month" in New Jersey and calling upon public officials and citizens of this State to observe the month with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved December 4, 2005.

JOINT RESOLUTION NO. 6

A JOINT RESOLUTION designating September 15 through October 15 of each year as Hispanic Heritage Month in New Jersey.

WHEREAS, Hispanic Heritage Month is an appropriate time to recognize the enormous contributions Hispanic people have made to this State and country throughout our history, including as generals, admirals, philosophers, statesmen, musicians, athletes, and Nobel Prize-winning scientists; and

WHEREAS, Hispanic Heritage Month is held to salute the Hispanic-American community and to exhibit appreciation for its culture and its heritage that have immeasurably enriched the lives of the people of New Jersey and this nation; and

WHEREAS, The strength and success of the State of New Jersey, the vitality of our communities, and the effectiveness of our American society depend, in great measure, upon the distinctive and sterling qualities demonstrated by our various ethnic groups, exemplified by members of the Hispanic community, who share with us their rich and unique heritage; and

WHEREAS, It is fitting and proper that the State of New Jersey designate September 15 through October 15 of each year as Hispanic Heritage Month in the Garden State; now, therefore,

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

C.36:2-119 Hispanic Heritage Month, September 15 through October 15; designated.

1. a. September 15 through October 15 of each year is designated as Hispanic Heritage Month in New Jersey in order to recognize the enormous contributions Hispanic people have made to this State and country throughout our history.

b. The Governor and Legislature of the State shall annually call upon the people of this State to acknowledge this designation each year with appropriate events and activities.

2. This joint resolution shall take effect immediately.

Approved December 4, 2008.

JOINT RESOLUTION NO. 7

A JOINT RESOLUTION designating December of each year as "Drunk Driving Awareness Month."

WHEREAS, An estimated 254,000 people nationally were injured in alcohol-related crashes in 2005, approximately one person every two minutes; and

WHEREAS, In 2006, a total of 17,602 traffic fatalities were attributable to alcohol, or 41% of all traffic deaths in the United States, with 341 in New Jersey; and

WHEREAS, Traffic fatalities involving a driver with a blood alcohol concentration of .08 or higher, which is the legal limit throughout the United States, resulted in 13,490 deaths in 2006 with 224 deaths in New Jersey; and

WHEREAS, Despite greater public awareness of the dangers of intoxicated driving and increased enforcement of anti-drunk driving laws, alcohol-related crashes cost Americans an estimated $114.7 billion annually; and

WHEREAS, In January 2006, 25 year-old Ashly Meyers was fatally injured when a drunk driver recklessly crashed into her disabled Jeep as she was summoning help, causing the Jeep to slam into her body and throw her over 30 feet; Ashly suffered numerous serious injuries, including broken bones throughout her body, punctured lungs, crushed pelvis, ruptured bladder, and massive internal bleeding; after spending 20 days in the trauma unit never regaining consciousness and enduring surgery after surgery, Ashly succumbed to her injuries; and

WHEREAS, New Jersey recognizes the need to raise awareness about the consequences of drunk driving, to prevent drinking and driving and to strictly enforce drunk driving laws; now, therefore,

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

C.36:2-120 "Drunk Driving Awareness Month," December; designated.

1. In memory of those individuals who were killed by drunk drivers, the month of December of each year is designated as "Drunk Driving Awareness Month."

C.36:2-121 Issuance of proclamation.

2. The Governor is requested to annually issue a proclamation calling upon the public officials and the citizens of New Jersey to observe the month with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved December 29, 2008.

JOINT RESOLUTION NO. 8

A JOINT RESOLUTION congratulating and honoring the modern State of Israel on the 60th anniversary of its independence.

WHEREAS, As a result of the atrocities committed by the Nazis and their collaborators, over six million European Jews, roughly two-thirds of the Jewish population in Europe, were murdered between 1933 and 1945; and

WHEREAS, Immediately following its establishment, Israel was attacked by its neighbors, the first of three such invasions, and despite facing a numerically superior adversary, Israel emerged from each conflict victorious; and

WHEREAS, Israel has endured terrorist attacks which have indiscriminately killed many innocent men, women and children; and

WHEREAS, In spite of these hardships, Israel has a $140 billion economy, sending over one-third of its exports to the United States; and

WHEREAS, Israeli agriculture produces enough food to make the nation agriculturally self-sufficient in most areas, despite having less than 16% arable land; and

WHEREAS, Israel has been a steadfast friend and faithful ally of the United States over the past six decades, including dispatching rescue teams to Nairobi, Kenya in 1998 following the bombing of the American Embassy; and

WHEREAS, May 14 of 2008 marked the 60th anniversary of the founding of the modern State of Israel and the reading of its declaration of independence by Prime Minister David Ben-Gurion; and

WHEREAS, Given the close political, economic and cultural ties between the State of Israel and the United States, the Governor and Legislature of the State of New Jersey find it fitting and proper to recognize and honor the State of Israel on the 60th anniversary of its founding; 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 congratulate and honor the modern State of Israel on the 60th anniversary of its independence.

2. Duly authenticated copies of this joint resolution shall be transmitted to the Israeli Ambassador to the United States.

3. This joint resolution shall take effect immediately.

Approved December 22, 2008.

AMENDMENT ADOPTED IN 2008 TO THE 1947 CONSTITUTION

AMENDMENT ADOPTED IN 2008 TO THE 1947 CONSTITUTION

ARTICLE VIII, SECTION II, PARAGRAPH 3

Amend Article VIII, Section II, paragraph 3 to read as follows:

3. a. The Legislature shall not, in any manner, create in any fiscal year a debt or debts, liability or liabilities of the State, which together with any previous debts or liabilities shall exceed at any time one per centum of the total amount appropriated by the general appropriation law for that fiscal year, unless the same shall be authorized by a law for some single object or work distinctly specified therein. Regardless of any limitation relating to taxation in this Constitution, such law shall provide the ways and means, exclusive of loans, to pay the interest of such debt or liability as it falls due, and also to pay and discharge the principal thereof within thirty-five years from the time it is contracted; and the law shall not be repealed until such debt or liability and the interest thereon are fully paid and discharged. Except as hereinafter provided, no such law shall take effect until it shall have been submitted to the people at a general election and approved by a majority of the legally qualified voters of the State voting thereon.

b. On and after the date on which this subparagraph b. becomes part of the Constitution, the Legislature shall not enact any law that, in any manner, creates or authorizes the creation of a debt or liability of an autonomous public corporate entity, established either as an instrumentality of the State or otherwise exercising public and essential governmental functions, which debt or liability has a pledge of an annual appropriation as the ways and means to pay the interest of such debt or liability as it falls due and pay and discharge the principal of such debt, unless a law authorizing the creation of that debt for some single object or work distinctly specified therein shall have been submitted to the people at a general election and approved by a majority of the legally qualified voters of the State voting thereon. Voter approval shall not be required for any such law providing that the ways and means to pay the interest of and to pay and discharge the principal of such debt or liability shall be subject to appropriations of an independent non-State source of revenue paid by third

persons for the use of the single object or work thereof, or from a source of State revenue otherwise required to be appropriated pursuant to another provision of this Constitution.

c. No voter approval shall be required for any such law under subparagraphs a. or b. of this paragraph authorizing the creation of a debt or debts in a specified amount or an amount to be determined in accordance with such law for the refinancing of all or a portion of any outstanding debts or liabilities of the State, or of an autonomous public corporate entity, established either as an instrumentality of the State or otherwise exercising public and essential governmental functions, heretofore or hereafter created, so long as such law shall require that the refinancing provide a debt service savings determined in a manner to be provided in such law and that the proceeds of such debt or debts and any investment income therefrom shall be applied to the payment of the principal of, any redemption premium on, and interest due and to become due on such debts or liabilities being refinanced on or prior to the redemption date or maturity date thereof, together with the costs associated with such refinancing.

d. All money to be raised by the authority of such law shall be applied only to the specific object stated therein, and to the payment of the debt thereby created.

e. This paragraph shall not be construed to refer to any money that has been or may be deposited with this State by the government of the United States. Nor shall anything in this paragraph contained apply to the creation of any debts or liabilities for purposes of war, or to repel invasion, or to suppress insurrection or to meet an emergency caused by disaster or act of God.

Approved November 4, 2008.
Effective December 4, 2008.

PROPOSED AMENDMENT TO THE 1947 CONSTITUTION THAT HAS BEEN REJECTED IN 2008

(1239)

PROPOSED AMENDMENT TO THE 1947 CONSTITUTION THAT HAS BEEN REJECTED IN 2008

ARTICLE VI, SECTION VI, PARAGRAPH 1

Amend Article VI, Section VI, paragraph 1 to read as follows:

1. The Governor shall nominate and appoint, with the advice and consent of the Senate, the Chief Justice and associate justices of the Supreme Court and the Judges of the Superior Court; except that upon the abolition of the juvenile and domestic relations courts or family court and county district courts as provided by law, the judges of those former courts shall become the Judges of the Superior Court without nomination by the Governor or confirmation by the Senate. No nomination to such an office shall be sent to the Senate for confirmation until after 7 days' public notice by the Governor.

Judges of the inferior courts with jurisdiction extending to more than one municipality shall be appointed as may be provided by law.

Rejected November 4, 2008.

EXECUTIVE ORDERS

EXECUTIVE ORDER No. 93

WHEREAS, Senator Walter J. Kavanaugh was a leader in public life, spending the majority of his career dedicated to serving the common good, and New Jersey is a better place today because of that service; and

WHEREAS, Senator Kavanaugh was a true son of New Jersey, born in Bound Brook, educated in Somerville public schools, and involved in public life in this State for four decades; and

WHEREAS, He was a graduate of his cherished alma mater, the University of Notre Dame; and

WHEREAS, He subsequently served this country as a lieutenant in the United States Air Force from 1955 to 1958 as a pilot; and

WHEREAS, Following his military service, he soon embarked on his life-long mission of working for the people of the State of New Jersey, initially serving from 1963 to 1975 on the Somerville Board of Education, five of those years as president; and

WHEREAS, Senator Kavanaugh was a life member of the Somerville First Aid and Rescue Squad, which he first joined in 1968 and also was a member of the Somerset County Board of Mental Health and the Somerset County Park Commission; and

WHEREAS, Senator Kavanaugh was first elected to the General Assembly in 1975 and reelected ten times, holding office from 1976 to 1997; and

WHEREAS, He was elected to the State Senate in 1997 and remained in office until January 8, 2008, such 32-year career in the Legislature making him the seventh-longest serving legislator in New Jersey history; and

WHEREAS, He was a key sponsor of the legislation creating the Transportation Trust Fund, an act that has proven vital to the State of New Jersey; and

WHEREAS, He also sponsored important measures reforming the State's divorce laws and creating a tax amnesty program; and

WHEREAS, Senator Kavanaugh was a member of the budget committees of both houses of the Legislature and was widely regarded as an expert on budget and fiscal matters; and

WHEREAS, Senator Kavanaugh also was a member of the State House Commission since 1998 and from 1990 to 1994; and

WHEREAS, While in the Legislature, the Senator held numerous leadership positions including Assistant Budget Officer, Majority Budget Officer, Deputy Speaker, Assistant Majority Leader, Assistant Minority

Leader, Deputy Assistant Minority Leader, Minority Whip, and Assistant Minority Whip; and

WHEREAS, The Senator, in addition to his duties as a public servant, also was appointed a board member of the Somerset Medical Center, the Somerset Council on Alcoholism, and the Board of Regents of St. Mary's College of Notre Dame and was a devoted supporter of organizations helping homeless men and women; and

WHEREAS, Senator Kavanaugh always sought, in his words, to "put people first," avoided excessive partisanship, and asked, again in his words, "Can we afford to do this" as well as "Can we not afford to do this" as he worked for the people of this State; and

WHEREAS, Senator Kavanaugh was devoted to policy and politics, was well-known for his sense of humor and quick wit and was widely admired by his colleagues and loved by his family and friends; and

WHEREAS, It is with deep sadness that we mourn the loss of Senator Kavanaugh and extend our sincere sympathy to his family and friends; and

WHEREAS, It is fitting and appropriate to honor the memory and the passing of Senator Kavanaugh;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Monday, January 14, 2008, in recognition and mourning of the passing of Senator Walter J. Kavanaugh.

2. This Order shall take effect immediately.

Dated January 11, 2008.

EXECUTIVE ORDER No. 94

WHEREAS, United States Marine Lance Corporal Curtis A. Christensen, Jr., was born at the Philadelphia Naval Hospital in Philadelphia, Pennsylvania, and was a resident of Collingswood, New Jersey; and

WHEREAS, Corporal Christensen was an avid photographer and outdoorsman; and

WHEREAS, Corporal Christensen enlisted in the United States Marine Corp and served in the 2nd Battalion, 8th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force based in Camp Lejeune, North Carolina; and

WHEREAS, Corporal Christensen was a dedicated soldier as well as a loving husband, son, brother, and friend, whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Corporal Christensen was killed in Iraq, during a time of war while serving as a member of the United States Marine Corp; and

WHEREAS, Corporal Christensen's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, January 18, 2008, in recognition and mourning of a brave and loyal American, United States Marine Lance Corporal Curtis A. Christensen, Jr.

2. This Order shall take effect immediately.

Dated January 16, 2008.

EXECUTIVE ORDER No. 95

WHEREAS, United States Army Captain Thomas John Casey of Albuquerque, New Mexico, graduated from the University of New Mexico in 1996 and enlisted in the Army as a Spanish linguist; and

WHEREAS, Captain Casey was commissioned as a Second Lieutenant after graduating from Officer Candidate School and served as a Battlefield Intelligence Collection Controller after completing the Military Intelligence Officer Basic Course; and

WHEREAS, Captain Casey was assigned as the Executive Officer and Intelligence Officer for Military Transition Team 0511 advising 1st Battalion, 1st Brigade, 5th Iraqi Army Division; and

WHEREAS, Captain Casey was a dedicated soldier as well as a loving husband, father, son, brother, and friend, whose memory lives in the hearts of his family, including his mother, who lives in Cape May Point, New Jersey, and in the hearts of his fellow soldiers; and

WHEREAS, Captain Casey was killed in Iraq, during a time of war while serving as a member of the United States Army; and

WHEREAS, Captain Casey has received some of our nation's highest military honors, including the Bronze Star Medal, Purple Heart, two Army Commendation Medals, two Army Achievement Medals, Army Good Conduct Medal, National Defense Service Medal, Parachutist Badge, and the Combat Action Badge; and

WHEREAS, Captain Casey's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, 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, January 23, 2008, in recognition and mourning of a brave and loyal American, United States Army Captain Thomas John Casey.

2. This Order shall take effect immediately.

Dated January 18, 2008.

EXECUTIVE ORDER No. 96

WHEREAS, The practice of misclassifying workers as alleged independent contractors, rather than in accordance with their actual status as employees, causes serious negative repercussions to our State's economy; and

WHEREAS, Workers who are improperly classified suffer an economic disadvantage and are involuntary disenfranchised from the social insurance benefits and basic worker protections provided to individuals classified as employees, including unemployment and disability insurance, Social Security wage credits, and employee health and pension benefits offered by the employer to its workforce; and

WHEREAS, Employers who willfully misclassify workers as independent contractors realize an unfair competitive advantage over employers who properly identify their workers as employees; and

WHEREAS, The State has undertaken significant efforts to address these problems, including the enactment on August 21, 2006, of P.L.2006, c.85, requiring the use of a unified single definition of "employee" for purposes of withholding State income, unemployment insurance and disability insurance taxes, and the enactment on July 13, 2007, of the "Construction Industry Independent Contractor Act," P.L.2007, c.114; and

WHEREAS, The State's efforts to address the problem of employee misclassification in the construction industry and to ensure contractor compliance with the Construction Industry Independent Contractor Act will be enhanced through the creation of an advisory body comprised of government officials and private sector representatives with expertise in this subject;

NOW, THEREFORE, I, JON S. CORZINE, 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, pursuant to Art. V, Sec. IV, par. I of the New Jersey Constitution, the Governor's Advisory Commission on Construction Industry Independent Contractor Reform (the "Advisory Commission"). The mission of the Advisory Commission is to develop recommendations for a comprehensive and strategic Statewide approach to addressing the problem of employee misclassification in the construction industry and to ensuring contractor compliance with the "Construction Industry Independent Contractor Act," P.L.2007, c.114.

2. The Advisory Commission shall be composed of the Commissioner of Labor and Workforce Development or a designee, serving ex officio; the Attorney General or a designee, serving ex officio; the State Treasurer or a designee, serving ex officio; and eight public members who shall be ap-

pointed by the Governor and shall serve at his pleasure as follows: three representatives from three different building trades unions; one representative of the New Jersey AFL-CIO; one representative of residential developers; one representative of residential construction contractors; one representative of commercial developers; and one representative of commercial construction contractors.

3. The Commissioner of Labor and Workforce Development shall serve as chair of the Advisory Commission. All public members of the Advisory Commission shall serve without compensation. Vacancies on the Advisory Commission shall be filled in the same manner as the original appointment.

4. In furtherance of its mission stated in paragraph one, above, the Advisory Commission shall be authorized to:

a. make recommendations to the Department of Labor and Workforce Development, the Office of the Attorney General, and the Department of the Treasury with respect to synchronizing each respective Department's regulations and policies regarding employee misclassification;

b. conduct public hearings to increase public awareness of the illegal nature and harms inflicted by employee misclassification in the construction industry and to highlight potential significant cases of misclassification that may warrant investigation by the appropriate government agency;

c. make recommendations to enhance mechanisms for identifying employee misclassification where it does occur;

d. work with business, labor and community groups to develop educational materials that distinguish the difference between an independent contractor and an employee; and

e. cooperate with State, federal and local social service agencies to identify ways to provide assistance to vulnerable populations that have been exploited by employee misclassification, including, but not limited to, immigrant workers.

5. The Advisory Commission shall issue a report annually to the Governor on the status of implementation of the Construction Industry Independent Contractor Act, to include publicly available information regarding: cases brought, wages and taxes recovered on behalf of the State, outcomes of cases, legal or administrative barriers to successful implementation, a review of the process used to adjudicate misclassification cases, and proposals for any additional legislative action that may be needed to en-

hance the State's efforts to address employee misclassification in the construction industry.

6. The Advisory Commission is authorized to call upon any department, office, division or agency of this State to supply it with data and other information, personnel or assistance available to such agency as the Advisory Commission 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 Advisory Commission and to furnish the Advisory Commission such assistance on as timely a basis as is necessary to accomplish the purposes of this Order. The Advisory Commission may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

7. This Order shall take effect immediately.

Dated January 18, 2008.

EXECUTIVE ORDER No. 97

WHEREAS, Community care residential providers (CCRs) for adults with developmental disabilities in the State of New Jersey, as defined by N.J.A.C. 10:44B, provide an invaluable and essential service by providing care and/or training to adults with developmental disabilities; and

WHEREAS, The State of New Jersey, through the Department of Human Services, is vested with the regulatory authority, including but not limited to the establishment of reimbursement rates, and the administrative oversight responsibility for the licensing of facilities and operation of CCR homes; and

WHEREAS, Pursuant to its statutory and regulatory authority, the Department of Human Services is authorized to contract with a qualified third party agency or entity to provide oversight with respect to various administrative functions, including but not limited to the processing of board payments and/or cost-of-care payments to CCRs; and

WHEREAS, To ensure quality standards of care, it is in the public interest for New Jersey to maintain CCRs for adults with developmental disabilities and to encourage the recruitment and retention of CCRs that are delivering these vital services; and

WHEREAS, A majority of New Jersey's CCRs have authorized the Communications Workers of America, AFL-CIO (CWA) to be their exclusive representative through individually-signed authorizations, not more than twelve (12) months old; and

WHEREAS, The State Board of Mediation has certified the CWA as having presented to the Board of Mediation authorization cards representing a majority of CCRs;

NOW, THEREFORE, I, JON S. CORZINE, 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 Commissioner of the New Jersey Department of Human Services (DHS) or his/her designee, on behalf of the State of New Jersey, shall meet in good faith with the CWA, as the recognized exclusive majority representative of all CCRs, for the purpose of entering into a written agreement regarding reimbursement rates, payment procedures, benefits, health and safety conditions and any other matters that would improve recruitment and retention of qualified CCRs and the quality of the programs they provide, subject to the provisions of paragraph 6 below. Nothing in this Order shall require that an agreement be reached on any particular matter provided the parties act in good faith.

2. When an agreement is reached pursuant to paragraph 1 above, it shall be embodied in writing and shall be binding upon the State of New Jersey. Any agreement that requires rule making or statutory changes will be contingent upon the successful completion of such regulatory or legislative action. If any provisions of the agreement require legislative action, or require the appropriation of funds to be effective, the parties will jointly seek the enactment of such legislative action. If any provisions of the agreement require the adoption or modification of rules and regulations of any department or agency of State government to be effective, the department or agency shall seek the adoption or modification of such rules or regulations through appropriate regulatory action.

3. In affording CCRs the right to act through an exclusive majority representative and seek an agreement with the State per the terms of this Order, the State intends that the "State Action" exemption to federal antitrust laws be fully available to the State, CCRs and their exclusive repre-

sentative and that exempt conduct shall be actively supervised by the Department of Human Services.

4. Nothing in this Order is intended to give to CCRs, or imply that CCRs have, any right to engage in a strike or collective cessation of the care for adults with developmental disabilities in their homes.

5. The agreement entered into between CWA and the Commissioner may provide for the payment of union dues and representation fees.

6. Nothing in the Order shall be construed to grant CCRs status as State employees for any purposes, including, but not limited to, the New Jersey Tort Claims Act (N.J.S.A. 59:1-1 et seq.), the New Jersey Temporary Disability Benefits Law (N.J.S.A. 43:21-25 et seq.), the New Jersey Unemployment Compensation Law (N.J.S.A. 43:21-1 et seq.), and the New Jersey Workers Compensation Law (N.J.S.A. 34:15-1 et seq.), or any other authority, law or regulations that govern or apply to State employees. Although CCRs are not State employees, the subjects to be included in an agreement shall be consistent with those areas that are considered negotiable pursuant to the New Jersey Employer-Employee Relations Act (N.J.S.A. 34:13A-1 et seq.).

7. Nothing in this Order shall be construed to interfere with the rights of the Department of Human Services to place or remove clients from the homes of CCRs.

8. Nothing in this Order shall be construed to interfere with the rights of individuals with developmental disabilities and/or their parents or guardians, including but not limited to the right to choose or change their placement with CCRs.

9. No action may be taken under this Order that would derogate from the status, functions or authority of the Department of Human Services in its capacity of Lead Agency, or in any other capacity, in the placement and care of persons with developmental disabilities.

10. Should any part of this Order be declared to be invalid or unenforceable, or shall the enforcement of or compliance with any part of this Order be suspended, restrained or barred, by the final judgment of a court

of competent jurisdiction, the remainder of this Order shall remain in full force and effect.

11. This Order shall take effect immediately.

Dated March 5, 2008.

EXECUTIVE ORDER No. 98

WHEREAS, United States Army Corporal Steven R. Koch, of Milltown, New Jersey, enlisted in the Army in March 2006; and

WHEREAS, Corporal Koch was a highly dedicated paratrooper; and

WHEREAS, Corporal Koch was assigned to the 1st Battalion, 508th Parachute Infantry Regiment, 4th Brigade Combat Team, 82nd Airborne Division out of Fort Bragg, North Carolina; and

WHEREAS, Corporal Koch was a dedicated soldier as well as a loving husband, father, son, brother, and friend, whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Corporal Koch died in Afghanistan from wounds suffered in combat operations while serving as a member of the United States Army; and

WHEREAS, Corporal Koch has received some of our nation's highest military honors, including the Bronze Star, Purple Heart, the Army Commendation Medal, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the NATO Medal, the Combat Infantryman's Badge and the Parachutist's Badge; and

WHEREAS, Corporal Koch's love for his family and friends, his patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to mourn and remember him, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies,

and instrumentalities during appropriate hours on Thursday, March 13, 2008, in recognition and mourning for a son of New Jersey and a brave and loyal American, United States Army Corporal Steven R. Koch.

2. This Order shall take effect immediately.

Dated March 10, 2008.

EXECUTIVE ORDER No. 99

WHEREAS, United States Army Staff Sergeant William R. Neil, Jr., was born in Jersey City, New Jersey, and graduated from Hudson Catholic High School; and

WHEREAS, Staff Sergeant Neil enlisted in the United States Navy after graduation and served for four years before beginning a career on Wall Street; and

WHEREAS, Staff Sergeant Neil left his private sector career and returned to the Armed Forces to serve his country, re-enlisting in the United States Army as a supply specialist and serving with the 4th Ranger Training Battalion in Fort Benning, Georgia; and

WHEREAS, Staff Sergeant Neil successfully passed the Special Forces Qualification Course to become a Green Beret and was assigned to Company C, 3rd Battalion of the 3rd Special Forces Group (Airborne) out of Fort Bragg, North Carolina; and

WHEREAS, Staff Sergeant Neil was a dedicated soldier as well as a loving son, brother, uncle and friend, whose memory lives in the hearts of his friends, fellow soldiers, and family; and

WHEREAS, Staff Sergeant Neil died in Afghanistan from wounds suffered in combat operations while serving as a member of the United States Army; and

WHEREAS, Staff Sergeant Neil has received some of our nation's highest military honors, including the Army Commendation Medal and six Army Achievement Medals and is expected to receive the Bronze Star, the Purple Heart, the Meritorious Service Medal, and the Combat Infantryman's Badge posthumously; and

WHEREAS, Staff Sergeant Neil's love for his family and friends, his patriotism, and his dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to mourn and remember him, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, 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, March 31, 2008 in recognition and mourning for a son of New Jersey and a brave and loyal American, United States Army Staff Sergeant William R. Neil, Jr.

2. This Order shall take effect immediately.

Dated March 28, 2008.

EXECUTIVE ORDER No. 100

WHEREAS, Protecting the health of our children is one of the most important tasks of New Jersey State government; and

WHEREAS, Lead poisoning is preventable and has irreversible effects on children and adults; and

WHEREAS, Environmental lead can cause developmental disabilities, neurological and behavioral problems, decreased I.Q., and, in extreme cases, coma and death to children; and

WHEREAS, Approximately two million houses in New Jersey were constructed prior to the prohibition of the sale of lead paint, and many children are therefore potentially exposed to dangerous levels of environmental lead; and

WHEREAS, Dangerous levels of lead can be found not only in paint, but also in soil, water, and consumer products, and there is a need to educate parents and caregivers about that risk; and

WHEREAS, The New Jersey Department of the Public Advocate ("Public Advocate") has undertaken a study assessing the programs in New Jersey State and local government designed to protect children from residential lead exposure, which study has recommended important improvements in these protective programs; and

WHEREAS, The Public Advocate's report describes that among 104 dwellings in five cities in New Jersey, a high proportion contain possibly harmful levels of lead contamination, that lead was present even in dwellings in which some lead abatement activities had ostensibly been

undertaken, and that the dangers of lead poisoning are most likely to affect families in the State's older urban areas; and

WHEREAS, I find the report of the Public Advocate to be thoughtful and compelling;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Department of Health and Senior Services ("DHSS") shall, within 60 days, review its current lead standards, codified at N.J.A.C. 8:51, for the level of concern at which a child is considered poisoned in New Jersey and determine whether the State should lower its current standard.

2. DHSS, which, as a result of the Public Advocate's Report, already has instructed the local health departments to re-inspect the 85 properties identified in that report as at risk for lead exposure, shall report on the results of the re-inspection within 90 days.

3. DHSS shall expand the use of its case management information database to all local health departments beginning with those local health departments in communities with the greatest magnitude of risk, and DHSS shall offer to all local health departments training in the use of the case management information database.

4. DHSS shall, within 60 days, convene stakeholders to undertake a review of the desirability and feasibility of recommending prenatal blood lead screening of all pregnant women and all post-natal children.

5. DHSS shall develop new, additional educational materials and make them available to local health departments, nonprofits, consortia, lead coalitions, primary care providers, and other lead education organizations.

6. DHSS shall develop a targeted blood lead screening plan for children based on geographic information system mapping results. DHSS shall require all local health department Childhood Lead Poisoning Prevention ("CLPP") program grantees to develop a neighborhood-level targeted blood lead screening strategy. DHSS shall provide mapping information on blood lead level rates to all counties so blood lead level screening objectives can be included in their community health improvement plans.

7. DHSS shall, within 60 days, create a one-page handout on the dangers of blood lead.

8. DHSS shall, within 90 days, review local health departments' current practices regarding the inspection of all units of a multi-unit dwelling where a child has been poisoned by lead in one such dwelling unit. DHSS shall propose rules, if appropriate, that will require local heath departments to notify in writing all tenants in a multi-unit dwelling where a child has been poisoned by lead in one such dwelling unit. This writing would, if appropriate, notify tenants that dangerous levels of lead have been found in the building and provide: information on the dangers of lead poisoning; information that advises parents of children age six or under to have a child blood lead tested and where a child can be tested; and a one-page informational fact sheet developed by DHSS.

9. DHSS shall identify which local health departments are willing to perform lead inspections at the request of any resident in, or owner of, pre-1978 housing if such person is willing to pay the cost of the inspection and shall make this information available to the public. The Department of Community Affairs ("DCA") shall regularly review and identify other private firms or individual inspectors that will be able to perform lead inspections at the request of any resident at the resident's own expense and make this information available to the public.

10. DHSS shall review the current procedures for the inspection of lead poisoned children's homes and the abatement of the property and shall propose rules, as appropriate, to mandate time frames by which local health departments, abatement companies, and property owners must ensure that the inspection, abatement, and clearance functions for which they are respectively responsible are completed.

11. DHSS shall direct that all CLPP programs shall upload weekly to the New Jersey Immunization Information System the blood lead test results of all children screened.

12. DHSS shall develop new, additional educational materials to increase awareness of sources of lead poisoning in consumer products including food, jewelry, and toys, and shall develop a visual aide that can be used by home visitors and others to identify non-paint sources of lead that can be found in consumer products.

13. The Department of Education ("DOE") shall make available to school districts, charter schools, and nonpublic schools lead education materials made available by DHSS and/or the Public Advocate for distribution to teachers, administrators, guidance counselors, nurses, and parents of pupils attending that school.

14. To improve the timeliness, accuracy, and efficiency of the lead data match system, the Department of Human Services ("DHS") and DHSS shall work together to enhance data collection and, if appropriate, utilize the DHSS case management information database to include a medical insurance collection field.

15. DCA has published a proposed rule that would prohibit anyone affiliated with or paid by an abatement company from performing the clearance inspection function on the same project. After the close of the comment period, the DCA shall consider all comments received, and, if appropriate, expeditiously promulgate a final rule.

16. DCA shall, within 90 days, review its monitoring of all certified evaluation and abatement contractors and, if appropriate and feasible, propose amendments to the work practice regulations.

17. DCA shall review its standards for treatment of lead-based paint hazards and, if appropriate and feasible, propose rules that would allow for additional DCA-funded treatment options.

18. DCA shall review its list of Certified Lead Abatement Contractors and update this list at least twice each year to ensure that the list identifies those contractors still performing residential abatements.

19. DCA shall take steps to offer greater technical support to complete the application for the Lead Hazard Control Assistance Programs. DCA and the Public Advocate shall collaborate to examine the feasibility of simplifying the application.

20. DHSS and DCA shall collaborate to develop a Memorandum of Understanding that will allow the agencies to cross-match the addresses of lead poisoned children with the results of cyclical inspections of multiple dwelling units.

21. The Department of Children and Families ("DCF") shall undertake a review of the current training for resource family and child care youth residential inspection staff regarding recognition of lead paint hazards in connection with their inspection of homes and residential facilities for licensing purposes. Following such review, DCF shall, if appropriate, implement in-service training or informational sessions to assist all DCF inspection staff in recognizing and identifying lead paint hazards during the licensing and inspection process.

22. DCF shall review, consider, and, if appropriate, implement additional in-service training for resource family parents on the topics of recognition of lead paint hazards, requirements regarding lead paint testing, and information regarding treatment of lead paint exposure.

23. This Order shall take effect immediately.

Dated April 29, 2008.

EXECUTIVE ORDER No. 101

WHEREAS, United States Army Private Ronald Ray Harrison, of Budd Lake, New Jersey, was raised in West Milford and attended Boonton High School; and

WHEREAS, Private Harrison joined the New Jersey Army National Guard in December 2003 and enlisted in the United States Army in April 2006; and

WHEREAS, Private Harrison was assigned to the 4th Battalion, 64th Armor Regiment, 4th Brigade Combat Team, of the 3rd Infantry Division, based out of Fort Stewart, Georgia; and

WHEREAS, Private Harrison was a dedicated soldier as well as a loving husband, step-father, son, brother, and friend, whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Private Harrison died near Baghdad, Iraq, during a time of war while serving as a member of the United States Army; and

WHEREAS, Private Harrison's love for his family and friends, his patriotism, and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to mourn and remember him, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, May 1, 2008, in recognition and mourning for a son of New Jersey and a brave and loyal American, United States Army Private Ronald Ray Harrison.

2. This Order shall take effect immediately.

Dated April 29, 2008.

EXECUTIVE ORDER No.102

WHEREAS, United States Army Captain Gregory Thomas Dalessio was born in Philadelphia, Pennsylvania and was raised in Cherry Hill, New Jersey; and

WHEREAS, Captain Dalessio enlisted in the Army after attending Seton Hall University's ROTC program; and

WHEREAS, Captain Dalessio was assigned to the HHC, 2nd Battalion, 6th Infantry Regiment, 2nd Brigade Combat Team, 1st Armored Division, based in Baumholder, Germany; and

WHEREAS, Captain Dalessio was a dedicated soldier as well as a loving son, brother, and friend, whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Captain Dalessio died near Salman Park, Iraq, during a time of war while serving as a member of the United States Army; and

WHEREAS, Captain Dalessio has made the ultimate sacrifice, giving his life in the line of duty, while fighting on behalf of his country; and

WHEREAS, Captain Dalessio has received some of our nation's highest military honors, including the Posthumous Bronze Star Medal, Posthumous Purple Heart Medal, National Defense Service Medal, Iraqi Campaign Medal with Bronze Star, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, Combat Infantryman Badge Posthumous, and Meritorious Unit Commendation; and

WHEREAS, Captain Dalessio's love for his family and friends, his patriotism, and dedicated service to his country and his fellow soldiers make it

appropriate and fitting for the State of New Jersey to mourn and remember him, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, July 2, 2008, in recognition and mourning for a son of New Jersey and a brave and loyal American, United States Army Captain Gregory Thomas Dalessio.

2. This Order shall take effect immediately.

Dated June 30, 2008.

EXECUTIVE ORDER No. 103

WHEREAS, The State of New Jersey continues to confront a multi-billion dollar structural budget deficit caused by many years of bipartisan fiscal mismanagement and short-sightedness; and

WHEREAS, Despite the significant challenges posed by that continuing structural imbalance, this administration has succeeded, working cooperatively with the Legislature, in making great strides to reduce the State's reliance on non-recurring sources of revenue to fund recurring State expenses; and

WHEREAS, In past years, surplus funds generated by unanticipated revenue growth or savings achieved through operational efficiencies were immediately redirected to new or expanded programs, postponing hard but overdue choices on budget reductions; and

WHEREAS, Repeated past failures to make those difficult choices and reductions has resulted in funding gaps that further exacerbate the State's precarious structural budget imbalance; and

WHEREAS, New Jersey can no longer afford to merely get by, year after year, by focusing narrowly on the short-term finances of the State; and

WHEREAS, The temporary fixes and stopgap measures that have been relied upon in past fiscal years to manage the State's finances can no longer be tolerated; and

WHEREAS, From the outset of the administration, I have emphasized as one of my highest priorities that recurring revenues must meet or exceed recurring expenses; and

WHEREAS, Now more than ever, it is not only prudent, but imperative, that the State's finances be managed responsibly, with a focus on maximizing debt reduction and restricting State expenditures to levels matching or within recurring revenues; and

WHEREAS, As Governor, I have a responsibility to ensure a balanced budget, manage the operations of State Government effectively and efficiently, and maintain necessary government programs and assistance to the public; and

WHEREAS, Article VIII, Section II, paragraph 2 of the New Jersey State Constitution (1947) requires that State government expenditures do not exceed available State revenues; and

WHEREAS, N.J.S.A.52:27B-31 and -26 empower the Governor to prohibit the expenditure of existing or future appropriations, and to set aside necessary reserve funds, if necessary to avoid a budget deficit and to guard against extravagance, waste, or fiscal mismanagement in the administration of any State appropriations; and

WHEREAS, The time has come to build upon the foundation laid in the last three budgets and create a mechanism to help eliminate the practice of relying upon non-recurring revenues to fund recurring expenses of State government;

NOW, THEREFORE, I, JON S. CORZINE, 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 purposes of this Order:

a. "Appropriations of the State" means the aggregate amounts appropriated from the certified revenue of the State in the general appropriation law and all other laws supplementing the general appropriation law that appropriate money for any purpose in a fiscal year.

b. "Certified revenue of the State" means the revenue certified by the Governor pursuant to Article VIII, Section II, paragraph 2 of the Constitution of the State of New Jersey.

c. "Recurring revenue of the State" means the portion of revenue determined by the State Treasurer in consultation with the Office of Management and Budget, and as set forth in a certification by the Governor separate from and in addition to the certification required pursuant to Article

VIII, Section II, paragraph 2 of the Constitution of the State of New Jersey, as recurring revenue of the State.

2. For fiscal years beginning on and after July 1, 2008, the State Treasurer, in consultation with the Office of Management and Budget, shall prepare an estimate of the recurring revenue of the State for each fiscal year. For fiscal years beginning on or after July 1, 2009, a certification setting forth such estimate shall be prepared for inclusion in the Governor's annual budget message to the Legislature for the year for which the Governor is making the budget recommendation.

3. In presenting the annual budget message, the Executive Branch of State Government shall not request or recommend appropriations of the State in an amount in excess of the certified amount of recurring revenue of the State for the fiscal year for which the budget recommendation is made, except as provided in this Order and in P.L.2008, c.22.

4. The certification of recurring revenue of the State required pursuant to section 2 of this Order shall be appended to the general appropriation law upon enactment thereof.

5. Recurring revenue of the State may be recalculated and recertified from time to time during the fiscal year, if appropriate.

6. For fiscal years beginning on and after July 1, 2009, it shall be the recommendation of the Executive Branch that any certified revenue of the State that is in excess of the amount of recurring revenue of the State shall not be available to support appropriations of the State, but rather shall be credited or appropriated to the "Long Term Obligation and Capital Expenditure Fund" for the purposes of paying for State capital improvements and the costs thereof, retiring and defeasing debt and the costs thereof, or making supplemental payments to reduce the unfunded post-retirement health benefits liability for members of and to reduce the unfunded pension liabilities of the Public Employees' Retirement System, the Teachers' Pension and Annuity Fund, the Police and Firemen's Retirement System, the State Police Retirement System, and the Judicial Retirement System, and the costs thereof, and making supplemental payments to reduce the unfunded post-retirement health benefits liability for members of the Alternative Benefit Program, and the costs thereof.

7. The provisions of this Order shall not be construed to render any balances in the "Long Term Obligation and Capital Expenditure Fund" or any other fund unavailable for meeting the costs of any emergency which requires an immediate response in the protection of the life, safety, or well-being of the citizens of this State, or to affect the Governor's constitutional obligations to take care that the laws be faithfully executed and otherwise to act in the best interests of the people of the State.

8. This Order shall take effect immediately and shall continue in full force and effect until rescinded or modified by the Governor, or superseded by statute.

Dated June 30, 2008.

EXECUTIVE ORDER No. 104

WHEREAS, United States Army Reserve Major Dwayne M. Kelley, of South Orange, New Jersey, graduated from John F. Kennedy High School in Willingboro, New Jersey; and

WHEREAS, Major Kelley entered the Army in 1978, initially serving for three years as a light wheel vehicle mechanic and then returning to Rutgers University to earn his bachelor's degree in Psychology and his commission as a U.S. Army Reserve second lieutenant in 1985; and

WHEREAS, Major Kelley was a Civil Affairs Officer assigned to the 432nd Civil Affairs Battalion, Headquarters and Headquarters Company, stationed in Green Bay, Wisconsin; and

WHEREAS, Major Kelley has received some of our nation's highest military honors, including two Army Reserve Components Achievement Medals, the National Defense Service Medal, the Armed Forces Service Medal, the Armed Forces Reserve Medal with bronze hourglass and with "M" (mobilization) device and the Army Service Ribbon; and

WHEREAS, Major Kelley also served the State of New Jersey as a Detective Sergeant First Class in the New Jersey State Police; and

WHEREAS, He began his career with the State Police on February 25, 1988, serving as a trooper and he then served in the Investigations Section; and

WHEREAS, He was promoted to Detective Sergeant in 2004 and then to Detective Sergeant First Class in 2008, serving in the Counter Terrorism Bureau; and

WHEREAS, During his law enforcement career, Detective Sergeant First Class Kelley received numerous commendations and awards, most notable the 2006 Essex County Executive Extraordinary Valor Award and a 200 Club of Essex County Valor Award for his role in interviewing terrorism detainees; and

WHEREAS, His career with the New Jersey State Police was characterized by loyalty, fearless performance of duty, and devotion to the highest principles of law enforcement; and

WHEREAS, Major Kelley died near Sadr City, Iraq, during a time of war while serving as a member of the United States Army Reserve; and

WHEREAS, Major Kelley has made the ultimate sacrifice, giving his life in the line of duty, while fighting for his country; and

WHEREAS, Major Kelley was a dedicated soldier as well as a loving husband, father, son, and friend, whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Major Kelley's love for his family and friends, his patriotism, and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to mourn and remember him, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, July 3, 2008, in recognition and mourning for a son of New Jersey and a brave and loyal American, United States Army Reserve Major Dwayne M. Kelley.

2. This Order shall take effect immediately.

Dated July 1, 2008.

EXECUTIVE ORDER No. 105

WHEREAS, United States Army Private Anthony J. Sausto, of Somers Point, New Jersey, attended Oakcrest High School in Mays Landing, New Jersey; and

WHEREAS, Private Sausto enlisted in the Army in February 2006, a few months after moving from New Jersey to Arizona; and

WHEREAS, Private Sausto was assigned to the 1st Battalion, 38th Infantry Regiment, 4th Brigade Combat Team, 2nd Infantry Division out of Fort Lewis, Washington; and

WHEREAS, Private Sausto was a dedicated soldier as well as a loving son, brother, and friend, whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Private Sausto died near Baghdad, Iraq, during a time of war while serving as a member of the United States Army; and

WHEREAS, Private Sausto's love for his family and friends, his patriotism, and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to mourn and remember him, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, July 7, 2008, in recognition and mourning for a son of New Jersey and a brave and loyal American, United States Army Private Anthony J. Sausto.

2. This Order shall take effect immediately.

Dated July 2, 2008.

EXECUTIVE ORDER No. 106

WHEREAS, Assemblyman Arthur R. Albohn was a leader in public life, spending the majority of his career dedicated to serving the common good, and New Jersey is a better place today because of that service; and

WHEREAS, Assemblyman Albohn was born in Ridgewood, New York, educated in the New York City public school system, and graduated from Stuyvesant High School; and

WHEREAS, Assemblyman Albohn earned a B.A., B.S., and chemical engineering degrees from Columbia University; and

WHEREAS, Assemblyman Albohn and his wife moved to Akron, Ohio, working for Goodyear Tire and Rubber Company during the Second World War; and

WHEREAS, In 1950 Assemblyman Albohn and his wife relocated to Whippany, New Jersey, where they raised three children and where he was employed in research, management, and consulting positions in the chemical and engineering industries; and

WHEREAS, Assemblyman Albohn was interested in helping his community grow and prosper, became involved in municipal government, and was elected to the Hanover Township Committee in 1954, serving for 33 years, including five as mayor; and

WHEREAS, He was a member of the Planning Board, Chairman of the Sewerage Authority, President of the Board of Health, and Director of Finance; and

WHEREAS, He was elected to the New Jersey General Assembly in 1980, where he served for 16 years; and

WHEREAS, During his time in the Assembly he was a staunch fiscal conservative, earning the nickname "Dr. No" for voting against bills that contained unnecessary spending; and

WHEREAS, During his time in the Assembly he was also known for his strong advocacy for the preservation of green space, his devotion, as a man of science, to environmental causes, and his sponsorship of mandatory recycling legislation, leading the State into the era of recycling; and

WHEREAS, Upon Assemblyman Albohn's retirement from the Assembly, he had served his town and State for 43 years and his Assembly colleagues recognized his integrity, intellectual rigor, and dedication; and

WHEREAS, Assemblyman Albohn's professional associations included the American Institute of Chemical Engineers, the American Chemical Society, the American Society of Mechanical Engineers, and Theta Tau engineering fraternity; and

WHEREAS, Assemblyman Albohn served as trustee of the Masterwork's Musical Arts Foundation, Chairman of the Birch Hill Association, president of the Hanover Township Republican Club, and advisory board member for Security National Bank; and

WHEREAS, He was recently inducted into the Elected Officials Hall of Fame of the New Jersey State League of Municipalities for his many years of public service; and

WHEREAS, It is with deep sadness that we mourn the loss of Assemblyman Albohn and extend our sincere sympathy to his wife, his children, his family, and friends; and

WHEREAS, It is fitting and appropriate to honor the memory and the passing of Assemblyman Albohn;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, July 8, 2008, in recognition and mourning of the passing of Assemblyman Arthur R. Albohn.

2. This Order shall take effect immediately.

Dated July 3, 2008.

EXECUTIVE ORDER No. 107

WHEREAS, United States Marine Corps Lance Corporal Jeffery S. Stevenson was born in Stroudsburg, Pennsylvania, and resided in Stillwater, New Jersey; and

WHEREAS, Lance Corporal Stevenson graduated from Kittatinny Regional High School in Newton, New Jersey; and

WHEREAS, Lance Corporal Stevenson joined the Marine Corps in 2006, six months after his high school graduation, and served as a machinist; and

WHEREAS, Lance Corporal Stevenson was known for his unwavering support of the military; and

WHEREAS, Lance Corporal Stevenson was assigned to the 7th Engineer Support Battalion, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, California; and

WHEREAS, Lance Corporal Stevenson died in Al Anbar province, Iraq, during a time of war while serving as a member of the United States Marine Corps; and

WHEREAS, Lance Corporal Stevenson was a dedicated Marine as well as a loving son, brother, cousin, grandson, and friend, whose memory lives in the hearts of his family, friends and fellow Marines; and

WHEREAS, Lance Corporal Stevenson's love for his family and friends, his patriotism, and dedicated service to his country and his fellow Marines make it appropriate and fitting for the State of New Jersey to

mourn and remember him, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, July 22, 2008, in recognition and mourning for a son of New Jersey and a brave and loyal American, United States Marine Corps Lance Corporal Jeffery S. Stevenson.

2. This Order shall take effect immediately.

Dated July 18, 2008.

EXECUTIVE ORDER No. 108

WHEREAS, United States Marine Corps First Lieutenant Jason D. Mann was born and raised in Woodlynne, New Jersey; and

WHEREAS, First Lieutenant Mann graduated from Collingswood High School in Collingswood, New Jersey, and enlisted in the Marine Corps on November 3, 1997; and

WHEREAS, He attained the rank of staff sergeant before receiving a commission as a second lieutenant; and

WHEREAS, First Lieutenant Mann graduated from the University of South Carolina in 2005 with a degree in finance; and

WHEREAS, First Lieutenant Mann joined the officer ranks on May 6, 2005, graduated from his Marine Corps officer's training class with top honors, and was trained as an intelligence officer; and

WHEREAS, He was assigned to the 1st Battalion, 6th Marines, 24th Marine Expeditionary Unit, II Marine Expeditionary Force, headquartered in Camp Lejeune, North Carolina; and

WHEREAS, First Lieutenant Mann's life took new shape in the Marine Corps, where he became more athletic and outgoing, a student of Arabic, a recognized leader, and devoted to the troops in his command; and

WHEREAS, He served in Iraq from September 2006 to May 2007; and

WHEREAS, First Lieutenant Mann returned to the Mideast to serve a second tour of duty and died in Helmand Province, Afghanistan, during a time of war; and

WHEREAS, First Lieutenant Mann was a decorated member of this Nation's armed forces, having been awarded the Navy and Marine Corps Achievement Medal, two Good Conduct Medals, the Iraq Campaign Medal, the National Defense Service Medal, the Global War on Terrorism Service Medal, the Navy Meritorious Unit Commendation, and two Sea Service Deployment Ribbons; and

WHEREAS, First Lieutenant Mann was a patriotic American and a dedicated Marine as well as a loving husband, father, son, brother, and friend, whose memory lives in the hearts of his family, friends, and fellow Marines; and

WHEREAS, First Lieutenant Mann's love for his family and friends, his patriotism, and dedicated service to his country and his fellow Marines make it appropriate and fitting for the State of New Jersey to mourn and remember him, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JOSEPH J. ROBERTS, JR., Acting Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, July 25, 2008, in recognition and mourning for a son of New Jersey and a brave and loyal American, United States Marine Corps First Lieutenant Jason D. Mann.

2. This Order shall take effect immediately.

Dated July 23, 2008.

EXECUTIVE ORDER No. 109

WHEREAS, The New Jersey State Legislature has recognized that the closure and revitalization of Fort Monmouth is a matter of great concern for the host communities of Eatontown, Oceanport, and Tinton Falls, as

well as for Monmouth County, and for the entire State of New Jersey; and has established the Fort Monmouth Economic Revitalization Planning Authority (the "Authority") pursuant to P.L.2006, c.16, as amended by P.L.2008, c.28 (the "FMERPA Act") to create a comprehensive conversion and revitalization plan (the "Plan") for the facility; and

WHEREAS, The FMERPA Act grants the Authority the power to enter into legally binding agreements with representatives of the homeless that are necessary to comply with and implement the requirements established by the federal government set forth at 32 C.F.R. 176.30 and 24 C.F.R. 586.30; and

WHEREAS, The FMERPA Act requires the Governor, prior to the submission of the Plan to the appropriate federal agency or agencies, to designate an agency (the "Designated Agency") with appropriate expertise and experience to assume the responsibility for the homeless assistance submission required under the Defense Base Closure and Realignment Act of 1990, Pub. L. 101-510 (10 U.S.C. s.2687) (the "Defense Base Closure and Realignment Act"); and

WHEREAS, The FMERPA Act provides that the Designated Agency shall have the same power as the Authority to enter into legally binding agreements with representatives of the homeless that are necessary in order to comply with and implement the requirements of 32 C.F.R. 176.30 and 24 C.F.R. 586.30; and

WHEREAS, The FMERPA Act further provides that the Designated Agency shall have the same rights and responsibilities of the Authority under any legally binding agreements with representatives of the homeless to which the Authority and the Designated Agency are parties; and

WHEREAS, The FMERPA Act further provides that the Designated Agency is authorized, after the submission of the comprehensive conversion and revitalization plan, to comply with and implement the requirements of 32 C.F.R. 176.30 and 24 C.F.R. 586.30; and

WHEREAS, The FMERPA Act further provides that if the Authority is dissolved pursuant to the FMERPA Act, and the Designated Agency is not proposed and recognized as the successor local redevelopment authority, the Designated Agency is authorized to assume all rights, responsibilities, and powers of the Authority pursuant to Section 1 of P.L. 2008, c. 28, until a successor local redevelopment authority is recognized by the Secretary of Defense as the entity responsible for directing the implementation of the Plan; and

WHEREAS, The New Jersey State Legislature has declared, pursuant to N.J.S.A.55:14K-1 et seq. that the New Jersey Housing and Mortgage

Finance Agency shall be one of the advocates for the State of New Jersey for housing production, finance and improvement; and

WHEREAS, Within the New Jersey Housing and Mortgage Finance Agency is the Division of Supported Housing and Special Needs, the purpose of which is to coordinate a range of supportive housing programs, including but not limited to, the Statewide Homeless Management Information System and Programs designed to serve homeless families and individuals; and

WHEREAS, In light of its statutory and regulatory authority and its expertise, the New Jersey Housing and Mortgage Finance Agency is best suited to assume responsibilities required pursuant to the FMERPA Act and under the Defense Base Closure and Realignment Act;

NOW, THEREFORE, I, JON S. CORZINE, 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 New Jersey Housing and Mortgage Finance Agency is hereby designated, pursuant to Section 2 of P.L.2008, c.28, as the agency that shall assume the rights, responsibilities, and powers necessary to implement the homeless assistance requirement of the Defense Base Closure and Realignment Act.

2. This Order shall take effect immediately.

Dated August 20, 2008.

EXECUTIVE ORDER No. 110

WHEREAS, Perth Amboy Police Officer Thomas E. Raji was born and raised in Perth Amboy, New Jersey, graduated from the Middlesex County Vocational and Technical School in 1994, and graduated with an associates degree from Middlesex County College in 1998; and

WHEREAS, Officer Raji was 31 years old and a loving son, devoted husband and beloved family man who resided with his wife and children in Monroe, New Jersey; and

WHEREAS, Officer Raji joined the Perth Amboy Police Department in 1999, served with exceptional courage, dedication, and professionalism as a police officer, and received numerous commendations from the De-

partment, as well as the citizens of Perth Amboy, for his service in the line of duty; and

WHEREAS, Officer Raji was beloved and respected by his fellow officers, and personified the finest traditions and principles of law enforcement; and

WHEREAS, Officer Raji tragically lost his life on August 22, 2008, while in the line of duty serving the citizens of Perth Amboy and this State as a Police Officer; and

WHEREAS, Officer Raji's selfless devotion to public service and protection of others makes him a hero and a true role model for all New Jerseyans and, therefore, it is fitting and appropriate for the State of New Jersey where he served so proudly to recognize his true commitment to the welfare and safety of others, the mark his untimely passing, to remember his family as they mourn their tragic loss, and to honor his memory;

NOW, THEREFORE, I, ANNE MILGRAM, Acting Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The 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 the appropriate hours on Thursday, August 28, 2008, in recognition of the life and in mourning of the passing of Perth Amboy Police Officer Thomas E. Raji.

2. This Order shall take effect immediately.

Dated August 25, 2008.

EXECUTIVE ORDER No. 111

WHEREAS, There is an imminent threat of destruction and loss of life in the Gulf States, including the States of Louisiana and Mississippi, arising from the approach of Hurricane Gustav; and

WHEREAS, The States of Louisiana and Mississippi along with the State of New Jersey are members of the Emergency Management Assistance Compact (EMAC) (N.J.S.A.38A:20-4) which requires New Jersey to provide assistance to any other Compact member who has suffered a disaster and requests such aid; and

WHEREAS, The States of Louisiana and Mississippi have declared that Emergencies exist and have requested aid from New Jersey under the provisions of EMAC; and

WHEREAS, In order to respond to such requests it may be necessary to employ the resources of State, County and local government and the private sector; and

WHEREAS, The provisions of this Order will prevent the uncoordinated deployment of emergency personnel and delivery of emergency resources that could endanger the health, safety and resources of the citizens of New Jersey by dangerously depleting the supply of essential materials and services; and

WHEREAS, The Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A:9-33 et seq. and N.J.S.A. 38A:3-6.1 and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, RICHARD J. CODEY, Acting Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey do declare and proclaim that a State of Emergency presently exists for the specific purpose of activating the Emergency Management Assistance Compact to coordinate multi-state mutual aid to the states of Louisiana and Mississippi, and do hereby ORDER and DIRECT:

1. The State Director of Emergency Management shall implement the State Emergency Operations Plan and shall direct the activation of county and municipal emergency operations plans as necessary to identify resources that are available for response to EMAC requests as authorized by and coordinated through the State Director of Emergency Management.

2. In accordance with the Laws of 1942, Chapter 251 (N.J.S.A. App. A:9-34), as supplemented and amended, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to provide a full, prompt and effective utilization of resources to respond to requests from disaster-stricken states.

3. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every

official, employee or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters.

4. Pursuant to the Laws of 1942, Chapter 251, as supplemented and amended (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.

5. In accordance with the Laws of 1942, Chapter 251 (N.J.S.A. App. A:9-34), as supplemented and amended, the Governor reserves the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to provide a full, prompt and effective utilization of resources to respond to requests from disaster-stricken States to protect against this emergency.

6. All persons participating in a response authorized by the State Director of Emergency Management to an EMAC request shall be considered State emergency forces for the purposes of EMAC.

7. This Order shall take effect immediately and shall remain in effect until such time as it is determined that an emergency no longer exists.

Dated August 31, 2008.

EXECUTIVE ORDER No. 112

WHEREAS, United States Army Specialist Michael L. Gonzalez was born and raised in Spotswood, New Jersey; and

WHEREAS, Specialist Gonzalez enlisted in the United States Army after graduating from Spotswood High School in 2006; and

WHEREAS, He completed basic and advanced individual training at Fort Leonard Wood, Missouri, in July 2006 and graduated from the Military Police School in December 2006; and

WHEREAS, Specialist Gonzalez was assigned to the 18th MP Brigade, 95th MP Battalion, 340th MP Company, Fort Totten, New York; and

WHEREAS, Specialist Gonzalez was a dedicated soldier as well as a loving son, grandson, brother, and friend, whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Specialist Gonzalez died near Baghdad, Iraq, during a time of war while serving as a member of the United States Army; and

WHEREAS, Specialist Gonzalez's love for his family and friends, his patriotism, and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to mourn and remember him, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, September 10, 2008, in recognition and mourning for a son of New Jersey and a brave and loyal American, United States Army Specialist Michael L. Gonzalez.

2. This Order shall take effect immediately.

Dated September 4, 2008.

EXECUTIVE ORDER No. 113

WHEREAS, Executive Order No. 111 (2008) was issued on August 31, 2008, declaring a State of Emergency for the specific purpose of activating the Emergency Management Assistance Compact ("EMAC") (N.J.S.A. 38A:20-4) to coordinate multi-state mutual aid to the states of Louisiana and Mississippi to assist in responding to Hurricane Gustav [and to prevent the uncoordinated deployment of emergency personnel and delivery of emergency services that could endanger the health, safety, and resources of the citizens of New Jersey by dangerously depleting the supply of essential materials and services]; and

WHEREAS, The severity of conditions necessitating such assistance under EMAC has eased; and

WHEREAS, The New Jersey Office of Emergency Management has advised that the emergency personnel provided by the State in response to an EMAC request from the State of Louisiana have returned to the State;

NOW, THEREFORE, I, JON S. CORZINE, 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 State of Emergency declared in Executive Order No. 111 (2008) is terminated effective immediately.

Dated September 4, 2008.

EXECUTIVE ORDER No. 114

WHEREAS, Safeguarding the clean drinking water supply for New Jersey's residents and preserving the quality of our environment are among the most important responsibilities of State government; and,.

WHEREAS, The legislative and executive branches of State government have demonstrated a strong commitment to protecting New Jersey's natural resources, water supply, and quality of life from the negative effects of unrestrained and haphazard sprawl, while at the same time providing reasonable opportunities for growth and development in the State; and

WHEREAS, The New Jersey Highlands is an essential source of clean drinking water for one-half of the State's population, including communities beyond the Highlands, and contains other exceptional natural resources such as clean air, contiguous forest lands, wetlands, pristine watersheds, and habitat for fauna and flora, as well as many sites of historic significance, while also providing abundant recreational opportunities; and

WHEREAS, In 2004, the Highlands Water Protection and Planning Act, P.L.2004, c.120 ("Highlands Act"), was enacted to provide for the protection and enhancement of the Highlands Region through the creation of the Highlands Water Protection and Planning Council ("Highlands Council") and the enhancement of the statutory authority of numerous State agencies; and

WHEREAS, The Highlands Act required the Highlands Council to adopt a Regional Master Plan with a goal to protect and enhance the significant

value of the resources of the Highlands Region, and on July 17, 2008, the Highlands Council, after careful analysis of the best available scientific and planning materials, and after completing a thorough public review process, adopted the Highlands Regional Master Plan ("Highlands Plan"); and

WHEREAS, The Highlands Plan is an important planning tool to establish broad goals and criteria for each of the municipalities and counties within the Highlands Region; and

WHEREAS, In accordance with the Highlands Act, for lands in the Highlands Preservation Area, local governments are required, and for lands in the Highlands Planning Area, local governments are authorized, to update their local master plans and development regulations to conform to the Highlands Plan, and to adopt ordinances to effectuate those plans; and

WHEREAS, In further accordance with the Highlands Act, the master plans and development regulations of conforming municipalities must be submitted to the Highlands Council for approval, and the Governor retains veto authority over the actions taken at each Highlands Council meeting; and

WHEREAS, The Highlands Act encourages appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth in or adjacent to areas already utilized for such purposes, and discourages piecemeal, scattered, and inappropriate development, in order to accommodate local and regional growth and economic development in an orderly way while protecting the Highlands environment from the individual and cumulative adverse impacts thereof; and

WHEREAS, The Highlands Act also states that the maintenance of agricultural production and a positive agricultural business climate should be encouraged to the maximum extent possible wherever appropriate in the Highlands; and

WHEREAS, Regionally planned, compact, mixed-use communities can be consistent with agricultural, environmental, water, and historic resource protections, while sprawling development, whether under conventional zoning or in unplanned isolated clusters, may contribute to the degradation of the natural environment as well as regional and local quality of life; and

WHEREAS, In enacting the Highlands Act, the Legislature found and declared that, as a matter of wise public policy and fairness to property

owners, a strong and significant commitment by the State is necessary to fund the acquisition of exceptional natural resource value lands; and

WHEREAS, It is vital that the Garden State Preservation Trust be reauthorized and that a statewide transfer of development rights program be considered to meet the open space and agricultural preservation needs of the Highlands Region and the State, and, in part, to address landowner equity issues in the Highlands Region; and

WHEREAS, Landowner equity issues also should be addressed through enactment of a reasonable extension, of at least five years, beyond the June 30, 2009, expiration of the period set forth in the Highlands Act during which dual appraisals are required for open space and agricultural preservation acquisitions; and

WHEREAS, The Supreme Court of New Jersey, in South Burlington County v. Mount Laurel, 67 N.J. 151 (1975), and South Burlington County NAACP v. Mount Laurel, 92 N.J. 158 (1983), determined that every municipality in a growth area has a constitutional obligation to provide a realistic opportunity for a fair share of its region's needs for housing for low and moderate income families, which constitutional obligation must always be balanced with the protection of natural resources, and particularly, the quality and quantity of drinking water originating in the Highlands Region; and

WHEREAS, The Highlands Act directs that the Council on Affordable Housing shall take into consideration the Highlands Plan prior to making any determination regarding the allocation of the prospective fair share of the housing need in any municipality in the Highlands Region under the Fair Housing Act, P.L.1985, c.222 (C.52:27D-301 et al.) ("Fair Housing Act"), for the fair share period subsequent to 1999; and

WHEREAS, On July 17, 2008, the Fair Housing Act was amended by P.L.2008, c.46 to create a responsibility for the Highlands Council to plan for and create opportunities for affordable housing on a regional basis with consideration for infrastructure and transportation and to require a 20 percent affordable housing set-aside in residential developments;

NOW, THEREFORE, I, JON S. CORZINE, 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 Highlands Council shall work in cooperation with the Council on Affordable Housing ("COAH"), the Department of Environmental Protection ("DEP"), and the Department of Community Affairs to:

a. review COAH's third round growth projections for consistency with the Highlands Plan and assist COAH in developing adjusted growth projections within the Highlands Region, consistent with the Highlands Plan, to be utilized by municipalities that conform to the Highlands Plan;

b. create realistic opportunities for municipalities to address the actual growth share obligation resulting from residential and non-residential development between January 1, 2004, and December 31, 2018, in the Highlands Region based on a growth share methodology under which affordable housing must be built when growth occurs, including the actual obligation accrued to date of approximately 3,000 affordable units, with consideration for innovative affordable housing mechanisms that further the resource protection standards of the Highlands Plan;

c. ensure that municipalities that voluntarily conform to the Highlands Plan support redevelopment and development pursuant to the Highlands Plan to maximize affordable housing opportunities while preserving critical environmental resources;

d. identify sites and opportunities for affordable housing within the Highlands Region, including, in accordance with P.L.2008, c.46, the creation of a realistic opportunity for at least 20 percent affordable housing set-asides in all new residential developments, with consideration for economic feasibility, and the coordination of regional affordable housing opportunities in areas with convenient access to infrastructure, employment opportunities, and public transportation;

e. identify additional sites, opportunities, and funding sources for 100 percent affordable housing developments that could aid in addressing the Highlands Region's affordable housing needs while preserving its critical resources;

f. coordinate the deadlines for revision of municipal master plans and third round fair share plans to be in conformance with both the Highlands Act and the Fair Housing Act, including reasonable extensions of deadlines;

g. preserve scarce land, water, and sewer resources and dedicate these resources on a priority basis for the production of affordable housing consistent with the Highlands Plan, and provide priority review for proposed affordable housing projects; and

h. provide that conforming municipalities adopt Housing Elements and Fair Share Plans consistent with the Fair Housing Act.

2. The Highlands Council and COAH shall enter into a joint Memorandum of Understanding (MOU) as soon as practicable but no later than

60 days from the effective date of this Order to implement the provisions of Paragraph One of this Order.

3. In accordance with the Court's recognition in the Mt. Laurel cases of the clear obligation to preserve open space and natural resources, in implementing Paragraph One of this Order the relevant State agencies shall give priority to the protection of the critical water resources in the Highlands Region that provide drinking water to over five million people in New Jersey.

4. The Highlands Council and COAH, with appropriate input from DEP and the Department of Community Affairs, shall provide to the Governor quarterly written reports on the status of the coordinated efforts required pursuant to Paragraph One of this Order.

5. The State Transfer of Development Rights Bank shall reserve and make available to the Highlands Development Credit Bank, upon its establishment as authorized by N.J.S.A. 4:1C-52, an amount not less than $10 million.

6. The Highlands Council, in implementing its Land Use Capability Map Adjustment program, making any modifications to Highlands Open Water buffer standards, and designating Highlands Redevelopment Areas, shall:

a. ensure that a public process is in place allowing the public to review and comment on any map adjustments, modifications to Highlands Open Water buffer standards, or designation of redevelopment areas proposed to the Council, prior to adoption; and

b. ensure that there is no net natural resource loss or degradation of surface or ground water quality resulting from any map adjustments or modification to Highlands Open Water buffer standards.

7. In approving any plan or permit application or in issuing any other approval for a project located in the Protection Zone, the Conservation Zone, or the Environmentally-Constrained Sub-Zones, as delineated in the Highlands Plan, the DEP shall, to the maximum extent feasible, require that development proposals designed to meet the clustering provisions of the Highlands Plan, as necessary, be (i) part of a center-based, transit-oriented, or mixed-use development or a development that is consistent with the State's smart growth policies, and (ii) municipally or regionally planned

through Plan Conformance with the Highlands Plan and not isolated clusters. Furthermore, the DEP shall ensure that any such approval is conditioned upon the establishment of, and availability of funding for, the Highlands Development Credit Bank.

8. The DEP shall adopt and enforce strict standards for water deficit mitigation projects, consistent with the water deficit mitigation policies of the Highlands Plan, as part of the forthcoming update to the Statewide Water Supply Master Plan.

9. The DEP shall take appropriate action to ensure that no water allocation permit is issued for any development project located in the Protection Zone, the Conservation Zone, or the Environmentally-Constrained Sub-Zones, as delineated in the Highlands Plan, within a HUC14 subwatershed that is in, or anticipated to be in, a deficit of net water availability, as identified by the Highlands Plan, until such time that a Municipal Water Use and Conservation Management Plan, consistent with the policies in the Highlands Plan, has been approved by the Highlands Council and has been fully implemented.

10. The DEP shall take appropriate action to ensure that no approval is given to any portion of a Water Quality Management Plan amendment in the Protection Zone, the Conservation Zone, or the Environmentally-Constrained Sub-Zones, as delineated in the Highlands Plan, within a HUC14 subwatershed that is in, or anticipated to be in, a deficit of net water availability, as identified by the Highlands Plan, unless the approval is conditioned on a Municipal Water Use and Conservation Management Plan, consistent with the policies in the Highlands Plan, having been approved by the Highlands Council and having been fully implemented.

11. Nothing in this Order shall prohibit the issuance or granting of an approval if the denial or conditioning of such approval would adversely affect public health or safety or cause a taking of property without just compensation.

12. This Order shall take effect immediately.

Dated September 5, 2008.

EXECUTIVE ORDER No. 115

WHEREAS, On September 11, 2001, unprecedented terrorist attacks were launched on New York, Washington, D.C., and Pennsylvania; and

WHEREAS, More than one quarter of the victims of the September 11, 2001, attacks were New Jerseyans, with nearly 700 of our residents killed in the attacks, and numerous others injured; and

WHEREAS, Many New Jerseyans, including thousands of police, fire, military, emergency, and construction personnel, responded to this tragedy; and

WHEREAS, Hundreds of New Jersey families have been drastically affected by these events, through the loss of a parent, spouse, child, or other loved one; and

WHEREAS, This tragic event will be remembered by all New Jerseyans, both privately as well as in public remembrances and memorial ceremonies; 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, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on September 11, 2008, in recognition and mourning of all of those lost in the September 11th attacks and, particularly, those lost from our home State.

2. This Order shall take effect immediately.

Dated September 9, 2008.

EXECUTIVE ORDER No. 116

WHEREAS, Belleville Police Officer Kenneth A. Santucci was raised in Belleville, New Jersey, and graduated from Queen of Peace High School, and Mountainside Hospital School of Nursing; and

WHEREAS, Officer Santucci was 32 years old, a loving and devoted husband and father, and resided in Belleville, New Jersey; and

WHEREAS, Officer Santucci graduated from the Newark Police Academy in 2006, served as a Newark police officer, and then in 2008, joined the Belleville Police Department to serve and protect the public in his home community; and

WHEREAS, In addition to serving as a police officer, Officer Santucci also had worked as a registered nurse at the Summit Oaks Hospital, Summit, New Jersey; and

WHEREAS, Officer Santucci was a dedicated and skilled officer, who was known for his optimistic attitude, and who received many commendations and citations for his police work; and

WHEREAS, On September 6, 2008, while Officer Santucci was on duty and responding to a call for assistance, he tragically lost his life in an automobile accident; and

WHEREAS, Officer Santucci's selfless devotion to public service and the protection of others makes him a hero and a true role model for all New Jerseyans and, therefore, it is appropriate and fitting for the State where he was raised and where he served so proudly as a Police Officer to recognize his true commitment to the welfare and safety of others, to mark his untimely passing, to remember his family as they mourn their tragic loss, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, 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 the appropriate hours on Friday, September 12, 2008, in recognition of the life and in mourning of the passing of Police Officer Kenneth A. Santucci.

2. This Order shall take effect immediately.

Dated September 10, 2008.

EXECUTIVE ORDER No. 117

WHEREAS, The residents of New Jersey are entitled to a government that is effective, efficient, and free from corruption, favoritism, and waste; and

WHEREAS, In pursuit of those goals, a series of actions have been taken in New Jersey since 2004 – through legislation, executive order, and regulation – to protect the integrity of government contractual decisions and increase the public's confidence in government by prohibiting the awarding of government contracts to business entities that also are contributors to certain candidates and political parties; and

WHEREAS, Among those actions were the issuance of Executive Order No. 134 (2004) and the codification of its provisions into statute in P.L.2005, c.51 (C.19:44A-20.13 et seq.) ("Chapter 51"); and

WHEREAS, Since its adoption, Chapter 51 has significantly reduced the influence of contractor contributions in the process of awarding State government contracts and has proven to be an effective method of ensuring that merit and cost-effectiveness drive the government contracting process; and

WHEREAS, This administration is committed to ensuring the highest ethical standards in government contracting and rooting out corruption, favoritism, and waste; and

WHEREAS, Experience has shown that additional measures are needed to ensure there is no dilution of the protections provided by Chapter 51 against the improper influence of political contributions on the process of awarding State government contracts and to ensure compliance with the provisions of Chapter 51; and

WHEREAS, Many State government contractors, particularly those that provide professional services, are business entities whose form of business organization and ownership structure are such that the political contribution limits in Chapter 51 apply to few if any of the individuals who own or control the entity; and

WHEREAS, The strong public interest in limiting political contributions by businesses that contract with the State requires that the contribution limits in Chapter 51 be applied to such individuals and that those limits otherwise be applied in such a way that the purposes of Chapter 51 will be served regardless of the form of business organization of the State government contractor; and

WHEREAS, Because New Jersey's campaign finance laws permit large, and in some cases unlimited, political contributions to flow between and among various types of political committees and State officeholders, the effectiveness of the restrictions in Chapter 51 can be, and have been, undermined by the current ability of State government contractors to make large contributions to legislative leadership committees and municipal political party committees; and

WHEREAS, The Constitution of this State requires the Governor to manage the operations of State government effectively and fairly, uphold the law to ensure public order and prosperity, and confront and uproot malfeasance in whatever form it may take; and

WHEREAS, It is the Governor's responsibility to safeguard the integrity of the State government procurement process by ensuring that there is no dilution of the protections provided by Chapter 51 against the improper influence of political contributions on the process of awarding and overseeing the performance of State government contracts and that there be full compliance with the provisions of Chapter 51;

NOW, THEREFORE, I, JON S. CORZINE, 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 purposes of this Order:

a. "Business entity" means:

i. a for-profit entity as follows:

A. in the case of a corporation: the corporation, any officer of the corporation, and any person or business entity that owns or controls 10% or more of the stock of the corporation;

B. in the case of a general partnership: the partnership and any partner;

C. in the case of a limited partnership: the limited partnership and any partner;

D. in the case of a professional corporation: the professional corporation and any shareholder or officer;

E. in the case of a limited liability company: the limited liability company and any member;

F. in the case of a limited liability partnership: the limited liability partnership and any partner;

G. in the case of a sole proprietorship: the proprietor; and

H. in the case of any other form of entity organized under the laws of this State or any other state or foreign jurisdiction: the entity and any principal, officer, or partner thereof;

ii. any subsidiary directly or indirectly controlled by the business entity;

iii. any political organization organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the business

entity, other than a candidate committee, election fund, or political party committee; and

iv. with respect to an individual who is included within the definition of business entity, that individual's spouse or civil union partner, and any child residing with the individual, provided, however, that, this Order shall not apply to a contribution made by such spouse, civil union partner, or child to a candidate for whom the contributor is entitled to vote or to a political party committee within whose jurisdiction the contributor resides unless such contribution is in violation of section 9 of P.L.2005, c.51 (C.19:44A-20.13 et seq.) ("Chapter 51").

b. "Contribution" means a contribution reportable by the recipient under "The New Jersey Campaign Contributions and Expenditures Reporting Act," P.L.1973, c.83 (C.19:44A-1 et seq.) made on or after the effective date of this Order.

2. Any Executive Branch department, agency, authority, or independent State authority charged with implementing and enforcing Chapter 51 shall apply its provisions to a "business entity" as defined in Paragraph 1(a) of this Order in the same manner as those provisions apply to a "business entity" as defined in section 5 of Chapter 51.

3. Any Executive Branch department, agency, authority, or independent State authority charged with implementing and enforcing Chapter 51 shall apply its provisions to a contribution made to a legislative leadership committee or a municipal political party committee in the same manner as those provisions apply to a contribution to any candidate committee, election fund, or political party committee identified in Chapter 51.

4. Any Executive Branch department, agency, authority, or independent State authority charged with implementing and enforcing Chapter 51 shall apply its provisions to a contribution made to a candidate committee or election fund of any candidate for or holder of the office of Lieutenant Governor in the same manner as those provisions apply pursuant to Chapter 51 to a contribution to any candidate committee or election fund of any candidate for or holder of the office of Governor.

5. This Order shall take effect on November 15, 2008, and is intended to have prospective effect only. This Order shall not apply to any contribution made prior to November 15, 2008.

Dated September 24, 2008.

EXECUTIVE ORDER No. 118

WHEREAS, The residents of New Jersey are entitled to a government that is effective, efficient, and free from corruption, favoritism, and waste; and

WHEREAS, In pursuit of those goals, a series of actions have been taken in New Jersey since 2004 – through legislation, executive order, and regulation – to protect the integrity of government contractual decisions and increase the public's confidence in government by prohibiting the awarding of government contracts to business entities that also are contributors to certain candidates and political parties; and

WHEREAS, Government decisions regarding redevelopment projects often involve substantial sums of money, and the procedures regarding such decisions can be less rigorous than those governing other types of procurement activities; and

WHEREAS, As demonstrated in the recent report of the Inspector General regarding the Encap redevelopment project, the integrity of government decisions regarding a redevelopment project can be called into question by virtue of the timing of political contributions and the nature of government actions benefiting or relating to a redevelopment project; and

WHEREAS, The Constitution of this State requires the Governor to manage the operations of State government effectively and fairly, uphold the law to ensure public order and prosperity, and confront and uproot malfeasance in whatever form it may take; and

WHEREAS, It is the Governor's responsibility to safeguard the integrity of decision-making regarding State redevelopment projects by imposing restrictions on State agencies and independent authorities to insulate such decision-making from political contributions that pose the risk of improper influence, purchase of access, or the appearance thereof;

NOW, THEREFORE, I, JON S. CORZINE, 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 purposes of this Order:

a. "Business entity" means:

i. a for-profit entity as follows:

A. in the case of a corporation: the corporation, any officer of the corporation, and any person or business entity that owns or controls 10% or more of the stock of the corporation;

B. in the case of a general partnership: the partnership and any partner;

C. in the case of a limited partnership: the limited partnership and any partner;

D. in the case of a professional corporation: the professional corporation and any shareholder or officer;

E. in the case of a limited liability company: the limited liability company and any member;

F. in the case of a limited liability partnership: the limited liability partnership and any partner;

G. in the case of a sole proprietorship: the proprietor; and

H. in the case of any other form of entity organized under the laws of this State or any other state or foreign jurisdiction: the entity and any principal, officer, or partner thereof;

ii. any subsidiary directly or indirectly controlled by the business entity;

iii. any political organization organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and

iv. with respect to an individual who is included within the definition of business entity, that individual's spouse or civil union partner, and any child residing with the individual, provided, however, that this Order shall not apply to a contribution made by such spouse, civil union partner, or child to a candidate for whom the contributor is entitled to vote or to a political party committee within whose jurisdiction the contributor resides unless such contribution is in violation of Paragraph 7 of this Order.

b. "Contribution" means a contribution reportable by the recipient under "The New Jersey Campaign Contributions and Expenditures Reporting Act," P.L.1973, c.83 (C.19:44A-1 et seq.) made on or after the effective date of this Order.

c. "Redeveloper" means any business entity that enters into or proposes to enter into a redevelopment agreement, and includes (i) a subsidiary business entity directly or indirectly controlled by the redeveloper; and (ii) a business entity that contracts with the redeveloper to perform professional, consulting, or lobbying services in connection with the redevelopment project.

d. "Redevelopment agreement" means an agreement or contract with a State redevelopment entity for the redevelopment or rehabilitation of an area in need of redevelopment, or an area in need of rehabilitation, or any

part thereof, or other work forming a part of a redevelopment or rehabilitation project.

e. "State redevelopment entity" means any State agency, including any principal department in the Executive Branch and any division, board, bureau, office, commission, or other instrumentality within or created by such department, and any independent State authority, board, commission, instrumentality, or agency that is authorized by law to implement a redevelopment project and carry out a redevelopment plan. The State Treasurer shall prepare and publish a list of the State entities included under this definition.

2. State redevelopment entities shall use a competitive process, to include public issuance of a request for proposal, a request for qualifications, or similar solicitation, for selecting a redeveloper.

3. A State redevelopment entity shall not enter into or propose to enter into a redevelopment agreement with any redeveloper if, beginning after the public issuance of a request for proposal, a request for qualifications, or similar solicitation in accordance with Paragraph 2 of this Order, that redeveloper has made a contribution to (i) a candidate committee or election fund of any candidate for or holder of the public office of Governor or Lieutenant Governor, (ii) a State, county, or municipal political party committee or a legislative leadership committee, or (iii) a candidate committee or election fund of any candidate for or holder of a State legislative, county, or municipal elective public office in a State legislative district, county, or municipality in which any property subject to the redevelopment agreement is situated.

4. A redeveloper that enters into a redevelopment agreement with a State redevelopment entity shall not make a contribution during the term of the redevelopment agreement to any committee or election fund identified in Paragraph 3 of this Order.

5. Prior to entering into a redevelopment agreement a State redevelopment entity shall require the redeveloper to report all contributions the redeveloper made during the preceding four years to any political organization organized under section 527 of the Internal Revenue Code that also meets the definition of a "continuing political committee" within the meaning of section 3 of P.L.1973, c.83 (C.19:44A-3), and, in the event the redeveloper enters into a contract with a business entity to perform professional,

consulting, or lobbying services in connection with the redevelopment project after entering into the redevelopment agreement, the redeveloper shall supplement its report to include such contributions by that business entity. Such reports shall be subject to review by the State Treasurer. If the State Treasurer determines that any such contribution or any other act by the redeveloper would constitute a violation of this Order, the State Treasurer shall disqualify the redeveloper from being awarded the redevelopment agreement.

6. Prior to entering into a redevelopment agreement a State redevelopment entity shall require the redeveloper to provide a written certification that it has not made a contribution that would bar the award of the redevelopment agreement pursuant to this Order. The redeveloper shall have a continuing duty to report any contribution it makes during the term of the redevelopment agreement. Such reports shall be subject to review by the State Treasurer

7. A redeveloper shall not: (i) make a contribution in violation of this Order, unless such violation is remedied in accordance with Paragraph 8 of this Order; (ii) conceal or misrepresent a contribution given or received; (iii) make a contribution through an intermediary for the purpose of concealing or misrepresenting the source of the contribution; (iv) make a contribution on the condition or with the agreement that the recipient will in turn make a contribution that if made by the redeveloper itself would subject the redeveloper to the restrictions of this Order; (v) engage or employ a lobbyist, governmental affairs agent, or consultant with the intent or understanding that the lobbyist, governmental affairs agent, or consultant would make a contribution that if made by the redeveloper itself would subject the redeveloper to the restrictions of this Order; (vi) fund or direct contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engage in any exchange or contributions to circumvent the intent of this Order; or (viii) directly or indirectly, through or by any other person or means, do any act which would subject the redeveloper to the restrictions of this Order. A violation of the provisions of this Order shall be considered a material breach of the redevelopment agreement unless remedied in accordance with Paragraph 8 of this Order.

8. Except for contributions made within 60 days of a June primary election or a general election, if a redeveloper makes a contribution that would otherwise bar it from entering into a redevelopment agreement with

a State redevelopment entity or makes a contribution during the term of a redevelopment agreement in violation of this Order, the redeveloper may request a full reimbursement from the recipient and, if such reimbursement is received within 30 days after the date on which the contribution was made, the redeveloper would again be eligible to enter into the redevelopment agreement or would no longer be in violation, as appropriate.

9. Every request for qualifications, request for proposals, or any similar solicitation issued by a State redevelopment entity in connection with a redevelopment project shall contain a provision describing the requirements of this Order and a statement that compliance with this Order shall be a material term and condition of any redevelopment agreement with the State redevelopment entity and binding upon the parties thereto upon the execution of the redevelopment agreement.

10. To the extent that a term that is used in this Order requires interpretation or definition, resort shall be made to the relevant definition of the term in the "New Jersey Campaign Contributions and Expenditures Reporting Act," P.L.1973, c.83 (C.19:44A-1, et seq.) or to section 3 of P.L.1992, c.79 (C.40A:12A-3), as may be appropriate.

11. This Order shall take effect on November 15, 2008, and is intended to have prospective effect only. This Order shall apply to all redevelopment agreements entered into after November 15, 2008, but shall not affect any contribution made prior to November 15, 2008.

Dated September 24, 2008.

EXECUTIVE ORDER No. 119

WHEREAS, It is a priority of this administration to restore public trust and confidence in government; and

WHEREAS, It is imperative that public officials at all levels of government earn and maintain the confidence of the people they represent; and

WHEREAS, Those serving in State, county, municipal, and other local government units hold positions of public trust that require adherence to the highest ethical standards of honesty and integrity; and

WHEREAS, Public officials should not engage in any conduct that violates the public trust or creates an appearance of impropriety; and

WHEREAS, The current local government ethics laws were first adopted in 1991, and since that time there has not been a thorough review of the efficacy of those laws, nor any comprehensive study of the need for amendments thereto; and

WHEREAS, To the extent appropriate, ethical standards should be applied consistently to similarly situated officials in order to promote respect for those standards and provide for their enforcement; and

WHEREAS, Persons serving in government should have the benefit of clear and consistent standards, ample training opportunities, and an effective compliance program to assist in guiding their conduct; and

WHEREAS, It is appropriate to create a body with experience and expertise in local governance, local government ethics, and the procurement of goods and services by local units to study the experience of local units under the local government ethics laws and make recommendations regarding amendments to those laws, including whether enforcement responsibility should be shifted from the Local Finance Board to a different body solely focused on government ethics;

NOW, THEREFORE, I, JON S. CORZINE, 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 Local Government Ethics Task Force ("Task Force").

2. The Task Force shall be composed of 11 individuals with expertise in local governance, local government ethics, and the procurement of goods and services by local units. Members will be appointed by and serve at the pleasure of the Governor. The Task Force membership shall include one individual who shall be appointed by the Governor upon the recommendation of the President of the Senate, one individual who shall be appointed by the Governor upon the recommendation of the Senate Minority Leader, one individual who shall be appointed by the Governor upon the recommendation of the Speaker of the Assembly, and one individual who shall be appointed by the Governor upon the recommendation of the Assembly Minority Leader. The Governor shall select from among all of the members the chairperson of the Task Force. The members shall serve without compensation.

3. The Task Force shall organize as soon as practicable after the appointment of a majority of its members.

4. The Task Force is charged with studying and making recommendations regarding the need for amendments to the local government ethics laws and whether enforcement responsibility should be shifted from the Local Finance Board to a different body that is solely focused on government ethics. The Task Force also shall consider and make recommendations concerning how to implement a training and compliance program for local government ethics.

5. The Task Force shall be authorized to call upon any department, office, division, or agency of this State to supply it with any information or other assistance available as the Task Force 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 Task Force within the limits of its statutory authority and to furnish the Task Force with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order. The Task Force may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

6. The Task Force may report to the Governor from time to time and shall issue a final report to the Governor no later than 10 months from the date of the first organizational meeting. The final report shall include the Task Force's recommendations. The Task Force shall expire upon the issuance of its final report.

7. Any reports of the Task Force shall be provided to the Legislature and shall be made available to the public.

8. This Order shall take effect immediately.

Dated September 24, 2008.

EXECUTIVE ORDER No. 120

WHEREAS, I am committed to maintaining an administration that adheres to the highest ethical standards and enhances public trust in government, and

WHEREAS, Public officials should not engage in conduct that violates the public trust or creates an appearance of impropriety; and

WHEREAS, Persons serving in government should have the benefit of specific standards to guide their conduct; and

WHEREAS, Ethical standards should be applied consistently to similarly situated officials in order to promote respect for those standards and provide for their enforcement; and

WHEREAS, Public disclosure of the personal financial interests of public officials serves to maintain the public's faith and confidence in its governmental representatives and guards against conduct violative of the public trust; and

WHEREAS, My first Executive Order strengthened and expanded previously established financial disclosure processes to ensure that financial disclosure requirements are applied to government officials and to members of all State government boards, commissions, and other bodies that perform important governmental functions in areas such as regulation, policy-making, and the expenditure of public funds; and

WHEREAS, Executive Order No. 1 (2006) included expansive definitions of the terms "public employee" and "public officer" that specifically provided for periodic future updates to include newly created offices, as determined by the Governor; and

WHEREAS, Since the issuance of Executive Order No. 1 in January 2006, new State government positions and entities that perform important governmental functions in areas such as regulation, policy-making, and the expenditure of public funds have been established; and

NOW, THEREFORE, I, JON S. CORZINE, 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 6 of Executive Order No. 1 (2006) is hereby amended to include the State Comptroller, established pursuant to P.L.2007, c.52, within the definition of "public employee," and to include within the definition of "public officer" the members of the New Jersey Marine Sciences Consortium, established pursuant to P.L.2007, c.206, and the New Jersey Technology Governing Board, established pursuant to Executive Order No. 42 (2006).

2. Except as herein modified, all of the provisions of Executive Order No. 1 (2006) shall remain in full force and effect.

Dated September 24, 2008.

EXECUTIVE ORDER No. 121

WHEREAS, A key component of this Administration's efforts to close New Jersey's structural budget deficit and restore balance and integrity to the State's finances has been a strategy to substantially reduce the size and cost of State government; and

WHEREAS, An aggressive attrition program over the past two years already has resulted in an overall reduction of nearly 2,000 Executive Branch employees; and

WHEREAS, The recently enacted budget for Fiscal Year 2009 further reduces the cost of State government by nearly $300 million and the number of State Executive Branch employees by between 2,000 and 3,000 through a combination of the Early Retirement Incentive (ERI) program established in P.L.2008, c.21, and the continuation of this Administration's aggressive attrition program; and

WHEREAS, The significant reduction of Executive Branch employees to be achieved through the ERI initiative and the attrition program will require each department and agency to re-evaluate its priorities and adjust to the reduced workforce, leading to additional savings over time as departments and agencies do more with less and in some cases simply do less; and

WHEREAS, The public interest requires assurance that the workforce reduction to be obtained as a result of the ERI and attrition programs be maintained over time by a cap on the total number of Executive Branch employees to be administered through coordinated workforce reduction planning; and

WHEREAS, A coordinated workforce reduction planning effort also will help ensure that departments and agencies appropriately identify the programs and functions they will no longer be able to administer while retaining the ability to meet critical needs;

NOW, THEREFORE, I, JON S. CORZINE, 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 a Workforce Reduction Planning Board ("Board") to provide advice and recommendations to the Governor regarding implementation of a workforce reduction in the executive branch of State government.

2. The Board shall be composed of five members as follows: the State Treasurer; the Director of the Division of Budget and Accounting in the Department of the Treasury; either the chair of the Civil Service Commission, or a person designated by the Governor; and two persons designated by the Governor. Persons designated by the Governor shall serve at the pleasure of the Governor. The Governor shall select the chair and the vice-chair of the Board.

3. As soon as practicable after this Order takes effect, the State Treasurer shall certify the number of employees employed in each department, excluding seasonal employees and employees of independent authorities, as of the final pay period in Fiscal Year 2008.

4. Based on consultation with and recommendations from the Board, the Governor shall establish for each department and each agency that is to be treated for purposes of this Order separately from a department ("separate agency") the maximum number of employees that will be permitted to be on the department's or separate agency's payroll as of the final pay period in Fiscal Year 2009.

5. The aggregate maximum number of employees permitted to be on the payroll for all departments and separate agencies combined as of the final pay period in Fiscal Year 2009 shall not exceed the number of employees as certified by the State Treasurer pursuant to Paragraph 3 of this Order, less 90% of the number of employees who elect to retire and receive a benefit pursuant to section 1 of P.L.2008, c.21.

6. The aggregate maximum number of employees permitted to be on the payroll for all departments and separate agencies combined as of the final pay period in Fiscal Year 2009 shall remain as the aggregate maximum number of employees permitted to be on the payroll for all departments and separate agencies combined for subsequent fiscal years unless changed by subsequent Executive Order or action by the Legislature.

7. Following receipt of its maximum employee count, each department and separate agency shall submit to the Board a plan demonstrating how the department or separate agency intends to achieve and operate within its maximum employee count.

8. The Board shall review each plan and make recommendations to the Governor regarding approval or modification of each plan. The Gover-

nor shall then make a final decision regarding each plan. The Board shall monitor implementation of each approved plan and advise the Governor.

9. Departments and separate agencies shall not use temporary employee service (TES) employees or persons employed by contractors as permanent replacements for full-time employment positions that have been reduced pursuant to this Order.

10. Each department and separate agency shall provide the Board with information as requested by the Board, including but not limited to preliminary employee counts, plans, and any other requested information that may assist in the implementation of this Order. The Board and the departments and separate agencies shall interact as necessary in advance of the various deadlines set forth in this Order.

11. The Board shall provide to the State Treasurer necessary information to be included with the State Treasurer's reports to the Legislature pursuant to subsection (b) of section 2 of P.L.2008, c.21.

12. This Order shall take effect immediately and shall continue in full force and effect until rescinded or modified by the Governor, or superseded by statute.

Dated September 26, 2008.

EXECUTIVE ORDER No. 122

WHEREAS, On August 4, 2006, the New Jersey Committee on Native American Community Affairs was created by Executive Order in the wake of a tragic shooting of a member of the Ramapough Lenape Nation and in recognition of the imperative that all citizens be treated fairly and have equal opportunity and access to State government and services and that the rights of all citizens be protected; and

WHEREAS, This Committee was charged to "evaluate the current social and economic conditions of Native Americans in New Jersey, namely civil rights issues and the community's access to education, fair housing, infrastructure, employment, and health care"; and

WHEREAS, On December 14, 2007, the New Jersey Committee on Native American Community Affairs issued its final report (the "2007 Report"); and

WHEREAS, The 2007 Report contained 28 recommendations, among them that the State of New Jersey should: affirm its respect for and recognition of its three tribes; protect Native American open air worship sites and tribal burial grounds; resolve the long-standing environmental problems at the Ringwood Superfund Site and address the impact of those problems on local families; expand State government's awareness of and outreach to the Native American community; increase educational opportunities for Native Americans by creating a revised, culturally accurate, elementary school curriculum and a scholarship assistance program and by eliminating school-based discrimination; provide additional employment and housing opportunities; upgrade access to health care services; and broaden inter-State, State, county, and municipal relations with Native American communities; and

WHEREAS, The recommendations set forth in the 2007 Report should be implemented across all levels of government and among the State's Native American community as appropriate and that implementation needs to be monitored with particular care and diligence, given the indifference and neglect that Native American groups and individuals within the State have often confronted; and

WHEREAS, In 1995 the New Jersey Legislature created the New Jersey Commission on American Indian Affairs (the "Commission") and charged it with, among other duties, supporting the development of the State's American Indian Communities and acting as a liaison among those communities, the State and federal governments, and educational, social, and cultural institutions; and

WHEREAS, The 2007 Report recommended that the Commission's structure be modified and its membership be expanded, which changes would help it fulfill its mission but which also necessitate legislative action; and

WHEREAS, The 2007 Report concluded that State-only recognition was a major issue for a broad cross-section of the Native American community, summarized the history of New Jersey's three Native American tribes, and disavowed any intent to assist efforts at federal recognition for any tribe(s);

NOW, THEREFORE, I, JON S. CORZINE, 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. This administration affirms, endorses, and supports the New Jersey Legislature's acknowledgement in 1995 of the major role of the Nanticoke Lenni Lenape Indians, the Ramapough Mountain Indians, and the Powhatan

Renape Nation in the history of the State and those tribes' unique and continuing importance in New Jersey's political, social, and cultural life. Additionally, with the 2007 Report having reported that recognition is a major issue for a broad cross-section of the Native American community in New Jersey, the New Jersey Commission on American Indian Affairs is hereby directed to contact the leadership of the Nanticoke Lenni Lenape Indians, the Ramapough Mountain Indians, and the Powhatan Renape Nation to determine if any of these tribes wishes to be considered for State-only recognition via State statute.

2. The Commission shall oversee, coordinate, and monitor the implementation of the 2007 Report.

3. In fulfilling its charge pursuant to this Order, the Commission, among other duties, shall:

a. recommend legislation and other proposals to protect Native American religious observances and related cultural practices;

b. recommend legislation, gubernatorial measures, and cabinet-level actions to improve Native Americans' experiences in education, employment, and housing; protect Native Americans' civil rights and the environment surrounding their homes and communities; and create new mechanisms of communication between Native Americans, their leaders, and representatives of all levels of government;

c. work with members of the cabinet or their designees and other officials from State, county, and municipal government to implement the recommendations of the 2007 Report; and

d. prepare reports as of July 1, 2009, July 1, 2010, and July 1, 2011 about the State's progress in implementing the recommendations of the 2007 Report ("Implementation Reports").

4. The Commission is authorized to call upon any department, division, office, or agency of State government to provide such information, resources, or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, division, office, and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate with the Commission and to furnish it with such information, personnel, and assistance as is necessary to accomplish the purposes of this Order. In particular, the personnel of the Departments of Children and Families, Community Affairs, Education, Environmental Protection, Health and Senior Services, Human Services, and Labor and Workforce Development shall be available to the Commission upon request.

5. The Commission shall consult with experts or other knowledgeable persons in the public or private sector on any aspect of its mission pursuant to this Order.

6. The Commission shall recommend for appointment by the Governor an advisory group of no more than five persons to assist it in overseeing the implementation of the 2007 Report and in preparing the Implementation Reports. This advisory group shall cease to operate upon the enactment of legislation expanding the membership and structure of the Commission as recommended in the 2007 Report.

7. The Commission shall create a list of priorities so that its Implementation Reports shall include reference to its own activities as well as those of State government, provided, however, that nothing in this Order shall preclude the Commission from accomplishing its objectives prior to July 1, 2011, as set forth above.

8. The following additional steps shall be taken to implement the 2007 Report:

a. The Departments of Children and Families and Health and Senior Services shall as soon as possible send representatives to inter-departmental meetings at Tribal Centers and develop and implement plans to work with those Centers;

b. The Department of State shall develop a new website for the Commission, and the Departments of Children and Families and Health and Senior Services shall create links to that site, and that site shall include links, as appropriate, with those departments' websites;

c. The Departments of Labor and Workforce Development and Law and Public Safety shall as soon as possible meet with representatives of the Commission to improve job opportunities for and greater outreach and communication with Native Americans, and these departments shall develop and implement plans to work with the Commission and/or the Tribal Centers, as appropriate, and these departments shall create links to the Commission's website, and that site shall include links, as appropriate, with those departments' websites; and

d. The Departments of Community Affairs, Education, and Human Services, within 30 days of the date of this Order, shall meet with representatives of the Commission to address issues identified in the 2007 Report within each department's area of expertise and to develop and implement plans to work with the Commission and/or the Tribal Centers, as appropriate.

9. This Order shall take effect immediately

Dated October 1, 2008.

EXECUTIVE ORDER No. 123

WHEREAS, 1.2 million Americans are of Arab ancestry representing a highly diverse group, in ancestral country of origin, religion, and historic identity, which also shares a common linguistic and cultural heritage; and

WHEREAS, New Jersey is home to 70,000 Americans of Arab ancestry and is one of five states, along with New York, California, Michigan, and Florida, where, collectively, almost half of all Americans of Arab ancestry reside, and the counties of Bergen, Hudson, Middlesex, and Passaic have a high concentration of Americans of Arab ancestry; and

WHEREAS, Americans of Arab ancestry contribute to the economic, social, cultural, and civic vitality of the State and the nation; and

WHEREAS, Nationally, Americans of Arab ancestry, and those perceived as of Arab ancestry, were among the secondary victims of the attacks of September 11, 2001: children have been subject to bullying, harassment, and bias in schools; and adults have been subject to discrimination, hate crimes, and other hostilities in employment, housing, and places of public accommodation; and

WHEREAS, It is imperative that all citizens be treated fairly, with dignity, respect, and tolerance, and that the rights of all citizens be protected; and

WHEREAS, Dissemination of knowledge of the heritage, culture, and history of Arabs and Americans of Arab ancestry is important to the State of New Jersey; and

WHEREAS, It is necessary and proper to educate the citizens of New Jersey about the heritage, culture, and history of Arabs and Americans of Arab ancestry;

NOW, THEREFORE, I, JON S. CORZINE, 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 Department of State, the New Jersey Arab-American Heritage Commission ("Commission").

2. The Commission shall be composed of twenty-five (25) members. The following officials, or their designees, shall serve on the Commission, ex officio, and with a vote: the Secretary of State; the Commissioner of the Department of Education; the Attorney General; the Director of the Division on Civil Rights; the President of the State Board of Education; the Chair, Governor's Ethnic Advisory Council; and the Chair, New Jersey Human Relations Council.

3. The Commission shall also consist of one public member appointed by the Governor upon the recommendation of the President of the Senate, one public member appointed by the Governor upon the recommendation of the Speaker of the General Assembly, and sixteen (16) public members appointed by the Governor. The Governor shall select a chair and the members shall elect annually from among their members a vice-chair.

4. The public members shall be residents of the State, chosen with due regard for geographic representation, diversity, education, knowledge, experience, and academic post-graduate level degrees related to the heritage, culture, and history of Arabs and Americans of Arab ancestry.

5. The Governor shall appoint each public member for a term of three years, except that of the public members first appointed, one-third shall be appointed to a three-year term, one-third shall be appointed to a two-year term, and one-third shall be appointed to a one-year term. Public members shall serve until their successors are appointed and qualified, and any vacancy in the membership of the committee shall be filled for the unexpired term in the manner provided for the original appointment. Public members of the Commission shall serve without compensation.

6. The Commission shall meet as soon as practical after the chair and a majority of the members have been appointed. The presence of a majority of the authorized membership of the Commission shall constitute a quorum and shall be required for the conduct of official business.

7. The responsibilities and duties of the Commission are as follows:

a. To recognize, study, and share information on Arab heritage, culture, and history;

b. To coordinate events observing the heritage, culture, and history of Americans of Arab ancestry, including an annual Arab Heritage Month in April of each year;

c. To provide expertise to and to collaborate with the Department of Education to continue to develop content and curriculum guides on the heritage, culture, and history of Americans of Arab ancestry in the State's Core Curriculum Content Standards in Social Studies;

d. To study and report on programs to promote tolerance and respect for all of the citizens of this State; and

e. To coordinate events with the Department of State observing the heritage, culture, and history of Americans of Arab ancestry.

8. The Department of Education shall assist the Commission in the dissemination to educators, administrators, and public school districts in the State educational information and other materials on Arab culture and the contributions of Americans of Arab ancestry to society. Such information and materials also shall be made available to non-public schools.

9. The Commission is authorized to raise funds, through direct solicitation or other fundraising events, alone or with other groups, and accept gifts, grants and bequests from individuals, corporations, foundations, governmental agencies, public and private organizations and institutions, to defray the Commission's administrative expenses and carry out its purposes as set forth in this Executive Order.

10. The Commission is authorized to call on any department, office, division, or agency of State government to provide such information, resources, or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, office, division, and agency of this State, to the extent not inconsistent with law, is hereby required to cooperate with the Commission and to furnish it with such information and assistance as is necessary to accomplish the purposes of this Order. The Commission may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

11. The Commission shall establish a schedule of meetings and report periodically to the Governor on its activities and recommendations. An initial report to the Governor shall be submitted within six months from the date of the first meeting and annually thereafter.

12. This Order shall take effect immediately.

Dated October 24, 2008.

EXECUTIVE ORDER No. 124

WHEREAS, Major General Francis R. Gerard was born in Belleville, New Jersey, and graduated from Lyndhurst High School in 1941; and

WHEREAS, Major General Gerard enlisted in the United States Army Air Forces in 1942 and was commissioned as a Second Lieutenant in 1943; and

WHEREAS, During combat service in World War II he logged over 420 hours in aerial combat and destroyed eight enemy fighters in aerial combat over Europe and was ranked as an "Ace"; and

WHEREAS, Following his service in World War II Major General Gerard attended Lafayette College in Easton, Pennsylvania, received a Certification of Graduation from New Jersey's Marshall Law College in 1949, and passed the New Jersey Bar Examination that same year; and

WHEREAS, He then joined the New Jersey Air National Guard, was recalled to active duty during the Korean war and the Berlin Crisis, and served the public in a range of positions in government, including commanding the 108th Tactical Fighter Wing and serving as special assistant to the Commander-in-Chief, Strategic Air Command for the Air National Guard, and Commander of the New Jersey Air National Guard; and

WHEREAS, In 1982, Major General Gerard became Adjutant General of New Jersey under Governor Thomas H. Kean and served in that capacity for seven years until his retirement from military and public service in 1989; and

WHEREAS, Major General Gerard's medals and decorations include the Air Force Distinguished Service Medal, the Silver Star, Defense Superior Service Medal, Distinguished Flying Cross, Air Medal with 11 Oak Leaf Clusters, American Campaign Medal, European-African-Middle East Campaign Medal with six Battle Stars, National Defense Service Medal, Presidential Unit Citation, Armed Forces Reserve Medal, Air Force Longevity Service Award, Secretary of Defense Identification Badge, Small Arms Expert, and USAF Outstanding Unit Award; and

WHEREAS, It is with deep sadness that we mourn the loss of Major General Gerard and extend our sincerest sympathy to his family and friends;

NOW, THEREFORE, I, RICHARD J. CODEY, Acting Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Wednesday, November 12, 2008 in recognition and mourning of the passing of Major General Francis R. Gerard.

2. This Order shall take effect immediately.

Dated November 7, 2008.

EXECUTIVE ORDER No. 125

WHEREAS, Abraham Lincoln, the 16th President of the United States, was one of the nation's most prominent leaders who demonstrated true courage during the Civil War, one of the greatest crises in the nation's history; and

WHEREAS, Born on February 12, 1809, Abraham Lincoln served as President from March 4, 1861, to April 15, 1865, establishing a legacy of honesty, integrity, intelligence, and commitment to save a nation divided by the institution of slavery; and

WHEREAS, President Lincoln issued the Emancipation Proclamation in 1863, which declared free all slaves in the states of the rebellion under the Confederate flag; and

WHEREAS, In the months following the untimely death of President Lincoln by an assassin's bullet, the Thirteenth Amendment to the United States Constitution was finally adopted on December 6, 1865, to abolish and forever prohibit slavery in the United States; and

WHEREAS, February 12, 2009, marks the 200th anniversary of President Lincoln's birth; and

WHEREAS, The United States Congress has established the "Abraham Lincoln Bicentennial Commission" to honor President Lincoln's legacy and to educate the American public about his achievements and leadership; and

WHEREAS, The Abraham Lincoln Bicentennial Commission will study and recommend worthy federal activities to honor President Lincoln in 2009; and

WHEREAS, President-elect Abraham Lincoln spoke separately to the New Jersey Senate and the General Assembly during his travels through New

Jersey on February 21, 1861, on his way to his inaugural in the nation's capital; and

WHEREAS, It is appropriate for the State of New Jersey to join the national effort and to plan and carry out its own bicentennial tributes to honor President Lincoln;

NOW, THEREFORE, I, JON S. CORZINE, 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 New Jersey Abraham Lincoln Bicentennial Commission ("Commission").

2. The Commission on Higher Education shall assist the Commission and provide a staff member to serve as a non-voting recording secretary.

3. The Commission shall be composed of twenty-three (23) members. The following officials, or their designees, shall serve on the Commission, ex-officio, and with a vote: the Executive Director of the Commission on Higher Education; the Secretary of State; the Commissioner of the Department of Education; the Chair, New Jersey Historical Commission; the State Librarian; and the Chair, Amistad Commission.

4. The Commission shall also consist of seventeen (17) public members. One public member shall be appointed by the Governor upon the recommendation of the President of the Senate, one public member shall be appointed by the Governor upon the recommendation of the Speaker of the General Assembly, one public member shall be appointed by the Governor upon the recommendation of the Senate Minority Leader, one public member shall be appointed by the Governor upon the recommendation of the General Assembly Minority Leader, and thirteen (13) public members shall be appointed by the Governor. All public members of the Commission shall serve without compensation and at the pleasure of the Governor. The Governor shall appoint the chair and vice-chair of the Commission, who also serve as such at the pleasure of the Governor.

5. The public members shall be residents of the State, chosen with due regard for geographic representation, diversity, education, and knowledge and experience in academia related to the history of President Lincoln, the Civil War, and the abolitionist movement.

6. The Commission shall meet as soon as practical after the Chair and a majority of the public members have been appointed. The presence of a majority of the authorized membership of the Commission shall constitute a quorum and shall be required for the conduct of official business.

7. The responsibilities and duties of the Commission are as follows:

a. To recommend activities that may be carried out by the State of New Jersey to honor President Lincoln during the year of his bicentennial; and

b. To educate the residents of the State of New Jersey about the life of President Lincoln, especially his years of service as the 16th President of the United States; and

c. To plan, implement, and coordinate activities to commemorate the bicentennial year.

8. The Commission shall establish a schedule of meetings and report periodically to the Governor on its activities and recommendations. The Commission shall submit a preliminary report of proposed activities to the Governor 60 days after its first meeting.

9. The Commission is authorized to call on any department, office, division, or agency of State government to provide such information, resources, or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, office, division, and agency of this State, to the extent not inconsistent with law, is hereby required to cooperate with the Commission and to furnish it with such information and assistance as is necessary to accomplish the purposes of this Order. The Commission may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

10. The Commission is authorized, alone or with other groups, to solicit and accept gifts, grants, and bequests from individuals, corporations, foundations, governmental agencies, public and private organizations, and institutions to defray the Commission's administrative expenses and carry out its purposes as set forth in this Order.

11. This Order shall take effect immediately and expire on December 31, 2009.

Dated November 21, 2008.

EXECUTIVE ORDER No. 126

WHEREAS, Housing constitutes one of the basic needs of all families and individuals within the State of New Jersey, and safe and affordable housing creates a foundation for stable lives, secure families, and thriving communities; and

WHEREAS, The State has among the costliest housing markets in the United States and average wages have failed to keep pace with the average cost of housing in the State for at least two decades, causing many individuals and families to spend increasing proportions of their income on housing and causing others to live in overcrowded, inaccessible, unsafe, or unsanitary conditions simply because they have no other option; and

WHEREAS, Significant numbers of individuals and families in New Jersey, through illness, low wages, the loss of a job, divorce or family conflict, or struggles with mental health or substance abuse, lose their ability to earn a sufficient income or obtain adequate benefits to remain in their homes; and

WHEREAS, Over the course of each year, thousands of individuals and families lose their housing and become homeless; and

WHEREAS, The multiple economic, social, physical, and emotional consequences of an episode of homelessness often exacerbate the factors that led to an individual's or family's loss of housing, thereby making it even more challenging for a single person or a family to regain housing and recreate a stable home; and

WHEREAS, Multiple State agencies, commissions, and boards working in fields as diverse as housing, health care, employment, hunger, education, mental health and substance abuse treatment assist individuals and families to remain in their homes with a range of economic and social programs, and these agencies, commissions, and boards, as well as other organizations, also are charged with helping homeless individuals and families to obtain stable housing; and

WHEREAS, All these State agencies, commissions, and boards share the common goals of preventing and eliminating homelessness, especially chronic homelessness; and

WHEREAS, Coordinating the work of these State entities will help to foster necessary system changes and maximize the impact of federal, State, and local governmental programs and nonprofit and voluntary efforts to help individuals and families remain in their homes and, if they become homeless, to speed their return to housing;

NOW, THEREFORE, I, JON S. CORZINE, 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 Department of Community Affairs the Interagency Council on Preventing and Reducing Homelessness (the "Council").

2. The Council shall be comprised as follows: (i) the Commissioners of the Department of Children and Families, the Department of Community Affairs, the Department of Corrections, the Department of Education, the Department of Health and Senior Services, the Department of Human Services, and the Department of Labor and Workforce Development, the Executive Director of the New Jersey Housing and Mortgage Finance Agency, the Chairman of the State Parole Board, the Adjutant General of the Department of Military and Veterans' Affairs, and a representative of the Office of the Governor, each of whom shall serve ex officio and may appoint a designee; and (ii) 14 public members appointed by the Governor as follows: a representative of county government, a representative of municipal government, two persons who are or recently were homeless, two representatives of the private sector, four representatives of non-profit agencies providing housing, social, behavioral health, or health-care services to homeless individuals or families, a representative of public housing authorities, an individual with academic expertise in homelessness issues, and two representatives from faith communities. In addition, the President of the Senate, the Speaker of the Assembly, the Senate Minority Leader, and the Assembly Minority Leader each may appoint a member of the Legislature to serve on the Council, and that member may appoint a designee.

3. The Commissioners of the Departments of Community Affairs (DCA) and Human Services (DHS) shall act as co-chairs of the Council.

4. The public members of the Council shall serve at the pleasure of the Governor and without compensation, except that members who are or recently were homeless may be reimbursed for reasonable expenses within funds available to DCA or DHS.

5. The Council shall meet on a regular basis, as determined by the co-chairs.

6. The Council shall:

a. Prepare a preliminary report to the Governor by or before December 31, 2009, containing findings and recommendations for preventing and reducing homelessness, ending chronic homelessness, and improving services to individuals and families who lose their housing, and additional reports as the Council may deem necessary;

b. Review data, activities, funding, and programs in areas including but not limited to housing, health care, employment, education, and mental health and substance abuse services that (i) help individuals and families at-risk of becoming homeless retain their housing and (ii) provide housing and other services for individuals and families who become homeless;

c. Identify statutory and regulatory impediments to the effective provision of services to homeless individuals and families and recommend changes to relevant laws, programs, and policies;

d. Review service delivery models and examine best practices to maximize the cost effectiveness of those models and their results; and

e. Examine and evaluate programs and activities to prevent, reduce, and end homelessness and to assist homeless families and individuals.

7. The Council shall organize and meet as soon as practicable after the appointment of a majority of its members.

8. Staffing for the Council shall be undertaken and coordinated by DCA and DHS. The Council shall seek information and advice, conduct hearings, and take testimony from individuals and families at-risk of losing their homes, or who have lost their housing; providers of housing or services to such persons; research organizations; and others to fulfill its duties.

9. The Council is authorized to call upon any department, division, office, or agency of State government to provide such information, resources, or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, division, office, and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate with the Council and to furnish it with such information, personnel, and assistance as is necessary to accomplish the purposes of this Order.

10. The Council shall operate until December 31, 2011. This period may be extended by Executive Order.

11. This Order shall take effect immediately.

Dated November 26, 2008.

EXECUTIVE ORDER No. 127

WHEREAS, United States Army Private Charles Yi Barnett was raised in Sykesville, Maryland, and his father has resided in Elizabeth, New Jersey, for many years; and

WHEREAS, Private Barnett enlisted in the United States Army after attending Bel Air High School in Bel Air, Maryland; and

WHEREAS, Private Barnett was assigned to the 2nd Battalion, 12th Cavalry Regiment, 4th Brigade Combat Team, 1st Cavalry Division, Fort Hood, Texas; and

WHEREAS, Private Barnett was a dedicated soldier as well as a loving son, step-son, brother, and friend, whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Private Barnett died near Baghdad, Iraq, during a time of war while serving as a member of the United States Army; and

WHEREAS, Private Barnett's love for his family and friends, his patriotism, and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to mourn and remember him, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, December 3, 2008, in recognition and mourning for a son of New Jersey and a brave and loyal American, United States Army Private Charles Yi Barnett.

2. This Order shall take effect immediately.

Dated December 1, 2008.

EXECUTIVE ORDER No. 128

WHEREAS, United States Army Major John P. Pryor was born in Mount Vernon, New York, and resided in Moorestown, New Jersey; and

WHEREAS, After graduating medical school from the State University of New York in Buffalo, Major Pryor moved to South Jersey for a fellowship at the Hospital of the University of Pennsylvania; and

WHEREAS, Major Pryor joined the University of Pennsylvania's surgical faculty and served as director of the hospital's nationally recognized trauma program; and

WHEREAS, Major Pryor joined the United States Army in 2006, because he felt he had a duty to lend his surgical expertise in trauma to save Americans in combat; and

WHEREAS, Upon learning of the pending deployment to Iraq, Major Pryor began studying the Arabic language so that he could better help the injured Iraqis he would treat; and

WHEREAS, Major Pryor was assigned to a forward surgical team with the Army's 1st Medical Detachment, based in Fort Totten, New York; and

WHEREAS, Major Pryor died in Iraq, during a time of war while serving his second tour of duty as a combat surgeon of the United States Army; and

WHEREAS, Major Pryor was an exceptional man with a deep desire to help his fellow man by caring for the sick and injured, as well as a devoted husband, father, son, brother, and friend, whose passion for service to others stood out; and

WHEREAS, Major Pryor's love for his family and friends, his patriotism, and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to mourn and remember him, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, January 5, 2009, in recognition and mourning for a son of New Jersey and a brave and loyal American, United States Army Major John P. Pryor.

2. This Order shall take effect immediately.

Dated January 2, 2009.

EXECUTIVE ORDER No. 129

WHEREAS, Firefighter Gary Stephens was a native of the City of Elizabeth, who later moved to Bayville, New Jersey with his wife, Natalie; and

WHEREAS, Inspired by his father, who served the public as an Elizabeth firefighter for over two decades, Firefighter Gary Stephens joined the Elizabeth Fire Department in 1980; and

WHEREAS, Firefighter Stephens served with distinction for twenty-eight years and earned a valor award in 1999 for saving the historic Second Presbyterian Church from destruction during a devastating fire that year; and

WHEREAS, On January 2, 2009, in the City of Elizabeth in Union County, Firefighter Stephens, at the age of 57, made the ultimate sacrifice, giving his life while fighting a fire that destroyed one house and damaged a neighboring home, and

WHEREAS, Gary Stephens' selfless devotion to public service and the protection of others makes him a hero and a true role model for all New Jerseyans and, therefore, it is appropriate and fitting for the State where he was born and raised to recognize his remarkable commitment to the welfare of others, to mark his untimely passing, to remember his family as they mourn their tragic loss, and to honor his memory;

NOW, THEREFORE, I, RICHARD J. CODEY, Acting Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, January 8, 2009, in recognition of the life and in mourning of the passing of Firefighter Gary Stephens.

2. This Order shall take effect immediately.

Dated January 6, 2009.

EXECUTIVE ORDER No. 130

WHEREAS, Assemblyman Willie B. Brown was a leader in public life in the State of New Jersey, having dedicated the majority of his career to serving the common good, and New Jersey is a better place today because of that service; and

WHEREAS, Assemblyman Brown was born in Pendleton, South Carolina, raised on a farm, graduated from high school, and enrolled in South Carolina State University; and

WHEREAS, Assemblyman Brown became an adopted son of New Jersey, moving to Newark while he was in college, attending Bloomfield College, and spending virtually the entire remainder of his life in this State; and

WHEREAS, Following his undergraduate studies, he soon embarked on his lifelong mission of working for the people of the State of New Jersey, initially serving as a district leader and then, winning election to the Assembly in 1973, at age 33, representing Essex County; and

WHEREAS, Assemblyman Brown won re-election to the Assembly eleven consecutive times, serving for a total of 24 years; and

WHEREAS, He was the driving force and lead sponsor of legislation requiring that New Jersey's pension fund divest itself of securities in firms doing business in South Africa, making New Jersey the first state in the country to divest from South Africa because of its apartheid regime; and

WHEREAS, Governor Thomas Kean signed the divestment bill and was subsequently informed by leaders in South Africa that the divestiture movement made a real difference and that it was the first time apartheid leaders understood that their policies were going to have a serious impact in the United States; and

WHEREAS, While in the Legislature, Assemblyman Brown was a passionate advocate for the less fortunate among us; and

WHEREAS, The Assemblyman held numerous leadership positions in the Assembly including minority leader, deputy speaker, and majority whip; and

WHEREAS, Following his service in elective office, he also was chief of staff to prominent officials in Essex County, including the County Executive; and

WHEREAS, Assemblyman Brown was a tenacious legislator and effective legislative leader, yet possessed the wisdom and strength of character that allowed him to form friendships across partisan lines, with allies and with adversaries, amidst the often challenging political culture, and accordingly is remembered as a warm and good-natured man as well as a fighter; and

WHEREAS, The Assemblyman's passion for public service and for caring for his fellow human beings have inspired many, including many of his family, to enter public service, and

WHEREAS, It is with deep sadness that we mourn the loss of Assemblyman Brown and extend our sincere sympathy to his family and friends; and

WHEREAS, It is fitting and appropriate to honor the memory and the passing of Assemblyman Brown;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Thursday, January 15, 2009, in recognition and mourning of the passing of Assemblyman Willie B. Brown.

2. This Order shall take effect immediately.

Dated January 13, 2009.

REORGANIZATION PLANS

(1319)

REORGANIZATION PLAN NO. 001-2008
VICTIMS OF CRIME COMPENSATION AGENCY - TRANSFER TO DEPARTMENT OF LAW AND PUBLIC SAFETY
NOTICE OF A PLAN FOR THE REORGANIZATION AND TRANSFER OF THE VICTIMS OF CRIME COMPENSATION AGENCY

Take notice that on January 28, 2008, Governor Jon S. Corzine hereby issues the following Reorganization Plan (No. 001-2008) to reorganize the Victims of Crime Compensation Agency by transferring the agency and all related functions, powers and duties from the Department of the Treasury to the Department of Law and Public Safety.

GENERAL STATEMENT OF PURPOSE

The Victims of Crime Compensation Agency (Agency) in the Department of the Treasury provides compensation to crime victims for some of the expenses they suffer as the result of the crime. The Agency's victim counseling service provides, without charge, assistance to victims with regard to filing a claim with the Victims of Crime Compensation Review Board (Board), emergency food and clothing, employment opportunities, referrals to other social service agencies and assistance in obtaining legal advice or representation. In addition, the Agency identifies sources to provide mental health counseling to victims. The Agency is also authorized to conduct training programs for attorneys and victim service providers. The Agency may also seek leave to appear as amicus curiae in actions where the rights of crime victims are affected.

Currently, the executive director of the Agency is appointed by the Governor with the advice and consent of the Senate and serves at the pleasure of the Governor. The executive director, in consultation with the Board, is responsible for developing, establishing and supervising the Agency's practices and procedures.

The Board is established within the Agency. The Board is composed of five citizens appointed by the Governor with the advice and consent of the Senate. The Board members, who serve without compensation, serve three-year terms and may be reappointed. The Board hears appeals from decisions of the Victims of Crime Compensation Agency involving issues of victim compensation; consults with the executive director in developing, establishing and supervising all practices and procedures of the Agency;

reviews individual and supplemental awards to a victim or a victim's family in excess of $ 10,000 in the aggregate, and awards of attorney fees for legal representation to victims; reviews information detailing the aggregate claims received and paid by the Agency, and the operations of the Agency; and reviews and, if appropriate, approves any rules and regulations, standards, and maximum rates and service limitations for reimbursement proposed by the Agency.

The Agency is the successor to the Victims of Crime Compensation Board, established by P.L. 1971, c. 317 (C. 52:4B-1 et seq.), which was an agency in but not of the Department of Law and Public Safety. P.L. 2007, c. 95 reorganized the duties and responsibilities of the Victims of Crime Compensation Board into the newly established Agency, providing greater oversight by placing the Agency within a department of State Government, and established the unpaid Victims of Crime Compensation Review Board to replace the Victims of Crime Compensation Board, whose members were salaried employees.

The Department of Law and Public Safety houses the principal law enforcement and legal entities of State government. In addition, the Division of Criminal Justice maintains the State Office of Victim-Witness Advocacy, which also provides assistance to crime victims and their families. This Office works with the law enforcement community, public agencies, non-profit service agencies, the faith-based community and other entities to provide a victim-centered response to meet the needs of victims and their families. This Office also works with the similar entities within the county prosecutors' offices. The Office also administers several federal grant programs and the State Victim-Witness Advocacy Fund.

In order to more efficiently manage and administer the State's services for crime victims, this Reorganization Plan (Plan) provides for the transfer of the Victims of Crime Compensation Agency, including the Victims of Crime Compensation Review Board as well as the Office of Victim-Witness Assistance, to and within the Department of Law and Public Safety. It also provides for the renaming of the Agency as the Victims of Crime Compensation Office and the renaming of the Office of Victim-Witness Assistance as the Victim-Witness Assistance Bureau. This Plan also provides for the abolition of the position of executive director and the substitution of the position of director. This provision will allow for the better integration of the work of the Agency within the Department of Law and

Public Safety and the coordination of the Agency's work with the other victim services entities in that Department. This transfer will also increase the ability of the State to coordinate and improve victim services and related activities offered by the Agency and the Division of Criminal Justice in the Department of Law and Public Safety, aligning and assigning similar functions within one agency, thereby promoting overall efficiency and effectiveness.

NOW THEREFORE, in accordance with the provisions of the "Executive Reorganization Act of 1969," P.L. 1969, c. 203 (C. 52:14C-1 et seq.), I find with respect to the reorganization and transfers included in this Plan that each aspect is necessary to accomplish the purposes set forth in Section 2 of that Act and will do the following:

1. Promote more effective management of the Executive Branch and of its agencies by grouping victim services and related functions within one department;

2. Promote better and more efficient execution of the laws and expeditious administration of the public business by consolidating and integrating within one department similar regulatory functions, particularly the providing of services to victims;

3. Group and coordinate these functions in a more consistent and practical way;

4. Reduce expenditures and promote economy to the fullest extent consistent with the efficient operations of the Executive Branch;

5. Increase the efficiency of the operations of the Executive Branch to the fullest extent practicable; and

6. Eliminate duplication of efforts by consolidating certain functions which will result in a savings of State funds.

PROVISIONS OF THE REORGANIZATION PLAN

THEREFORE, I hereby order the following reorganization of the Victims of Crime Compensation Agency:

1. The Victims of Crime Compensation Agency in the Department of the Treasury, including the functions, powers and duties assigned to it by P.L. 1971, c. 317 (C. 52:4B-1 et seq.), and P.L. 2007, c. 95 (C. 52:4B-3.2 through 3.4), is hereby continued and transferred to and within the Department of Law and Public Safety, and shall be renamed the Victims of Crime Compensation Office.

2. The Victims of Crime Compensation Review Board and its membership, including the functions, powers and duties assigned to it by P.L. 1971, c. 317 (C: 52:4B-1 et seq.), and P.L. 2007, c. 95 (C. 52:4B-3.2 through 3.4), is hereby continued and transferred to and within the Victims of Crime Compensation Office, Department of Law and Public Safety.

3. The Office of Victim-Witness Assistance created pursuant to P.L. 1985, c. 404, as amended (C. 52:4B-39 et seq.), is hereby continued and transferred to and within the Victims of Crime Compensation Office, Department of Law and Public Safety, and shall be renamed the Victim-Witness Assistance Bureau. The power of the executive director of the Victims of Crime Compensation Agency under section 31 of P.L. 2007, c. 95 (C. 52:4B-40.1), to appoint the director of the Office of Victim-Witness Assistance is continued and is transferred to the Attorney General.

4. The office of executive director of the Victims of Crime Compensation Agency created pursuant to section 2 of P.L. 2007, c. 95, is abolished. There is hereby created the position of director of the Victims of Crime Compensation Office. The functions, powers and duties of the executive director of the Agency are continued and are transferred to the director. The director shall be appointed as provided in P.L. 1969, c. 203, s. 5 (C. 52:14C-5), and shall receive such compensation as is provided by law. I find that the creation of the office of director and provision for compensation are necessary in order to effectuate the provisions of this Plan.

5. All employees of the Victims of Crime Compensation Agency shall be employees of the Department of Law and Public Safety and shall be transferred to the Department pursuant to the "State Agency Transfer Act," P.L. 1971, c. 375 (C. 52:14D-1 et seq.).

6. All records, property, appropriations and unexpended balance of funds appropriated or otherwise available to the Agency shall be transferred

to the Department pursuant to the "State Agency Transfer Act," P.L. 1971, c. 375 (C. 52:14D-1 et seq.).

7. Whenever in P.L. 1971, c. 317 (C. 52:4B-1 et seq.), and in sections 2 through 4 of P.L. 2007, c. 95 (C. 52:4B-3.2 through 52:4B-3.4) or in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise reference is made to the Victims of Crime Compensation Agency or the Victims of Crime Compensation Review Board or the Office of Victim-Witness Assistance, or the executive director of the Victims of Crime Compensation Agency within the Department of the Treasury, the same shall mean and refer to the Victims of Crime Compensation Office or the Victims of Crime Compensation Review Board or the Victim-Witness Assistance Bureau, or the director of the Victims of Crime Compensation Office, as the case may be, within the Department of Law and Public Safety.

8. All regulations promulgated by the Victims of Crime Compensation Agency pursuant to section 9 of P.L. 1971, c. 317, (C. 52:4B-9), shall remain in effect until such time as they may be amended or repealed or new regulations are promulgated.

GENERAL PROVISIONS

1. All acts and parts of acts inconsistent with any of the provisions of this Reorganization Plan are superseded to the extent of such inconsistencies.

2. Unless otherwise specified in this Reorganization Plan, all transfers directed by this Reorganization Plan shall be effected pursuant to the State Agency Transfer Act, P.L. 1971, c. 375 (C.52:14D-1 et seq.).

3. If any provisions of this Reorganization Plan or the application thereto to any persons, or circumstances, or the exercise of any power or authority hereunder is held invalid or contrary to law, such holding shall not affect other provisions or applications of the Plan, which can be given effect without the invalid provisions or applications, or affect other exercises of power or authority under said provisions not contrary to law. To this end, the provisions of this Reorganization Plan are declared to be severable.

A copy of this Reorganization Plan was filed on January 28, 2008 with the Secretary of State and the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective in 60 days, on March 28, 2008, unless disapproved by each House of the Legislature by passage of a Concurrent Resolution stating in substance that the Legislature does not favor this Reorganization Plan, or at a later date should the Governor establish such a later date fox the effective date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Reorganization Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under a heading of "Reorganization Plans."

Filed January 28, 2008.
Effective March 28, 2008.

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Municipal, county, traffic engineering decisions, certain, without Department of Transportation approval; permitted, C.39:4-8.19, amends C.39:4-8 et al., Ch.110.
Shopping carts, impoundment; regulated, C.40:48-2.65 et al., Ch.13.

COURTS
"Court of Palisades Interstate Park"; "police court of the Palisades Interstate park," renamed, amends R.S.32:14-22 et seq., Ch.41.
Municipal court, joint courtroom; judge, administrator, appointments, amends N.J.S.2B:12-1, Ch.2.

CRIMES AND OFFENSES
Intensive Supervision Program; automatic disqualification, certain; eliminated, amends C.2C:43-11, Ch.30.
Witness, informant tampering; hindering apprehension, prosecution; penalties; upgraded, amends N.J.S.2C:28-5 et al., Ch.81.

CRIMINAL PROCEDURE
Drug, alcohol dependent offenders, parole; drug court program, participation; increased; court fees, certain; waiver permitted, amends N.J.S.2C:35-14 et al., Ch.15

DOMESTIC RELATIONS
Child support payment collection, certain, annual Department of Human Services fee; child support pass through, increased, amends C.2A:17-56.22 et al., Ch. 101.

ELECTIONS
Elections, certain; adjustment, notification if date coincides with religious observance; provided, amends C.19:60-1 et al., Ch.129.
Electors of president and vice president, meeting in State building within State House Complex, War Memorial in Trenton; permitted, amends R.S.19:36-1, Ch.103.
"Overseas Residents Absentee Voting Law," use for all elections, amends C.19:59-1 et al., Ch.61.
Voting machine, paper verified records; deadline, moved to January 1, 2009, amends R.S.19:48-1 et al., Ch.18.

ENVIRONMENT
Abandoned, sunken vessels, certain entities permitted to remove, C.12:7C-9.1, amends C.12:7-34.39 et al., Ch.52.
"Electronic Waste Management Act"; revised, C.13:1E-99.96a, amends C.13:1E-99.95 et al., repeals C.13:1E-99.97 et al., Ch.130.
New Jersey Environmental Infrastructure Trust Financing Program, additional indebtedness incurred; statutory date, extended, amends C.58:11B-6 et al., Ch.69.
New Jersey Environmental Infrastructure Trust, loans for infrastructure projects, certain; authorized, Ch.67.
"New Jersey – New York Clean Ocean and Shore Trust Committee Act;" abolished, repeals C.32:34-1 et seq., Ch.34.
"Public Access and Marina Safety Task Force Act," C.13:19-38 et seq., Ch.82.
Renewable energy systems, certain; real property taxation, exempt, C.54:4-3.113a et seq., Ch. 90.
State Recycling Fund; recycling tax, effective date, delayed; allocations, adjusted, C.40A:4-45.54a, amends C.13:1E-96.5 et al., Ch.6.

ETHICS
Joint Legislative Committee on Ethical Standards:
Membership, changed; complaint procedure, changed; annual ethics training for legislators, required, amends C.52:13D-22 et al., Ch.16.
Membership, changed; State college, university faculty members, certain; allowed; amends C.52:13D-22, Ch.99.

EXECUTIVE ORDERS
Army Captain Gregory Thomas Dalessio; death commemorated, No.102.
Army Captain Thomas John Casey; death commemorated, No.95.
Army Corporal Steven R. Koch; death commemorated, No.98.
Army Major John P. Pryor; death commemorated, No.128.
Army Private Anthony J. Sausto; death commemorated, No.105.
Army Private Charles Yi Barnett; death commemorated, No.127.

EXECUTIVE ORDERS (Continued)
Army Private Ronald Ray Harrison; death commemorated, No.101.
Army Reserve Major Dwayne M. Kelley; death commemorated, No.104.
Army Specialist Michael L. Gonzalez; death commemorated, No.112.
Army Staff Sergeant William R. Neil, Jr.; death commemorated, No.99.
Assemblyman Arthur R. Albohn; death commemorated, No.106.
Assemblyman Willie B. Brown; death commemorated, No.130.
Community care residential providers, improvement of recruitment, retention practices; mandated, No.97.
Firefighter Gary Stephens; death commemorated, No.129.
Fort Monmouth, closure, revitalization, NJHMFA designated authority; No.109.
Governor's Advisory Commission on Construction Industry Independent Contractor Reform; created, No.96.
Governor's Local Government Ethics Task Force; established, No.119.
Highlands Council, COAH, cooperation on provision of clean drinking water; required, No.114.
Hurricane Gustav, State of Emergency relative to provisions Emergency management Assistance Compact; declared, No.111; terminated, No.113.
Interagency Council on Preventing and Reducing Homelessness; established, No.126.
Lead standards, review by DHSS, standards; required, No.100.
Major General Francis R. Gerard; death commemorated, No.124.
Marine Corporal Curtis A. Christensen, Jr.; death commemorated, No.94.
Marine Corps First Lieutenant Jason D. Mann; death commemorated, No.108.
Marine Corps Lance Corporal Jeffery S. Stevenson; death commemorated, No.107.
New Jersey Abraham Lincoln Bicentennial Commission; established, No.125.
New Jersey Arab-American Heritage Commission; established, No.123.
New Jersey Committee on Native American Community Affairs, recommendations, implementation; adopted No.122.
Perth Amboy Police Officer Thomas E. Raji; death commemorated, No.110.
Police Officer Kenneth A. Santucci; death commemorated, No.116.
Political contributions, protection against improper; required, Nos.117 and 118.
Senator Walter J. Kavanaugh; death commemorated, No.93.
September 11, 2001, deaths resulting from terrorist attacks; commemorated, No.115.
State Comptroller, included in definition of "public employee," definition of "public officer"; expanded, amends Executive Orders 1 and 42 (2006), No.120.
State finances, management, procedures; changed, No.103.
Workforce Reduction Planning Board; established, No.121.

FEDERAL RELATIONS
Fort Monmouth, closure; procedural requirements, C.52:27I-8.1 et seq., Ch.28.

FIRE SAFETY
New Jersey State Firemen's Association, convention delegates; selection deadline, revised, amends R.S.43:17-42 et seq., Ch.64.

FISH, GAME, AND WILDLIFE
Horseshoe crabs, preservation, moratorium on harvest; shorebird management plan, C.23:2B-20 et seq., Ch.1.

GAMES AND GAMBLING
Casino gross revenues, promotional gaming credits, certain; tax deduction, provided, C.5:12-38a et al., Ch.12.
Casinos, racetracks, conditions, certain; remain open during states of emergency, certain, C.5:12-211 et al., amends C.5:12-63 et al., Ch.23.

HANDICAPPED PERSONS
"Self-Directed Support Service for Persons with Developmental Disabilities Rights Act," C.30:6D-12.1 et seq., amends C.30:6D-14, Ch.128.
Wheelchaired passengers, wheelchair, occupant securement devices; required, C.39:3-76.2l et seq., Ch.79.

HEALTH
Advisory Council on Adolescent Pregnancy, teenage members; gubernatorial appointment, no Senate consent required, amends C.26:2-171, Ch.63.
"Anatomical Research Recovery Organization Act," C.26:6-68 et seq., Ch.49.
Autism, intellectual, developmental disabilities, awareness training program for first responders, certain; DHSS, DHS, required, C.26:2-189 et al., Ch.80.
"Health Care Stabilization Fund Act," C.26:2H-18.74 et seq., Ch.33.
NJ Family Care, expanded; children's coverage; mandate established; insurance markets, certain, dependent coverage; reforms, C.26:15-1 et al., amends C.30:4J-11 et al., Ch.38.
"New Jersey Hero Act," various policies to promote organ donation, C.26:6-66 et al., amends C.18A:62-45 et al., Ch.48.
"Revised Uniform Anatomical Gift Act," C.26:6-77 et seq., amends N.J.S.2C:20-2 et al., repeals C.26:6-57 et al., Ch.50.
Stillborn child, birth certificate, parental written requests to State Registrar; permitted, amends R.S.26:8-37, Ch.100.

HIGHWAYS
"Jersey Fresh," agricultural, horticultural products; sale, promotion at service areas along toll roads, certain; provided, C.27:23-48 et al., Ch.40.
"Police Unity Tour Memorial Highway," Route 9 in Cape May County; designated, Ch.51.
"Robert A. Roe Highway," N.J. Route 23; designation, repealed, repeals P.L.2007, c.238, Ch.44.

HIGHWAYS (Continued)
State Highway Route 45, portion; dedesignated, conveyed to Gloucester County, Ch.131.

HISTORICAL AFFAIRS
Ellis Island Advisory Commission; established, C.52:16A-99 et seq., Ch.85.

HOLIDAYS AND OBSERVANCES
"Blindness Awareness Month," October; designated, C.36:2-117 et seq., J.R.5.
"Drunk Driving Awareness Month, December; designated, C.36:2-120 et seq., J.R.7.
"Fibromyalgia Awareness Month," May; designated, C.36:2-113 et seq., J.R.3.
Hispanic Heritage Month, September 15 through October 15; designated, C.36:2-119, J.R.6.
"Jewish Heritage Month," April; designated, C.36:2-109 et seq., J.R.1.
"Leukemia, Lymphoma, and Myeloma Awareness Month", September; designated, C.36:2-115 et seq., J.R.4.
"Lyme Disease Awareness Month, " May; designated, C.36:2-111 et seq., J.R.2

HOSPITALS
Distressed hospitals, certain; financial performance, management intervention, DHSS enhanced monitoring; authorized, C.26:2H-5.1a et seq., amends C.26:2H-5, Ch.58.
General, State psychiatric hospitals, annual public meeting for community served; required, C.26:2H-12.50 et al., Ch.59.
"Health Care Stabilization Fund Act," C.26:2H-18.74 et seq., Ch.33.
Smoking ban, psychiatric hospitals, other facilities, permitted; smoking cessation program, offered, C.26:3D-58.1 et seq., Ch.7.
Trustees, general hospital, appointed prior to enactment of P.L.2007, c.74; training, required within a certain time, amends C.26:2H-12.34, Ch.57.
Uninsured persons, hospital charges, certain; more than 15% greater than Medicare rate, prohibited, C.26:2H-12.52 et seq., Ch.60.

HOUSING
Affordable housing laws; various, revised, C.52:27D-329.1 et al., amends C.40A:12A-3 et al., repeals C.55:14H-1 et al., Ch.46.
Age-restricted community, purchaser, grantee; federal law adherence, certification, required, C.45:22A-46.1 et al., Ch. 71.
"Mortgage Stabilization and Relief Act," C.55:14K-82 et al., amends C.55:14K-8, Ch.127.
"New Jersey Safe Housing Act," domestic abuse victim, termination of residential lease, certain, security deposit recovery; permitted, C.46:8-9.4 et seq., amends C.46:8-21.1, Ch. 111.
"Save New Jersey Homes Act of 2008," C.46:10B-36 et seq., Ch.86.

HUMAN SERVICES
Adoption agency staff members, background checks, criminal history, child abuse; required, C.9:3-40.2 et seq., amends C.53:1-20.9d, Ch.114.
Autism, intellectual, developmental disabilities, awareness training program for first responders, certain; DHSS, DHS, required, C.26:2-189 et al., Ch.80.
Income verification for applicants for Medicaid, NJ FamilyCare; required, amends C.30:4D-3b et al., Ch.53.
"Public Assistance Cost Reduction and Transportation Independence Pilot Program Act"; State motor vehicle, surplus, certain, transferred to nonprofit organizations, certain, C.44:10-62.1 et seq., Ch.105.
"Self-Directed Support Service for Persons with Developmental Disabilities Rights Act," C.30:6D-12.1 et seq., amends C.30:6D-14, Ch.128.
Smoking ban, psychiatric hospitals, other facilities, permitted; smoking cessation program, offered, C.26:3D-58.1 et seq., Ch.7.

INSURANCE
Annuities, certain, marketing, information disclosure, suitability requirements; provided, C.17B:25-34 et seq., Ch.88.
Compensation Rating and Inspection Bureau, membership, revised; authority, clarified, C.34:15-90.1 et seq., repeals R.S.34:15-89 et seq., Ch.97.
"Grace's Law," hearing aids for person 15 and younger, health insurance coverage; provided, C.17:48-6gg et al., Ch.126.
Income verification for applicants for Medicaid, NJ FamilyCare; required, amends C.30:4D-3b et al., Ch.53.
Life insurance, issuance, renewal, rating; future foreign travel discrimination; prohibited, amends N.J.S.17B:30-12, Ch.4.
NJ Family Care, expanded; children's coverage; mandate established; insurance markets, certain, dependent coverage; reforms, C.26:15-1 et al., amends C.30:4J-11 et al., Ch.38.
Uninsured persons, hospital charges, certain; more than 15% greater than Medicare rate, prohibited, C.26:2H-12.52 et seq., Ch.60.

INTERNATIONAL RELATIONS
Israel, 60th anniversary; congratulated, J.R.8.
"New Jersey-Israel Commission"; established, C.52:16A-104 et seq., Ch.125.

JOINT RESOLUTIONS
"Blindness Awareness Month," October; designated, C.36:2-117 et seq., J.R.5.
"Drunk Driving Awareness Month, December; designated, C.36:2-120 et seq., J.R.7.
"Fibromyalgia Awareness Month," May; designated, C.36:2-113 et seq., J.R.3.
Hispanic Heritage Month, September 15 through October 15; designated, C.36:2-119, J.R.6.

JOINT RESOLUTIONS (Continued)
Israel, 60th anniversary; congratulated, J.R.8.
"Jewish Heritage Month," April; designated, C.36:2-109 et seq., J.R.1.
"Leukemia, Lymphoma, and Myeloma Awareness Month," September; designated, C.36:2-115 et seq., J.R.4.
"Lyme Disease Awareness Month, " May; designated, C.36:2-111 et seq., J.R.2

JUDGES
Superior Court, two additional judgeships; created, amends N.J.S.2B-2-1, Ch.26.
Workers' compensation law, judge of compensation; powers, increased, C.34:15-28.2 et seq., Ch.93.

LABOR
Emergent medical care, motion by worker; contact person, designation by carrier, self-insured employer, C.34:15-15.3 et seq., Ch.96.
"InvestNJ Business Grant Program Act," C.34:1B-237 et seq., Ch.112.
"Main Street Business Assistance Program," amends C.34:1B-7.13, Ch.117.
Temporary Disability Insurance, worker benefits; extended for family temporary disability leave, C.43:21-39.1 et al., amends C.43:21-26 et al., Ch.17.
Workers' compensation coverage, failure of employers to provide, enforcement; strengthened, amends R.S.34:15-79 et al., Ch.94.

LANDLORD AND TENANT
"New Jersey Safe Housing Act," domestic abuse victim, termination of residential lease, certain, security deposit recovery; permitted, C.46:8-9.4 et seq., amends C.46:8-21.1, Ch. 111.

LEGISLATURE
Joint Legislative Committee on Ethical Standards:
Membership, changed; complaint procedure, changed; annual ethics training for legislators, required, amends C.52:13D-22 et al., Ch.16.
Membership, changed; State college, university faculty members, certain; allowed; amends C.52:13D-22, Ch.99.

MILITARY AND VETERANS
Fort Monmouth, closure; procedural requirements, C.52:27I-8.1 et seq., Ch.28.
Professional, occupational licenses, certain, expiration date; delayed for military service, certain, C.45:1-15.2, amends C.45:14C-18, Ch.62.

MOTOR VEHICLES
"Daniel Mackay's Law"; provision of information, certain, to the next of kin of relatives in motor vehicle accident, killed, incapacitated; abandoned vehicle storage fees, certain; capped, amends R.S.39:4-131, et al., Ch.107.

MOTOR VEHICLES (Continued)
Driver's license suspension, mandatory; remainder of suspension, revocation; allowed; compelling circumstances exception; established, amends N.J.S.2C:36A-1 et al., Ch.84.
Intersection, certain conditions, proceeding without stopping twice; prohibited, amends R.S.39:4-144, repeals R.S.39:4-145, Ch.9.
Off-site sale, motor vehicles, certain; surety bond requirements; revised, amends C.39:10-19.3, Ch.73.
"Public Assistance Cost Reduction and Transportation Independence Pilot Program Act"; State motor vehicle, surplus, certain, transferred to nonprofit organizations, certain, C.44:10-62.1 et seq., Ch.105.
Traffic ticket surcharge dedicated to New Jersey DNA program, funds; permanent, amends R.S.39:5-41, Ch.116.
Wheelchaired passengers, wheelchair, occupant securement devices; required, C.39:3-76.2l et seq., Ch.79.

MUNICIPALITIES
Dedicated trust fund, high value assets, deposit of proceeds, required; establishment, supervision, administration; provided, C.40A:5-14.2 et seq., amends C.40A:12A-8, Ch.65.
Financial disclosure statement, deadline on taking office, local government officers; 30 days, amends C.40A:9-22.6, Ch.72.
Green buildings, environmental sustainability, adoption in municipal master plans; authorized, amends C.40:55D-28, Ch.54.
Library trustees, municipal board, transfer to municipality, surplus funds; permitted, C.40A:4-25.1, amends R.S.40:54-15, Ch.8.
Municipal, county, traffic engineering decisions, certain, without Department of Transportation approval; permitted, C.39:4-8.19, amends C.39:4-8 et al., Ch.110.
Municipalities, operation, fiscal year; reversion from State fiscal year to calendar fiscal year, authorized, C.40A:4-3.5, amends C.40A:3.1 et seq., Ch.92.
"Permit Extension Act of 2008," C.40:55D-136.1 et seq., Ch.78.
Shopping carts, impoundment; regulated, C.40:48-2.65 et al., Ch.13.

NURSING HOMES
Nursing home residents, right to receive food that meets religious dietary requirements; provided, amends C.30:13-5, Ch.43.

PARKS
"Court of Palisades Interstate Park"; "police court of the Palisades Interstate park," renamed, amends R.S.32:14-22 et seq., Ch.41.
State park, forest, fee structure, revenue sources for FY 2009 for operation, maintenance costs; DEP study; required, amends C.13:19-16.1 et al., Ch.31.

PARKS (Continued)
United States Park Police; State law enforcement powers; expanded, C.2A:154-6, amends C.2A:154-5, Ch.42.

PENSIONS AND RETIREMENT
New Jersey State Firemen's Association, convention delegates; selection deadline, revised, amends R.S.43:17-42 et seq., Ch.64.
State government employees, certain, additional retirement benefits, provided; filling of vacancies, limited, C.52:18A-248 et al., Ch.21.
"The Public Employee Pension and Benefits Reform Act of 2008;" PERS, TPAF employee benefits, holidays, certain; changed, C.18A:66-4.1 et al., amends C.52:14-17.31a et al., Ch.89.

PLANNING AND ZONING
Green buildings, environmental sustainability, adoption in municipal master plans; authorized, amends C.40:55D-28, Ch.54.

POLICE
United States Park Police; State law enforcement powers; expanded, C.2A:154-6, amends C.2A:154-5, Ch.42.

PROFESSIONS AND OCCUPATIONS
Certified public accountants, licensed out-of-State; practice, services in State, certain; allowed, C.45:2B-50.1, amends C.45:2B-44 et al., repeals C.45:2B-56. Ch.45.
Landscape architects, regulation; revised, C.45:3A-16 et seq., amends R.S.45:3-1 et al., repeals C.45:3A-4 et al., Ch.77.
Professional, occupational licenses, certain, expiration date; delayed for military service, certain, C.45:1-15.2, amends C.45:14C-18, Ch.62.

PUBLIC CONTRACTS
Energy conservation, renewable energy production contracts, up to 15 years; local public entities, schools, colleges, certain, allowed, amends N.J.S.18A:18A-42 et al., Ch.83.

PUBLIC MEETINGS
Boards of education, opportunity for public comment at meetings; required, amends C.10:4-12, Ch.14.

PUBLIC UTILITIES
Telecommunications, cable television companies, parent, affiliate companies; transactions, certain, exempt from BPU review, amends C.48:2-51.1 et al., Ch.87.

PUBLIC UTILITIES (Continued)
Transitional energy facility assessment, rate unit surcharges; phase-out schedule, delayed, purpose, amends C.48:2-21.34 et al., Ch.32.

RACING
"New Jersey Horse Racing Injury Compensation Board Act" coverage; extended to employees, certain, C.34:15-136.1, amends C.34:15-130 et al., Ch. 11.

REAL PROPERTY
"Save New Jersey Homes Act of 2008," C.46:10B-36 et seq., Ch.86.

RECREATION
Tickets of admission to places of entertainment, sales, certain, maximum price limitation; removed, amends C.56:8-26 et al., Ch.55.

REORGANIZATION PLANS
Victims of Crime Compensation Agency, transfer from Department of the Treasury to the Department of Law and Public Safety, No.001-2008.

ROOMING AND BOARDING HOUSES
Nursing home residents, right to receive food that meets religious dietary requirements; provided, amends C.30:13-5, Ch.43.

SCHOOLS
Boards of education, opportunity for public comment at meetings; required, amends C.10:4-12, Ch.14.
Commission on Business Efficiency in the Public Schools; abolished, repeals C.52:9T-1 et seq., Ch.34.
"Educational Facilities Construction and Financing Act," bond limit increased, debt service revenue source, C.18A:7G-14.1 et al., amends C.18A:7G-1 et al., Ch.39.
High school diplomas, State-issued, Department of Education, statutory authority; GED testing, administration by not-for-profit third parties, rulemaking, C.18A:50A-1 et seq., Ch.25.
Public school classroom placement, enrollment, selection by parent of twins or higher order multiples; permitted, C.18A:36-38, Ch.70.
Rules, regulations, promulgation; Commissioner of Education, authority, certain; established, C.18A:11-13 et al., amends C.18A:7A-59 et al., Ch.37.
Special education students, certain; graduation participation, permitted, C.18A:7C-5.2, Ch.19.
State school law decisions, Commissioner of Education, appeals; State Board of Education; role eliminated, C.18A:6-9.1 et al., amends C.18A:12-29, repeals N.J.S.18A:6-26 et seq., Ch.36.

SCHOOLS (Continued)
Superintendent of schools, determination not to reappoint; notice time; reduced, amends C.18A:17-20.1, Ch.106.

SENIOR CITIZENS
Age-restricted community, purchaser, grantee; federal law adherence, certification, required, C.45:22A-46.1 et al., Ch. 71.

SOLID WASTE
State Recycling Fund; recycling tax, effective date, delayed; allocations, adjusted, C.40A:4-45.54a, amends C.13:1E-96.5 et al., Ch.6.

STATE GOVERNMENT
Advisory Graduate Medical Education Council of New Jersey, membership increased; New Jersey Council of Teaching Hospitals, president; ex officio, voting member, amends C.18A:64H-4, Ch.5.
"Atlantic City Convention Center Transfer Act," authority renamed, C.52:27H-31.1 et al., amends C.5:10-6 et al., repeals C.52:27H-41, Ch.47.
"Long Term Obligation and Capital Expenditure Fund;" funding, uses, C.52:9H-2.1, Ch.22.
New Jersey Commerce Commission, abolished; Division of Business Assistance, Marketing and International Trade, established; functions, powers, duties; transferred, C.34:1B-210 et seq., amends C.34:1B-4 et al., Ch.27.
New Jersey Sports and Exposition Authority, aquarium project, authorized, amends C.5:10-6, Ch.66.
Non-tax debt management, State government; centralized in Division of Revenue, C.52:18-40 et seq., amends C.2A:16-11.1 et al., Ch.24.
Real property in Camden, surplus, improvements, sale by State Treasurer; authorized, Ch.122.

TAXATION
Corporation business tax, receipt throwout, allocation of entire net income, "regular place of business" requirement; eliminated, amends C.54:10A-5 et seq., Ch.120.
Homestead property tax reimbursement program, income eligibility limit; increased, C.54:4-8.82, amends C.54:4-8.67, Ch.119.
Net operating loss deduction, corporation business tax, carryover period; increased, amends C.54:10A-4, Ch. 102.
Renewable energy systems, certain; real property taxation, exempt, C.54:4-3.113a et seq., Ch. 90.
Revenue stamps, counterfeit-resistant, encrypted, cigarette, implementation; permitted, amends C. 54:40A-11 et al., Ch.98.

TAXATION (Continued)
Sales and use tax, revision; Streamlined Sales and Use Tax Agreement, conformance, C.54:32B-8.58 et seq., amends C.54:32B-2 et al., Ch.123.
Small qualified business exception, UEZ sales tax rebate program; broadened, amends C.52:27H-79, Ch.118.

TOBACCO
Cigarettes, flavored, certain; sale prohibited, C.2A:170-51.5 et seq., Ch.91.
Renewable energy systems, certain; real property taxation, exempt, C.54:4-3.113a et seq., Ch. 90.

TRADE REGULATION
Tickets of admission to places of entertainment, sales, certain, maximum price limitation; removed, amends C.56:8-26 et al., Ch.55.

UNEMPLOYMENT COMPENSATION
Temporary Disability Insurance, worker benefits; extended for family temporary disability leave, C.43:21-39.1 et al., amends C.43:21-26 et al., Ch.17.
Unemployment Trust Fund Reserve Ratio; calculation, revised for one year, Ch.20

WORKERS' COMPENSATION
Annual reports, employers, certain, legally required; workers' compensation coverage, proof, required, C.34:15-79.1, Ch.95.
Compensation Rating and Inspection Bureau, membership, revised; authority, clarified, C.34:15-90.1 et seq., repeals R.S.34:15-89 et seq., Ch.97.
Emergent medical care, motion by worker; contact person, designation by carrier, self-insured employer, C.34:15-15.3 et seq., Ch.96.
Insurance Fraud Prosecutor, establish liaison with DOLWD, required; investigation of cases of failure to provide workers' compensation coverage; authorized, C.17:33A-19.1, amends C.17:33A-18, Ch.121.
"New Jersey Horse Racing Injury Compensation Board Act" coverage; extended to employees, certain, C.34:15-136.1, amends C.34:15-130 et al., Ch. 11.
Workers' compensation coverage, failure of employers to provide, enforcement; strengthened, amends R.S.34:15-79 et al., Ch.94.
Workers' compensation law, judge of compensation; powers, increased, C.34:15-28.2 et seq., Ch.93.