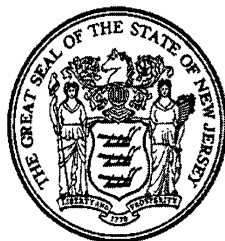


ACTS
OF THE
Second Annual Session
OF THE
Two Hundred and Fifteenth Legislature
OF THE
STATE OF NEW JERSEY



2013

New Jersey State Library

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¹Resigned 3/1/13.

²Sworn in 3/21/13.

³Resigned 2/11/13.

⁴Sworn in 3/21/13.

⁵Resigned 9/11/13.

⁶Sworn in 11/18/13.

⁷Resigned 10/1/13.

⁸Sworn in 11/18/13.

LAWS

ACTS
ENACTED BY THE

Second Annual Session
OF THE

Two Hundred and Fifteenth Legislature

CHAPTER 1

AN ACT concerning student loan repayment information and supplementing chapter 71A 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:71A-35 Development, distribution of student loan repayment information document.

1. a. The Higher Education Student Assistance Authority shall develop a student loan repayment information document. The document shall include, but need not be limited to: examples of monthly and annual loan payments required for State, federal, and private student loans, whether subsidized or unsubsidized, based on various principal loan amounts and current interest rates; information on the time period it would take to fully repay those loans based on various loan repayment schedules; definitions of fixed rate loans, variable rate loans, and consolidation loans; and information on the consequences and penalties of defaulting on a student loan.

The authority shall: post the document on its website; transmit the document via electronic mail to each school district that includes grades 9 through 12 and nonpublic high schools by October 1 of each school year; and update the document as appropriate, but no less frequently than every five years.

b. A school district and a nonpublic high school shall annually disseminate the document developed pursuant to subsection a. of this section to each student in the 11th and 12th grades.

2. This act shall take effect immediately and shall first be applicable to the 2012-2013 school year.

Approved January 14, 2013.

CHAPTER 2

AN ACT concerning blanket bonds for certain local officers and employees and amending P.L.1967, c.283 and N.J.S.40A:5-36.

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

1. Section 1 of P.L.1967, c.283 (C.40A:5-34.1) is amended to read as follows:

C.40A:5-34.1 Blanket bond coverage provided for certain local officers, employees; evidence.

1. The board of chosen freeholders of any county or the governing body of any municipality, as the case may be, may provide by blanket bond for the bonding of certain county or municipal officers and employees for faithful performance and discharge of their duties. Blanket bond coverage may be by one or more blanket bonds issued by a surety company or companies or one or more underwriters or by a joint insurance fund established pursuant to P.L.1983, c.372 (C.40A:10-36 et seq.) of which the county or municipality is a member. Blanket bond coverage may be provided by a surety company or companies or one or more underwriters in lieu of an individual bond as to any officer or employee required by law to be bonded, including treasurers and tax collectors, by whatever title known, and municipal court judges and administrators, provided the blanket bond meets the requirements for the individual bond in amount, rights of cancellation, and the governmental agencies in whose favor it runs; and further provided the coverage under the blanket bond for the individuals holding any of the specifically named aforementioned positions shall be subject to the application of individual rating criteria and underwriting standards that consider the risk and potential liability presented by the individuals covered by the blanket bond as if the individuals were covered by an individual bond. Blanket bond coverage may be provided by a joint insurance fund in lieu of an individual bond as to any officer or employee required by law to be bonded, including treasurers and tax collectors, by whatever title known, and municipal court judges and administrators, provided the blanket bond meets the requirements for the individual bond in amount, rights of cancellation, and the governmental agencies in whose favor it runs; and further provided the coverage under the blanket bond for the individuals holding any of the specifically named aforementioned positions shall be subject to

the application of individual rating criteria and underwriting standards that consider the risk and potential liability presented by the individuals covered by the blanket bond as if the individuals were covered by an individual bond.

Whenever a copy of an individual bond is required by law to be filed with or supplied to specified officers, evidence of blanket bond coverage filed with or supplied to such officers by the board of chosen freeholders or governing body shall be in compliance with such requirement.

2. N.J.S.40A:5-36 is amended to read as follows:

Protection to be afforded by bond.

40A:5-36. Every bond given by a municipal court judge or administrator of a municipal court as hereinafter provided shall be for the protection of the State, the county and the municipality or, in the case of an intermunicipal court, the municipalities, and also for the protection of defendants, litigants, bondsmen and all other persons in interest. A bond pursuant to this section may be provided by a surety company authorized to do business in New Jersey or by a joint insurance fund through blanket bond coverage pursuant to section 1 of P.L.1967, c.283 (C.40A:5-34.1).

3. This act shall take effect immediately.

Approved January 14, 2013.

CHAPTER 3

AN ACT concerning identification cards and placards issued to certain persons with a disability 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.1949, c.280 (C.39:4-204) is amended to read as follows:

C.39:4-204 "Person with a disability" defined.

1. The term "person with a disability" as employed herein shall include any person who has lost the use of one or more limbs as a conse-

quence of paralysis, amputation, or other permanent disability or who has a permanent disability as to be unable to ambulate without the aid of an assisting device or whose mobility is otherwise limited as certified by a physician with a plenary license to practice medicine and surgery in this State or a bordering State; a podiatrist licensed to practice in this State or a bordering state; a physician stationed at a military or naval installation located in this State who is licensed to practice in any state; a chiropractic physician licensed to practice in this State or a bordering state ; a physician assistant licensed to practice in this State or a bordering state; or a nurse practitioner licensed to practice in this State or a bordering state.

2. Section 2 of P.L.1949, c.280 (C.39:4-205) is amended to read as follows:

C.39:4-205 Person with a disability identification card.

2. The Chief Administrator of the New Jersey Motor Vehicle Commission shall issue, at the expense of the State of New Jersey, person with a disability identification cards upon the application of qualifying persons with disabilities, as heretofore defined, and after due investigation of the qualifying status of each applicant. Said card shall, amongst other things, identify the persons with disabilities and the registration number of the vehicle for which any wheelchair symbol license plates have been issued under the provisions of section 3 of P.L.1949, c.280 (C.39:4-206) and shall state that he is a person with a disability validly qualified hereunder to receive such card, that said card is for the exclusive use of the person to whom it has been duly issued, is nontransferable and will be forfeited if presented by any other person, and that any abuse of any privilege, benefit, precedence or consideration granted to any person to whom such card may be issued will be sufficient cause for revocation of said card, corresponding windshield placard and wheelchair symbol license plates, and the same may be forfeited or revoked accordingly, and in the absence of any such forfeiture or revocation said card shall be valid until the last day of the 36th calendar month following the calendar month in which that card was issued.

Every application for the issuance or renewal of a person with a disability identification card shall contain a statement signed by a physician, podiatrist, chiropractic physician, physician assistant, or nurse practitioner licensed to practice in this State or a bordering state or a physician stationed at a military or naval installation located in this State who is licensed to practice in any state, certifying that the applicant's stated disability qualifies the applicant to meet the definition of "person with a disability" pursuant to

section 1 of P.L.1949, c.280 (C.39:4-204). In order to be approved, the application for a person with a disability identification card shall be submitted to the commission not more than 60 days following the date upon which a physician, podiatrist, chiropractic physician, physician assistant, or nurse practitioner certifies that the applicant meets the definition of “person with a disability” pursuant to section 1 of P.L.1949, c.280 (C.39:4-204). The application shall also include any additional information pertinent to the certification which the chief administrator, in the chief administrator’s discretion, may require, including, but not limited to, the National Provider Identifier or state-issued licensing number of the physician, podiatrist, chiropractic physician, physician assistant, or nurse practitioner who certifies the applicant’s eligibility for a person with a disability identification card.

3. Section 3 of P.L.1949, c.280 (C.39:4-206) is amended to read as follows:

C.39:4-206 Vehicle identification card, placard.

3. The chief administrator shall issue to such applicant, also, a placard of such size and design as shall be determined by the chief administrator in consultation with the Division of Vocational Rehabilitation Services in the Department of Labor and Workforce Development and the Division of Disability Services in the Department of Human Services, indicating that a person with a disability identification card has been issued to the person designated therein, which shall be displayed in such manner as the chief administrator shall determine on the motor vehicle used to transport the person with a disability, when the vehicle is parked overtime or in special parking places established for use by persons with disabilities. If issued in conjunction with a person with a disability identification card pursuant to section 2 of P.L.1949, c.280 (C.39:4-205), the placard issued pursuant to this paragraph shall be valid until the last day of the 36th calendar month following the calendar month in which such placard was issued. If the placard is issued following the date on which the chief administrator issued the applicant a person with a disability identification card pursuant to section 2 of P.L.1949, c.280 (C.39:4-205), then that placard shall be valid up until the date on which the person with a disability identification card is deemed invalid. Any placard issued by the chief administrator shall display, in a clearly visible manner, the date on which it shall become invalid. The placard may be renewed upon application in accordance with the requirements of this chapter.

Any placard issued prior to the effective date of P.L.2013, c.3 shall be deemed invalid on the last day of the 36th calendar month following the calendar month in which such effective date occurs. The chief administrator may recall any placard deemed invalid pursuant to this section.

Notwithstanding any provision of P.L.1949, c.280 (C.39:4-204 et seq.) to the contrary, the chief of police of each municipality in this State shall issue a temporary placard of not more than six months' duration to any person who has temporarily lost the use of one or more limbs or has a temporary disability as to be unable to ambulate without the aid of an assisting device or whose mobility is otherwise temporarily limited, as certified by a physician with a plenary license to practice medicine and surgery in this State or a bordering State; a podiatrist licensed to practice in this State or a bordering state; a physician stationed at a military or naval installation located in this State who is licensed to practice in any state; a chiropractic physician licensed to practice in this State or a bordering state ; a physician assistant licensed to practice in this State or a bordering state; or a nurse practitioner licensed to practice in this State or a bordering state. Each temporary placard issued under the provisions of this section shall display, in a clearly visible manner, the date on which it shall become invalid.

The temporary placard shall be granted upon written certification by a physician with a plenary license to practice medicine and surgery in this State or a bordering State ; a podiatrist licensed to practice in this State or a bordering state; a physician stationed at a military or naval installation located in this State who is licensed to practice in any state ; a chiropractic physician licensed to practice in this State or a bordering state, a physician assistant licensed to practice in this State or a bordering state; or a nurse practitioner licensed to practice in this State or a bordering state that the person meets the conditions constituting temporary disability as provided in this section. This certification shall be provided on a standard form to be developed by the chief administrator in consultation with local chiefs of police and representatives of persons with disabilities. The form shall contain only those conditions constituting temporary disability as are provided in this section. The physical presence of the person with a disability shall not be required for the issuance of a temporary placard.

The temporary placard may be renewed one time at the discretion of the issuing authority for a period of not more than six months' duration. The placard shall be displayed on the motor vehicle used by the person with a temporary disability and shall give the person the right to park overtime or to use special parking places established for use by persons with disabilities in any municipality of this State.

The fee for the issuance of a temporary placard issued pursuant to this section shall be \$4.00 and payable to the New Jersey Motor Vehicle Commission. No fee shall be charged for the issuance of a permanent placard issued pursuant to this section.

The chief administrator may, in addition, issue license plates bearing the national wheelchair symbol for:

- a. Not more than two motor vehicles owned, operated or leased by a person with a disability or by any person furnishing transportation on his behalf; or
- b. Any two motorcycles owned, operated or leased by a person with a disability.

4. Section 5 of P.L.1981, c.36 (C.39:4-207.1) is amended to read as follows:

C.39:4-207.1 Rules and regulations.

5. The Chief Administrator of the New Jersey Motor Vehicle Commission shall promulgate rules and regulations necessary to effectuate the purposes of P.L.1949, c.280 (C.39:4-204 et seq.), as amended and supplemented.

5. Section 3 of P.L.1984, c.50 (C.39:4-207.4) is amended to read as follows:

C.39:4-207.4 Vehicle transporting persons with intellectual disabilities authorized to park in space reserved for persons with physical disabilities.

3. A motor vehicle owned or operated by a federal, State, county or municipal entity or a public or private nonprofit organization incorporated under the laws of this State and used to transport persons with intellectual disabilities, and which is properly identified in accordance with the provisions of section 1 of P.L.1984, c.50 (C.39:4-207.2), is authorized to park in a space appropriately marked for vehicles for persons with physical disabilities pursuant to law whenever the vehicle is being used to transport persons with intellectual disabilities.

6. Section 1 of P.L.1986, c.25 (C.39:4-207.5) is amended to read as follows:

C.39:4-207.5 Out-of-State vehicles with persons with disabilities plate, placard, permit.

1. A motor vehicle with a special license plate, placard or parking permit issued to a person with a disability by another state, district or territory of the United States, or by Canada shall be entitled to special parking

privileges for persons with disabilities established by any law or by any ordinance, resolution or regulation.

7. Section 1 of P.L.1989, c.200 (C.39:4-207.6) is amended to read as follows:

C.39:4-207.6 Definitions.

1. As used in this act:

a. "Appropriate identification" means, in the case of a restricted parking zone, a permit issued by a municipality under the authority granted by section 2 of P.L.1977, c.309 (C.39:4-197.7) and, in the case of a restricted parking space, a placard or wheelchair symbol license plates issued by the New Jersey Motor Vehicle Commission under section 3 of P.L.1949, c.280 (C.39:4-206).

b. "Eligible person with a disability" means a person with a disability who is the holder of (1) an identification card issued by the New Jersey Motor Vehicle Commission under section 2 of P.L.1949, c.280 (C.39:4-205), or (2) a permit issued by a municipality under the authority granted by section 2 of P.L.1977, c.309 (C.39:4-197.7).

c. "Park unlawfully" means to park a motor vehicle in a restricted parking space or a restricted parking zone if the motor vehicle does not display appropriate identification.

d. "Restricted parking space" means a parking space which the State or a local government has established for the exclusive use of a person with a disability but shall not include a restricted parking zone established under section 1 of P.L.1977, c.309 (C.39:4-197.6).

e. "Restricted parking zone" means a parking zone in front of the residence of a person with a disability which a municipality has established for the use of that person with a disability under the authority granted by section 1 of P.L.1977, c.309 (C.39:4-197.6).

8. Section 2 of P.L.1989, c.200 (C.39:4-207.7) is amended to read as follows:

C.39:4-207.7 Removal of motor vehicle unlawfully parked.

2. a. An eligible person with a disability may request a law enforcement officer to arrange for the removal and storage of a motor vehicle which is parked unlawfully in a parking space or zone which is restricted for use by a person with a disability. It shall be the obligation of the owner of the motor vehicle to pay the reasonable costs for the removal and for any storage which may result from the removal.

b. The removal of a motor vehicle under this section is subject to local ordinances concerning the regulation of that practice, including, but not limited to, the fees charged for the removal, notice requirements therefor, and the licensing of persons engaged in that practice.

c. The assessment of removal and storage costs against a person under this section shall be in addition to any other penalty assessed against the person.

9. Section 6 of P.L.1989, c.201 (C.39:4-207.8) is amended to read as follows:

C.39:4-207.8 Issuance of card, placard for vehicles transporting certain nursing home residents.

6. The Chief Administrator of the New Jersey Motor Vehicle Commission shall issue a nursing home resident with a disability identification card and corresponding windshield placard upon the application of a nursing home owner or operator for use in a vehicle owned or operated by the nursing home when that vehicle is used to transport nursing home residents with disabilities. The identification card and corresponding windshield placard shall identify the nursing home owner or operator and the registration number of the nursing home's vehicle for which the card is issued, and shall state that: the nursing home owner or operator is validly qualified to receive the identification card and corresponding windshield placard; the identification card and corresponding windshield placard are for the exclusive use of the nursing home's vehicle when transporting a nursing home resident with a disability; the identification card and corresponding windshield placard are not transferable and will be forfeited if used for purposes not authorized under this act; and an abuse of any privilege, benefit, precedence or consideration granted to a person to whom the identification card and corresponding windshield placard are issued will be sufficient cause for revocation of the identification card and corresponding windshield placard and the same may be forfeited or revoked accordingly, and in the absence of a forfeiture or revocation, the identification card and corresponding windshield placard are valid indefinitely.

The windshield placard shall be displayed on the vehicle when the vehicle is used to transport nursing home residents with disabilities. A vehicle displaying this windshield placard is authorized to park in a space appropriately marked for vehicles for persons with physical disabilities only when delivering or receiving nursing home residents with disabilities from one location to another. The vehicle is not permitted to park in parking spaces

designated for persons with disabilities when it is not transporting nursing home residents with disabilities.

The fee for the issuance of the identification card and corresponding windshield placard issued pursuant to this section is \$4.00 and is payable to the Chief Administrator of the New Jersey Motor Vehicle Commission.

10. Section 1 of P.L.1999, c.182 (C.39:4-207.9) is amended to read as follows:

C.39:4-207.9 Unobstructed access for parking spaces, curb cuts for persons with a disability; violations, penalties.

1. a. A person who owns or controls a parking area which is open to the public or to which the public is invited and which contains special parking spaces for the use of persons who have been issued a placard or wheelchair symbol license plates pursuant to P.L.1949, c.280 (C.39:4-204 et seq.) shall be responsible for assuring that access to these special parking spaces and to curb cuts or other improvements designed to provide accessibility for persons with disabilities is not obstructed.

b. If snow or ice is obstructing the special parking space, curb cut or other improvement designed to provide accessibility for the person with a disability, it shall be removed within 24 hours after the weather condition causing the snow or ice ceases.

c. A person who violates this act shall be liable for a penalty of not less than \$500 or more than \$1,000 for each space that is obstructed.

11. This act shall take effect on the first day of the seventh month following enactment. The chief administrator may take such anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved January 14, 2013.

CHAPTER 4

AN ACT authorizing certain cooperative purchasing agreements for certain purchases and amending P.L.1984, c.218 and P.L.1971, c.198.

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

1. Section 13 of P.L.1984, c.218 (C.5:12-161) is amended to read as follows:

C.5:12-161 Powers of authority.

13. The Casino Reinvestment Development Authority shall have the following powers:

- a. To adopt and have a common seal and to alter the same at pleasure;
- b. To sue or be sued;
- c. To acquire, hold, use and dispose of any eligible project in which it is making an investment;
- d. To acquire, rent, hold, use, and dispose of other personal property for the purposes of the Casino Reinvestment Development Authority;
- e. To acquire by purchase, gift, or otherwise, or lease as lessee, real property or easements or interests therein necessary or useful and convenient for the purposes of the Casino Reinvestment Development Authority which real property, easements or interests may be subject to mortgages, deeds of trust, or other liens or otherwise, and to hold and to use the same, and to dispose of the property so acquired no longer necessary for the purposes of the Casino Reinvestment Development Authority;
- f. To make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance, and operation of any facility, and to amend the same;
- g. To enter into any agreements or contracts, execute any instruments, and do and perform any acts or things necessary, convenient, or desirable for the purposes of the Casino Reinvestment Development Authority, including the entering into of cooperative purchasing agreements for the purchase of fuel, or other goods or services deemed necessary, convenient, or desirable by a majority vote of the members of the Casino Reinvestment Development Authority, with any governmental unit, including a county or municipal authority, and the entering into of agreements or contracts with any such governmental unit to provide for the payment of principal of and interest on any obligation issued by that governmental unit, the maintenance of necessary reserves in connection with these obligations or the payments under any lease entered into in connection with any eligible project;
- h. To determine eligibility for investments in eligible projects in order to accomplish the purposes of the Casino Reinvestment Development Authority;
- i. To collect and invest any proceeds received under subsection b. of section 3 and section 14 of this act;

j. To invest in obligations of local governmental units issued to finance eligible projects, provided that the investment shall only be effected through direct negotiation by the Casino Reinvestment Development Authority with the local governmental unit;

k. To make agreements of any kind with any governmental unit or person for the use or operation of all or any part of any eligible project for consideration and for periods of time and upon other terms and conditions as the Casino Reinvestment Development Authority may fix and agree upon, which agreements may include a partnership, limited partnership, joint venture or association in which the Casino Reinvestment Development Authority is a general or limited partner or participant;

l. To require and collect fees and charges as the Casino Reinvestment Development Authority shall determine to be reasonable in connection with the exercise of any power given to the Casino Reinvestment Development Authority under the act;

m. To the extent permitted under a contract of the Casino Reinvestment Development Authority with purchasers of its bonds entered into pursuant to section 3 of this 1984 amendatory and supplementary act, to invest and reinvest any of its moneys not required for immediate use, including moneys received for the purchase of its bonds prior to the bonds being issued as it shall deem prudent. A pro rata share of 66 2/3 % of all interest earned by the Casino Reinvestment Development Authority on any such investments shall be paid to the licensees who entered into a contract with the Casino Reinvestment Development Authority for the purchase of its bonds and who contributed to the moneys which were received by the Casino Reinvestment Development Authority and were invested pursuant to this subsection. All functions, powers and duties relating to the investment or reinvestment of these funds, including the purchase, sale or exchange of any investments or securities, may, upon the request of the Casino Reinvestment Development Authority, be exercised and performed by the Director of the Division of Investment, in accordance with written directions of the Casino Reinvestment Development Authority signed by an authorized officer, without regard to any other law relating to investments by the Director of the Division of Investment;

n. To the extent permitted under the contract of the Casino Reinvestment Development Authority with the holders of its bonds, to invest and reinvest any of its moneys not required for immediate use, including proceeds from the sale of any obligations, securities or other investments as it shall deem prudent. All functions, powers and duties relating to the investment or reinvestment of these funds, including the purchase, sale or

exchange of any investments or securities, may upon the request of the Casino Reinvestment Development Authority be exercised and performed by the Director of the Division of Investment, in accordance with written directions of the Casino Reinvestment Development Authority signed by an authorized officer, without regard to any other law relating to investments by the Director of the Division of Investment;

o. To enter into all agreements or contracts with any governmental unit or person, execute any instruments, and do and perform any acts or things necessary, convenient or desirable for the purposes of the Casino Reinvestment Development Authority to carry out any power expressly given in this act;

p. To exercise the right of eminent domain in the city of Atlantic City;

q. To establish and exercise authority over the Atlantic City Tourism District established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and, in addition to the powers provided in this section, to exercise, with regard to the tourism district, those powers granted to the authority pursuant to P.L.2011, c.18 (C.5:12-218 et al.);

r. To meet and hold hearings at places as it shall designate; and

s. 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, that are related to, incidental to, necessary for or complementary to, the accomplishment of any of the purposes of the authority or of any project of the authority authorized in accordance with P.L.1984, c.218 (C.5:12-144.1 et seq.), as amended.

2. Section 2 of P.L.1971, c.198 (C.40A:11-2) is amended to read as follows:

C.40A:11-2 Definitions.

2. As used herein the following words have the following definitions, unless the context otherwise indicates:

(1) "Contracting unit" means:

(a) Any county; or

(b) Any municipality; or

(c) Any board, commission, committee, authority or agency, which is not a State board, commission, committee, authority, except as provided pursuant to P.L.2013, c.4, or agency, and which has administrative jurisdiction over any district other than a school district, project, or facility, in-

cluded or operating in whole or in part, within the territorial boundaries of any county or municipality which exercises functions which are appropriate for the exercise by one or more units of local government, including functions exercised in relation to the administration and oversight of a tourism district located in a municipality in which authorized casino gaming occurs, and which has statutory power to make purchases and enter into contracts awarded by a contracting agent for the provision or performance of goods or services.

The term shall not include a private firm that has entered into a contract with a public entity for the provision of water supply services pursuant to P.L.1995, c.101 (C.58:26-19 et al.).

"Contracting unit" shall not include a private firm or public authority that has entered into a contract with a public entity for the provision of wastewater treatment services pursuant to P.L.1995, c.216 (C.58:27-19 et al.).

"Contracting unit" shall not include a duly incorporated nonprofit association that has entered into a contract with the governing body of a city of the first class for the provision of water supply services or wastewater treatment services pursuant to section 2 of P.L.2002, c.47 (C.40A:11-5.1).

"Contracting unit" shall not include a duly incorporated nonprofit entity that has entered into a contract for management and operation services with a municipal hospital authority established pursuant to P.L.2006, c.46 (C.30:9-23.15 et al.).

(2) "Governing body" means:

(a) The governing body of the county, when the purchase is to be made or the contract or agreement is to be entered into by, or in behalf of, a county; or

(b) The governing body of the municipality, when the purchase is to be made or the contract or agreement is to be entered into by, or on behalf of, a municipality; or

(c) Any board, commission, committee, authority or agency of the character described in subsection (1) (c) of this section.

(3) "Contracting agent" means the governing body of a contracting unit, or appointed membership of a State authority authorized to enter into a cooperative purchasing agreement pursuant to P.L.2013, c.4, or its authorized designee, which has the power to prepare the advertisements, to advertise for and receive bids and, as permitted by this act, to make awards for the contracting unit in connection with purchases, contracts or agreements.

(4) "Purchase" means a transaction, for a valuable consideration, creating or acquiring an interest in goods, services and property, except real property or any interest therein.

(5) (Deleted by amendment, P.L.1999, c.440.)

(6) "Professional services" means services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training. Professional services may also mean services rendered in the provision or performance of goods or services that are original and creative in character in a recognized field of artistic endeavor.

(7) "Extraordinary unspecifiable services" means services which are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor.

(8) (Deleted by amendment, P.L.1999, c.440.)

(9) "Work" includes services and any other activity of a tangible or intangible nature performed or assumed pursuant to a contract or agreement with a contracting unit.

(10) "Homemaker--home health services" means at home personal care and home management provided to an individual or members of the individual's family who reside with the individual, or both, necessitated by the individual's illness or incapacity. "Homemaker--home health services" includes, but is not limited to, the services of a trained homemaker.

(11) "Recyclable material" means those materials which would otherwise become municipal solid waste, and which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

(12) "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.

(13) "Marketing" means the sale, disposition, assignment, or placement of designated recyclable materials with, or the granting of a concession to, a reseller, processor, materials recovery facility, or end-user of recyclable material, in accordance with a district solid waste management plan adopted pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.) and shall not include the collection of such recyclable material when collected through a system of routes by local government unit employees or under a contract administered by a local government unit.

(14) "Municipal solid waste" means, as appropriate to the circumstances, all residential, commercial and institutional solid waste generated within the boundaries of a municipality; or the formal collection of such

solid wastes or recyclable material in any combination thereof when collected through a system of routes by local government unit employees or under a contract administered by a local government unit.

(15) "Distribution" (when used in relation to electricity) means the process of conveying electricity from a contracting unit that is a generator of electricity or a wholesale purchaser of electricity to retail customers or other end users of electricity.

(16) "Transmission" (when used in relation to electricity) means the conveyance of electricity from its point of generation to a contracting unit that purchases it on a wholesale basis for resale.

(17) "Disposition" means the transportation, placement, reuse, sale, donation, transfer or temporary storage of recyclable materials for all possible uses except for disposal as municipal solid waste.

(18) "Cooperative marketing" means the joint marketing by two or more contracting units of the source separated recyclable materials designated in a district recycling plan required pursuant to section 3 of P.L.1987, c.102 (C.13:1E-99.13) pursuant to a written cooperative agreement entered into by the participating contracting units thereof.

(19) "Aggregate" means the sums expended or to be expended for the provision or performance of any goods or services in connection with the same immediate purpose or task, or the furnishing of similar goods or services, during the same contract year through a contract awarded by a contracting agent.

(20) "Bid threshold" means the dollar amount set in section 3 of P.L.1971, c.198 (C.40A:11-3), above which a contracting unit shall advertise for and receive sealed bids in accordance with procedures set forth in P.L.1999, c.440 (C.40A:11-4.1 et al.).

(21) "Contract" means any agreement, including but not limited to a purchase order or a formal agreement, which is a legally binding relationship enforceable by law, between a vendor who agrees to provide or perform goods or services and a contracting unit which agrees to compensate a vendor, as defined by and subject to the terms and conditions of the agreement. A contract also may include an arrangement whereby a vendor compensates a contracting unit for the vendor's right to perform a service, such as, but not limited to, operating a concession.

(22) "Contract year" means the period of 12 consecutive months following the award of a contract.

(23) "Competitive contracting" means the method described in sections 1 through 5 of P.L.1999, c.440 (C.40A:11-4.1 thru 40A:11-4.5) of contracting for specialized goods and services in which formal proposals are solic-

ited from vendors; formal proposals are evaluated by the purchasing agent or counsel or administrator; and the governing body awards a contract to a vendor or vendors from among the formal proposals received.

(24) "Goods and services" or "goods or services" means any work, labor, commodities, equipment, materials, or supplies of any tangible or intangible nature, except real property or any interest therein, provided or performed through a contract awarded by a contracting agent, including goods and property subject to N.J.S.12A:2-101 et seq.

(25) "Library and educational goods and services" means textbooks, copyrighted materials, student produced publications and services incidental thereto, including but not limited to books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microfilms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, other printed or published matter and audiovisual and other materials of a similar nature, necessary binding or rebinding of library materials, and specialized computer software used as a supplement or in lieu of textbooks or reference material.

(26) "Lowest price" means the least possible amount that meets all requirements of the request of a contracting agent.

(27) "Lowest responsible bidder or vendor" means the bidder or vendor: (a) whose response to a request for bids offers the lowest price and is responsive; and (b) who is responsible.

(28) "Official newspaper" means any newspaper designated by the contracting unit pursuant to R.S.35:1-1 et seq.

(29) "Purchase order" means a document issued by the contracting agent authorizing a purchase transaction with a vendor to provide or perform goods or services to the contracting unit, which, when fulfilled in accordance with the terms and conditions of a request of a contracting agent and other provisions and procedures that may be established by the contracting unit, will result in payment by the contracting unit.

(30) "Purchasing agent" means the individual duly assigned the authority, responsibility, and accountability for the purchasing activity of the contracting unit, and who has such duties as are defined by an authority appropriate to the form and structure of the contracting unit, pursuant to P.L.1971, c.198 (C.40A:11-1 et seq.) and who possesses a qualified purchasing agent certificate.

(31) "Quotation" means the response to a formal or informal request made by a contracting agent by a vendor for provision or performance of goods or services, when the aggregate cost is less than the bid threshold.

Quotations may be in writing, or taken verbally if a record is kept by the contracting agent.

(32) "Responsible" means able to complete the contract in accordance with its requirements, including but not limited to requirements pertaining to experience, moral integrity, operating capacity, financial capacity, credit, and workforce, equipment, and facilities availability.

(33) "Responsive" means conforming in all material respects to the terms and conditions, specifications, legal requirements, and other provisions of the request.

(34) "Public works" means building, altering, repairing, improving or demolishing any public structure or facility constructed or acquired by a contracting unit to house local government functions or provide water, waste disposal, power, transportation, and other public infrastructures.

(35) "Director" means the Director of the Division of Local Government Services in the Department of Community Affairs.

(36) "Administrator" means a municipal administrator appointed pursuant to N.J.S.40A:9-136 and N.J.S.40A:9-137; a business administrator, a municipal manager or a municipal administrator appointed pursuant to the "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.); a municipal manager appointed pursuant to "the municipal manager form of government law," R.S.40:79-1 et seq.; or the person holding responsibility for the overall operations of an authority that falls under the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.).

(37) "Concession" means the granting of a license or right to act for or on behalf of the contracting unit, or to provide a service requiring the approval or endorsement of the contracting unit, and which may or may not involve a payment or exchange, or provision of services by or to the contracting unit.

(38) "Index rate" means the rate of annual percentage increase, rounded to the nearest half-percent, in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, computed and published quarterly by the United States Department of Commerce, Bureau of Economic Analysis.

(39) "Proprietary" means goods or services of a specialized nature, that may be made or marketed by a person or persons having the exclusive right to make or sell them, when the need for such goods or services has been certified in writing by the governing body of the contracting unit to be necessary for the conduct of its affairs.

(40) "Service or services" means the performance of work, or the furnishing of labor, time, or effort, or any combination thereof, not involving

or connected to the delivery or ownership of a specified end product or goods or a manufacturing process. Service or services may also include an arrangement in which a vendor compensates the contracting unit for the vendor's right to operate a concession.

(41) "Qualified purchasing agent certificate" means a certificate granted by the director pursuant to section 9 of P.L.1971, c.198 (C.40A:11-9).

(42) "Mistake" means, for a public works project, a clerical error that is an unintentional and substantial computational error or an unintentional omission of a substantial quantity of labor, material, or both, from the final bid computation.

3. This act shall take effect immediately.

Approved January 14, 2013.

CHAPTER 5

AN ACT concerning certain public contract set-aside programs and amending P.L.1985, c.482.

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

1. Section 1 of P.L.1985, c.482 (C.40A:11-41) is amended to read as follows:

C.40A:11-41 Definitions.

1. As used in this act:

a. "County or municipal contracting agency" shall mean the governing body of a county or municipality or any department, board, commission, committee, authority or agency of a county or municipality but shall not include school districts;

b. "Minority group members" shall mean persons who are black, Hispanic, Portuguese, Asian-American, American Indian or Alaskan natives;

c. "Qualified women's business enterprise" shall mean a business which has its principal place of business in this State, is independently owned and operated, is at least 51% owned and controlled by women and is qualified pursuant to section 25 of P.L.1971, c.198 (C.40A:11-25);

d. "Qualified minority business enterprise" shall mean a business which has its principal place of business in this State, is independently

owned and operated, is at least 51% owned and controlled by minority group members and is qualified pursuant to section 25 of P.L.1971, c.198 (C.40A:11-25);

e. "Qualified small business enterprise" shall mean a business which has its principal place of business in this State, is independently owned and operated and meets all other qualifications as may be established in accordance with P.L.1981, c.283 (C.52:27H-21.1 et seq.);

f. "Set-aside contracts" shall mean (1) a contract for goods, equipment, construction, or services which is designated as a contract for which bids are invited and accepted only from qualified small business enterprises, qualified veteran business enterprises, qualified minority business enterprises or qualified women's business enterprises, as appropriate, (2) a portion of a contract when that portion has been so designated, or (3) any other purchase or procurement so designated;

g. "Total procurements" shall mean all purchases, contracts or acquisitions of a county or municipal contracting agency, whether by competitive bidding, single source contracting, or other method of procurement, as prescribed or permitted by law;

h. "Veteran" shall have the same meaning as set forth in subsection b. of N.J.S.11A:5-1, except that the veteran shall present to the Adjutant General of the Department of Military and Veterans' Affairs sufficient evidence of a record of service and receive a determination of status no later than the date established for the submission of bids; and

i. "Qualified veteran business enterprise" shall mean a business which has its principal place of business in this State, is independently owned and operated, is at least 51% owned and controlled by a veteran or that wherein at least twenty five percent of the required workforce for the contract are veterans, including new hires if additional workers are required to perform the contract, and is qualified pursuant to section 25 of P.L.1971, c.198 (C.40A:11-25). The business shall also submit forms quarterly to the contracting agency showing proof of veteran status for all the veteran employees.

2. Section 2 of P.L.1985, c.482 (C.40A:11-42) is amended to read as follows:

C.40A:11-42 Set-aside programs authorized.

2. a. The governing body of a county or municipality may, by ordinance or resolution, as appropriate, establish a qualified minority business enterprise set-aside program. In authorizing such a program, the governing body of a county or municipality shall establish a goal for its contracting

agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to qualified minority business enterprises.

b. The governing body of a county or municipality may, by ordinance or resolution, as appropriate, establish a qualified women's business enterprise set-aside program. In authorizing such a program, the governing body of a county or municipality shall establish a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to qualified women's business enterprises.

c. The governing body of a county or municipality may, by ordinance or resolution, as appropriate, establish a qualified small business enterprise set-aside program. In authorizing such a program, the governing body of a county or municipality shall establish a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to qualified small business enterprises.

d. The governing body of a county or municipality may, by ordinance or resolution, as appropriate, establish a qualified veteran business enterprise set-aside program. In authorizing such a program, the governing body of a county or municipality shall establish a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to qualified veteran business enterprises.

3. Section 3 of P.L.1985, c.482 (C.40A:11-43) is amended to read as follows:

C.40A:11-43 Attainment of goals.

3. a. Any goal established pursuant to section 2 of this act may be attained by requiring that a portion of a contract be subcontracted to a qualified small business enterprise, qualified veteran business enterprise, qualified minority business enterprise or qualified women's business enterprise, in addition to designating entire contracts to these enterprises.

b. Each contracting agency shall make a good faith effort to attain any goal established by its governing body. The governing body shall evaluate each contracting agency's efforts by comparing the percentage of the dollar value of a contracting agency's total procurements awarded to qualified small business enterprises, qualified veteran business enterprises, qualified minority business enterprises or qualified women's business enterprises, as appropriate, to the percentage of the dollar value of the county's or munici-

pality's total procurements awarded to qualified small business enterprises, qualified veteran business enterprises, qualified minority business enterprises or qualified women's business enterprises, as appropriate.

4. Section 5 of P.L.1985, c.482 (C.40A:11-45) is amended to read as follows:

C.40A:11-45 Designation as set-aside.

5. Notwithstanding the provisions of any law to the contrary, a contracting agency of a county or municipality which has established a qualified small business enterprise set-aside program, a qualified veteran business enterprise set-aside program, a qualified minority business enterprise set-aside program or a qualified women's business enterprise set-aside program shall designate that a contract, subcontract or other means of procurement of goods, services, equipment, or construction be awarded to a qualified small business enterprise, a qualified veteran business enterprise, a qualified minority business enterprise or a qualified women's business enterprise, if a contracting agency is likely to receive bids from at least two qualified small business enterprises, qualified veteran business enterprises, qualified minority business enterprises or qualified women's business enterprises, as appropriate, at a fair and reasonable price.

Such designations shall be made prior to any advertisement for bids, if required. Once designated, the advertisement for bids, if necessary, shall indicate that the contract to be awarded is a qualified small business enterprise set-aside contract, qualified veteran business enterprise set-aside contract, a qualified minority business enterprise set-aside contract or a qualified women's business enterprise set-aside contract, as appropriate. All advertisements for bids shall be published in at least one newspaper which will best provide notice thereof to qualified small business enterprises, qualified veteran business enterprises, qualified minority business enterprises or to qualified women's business enterprises, as appropriate, sufficiently in advance of the date fixed for receiving the bids to promote competitive bidding, but shall not be published less than 10 days prior to that date.

5. Section 6 of P.L.1985, c.482 (C.40A:11-46) is amended to read as follows:

C.40A:11-46 Set-aside cancellation.

6. a. If the contracting agency determines that two bids from qualified small, qualified veteran, qualified minority or qualified women's businesses

cannot be obtained, the contracting agency may withdraw the designation of the set-aside contract and resolicit bids on an unrestricted basis pursuant to the provisions of P.L.1971, c.198 (C.40A:11-1 et seq.). The cancelled designation shall not be considered in determining the percentage of contracts awarded pursuant to subsection b. of section 3 of this act.

b. If the contracting agency determines that the acceptance of the lowest responsible bid will result in the payment of an unreasonable price, the contracting agency shall reject all bids and withdraw the designation of the set-aside contract. Qualified small business enterprises, qualified veteran business enterprises, qualified minority business enterprises or qualified women's business enterprises, as appropriate, shall be notified in writing of the set-aside cancellation, the reasons for the rejection and the agency's intent to resolicit bids on an unrestricted basis pursuant to the provisions of P.L.1971, c.198 (C.40A:11-1 et seq.). The cancelled bid solicitation shall not be considered in determining the percentage of contracts awarded pursuant to subsection b. of section 3 of this act.

6. Section 7 of P.L.1985, c.482 (C.40A:11-47) is amended to read as follows:

C.40A:11-47 False information; penalties.

7. Where the governing body of a county or municipality determines that a business has been classified as a qualified small business enterprise, qualified veteran business enterprise, qualified minority business enterprise or qualified women's business enterprise on the basis of false information knowingly supplied by the business and has been awarded a contract to which it would not otherwise have been entitled under this act, the governing body shall have the authority to:

a. Assess against the business any difference between the contract and what the governing body's cost would have been if the contract had not been awarded in accordance with the provisions of this act;

b. In addition to the amount due under subsection a., assess against the business a penalty in an amount of not more than 10% of the amount of the contract involved; and

c. Order the business ineligible to transact any business with the governing body or contracting agency of the governing body for a period to be determined by the governing body.

Prior to any final determination, assessment or order under this section, the governing body shall afford the business an opportunity for a hearing on

the reasons for the imposition of the penalties set forth in subsection a., b. or c. of this section.

7. Section 8 of P.L.1985, c.482 (C.40A:11-48) is amended to read as follows:

C.40A:11-48 Annual agency report.

8. Each contracting agency of a county or municipality which has established a qualified small business enterprise set-aside program, a qualified veteran business enterprise set-aside program, a qualified minority business enterprise set-aside program or a qualified women's business enterprise set-aside program shall submit a report to its governing body by January 31 of each year describing the agency's efforts in attaining the set-aside goals and the percentage of the dollar value of total procurements awarded pursuant to subsection b. of section 3 of this act. The governing body shall publish a list of each agency's attainments in the immediately preceding local fiscal year, to include the county or municipal average, in at least one newspaper circulating in the county or municipality, as appropriate, by March 1 of each year.

8. The Title of P.L.1985, c.482 is amended to read as follows:

Title amended.

An act concerning the establishment of small, veteran, women, and minority business enterprise set-aside programs in counties and municipalities.

9. This act shall take effect immediately.

Approved January 25, 2013.

CHAPTER 6

AN ACT concerning affordable housing occupancy preferences for veterans and amending P.L.1985, c.222.

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

1. 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.

j. A municipality may enter into an agreement with a developer or residential development owner to provide a preference for affordable housing to low to moderate income veterans who served in time of war or other emergency, as defined in section 1 of P.L.1963, c.171 (C.54:4-8.10), of up to 50 percent of the affordable units in that particular project. This preference shall be established in the applicant selection process for available

affordable units so that applicants who are veterans who served in time of war or other emergency, as referenced in this subsection, and who apply within 90 days of the initial marketing period shall receive preference for the rental of the agreed-upon percentage of affordable units. After the first 90 days of the initial 120-day marketing period, if any of those units subject to the preference remain available, then applicants from the general public shall be considered for occupancy. Following the initial 120-day marketing period, previously qualified applicants and future qualified applicants who are veterans who served in time of war or other emergency, as referenced in this subsection, shall be placed on a special waiting list as well as the general waiting list. The veterans on the special waiting list shall be given preference for affordable units, as the units become available, whenever the percentage of preference-occupied units falls below the agreed upon percentage. Any agreement to provide affordable housing preferences for veterans pursuant to this subsection shall not affect a municipality's ability to receive credit for the unit from the council, or its successor.

2. This act shall take effect immediately.

Approved January 25, 2013.

CHAPTER 7

AN ACT concerning child custody and parenting time arrangements related to certain military service absences, supplementing chapter 2 of Title 9 of the Revised Statutes and amending P.L.2004, c.147.

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

C.9:2-12.1 Definitions relative to child custody, parenting time arrangements related to certain military service absences.

1. a. As used in this section:

“Deployment” means: (1) the assignment of a service member by military order for military combat, or other military operation, mission, or service requiring a prolonged absence of 30 or more days, making the service member unable during that absence to exercise parenting time with a child for whom the service member is a parent or caretaker; or (2) the participation of a service member in full-time training duty, annual training duty,

National Guard training, reserve training, or attendance at a military service school designated by law or by the Secretary of the applicable military branch concerned, requiring a prolonged absence of 30 or more days, making the service member unable during that absence to exercise parenting time with a child for whom the service member is a parent or caretaker.

“Military” means the armed forces of the United States, including the Army, Navy, Air Force, Marine Corps, and Coast Guard, the National Guard and any other reserve component of the armed forces, and the merchant marine when organized under the federal law as a public military force.

“Service member” means a member of the military, as defined herein, who is not retired.

“Service-related treatment” means treatment provided to a service member or veteran service member for a service-related injury, illness, or other health condition requiring a prolonged absence of 30 or more days, making the service member unable during that absence to exercise parenting time with a child for whom the service member is the parent or caretaker.

b. (1) The court, whenever making a determination concerning child custody or parenting time, shall not consider the absence or potential absence of a military service member by reason of deployment or service-related treatment as a factor in determining the best interest of a child for whom the service member is a parent or caretaker.

(2) The court shall, to the extent possible, expedite a determination on an application concerning a child custody or parenting time arrangement by a service member or the other parent or caretaker for a child in any case in which there is no existing child custody or parenting time order and the service member has received official written notice of deployment or service-related treatment from the military.

c. (1) Whenever a service member is a party to a child custody or parenting time arrangement and has received an official written notice of deployment or service-related treatment, the service member shall:

(a) notify the other parent or caretaker involved in the child custody or parenting time arrangement of the service member’s deployment or treatment location and scheduled dates thereat, no later than the day immediately preceding the service member’s departure, or the 10th day after receipt of the official written notice for the deployment or treatment, whichever date occurs first, unless the service member’s notice to the other parent or caretaker is prohibited by the military; and

(b) provide timely information, if not prohibited by the military, regarding the service member’s scheduled leave or other availability during the service member’s period of deployment or service-related treatment.

(2) The other parent or caretaker involved in the child custody or parenting time arrangement with the service member shall:

(a) make the child reasonably available to the service member while the service member is on leave or is otherwise available in accordance with the information provided to the other parent or caretaker pursuant to subparagraph (b) of paragraph (1) of this subsection; and

(b) facilitate opportunities for communication, including telephonic and electronic mail contact, to the extent feasible, between the service member and the child during the period of the service member's deployment or service-related treatment.

d. (1) During the period of the service member's deployment or service-related treatment, the court shall not enter an order modifying any judgment or order concerning child custody or parenting time, or issue a new order that changes an existing child custody arrangement in effect on the day immediately preceding the service member's departure for the deployment or treatment without the consent of all parties, except when the court finds it to be in the best interests of the child. The court may appoint a guardian ad litem, an attorney, or both to represent the child's interests with regard to any pending court determination concerning child custody or parenting time.

(2) Whenever the court finds it to be in the best interest of the child to enter an order modifying any judgment or order concerning child custody or parenting time, or to issue a new order that changes the existing child custody arrangement during the period of the service member's deployment or service-related treatment, the court may order parenting time for a family member of the service member who has a close and substantial relationship with the child. This parenting time shall not create a legal entitlement or standing to assert any other right to parenting time with the child.

e. During the period of the service member's deployment or service-related treatment and for 90 days following the day the deployment or treatment ended, New Jersey shall retain exclusive, continuing jurisdiction, in accordance with the provisions of the "Uniform Child Custody Jurisdiction and Enforcement Act," P.L.2004, c.147 (C.2A:34-53 et seq.), over any determination concerning child custody or parenting time.

f. Upon the service member's return from deployment or service-related treatment, the child custody or parenting time order in effect on the day immediately preceding the service member's departure for that deployment or treatment shall be resumed, and shall not be subject to modification for 90 days following the day the deployment or treatment ended;

however, this provision shall not preclude any application to preserve the health, safety, and welfare of the child.

g. Any application pursuant to this section by a service member parent or caretaker during the period of deployment or service-related treatment shall not, without the express consent of the service member, be considered a waiver of any right or protection provided under the "Service-members Civil Relief Act," 50 U.S.C. App. s.501 et seq., or the "New Jersey Soldiers' and Sailors' Civil Relief Act of 1979," P.L.1979, c.317 (C.38:23C-1 et seq.).

h. Nothing in this section shall prevent a service member parent or caretaker and the other parent or caretaker from agreeing to a care arrangement for a child during the period of deployment or service-related treatment.

2. Section 13 of P.L.2004, c.147 (C.2A:34-65) is amended to read as follows:

C.2A:34-65 Initial child custody jurisdiction.

13. Initial Child Custody Jurisdiction.

a. Except as otherwise provided in section 16 of this act, or section 1 of P.L.2013, c.7 (C.9:2-12.1) concerning a service member's absence due to a deployment or service-related treatment as set forth in that section, a court of this State has jurisdiction to make an initial child custody determination only if:

(1) this State is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this State but a parent or person acting as a parent continues to live in this State;

(2) a court of another state does not have jurisdiction under paragraph (1) of this subsection, or a court of the home state of the child has declined to exercise jurisdiction on the ground that this State is the more appropriate forum under section 19 or 20 of this act and:

(a) the child and the child's parents, or the child and at least one parent or a person acting as a parent have a significant connection with this State other than mere physical presence; and

(b) substantial evidence is available in this State concerning the child's care, protection, training and personal relationships;

(3) all courts having jurisdiction under paragraph (1) or (2) of this subsection have declined to exercise jurisdiction on the ground that a court of

this State is the more appropriate forum to determine the custody of the child under section 19 or 20 of this act; or

(4) no state would have jurisdiction under paragraph (1), (2) or (3) of this subsection.

b. Subsection a. of this section is the exclusive jurisdictional basis for making a child custody determination by a court of this State.

c. Physical presence of, or personal jurisdiction over, a party or a child is neither necessary nor sufficient to make a child custody determination.

d. A court of this State may assume temporary emergency jurisdiction in accordance with section 16 of this act.

3. Section 14 of P.L.2004, c.147 (C.2A:34-66) is amended to read as follows:

C.2A:34-66 Exclusive, continuing jurisdiction.

14. Exclusive, Continuing Jurisdiction.

a. Except as otherwise provided in section 16 of this act, or section 1 of P.L.2013, c.7 (C.9:2-12.1) concerning a service member's absence due to a deployment or service-related treatment as set forth in that section, a court of this State that has made a child custody determination consistent with section 13 or 15 of this act has exclusive, continuing jurisdiction over the determination until:

(1) a court of this State determines that neither the child, the child and one parent, nor the child and a person acting as a parent have a significant connection with this State and that substantial evidence is no longer available in this State concerning the child's care, protection, training, and personal relationships; or

(2) a court of this State or a court of another state determines that neither the child, nor a parent, nor any person acting as a parent presently resides in this State.

b. A court of this State which has made a child custody determination and does not have exclusive, continuing jurisdiction under this section may modify that determination only if it has jurisdiction to make an initial determination under section 13 of this act.

4. This act shall take effect on the 60th day following the date of enactment, and shall apply to any action filed on or after the effective date.

Approved January 25, 2013.

CHAPTER 8

AN ACT appropriating \$55,000,000 from the “2009 Green Acres Fund” to assist local government units to acquire or develop lands for recreation and conservation purposes, approving \$2,400,800 for coastal blue acres projects, and amending P.L.1995, c.204.

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.2009, c.117, P.L.2007, c.119, P.L.1995, c.204, P.L.1992, c.88, P.L.1989, c.183, P.L.1987, c.265, and P.L.1983, c.354.

“Highly populated county” means a county with a population density of at least 1,000 persons per square mile according to the latest federal decennial census.

2. There is appropriated \$55,000,000 from the “2009 Green Acres Fund” established pursuant to section 17 of the “Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009,” P.L.2009, c.117, to the Department of Environmental Protection 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.

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			APPROVED
UNIT	COUNTY	PROJECT	AMOUNT
Atlantic County	Atlantic	Atlantic County	
		Open Space Acq	\$650,000
Closter Boro	Bergen	Brook's Farm Plan Acq	325,000
Franklin Lakes Boro	Bergen	Haledon Reservoir Acq	230,250
Oakland Boro	Bergen	Open Space & Recreation Plan	325,000
Ridgewood Village	Bergen	Open Space Project	325,000
River Vale Twp	Bergen	Watershed Property Acq	325,000
Burlington County	Burlington	Planning Incentive	650,000
Bordentown Twp	Burlington	Bordentown Twp Open Space Acq	325,000
Eastampton Twp	Burlington	Planning Incentive	325,000
Medford Twp	Burlington	Open Space Incentive	325,000
Moorestown Twp	Burlington	Open Space Preservation Plan	325,000
Voorhees Twp	Camden	Planning Incentive Grant	325,000
Cumberland County	Cumberland	Acq Trails & Open Space	465,000
Gloucester County	Gloucester	Open Space Plan	650,000
East Greenwich Twp	Gloucester	Open Space & Recreation Plan	300,000
Woolwich Twp	Gloucester	Open Space Plan	125,800
Clinton Twp	Hunterdon	Open Space Acq Plan	325,000
Delaware Twp	Hunterdon	Open Space Acq	220,000
High Bridge Boro	Hunterdon	Open Space Plan	325,000
Readington Twp	Hunterdon	Greenway Incentive Plan	325,000
Tewksbury Twp	Hunterdon	Recreation & Open Space Plan	325,000
Union Twp	Hunterdon	Union Twp Open Space Plan	325,000
East Windsor Twp	Mercer	East Windsor Open Space Acq	325,000
Hopewell Twp	Mercer	Hopewell Open Space Acq	325,000
Princeton Twp	Mercer	Princeton Open Space Acq	325,000
Robbinsville Twp	Mercer	Green Links Program	325,000
West Windsor Twp	Mercer	West Windsor Planning, Inc.	325,000
Allentown Boro	Monmouth	Planning Incentive Acq	250,000
Colts Neck Twp	Monmouth	Planning Incentive	325,000
Manasquan Boro	Monmouth	Open Space Acq	280,000
Millstone Twp	Monmouth	Planning Incentive – Project Evergreen	325,000
Tinton Falls Boro	Monmouth	Tinton Falls Acq	325,000
Chester Twp	Morris	Chester Twp Open Space Acq	325,000
Florham Park Boro	Morris	Open Space Acq	135,000
Hanover Twp	Morris	Open Space Acq	325,000
Harding Twp	Morris	Harding Open Space Acq	325,000
Kinnelon Boro	Morris	Open Space Acq	250,000
Madison Boro	Morris	Madison Boro Open Space Acq	325,000
Montville Twp	Morris	Montville Open Space Acq	325,000
Mount Olive Twp	Morris	Mount Olive Greenway Acq	325,000
Pequannock Twp	Morris	Planning Incentive	325,000
Riverdale Boro	Morris	Van Ness House & Open Space Acq	325,000
Roxbury Twp	Morris	Roxbury Open Space Plan	325,000
Ocean County	Ocean	Planning Incentive Grant	650,000

Little Egg Harbor Twp	Ocean	Planning Incentive	325,000
Point Pleasant Beach Boro	Ocean	Open Space & Recreation Acq	325,000
West Milford Twp	Passaic	Apple Acres Open Space Acq	325,000
Bedminster Twp	Somerset	Bedminster Parks Exp	325,000
Montgomery Twp	Somerset	Open Space Acq 5	325,000
Peapack-Gladstone Boro	Somerset	Open Space Acq	325,000
Andover Boro	Sussex	Open Space & Recreation Plan	325,000
Lafayette Twp	Sussex	Open Space & Recreation Plan	325,000
Knowlton Twp	Warren	Open Space Acq	325,000
TOTAL			\$17,856,050

(2) Site Specific Incentive Acquisition Projects:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Port Republic City	Atlantic	Percoskie Acq	\$140,000
Cape May City	Cape May	Lafayette St. Open Space Recreation	325,000
Long Hill Twp	Morris	Passaic River Basin Property Acq	325,000
TOTAL			\$790,000

(3) Standard Acquisition Projects:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Brigantine City	Atlantic	Former Gulf Station Acq	\$182,500
Hillsdale Boro	Bergen	Hillsdale Flood Prone Properties	325,000
Ocean City	Cape May	19th Street Beachfront	325,000
Hopewell Twp	Cumberland	Hopewell Bridgeton Acq	325,000
Deptford Twp	Gloucester	Whispering Lakes Property	325,000
Mantua Twp	Gloucester	Maple Ridge Property Acq	325,000
Wenonah Boro	Gloucester	Maple Ridge Property Acq	325,000
Aberdeen Twp	Monmouth	Freneau Lands Acq	325,000
Ocean Twp	Monmouth	Blue Acres Acq	325,000
Lincoln Park Boro	Morris	Lincoln Park Floodplain Acq	325,000
Pompton Lakes Boro	Passaic	Floodplain Acq	325,000
Totowa Boro	Passaic	Flood Acquisition Project	325,000
TOTAL			\$3,757,500

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, 2012 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
Garfield City	Bergen	Passaic River Historic Park Acq	\$187,800
Bridgeton City	Cumberland	Bridgeton Hopewell Acq	650,000
Union City	Hudson	Weehawken – Union City Reservoir Acq	650,000
Weehawken Twp	Hudson	Weehawken – Union City Reservoir Acq	650,000
Roselle Boro	Union	Extension of Arminio Park	237,800
TOTAL			\$2,375,600

c. The following projects to acquire lands for recreation and conservation purposes, located in densely or highly populated municipalities or sponsored by densely populated counties or highly populated counties, are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Galloway Twp	Atlantic	Dellanoce Property	\$132,250
Bergen County	Bergen	Open Space Plan Acq	812,500
Fair Lawn Boro	Bergen	Open Space Acq	487,500
Saddle Brook Twp	Bergen	Flood Mitigation	487,500
Evesham Twp	Burlington	Planning Incentive	487,500
Mount Laurel Twp	Burlington	Mt. Laurel Acq Plan	487,500
Washington Twp	Gloucester	Open Space & Recreation Project	487,500
Mercer County	Mercer	Mercer County Planning Incentive	812,500
Middlesex County	Middlesex	Open Space Acq	812,500
East Brunswick Twp	Middlesex	Open Space Plan	487,500
North Brunswick Twp	Middlesex	North Brunswick Plan	487,500
South Brunswick Twp	Middlesex	Open Space Acq	487,500
Monmouth County	Monmouth	Planning Incentive Acq	812,500
Howell Twp	Monmouth	Howell Twp Planning Incentive	487,500
Manalapan Twp	Monmouth	Planning Incentive Acq	487,500
Middletown Twp	Monmouth	Middletown Twp Planning Incentive	487,500
Morristown Town	Morris	Early Street Community Garden Acq	487,500
Jackson Twp	Ocean	Open Space Acq Plan	487,500
Manchester Twp	Ocean	Planning Incentive	487,500
Passaic County	Passaic	Open Space Plan Acq	750,000
Hawthorne Boro	Passaic	Flood Prone Properties Acq	220,000
Little Falls Twp	Passaic	Little Falls Floodplain Acq	487,500
Wayne Twp	Passaic	Wayne Open Space Acq	487,500
Franklin Twp	Somerset	Open Space Plan Acq	487,500
Hillsborough Twp	Somerset	Hillsborough Land Acq	487,500

Somerville Boro	Somerset	Somerville Green Seam Acq	306,400
Union County	Union	Open Space & Recreation Plan	975,000
TOTAL			\$14,408,650
GRAND TOTAL			\$39,187,800

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			APPROVED
UNIT	COUNTY	PROJECT	AMOUNT
Lambertville City	Hunterdon	Cavallo Park Improvements	\$300,000
Mount Arlington Boro	Morris	Public Beach Park Improvements	
		Ph.4	300,000
Long Beach Twp	Ocean	Multipark Improvements	200,000
TOTAL			\$800,000

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, 2012 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			APPROVED
UNIT	COUNTY	PROJECT	AMOUNT
Pleasantville City	Atlantic	Bayview Avenue Waterfront Park	\$600,000
Camden County	Camden	North Camden Waterfront Park Dev.	750,000
Camden City	Camden	Von Neida Park Phase II	500,000
Pennsauken Twp	Camden	Meadowbrook Park Revitalization	322,000
Essex County	Essex	Multi-Parks Improvements	900,000
Newark City	Essex	Minish Park Passaic Riverfront Development Project	600,000
Orange City Twp	Essex	Multi-Park Improvements – Phase III and IV	600,000
Hudson County	Hudson	Multi-Use Recreation Facility	900,000
Hoboken City	Hudson	Elysian Park Development	600,000
Jersey City	Hudson	Skyway Riverfront Park	600,000
Kearny Town	Hudson	All Season Surface & Fitness Trail	565,150
North Bergen Twp	Hudson	Riverfront Park Development	600,000
West New York Town	Hudson	Multi-Park Improvements	600,000
Trenton City	Mercer	Hetzel Field Park Development	600,000
Middlesex County	Middlesex	Medwick Park 2	750,000
Carteret Boro	Middlesex	Waterfront Marina	565,150

Long Branch City	Monmouth	Boardwalk Repair	600,000
Neptune Twp	Monmouth	Shark River Marina Improvements	600,000
Brick Twp	Ocean	Trader's Cove Marina Park	600,000
Passaic County	Passaic	Weasel Brook Park Improvements	309,900
Union County	Union	Oak Ridge Park Phase I	900,000
Elizabeth City	Union	Elizabeth River Trail Phase II	600,000
TOTAL			\$13,662,200

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
Atlantic City	Atlantic	Chelsea Heights Complex Renovation & Linkage	\$450,000
Edgewater Boro	Bergen	Veteran's Field Improvements	450,000
Rutherford Boro	Bergen	Memorial Field & Lincoln Woods Upgrade	450,000
TOTAL			\$1,350,000
GRAND TOTAL			\$15,812,200

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. 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, 2013, 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.

7. The following projects to acquire, for recreation and conservation purposes, lands in the coastal area that have been damaged by storms or storm-related flooding, as authorized pursuant to subsection a. of section 11 of the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, are eligible for funding with the monies from the "1995 New Jersey Coastal Blue Acres Trust Fund," established pursuant to section 27 of the P.L.1995, c.204 and appropriated to the department pursuant to section 1 of P.L.1997, c.283:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Linwood City	Atlantic	Patcong Creek Open Space Acq	\$953,000
Cape May City	Cape May	Lafayette Street Open Space Acq	792,050
Fair Haven Boro	Monmouth	Waterfront Park Acq	655,750
TOTAL			\$2,400,800

8. Section 12 of P.L.1995, c.204 is amended to read as follows:

12. a. (1) For a coastal Blue Acres project funded pursuant to subsection a. of section 11 of this act, a local government unit shall receive a grant of 50% and a loan of up to 50% of the coastal Blue Acres cost of acquisition of the lands.

(2) For a coastal Blue Acres project funded pursuant to subsection b. of section 11 of this act, a local government unit shall receive a grant of up to 75% and a loan for up to the remaining percentage of the coastal Blue Acres cost of acquisition of the lands.

(3) Loans made to local government units for coastal Blue Acres projects from the "1995 New Jersey Coastal Blue Acres Trust Fund" established pursuant to section 27 of this act shall bear interest of not more than 2% per year, and shall be for a term of not more than 20 years.

(4) Local government units in the coastal area eligible to apply for, or that have received, funding pursuant to the coastal Blue Acres bond program shall remain eligible to apply, and shall be considered, for funding pursuant to the Green Acres bond program in the same manner and according to the same criteria as other local government units located outside of the coastal area. Participation of a local government unit in the coastal Blue Acres bond program shall not be reason to deny funding to that local government unit under the Green Acres bond program.

b. The local government unit share of the coastal Blue Acres cost of an acquisition of lands may be reduced (1) by the fair market value, as determined by the commissioner, of any portion of the lands to be acquired which have been donated to, or otherwise received without cost by, the local government unit; or (2) in the case of a conveyance of the lands, or any portion thereof, to the local government unit at less than fair market value, by the difference between fair market value thereof at the time of the conveyance and the conveyance price thereof to the local government unit.

c. (1) Only the following lands in the coastal area shall be eligible for acquisition by a local government unit utilizing funds made available pursuant to the coastal Blue Acres bond program: lands anywhere on a coastal

barrier island, or elsewhere any lands within 150 feet landward of the mean high water line of any tidal waters or the landward limit of a beach or dune, whichever is most landward. If only a portion of a parcel being considered for acquisition lies within the 150 foot boundary, the entire parcel, including that portion lying outside of the 150 foot boundary, shall be eligible for acquisition.

(2) No lands with improvements upon them shall be eligible to be acquired utilizing funds made available pursuant to subsection a. of section 11 of this act unless the value of the improvements thereon shall have been reduced by at least 50% due to damage caused by a storm or storm related flooding.

d. (1) A local government unit shall not utilize the power of eminent domain in any manner to acquire lands utilizing funds made available pursuant to the coastal Blue Acres bond program; such lands shall be acquired only from willing sellers. A local government applying for funds made available pursuant to the coastal Blue Acres bond program shall provide written proof to the commissioner that the lands to be acquired are being offered willingly by the seller to the local government unit.

(2) The commissioner shall establish an expedited review procedure for applications for funds made available pursuant to subsection a. of section 11 of this act.

e. (1) Decisions concerning the awarding of grants or loans to assist local government units to meet the coastal Blue Acres cost of acquisition of lands using the proceeds of bonds issued by the State under this act shall be based upon priority ranking criteria to be established by the commissioner, including, but not limited to, the extent and feasibility of public access and parking, the extent of damage caused by a storm or storm related flooding, proximity to other lands already protected or likely to be protected in the future for recreation and conservation purposes, proximity to other lands already acquired or under consideration for acquisition pursuant to the coastal Blue Acres bond program, ease of maintenance of the property, and the extent to which acquisition of the lands will likely help avoid future public costs resulting from storms and storm related flooding.

(2) Expenditure of any funds made available pursuant to subsection a. of section 11 of this act for a particular coastal Blue Acres project shall require the approval of the Joint Budget Oversight Committee or its successor, or by law.

f. Upon a finding by the Governor that a major catastrophic storm event has occurred, the Governor, with the approval of the Joint Budget Oversight Committee or its successor, may authorize use of any or all of the

unexpended funds allocated pursuant to subsection b. of section 11 of this act for the purposes of subsection a. of section 11 of this act.

g. (1) The Office of Green Acres in the Department of Environmental Protection shall administer the coastal Blue Acres bond program.

(2) Except as otherwise provided pursuant to this act or any other law, or any rules or regulations adopted pursuant thereto, acquisitions of lands by local government units pursuant to the coastal Blue Acres bond program shall be regarded and regulated by the State in the same manner as lands acquired by local government units pursuant to the Green Acres bond program, and shall be subject to the provisions of P.L.1961, c.45 (C.13:8A-1 et seq.), P.L.1971, c.419 (C.13:8A-19 et seq.), and P.L.1975, c.155 (C.13:8A-35 et seq.), and any rules or regulations adopted pursuant thereto.

9. This act shall take effect immediately.

Approved January 25, 2013.

CHAPTER 9

AN ACT appropriating \$8,930,975 from the “2009 Green Acres Fund” 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 \$8,930,975 to the Department of Environmental Protection from the “2009 Green Acres Fund,” established pursuant to section 17 of the “Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009,” P.L.2009, c.117, for the purpose of providing grants to 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.

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) Bayshore Discovery Project	Bayshore Public Access Acq	Cumberland	Commercial Twp	\$250,000
(2) Bergen SWAN	Ramapo Mountain Conservation Area	Bergen	Mahwah Twp	250,000
(3) Crossroads of the American Revolution Association	National Heritage Area Preservation Project	Mercer	Robbinsville Twp	250,000
(4) D & R Greenway Land Trust	Greenway Acq			250,000
	Central Stony Brook Greenway	Hunterdon	Delaware Twp	
		Mercer	East Amwell Twp	
			Hopewell Twp	
			Lawrence Twp	
			Pennington Boro	
			Princeton Twp	
		Middlesex	Cranbury Twp	
	Delaware Bay Estuary Acq	Cumberland	Deerfield Twp	
			Fairfield Twp	
			Greenwich Twp	
			Hopewell Twp	
			Stow Creek Twp	
			Upper Deerfield Twp	
		Salem	Elsinboro Twp	
			Lower Alloways Creek Twp	
			Mannington Twp	
			Pennsville Twp	
	Delaware River Tributaries Acq	Burlington	Bordentown City	
			Bordentown Twp	
			Chesterfield Twp	
			North Hanover Twp	
		Mercer	Hamilton Twp	
			Hopewell Twp	
			Lawrence Twp	
			Robbinsville Twp	
			Trenton City	
			West Windsor Twp	
		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 Somerset	Hopewell Twp Branchburg Twp Hillsborough Twp Montgomery Twp West Windsor Twp Cranbury Twp Highland Park Boro Monroe Twp Plainsboro Twp South Brunswick Twp Millstone Twp	
	Upper Millstone Greenway	Mercer Middlesex		
		Monmouth		
(5) Fyke Nature Association	Ramapo Mountain Conservation Area	Bergen	Mahwah Twp	250,000
(6) Friends Of Princeton Open Space	Millstone River Watershed	Mercer	Princeton Twp	250,000
(7) Great Swamp Watershed Association	Primrose Farms Acq	Morris	Harding Twp	200,000
(8) Harding Land Trust	Open Spaces & Natural Places of Harding Twp	Morris	Harding Twp	250,000
(9) Heritage Conservancy	Musconetcong River Valley Lasting Landscapes Initiative	Hunterdon	Alexandria Twp Bethlehem Twp Bloomsbury Boro Hampton Boro Holland Twp Lebanon Twp Mount Olive Twp Washington Twp Byram Twp Allamuchy Twp Franklin Twp Greenwich Twp Hackettstown Town Independence Twp Mansfield Twp Pohatcong Twp Washington Twp	250,000
		Morris		
		Sussex Warren		
(10) Hunterdon Land Trust	Priority Areas	Hunterdon	All municipalities	250,000
(11) Lamington Conservancy	Central Lamington Project	Hunterdon Morris Somerset	Tewksbury Twp Chester Twp Washington Twp Bedminster Twp Peapack-Gladstone Boro	250,000

(12) Monmouth Conservation Foundation	Open Space Plans 2	Monmouth	All municipalities	250,000
(13) New Jersey Conservation Foundation	Priority Area Acq			250,000
	Appalachian Trail Buffers	Sussex	Wantage Twp	
	Arthur Kill Greenway	Middlesex Union	Edison Twp Linden City Springfield Twp Union Twp	
	Black River Greenway	Hunterdon	Clinton Twp Lebanon Boro Lebanon Twp Readington Twp Tewksbury Twp Chester Boro Chester Twp 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	Cape May	Cape May Middle Twp	
		Cumberland	Fairfield Twp Greenwich Twp Hopewell Twp Millville City Stow Creek Twp Upper Deerfield Twp Vineland City	
		Gloucester	Logan Twp South Harrison Twp Woolwich Twp	
		Salem	Alloway Twp Carneys Point Twp Elmer Boro Elsinboro Twp Lower Alloways Creek Twp Mannington Twp Oldmans Twp Pennsville Twp Pilesgrove Twp Pittsgrove Twp Quinton Twp Upper Pittsgrove Twp Woodstown Boro	

South Jersey
Metro:

Camden	Camden	Camden City
Greenway		
Delaware River	Burlington	Beverly City
Heritage Trail		Bordentown City
		Bordentown Twp
		Burlington City
		Burlington Twp
		Cinnaminson Twp
		Delanco Twp
		Delran Twp
		Edgewater Park Twp
		Fieldsboro Boro
		Florence Twp
		Mansfield Twp
		Palmyra Boro
		Riverside Twp
		Riverton Boro
		Willingboro Twp
	Camden	Merchantville Boro
		Pennsauken Twp
	Mercer	Hamilton Twp
		Trenton City

Pine Barrens:

Ellwood	Atlantic	Buena Vista Twp
Corridor		Egg Harbor City
		Egg Harbor Twp
		Estell Manor City
		Folsom Boro
		Galloway Twp
		Hamilton Twp
		Hammonton Town
		Mullica Twp
		Weymouth Twp
Forked River	Ocean	Lacey Twp
Mountain Add		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	Passaic	West Milford Twp
Lake/Newark		
Watershed		

Kittatinny Forest Area	Sussex	Frankford Twp
Morris County Additions	Morris	Hampton Twp
		Boonton Town
		Butler Boro
		Chatham Boro
		Chatham Twp
		Denville Twp
		Dover Town
		East Hanover Twp
		Florham Park Boro
		Hanover Twp
		Harding Twp
		Lincoln Park Boro
		Long Hill Twp
		Madison Boro
		Morris Plains Boro
		Morris Twp
		Morristown Town
		Mount Olive Twp
		Mountain Lakes Boro
		Netcong Boro
		Parsippany-Troy Hills Twp
		Pequannock Twp
		Riverdale Boro
		Rockaway Boro
		Rockaway Twp
		Victory Gardens Boro
		Wharton Boro
Musconetcong Valley	Warren	Franklin Twp
		Greenwich Twp
		Mansfield Twp
		Washington Twp
Pyramid Mountain Addition	Morris	Boonton Twp
		Kinnelon Boro
		Montville Twp
Scotts Mountain Acq	Warren	Harmony Twp
		Lopatcong Twp
		White Twp
Sparta Mountain Greenway	Morris	Jefferson Twp
		Mendham Boro
		Mendham Twp
		Mine Hill Twp
		Mount Arlington Boro
		Randolph Twp
		Roxbury Twp
		Washington Twp
	Sussex	Andover Twp
		Byram Twp
		Hopatcong Boro
		Sparta Twp
		Vernon Twp
Vernon Marsh	Sussex	
Western Piedmont:		
Back Brook	Hunterdon	East Amwell Twp

	Sourland Mountain	Mercer	Lambertville City West Amwell Twp Hopewell Twp Princeton Twp Montgomery Twp Hunterdon Franklin Twp Kingwood Twp Raritan Twp Stockton Boro	
	Wickecheoke Creek Acq	Somerset Hunterdon		
(14) NJ Audubon Society	Ramapo Mountain Conservation Area	Bergen	Mahwah Twp	250,000
(15) NY/NJ Baykeeper	Aberdeen Regional Park Acq	Monmouth	Aberdeen Twp	250,000
(16) NY-NJ Trail Conference	Ramapo Mountain Conservation Area	Bergen	Mahwah Twp	250,000
(17) Open Space Conservancy	Project Priority Areas	Bergen Hudson Morris Warren	All municipalities All municipalities All municipalities All municipalities	250,000
(18) P.A.R.K.S. Corp	Secure Park Project	Passaic	Paterson City	65,000
(19) Passaic River Coalition	Passaic River Preservation Project	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 Wallington Boro Cedar Grove Twp Fairfield Twp Livingston Twp Newark City Roseland Boro Verona Twp West Caldwell Twp Butler Boro Chatham Boro	250,000
		Essex		
		Morris		

			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	
			Morristown Town	
			Parsippany-Troy Hills Twp	
			Pequannock Twp	
			Riverdale Boro	
			Rockaway Twp	
		Passaic	Bloomington Boro	
			Clifton City	
			Hawthorne Boro	
			Little Falls Twp	
			Passaic City	
			Paterson City	
			Pompton Lakes Boro	
			Totowa Boro	
			Wanaque Boro	
			Wayne Twp	
			West Milford Twp	
			Woodland Park Boro	
		Somerset	Bernards Twp	
			Bernardsville Boro	
			Warren Twp	
		Sussex	Hardyston Twp	
			Sparta Twp	
		Union	Berkeley Heights Twp	
			New Providence Boro	
			Summit City	
(20) Phillipsburg Riverview Organization	Shabcong Mountain Preserve	Warren	Washington Boro	250,000
(21) Ramapough Conservancy	Ramapo Mountain Conservation Area	Bergen	Mahwah Twp Oakland Boro	250,000
(22) Rancocas Conservancy	Rancocas Watershed Acq	Burlington	All municipalities	200,000
(23) Schiff Natural Lands Trust, Inc	Schiff-Mount Paul Greenway	Morris	Chester Twp Mendham Boro Mendham Twp	250,000

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(24) South Vineland Little League	Little League Complex Acq	Cumberland	Vineland City	65,975
(25) Stony Brook Millstone Watershed Association	Watershed Connectors	Mercer	Hopewell Twp Princeton Twp	250,000
(26) The Land Conservancy of New Jersey	Priority Areas Acq	Essex	Bloomfield Twp Livingston Twp West Orange Twp	250,000
		Morris	Boonton Twp Chatham Boro Chatham Twp Denville Twp Jefferson Twp Kinnelon Boro Madison Boro Mine Hill Twp Montville Twp Morris Twp Morristown Town Mount Olive Twp Parsippany-Troy Hills Twp Pequannock Twp Randolph Twp Rockaway Twp Roxbury Twp Washington Twp	
		Passaic	Ringwood Boro West Milford Twp	
		Somerset	Peapack-Gladstone Boro	
		Sussex	Andover Boro Byram Twp Frankford Twp Fredon Twp Green Twp 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	
(27) The Nature Conservancy	Priority Area Acq			250,000
	Cape May Project Area	Cape May	Cape May City Cape May Point Boro Dennis Twp Lower Twp	

		Middle Twp
		West Cape May Boro
		Maurice River Twp
		Commercial Twp
		Downe Twp
		Fairfield Twp
		Lawrence Twp
		Maurice River Twp
		Millville City
		Vineland City
		Bass River Twp
		Pemberton Boro
		Pemberton Twp
		Washington Twp
		Woodland Twp
		Estell Manor City
		Galloway Twp
		Hamilton Twp
		Mullica Twp
		Lacey Twp
		Ocean Twp
		North Haledon Boro
		Wayne Twp
		Galloway Twp
		Andover Boro
		Andover Twp
		Frankford Twp
		Fredon Twp
		Green Twp
		Hampton Twp
		Hardyston Twp
		Lafayette Twp
		Montague Twp
		Newton Town
		Sandyston Twp
		Stillwater Twp
		Walpack Twp
		Wantage Twp
		Allamuchy Twp
		Blairstown Twp
		Frelinghuysen Twp
		Hardwick Twp
		Hope Twp
		Maurice River Twp
		Millville City
		Barnegat Twp
		Eagleswood Twp
		Little Egg Harbor Twp
		Stafford Twp
		Franklin Twp
		Pittsgrove Twp
(28) Trust For Public Land	Project Priority Areas	250,000

Atlantic Balanced Communities Acq	Atlantic	Absecon City
		Egg Harbor City
		Egg Harbor Twp
		Galloway Twp
		Hamilton Twp
		Linwood City
		Northfield City
		Pleasantville City
		Port Republic City
		Somers Point City
		Allenhurst Boro
		Asbury Park City
		Avon-By-The-Sea Boro
		Belmar Boro
		Bradley Beach Boro
Bay to Bay	Monmouth	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
		All municipalities
Bergen Co. Open Space Partnership Beyond the Century Plan – Barnegat Bay Initiative	Bergen	
	Monmouth Ocean	Freehold Twp
		Barnegat Light Boro
		Berkeley Twp
		Brick Twp
		Eagleswood Twp
		Jackson Twp
		Lacey Twp
		Little Egg Harbor Twp
		Long Beach Twp
		Manchester Twp
		Ocean Twp
		Stafford Twp
		Toms River Twp
		Tuckerton Boro
		Berlin Boro
Camden Balanced Communities Acq	Camden	Camden City
		Cherry Hill Twp
		Clementon Boro
		Gloucester Twp
		Haddon Twp
		Lindenwold Boro
		Pennsauken Twp
		Voorhees Twp

Delaware River Inland	Burlington	Bordentown Twp Burlington Twp Cinnaminson Twp Delran Twp Florence Twp Mansfield Twp Mount Laurel Twp Springfield Twp Willingboro Twp All municipalities
Essex Co. Open Space	Essex	
Harbor Estuaries Acq	Bergen Hudson Middlesex Monmouth	East Rutherford Boro Jersey City Secaucus Town Carteret Boro Old Bridge Twp Woodbridge Twp 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 Linden City Rahway City All municipalities
	Union	
Hudson Co. Open Space	Hudson	All municipalities
Hunterdon Co. Open Space Partnership	Hunterdon	
Interstate 195 Corridor	Mercer Monmouth	Hamilton Twp Robbinsville Twp Allentown Boro Freehold Boro Freehold Twp Howell Twp Millstone Twp Upper Freehold Twp Wall Twp
Metedeconk Watershed Protection	Monmouth Ocean	Freehold Twp Howell Twp Millstone Twp Wall Twp Brick Twp Jackson Twp Lakewood Twp All municipalities
Morris Open Space Acq	Morris	

	Passaic Open Space	Passaic	All municipalities	
	Somerset Open Space Acq	Somerset	All municipalities	
	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 Mount Arlington Boro Mount Olive Twp Netcong Boro Roxbury Twp Washington Twp	
		Morris	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	
		Sussex	All municipalities	
		Warren	All municipalities	
	Wanaque Gap Acq	Bergen	Mahwah Twp	
(29) YMCA Camp Ockanickon	Camp Ockanickon Conservation & Recreation Program	Burlington	Medford Twp Shamong Twp	100,000
TOTAL				\$6,630,975

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
Boys & Girls Clubs of Newark	Jesse Allen Park	Essex	Newark City	\$200,000
Branch Brook Park Alliance	Branch Brook Park Improvements	Essex	Newark City	200,000
Cooper's Ferry Partnership	North Camden Waterfront Park Dev	Camden	Camden City	200,000
Friends of Anderson Park	Anderson Park Improvements	Essex	Montclair Twp	150,000
Hackensack Riverkeeper	Skyway Riverfront Park	Hudson	Jersey City	200,000
Historic Paulus Hook Assoc, Inc	Paulus Hook Park Renovation	Hudson	Jersey City	150,000
Ironbound Community Corporation	Newark Riverfront Park Improvements	Essex	Newark City	200,000
La Casa de Don Pedro	Branch Brook Park Improvements	Essex	Newark City	200,000
North Ward Center	Branch Brook Park Improvements	Essex	Belleville Twp Newark City	200,000
Passaic River Rowing Association	Passaic River Rowing Association Boathouse	Bergen	Lyndhurst Twp	200,000
Roberto Clemente League	Branch Brook Park Rehabilitation	Essex	Belleville Twp Newark City	200,000
Zoological Society of NJ	Sea Lion Exhibit	Essex	West Orange Twp	200,000
TOTAL				\$2,300,000

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 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, established pursuant to section 19 of P.L.1999, c.152 (C.13:8C-19), 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 non-profit organizations to acquire or develop lands for recreation and conservation purposes, for the purposes of: (1) this section; and (2) providing additional funding, as determined by the Department of Environmental Protection, to any project of a qualifying tax exempt nonprofit organization that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes, subject to the approval of the Joint Budget Oversight Committee or its successor. Any such additional funding provided from a Green Acres bond act may include administrative costs.

g. For the purposes of this section, "Green Acres bond act" means P.L.2009, c.117, P.L.2007, c.119, P.L.1995, c.204, P.L.1992, c.88, and P.L.1989, c.183.

2. This act shall take effect immediately.

Approved January 25, 2013.

CHAPTER 10

AN ACT appropriating \$45,000,000 from the "2009 Green Acres Fund" and \$12,000,000 from the "2009 Blue Acres Fund" for the acquisition of lands by the State for recreation and conservation purposes and for Blue Acres projects.

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

1. a. There is appropriated \$45,000,000 from the "2009 Green Acres Fund," established pursuant to section 17 of the "Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009," P.L.2009, c.117, to the Department of Environmental Protection for the acquisition of lands by the State for recreation and conservation purposes.

b. The funds appropriated pursuant to subsection a. of this section shall be allocated as follows:

Project	County	Municipality	Amount
(1) BARNEGAT BAY WATERSHED GREENWAY			\$3,000,000
<i>Barnegat Bay Greenway</i>			
	Monmouth	Freehold Twp	
		Howell Twp	
	Ocean	Barnegat Twp	
		Berkeley Twp	
		Brick Twp	
		Eagleswood Twp	
		Jackson Twp	
		Lacey Twp	
		Lakewood Twp	
		Little Egg Harbor Twp	
		Ocean Twp	
		Stafford Twp	
		Toms River Twp	
(2) CAPE MAY PENINSULA			2,000,000
<i>Cape May Peninsula</i>			
	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	
(3) CROSSROADS OF AMERICAN REVOLUTION			2,000,000
<i>Princeton to Morristown</i>			
	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
<i>Washington Crossing to Princeton Battlefield</i>	
Hunterdon	East Amwell Twp
	West Amwell Twp
Mercer	Hopewell Boro
	Hopewell Twp
	Pennington Boro
	Princeton Twp
	Trenton City

(4) DELAWARE & RARITAN CANAL GREENWAY		2,000,000
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	
(5) DELAWARE BAY WATERSHED GREENWAY		4,000,000
<i>Alloways Creek Greenway</i>		
Salem	Alloway Twp	
	Elsinboro Twp	
	Lower Alloways Creek Twp	
	Pilesgrove Twp	
	Quinton Twp	
	Upper Pittsgrove Twp	
<i>Cape May Tributaries</i>		
Cape May	Dennis Twp	
	Lower Twp	
	Middle Twp	
	Upper Twp	
<i>Cohansey River Greenway</i>		
Cumberland	Bridgeton City	
	Fairfield Twp	
	Greenwich Twp	
	Hopewell Twp	
	Lawrence Twp	
	Shiloh Boro	
	Upper Deerfield Twp	
Salem	Alloway Twp	
<i>Dividing/ Nantuxent/ Cedar/ Back Creeks Greenway</i>		
Cumberland	Commercial Twp	
	Downe Twp	
	Fairfield Twp	
	Lawrence Twp	

<i>Maurice River Greenway</i>		
	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
<i>Salem River/ Mannington Greenway</i>		
	Salem	Carneys Point Twp
		Elsinboro Twp
		Mannington Twp
		Oldmans Twp
		Pennsville Twp
		Pilesgrove Twp
		Upper Pittsgrove Twp
		Woodstown Boro
<i>Stow Creek Greenway</i>		
	Cumberland	Greenwich Twp
		Stow Creek Twp
	Salem	Alloway Twp
		Lower Alloways Creek Twp
		Quinton Twp
(6) DELAWARE RIVER WATERSHED GREENWAY		4,000,000
<i>Assinkunk Creek Watershed</i>		
	Burlington	Mansfield Twp
<i>Big Timber Creek</i>		
	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
 Hamilton Twp
 Robbinsville Twp
 Trenton City
 Allentown Boro
 Millstone Twp
 Upper Freehold Twp
 Jackson Twp
 Plumsted Twp

Mercer

Monmouth

Ocean

Delaware River Bluffs

Hunterdon

Delaware Twp
 Frenchtown Boro
 Kingwood Twp
 Lambertville City
 Stockton Boro
 West Amwell Twp
 Ewing Twp
 Hopewell Twp

Mercer

Nishisakawick Greenway

Hunterdon

Alexandria Twp
 Delaware Twp
 Frenchtown Boro
 Kingwood Twp

Oldmans Creek Greenway

Gloucester

Logan Twp
 South Harrison Twp
 Woolwich Twp
 Oldmans Twp
 Pilesgrove Twp
 Upper Pittsgrove Twp

Salem

Raccoon Creek Greenway

Gloucester

East Greenwich Twp

		Elk Twp	
		Greenwich Twp	
		Harrison Twp	
		Logan Twp	
		Woolwich Twp	
<i>Rancocas Creek Greenway</i>			
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	
<i>Trenton / Hamilton Marsh</i>			
Burlington		Bordentown Twp	
		Chesterfield Twp	
		Hamilton Twp	
		Trenton City	
	Mercer		
<i>Woodbury Creek Watershed</i>			
Gloucester		National Park Boro	
		West Deptford Twp	
(7) HIGHLANDS GREENWAY			8,000,000
	Bergen	Mahwah Twp	
		Oakland Boro	
		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	Bloomington Boro
	Pompton Lakes Boro
	Ringwood Boro
	Wanaque Boro
	West Milford Twp
Somerset	Bedminster Twp
	Bernards Twp

		Bernardsville Boro	
		Far Hills Boro	
		Peapack-Gladstone Boro	
	Sussex	Byram Twp	
		Franklin Boro	
		Green Twp	
		Hamburg Boro	
		Hardyston Twp	
		Hopatcong Boro	
		Ogdensburg Boro	
		Sparta Twp	
		Stanhope Boro	
	Warren	Vernon Twp	
		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	
(8) HISTORIC RESOURCES			1,000,000
<i>Allaire State Park</i>			
	Monmouth	Howell Twp	
		Wall Twp	
<i>Fort Mott Officers Quarters</i>			
	Salem	Pennsville Twp	
<i>Griggstown Muletenders Barracks</i>			
	Somerset	Franklin Twp	
<i>Historic Sites</i>			
	Burlington	Medford Twp	

<i>Monmouth Battlefield</i>	Monmouth	Freehold Twp Manalapan Twp
<i>New Bridge Landing</i>	Bergen	New Milford Boro River Edge Boro
<i>Princeton Battlefield</i>	Mercer	Princeton Twp
<i>Proprietary House</i>	Middlesex	Perth Amboy City
<i>Register Eligible Sites</i>	Somerset	Green Brook Twp Watchung Boro
<i>Rockingham Farmstead</i>	Somerset	Franklin Twp
<i>Twin Lights</i>	Monmouth	Highlands Boro
<i>Washington Crossing State Park</i>	Mercer	Ewing Twp Hopewell Twp
<i>Waterloo Village</i>	Sussex	Byram Twp Stanhope Boro
(9) NATURAL AREAS		2,000,000
<i>Bill Henry Pond</i>	Atlantic	Egg Harbor Twp
<i>Budd Lake Bog</i>	Morris	Mount Olive Twp
<i>Campus Swamp</i>	Camden	Gloucester Twp
<i>Cheesequake State Park</i>	Middlesex	Old Bridge Twp
<i>Crossley Preserve</i>	Ocean	Berkeley Twp Manchester Twp
<i>Five Acre Pond</i>	Atlantic	Estell Manor City
<i>Gravel Hill</i>	Hunterdon	Holland Twp
<i>Great Piece Meadows/ Troy Meadows</i>	Essex	Fairfield Twp Roseland Boro West Caldwell Twp

	Morris	East Hanover Twp Hanover Twp Lincoln Park Boro Montville Twp Parsippany-Troy Hills Twp Pequannock Twp Wayne Twp
<i>Hamburg Mountain</i>	Passaic	
	Sussex	Franklin Boro Hamburg Boro Hardyston Twp Vernon Twp
<i>Hidden Lake</i>		
<i>High Mountain</i>	Camden	Gloucester Twp
	Passaic	North Haledon Boro Wayne Twp
<i>Limestone Ridge</i>		
<i>Long-A-Coming Branch</i>	Warren	Blairstown Twp
<i>Milford Bluffs</i>	Camden	Winslow Twp
<i>Mountain Lake Bog</i>	Hunterdon	Holland Twp
<i>Ogdensburg Fen</i>	Warren	White Twp
<i>Oswego River Natural Area</i>	Sussex	Ogdensburg Boro
<i>Phone-In-Fen</i>	Burlington	Washington Twp
<i>Ramapo Lake Natural Area</i>	Warren	Hardwick Twp
	Bergen	Oakland Boro Ringwood Boro Wanaque Boro
	Passaic	
<i>Ramapo Mountain</i>		
	Bergen	Mahwah Twp Oakland Boro
	Passaic	Pompton Lakes Boro Ringwood Boro Wanaque Boro
<i>Sourland Mountains</i>		
	Hunterdon	East Amwell Twp West Amwell Twp

	Mercer	Hopewell Twp	
	Somerset	Hillsborough Twp	
		Montgomery Twp	
<i>Strawberry Hill</i>			
	Mercer	Hopewell Twp	
<i>Sunfish Pond</i>			
	Warren	Hardwick Twp	
<i>Sweet Hollow</i>			
	Hunterdon	Alexandria Twp	
		Holland Twp	
<i>Troy Meadows</i>			
	Morris	Parsippany-Troy Hills Twp	
<i>Uttertown Bog</i>			
	Passaic	West Milford Twp	
<i>Washington Crossing State Park</i>			
	Mercer	Hopewell Twp	
<i>Wetlands Habitat/ Bog Turtle</i>			
	Sussex	Frankford Twp	
		Wantage Twp	
<i>Whale Pond</i>			
	Monmouth	Ocean Twp	
<i>Woodbine Bogs</i>			
	Cape May	Upper Twp	
(10) PINELANDS			8,000,000
	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	
(11) RIDGE AND VALLEY GREENWAY		5,000,000
Sussex	Andover Boro	
	Andover Twp	
	Branchville Boro	
	Frankford Twp	
	Fredon Twp	

	Warren	Green Twp Hampton Twp Lafayette Twp Montague Twp Newton Town Sandyston Twp Stillwater Twp Sussex Boro Walpack Twp Wantage Twp Blairstown Twp Frelinghuysen Twp Hackettstown Town Hardwick Twp Hope Twp Knowlton Twp Liberty Twp	
(12) URBAN PARKS			4,000,000
	Bergen	Edgewater Boro	
	Camden	Camden City	
	Essex	Belleville Twp	
		Bloomfield Twp	
		Caldwell Boro	
		Cedar Grove Twp	
		East Orange City	
		Glen Ridge Twp 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**\$45,000,000**

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

d. To the extent that moneys remain available after the projects listed in subsection b. of this section are offered funding pursuant thereto, any State project that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund, established pursuant to the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.), 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.

e. For the purposes of this section, "Green Acres bond act" means P.L.2009, c.117, P.L.2007, c.119, P.L.1995, c.204, P.L.1992, c.88, and P.L.1989, c.183.

2. a. There is appropriated to the Department of Environmental Protection from the "2009 Blue Acres Fund" established pursuant to section 19 of the "Green Acres, Water Supply and Floodplain Protection, and Farmland

and Historic Preservation Bond Act of 2009,” P.L.2009, c.117, the sum of \$12,000,000 for the acquisition, for recreation and conservation purposes, of lands that have been damaged by, or may be prone to incurring damage caused by, storms or storm-related flooding, or that may buffer or protect other lands from such damage, as follows:

Project	County	Municipality	Amount
BLUE ACRES			\$12,000,000
<i>Delaware River Acquisitions</i>			
	Atlantic	Buena Boro	
		Buena Vista Twp	
	Burlington	Beverly City	
		Bordentown City	
		Bordentown Twp	
		Burlington City	
		Burlington Twp	
		Chesterfield Twp	
		Cinnaminson Twp	
		Delanco Twp	
		Delran Twp	
		Easthampton Twp	
		Edgewater Park Twp	
		Evesham Twp	
		Fieldsboro Boro	
		Florence Twp	
		Hainesport Twp	
		Lumberton Twp	
		Mansfield Twp	
		Maple Shade Twp	
		Medford Lakes Boro	
		Medford Twp	
		Moorestown Twp	
		Mount Holly Twp	
		Mount Laurel Twp	
		New Hanover Twp	
		North Hanover Twp	
		Palmyra Boro	
		Pemberton Boro	
		Pemberton Twp	
		Riverside Twp	
		Riverton Boro	
		Shamong Twp	

Camden	Southampton Twp
	Springfield Twp
	Tabernacle Twp
	Westampton Twp
	Willingboro Twp
	Woodland Twp
	Wrightstown Boro
	Audubon Boro
	Audubon Park Boro
	Barrington Boro
	Bellmawr Boro
	Berlin Boro
	Berlin Twp
	Brooklawn Boro
	Camden City
	Cherry Hill Twp
	Clementon Boro
	Collingswood Boro
	Gibbsboro Boro
	Gloucester City
	Gloucester Twp
	Haddon Heights Boro
	Haddon Twp
	Haddonfield Boro
	Hi-Nella Boro
	Laurel Springs Boro
	Lawnside Boro
	Lindenwold Boro
	Magnolia Boro
	Merchantville Boro
	Mount Ephraim Boro
	Oaklyn Boro
	Pennsauken Twp
	Pine Hill Boro
	Pine Valley Boro
	Runnemede Boro
	Somerdale Boro
	Stratford Boro
	Tavistock Boro
	Voorhees Twp
Cape May	Winslow Twp
	Woodlynne Boro
	Cape May Point Boro
	Dennis Twp

Cumberland	Lower Twp
	Middle Twp
	West Cape May Boro
	Woodbine Boro
	Bridgeton City
	Commercial Twp
	Deerfield Twp
	Downe Twp
	Fairfield Twp
	Greenwich Twp
	Hopewell Twp
	Lawrence Twp
	Maurice River Twp
	Millville City
	Shiloh Boro
	Stow Creek Twp
	Upper Deerfield Twp
Gloucester	Vineland City
	Clayton Boro
	Deptford Twp
	East Greenwich Twp
	Elk Twp
	Franklin Twp
	Glassboro Boro
	Greenwich Twp
	Harrison Twp
	Logan Twp
	Mantua Twp
	Monroe Twp
	National Park Boro
	Newfield Boro
	Paulsboro Boro
	Pitman Boro
	South Harrison Twp
	Swedesboro Boro
	Washington Twp
	Wenonah Boro
Hunterdon	West Deptford Twp
	Westville Boro
	Woodbury City
	Woodbury Heights Boro
	Woolwich Twp
	Alexandria Twp
	Bethlehem Twp

	Bloomsbury Boro
	Delaware Twp
	East Amwell Twp
	Franklin Twp
	Frenchtown Boro
	Glen Gardner Boro
	Hampton Boro
	Holland Twp
	Kingwood Twp
	Lambertville City
	Lebanon Twp
	Milford Boro
	Raritan Twp
	Stockton Boro
	Union Twp
	West Amwell Twp
Mercer	East Windsor Twp
	Ewing Twp
	Hamilton Twp
	Hopewell Twp
	Lawrence Twp
	Pennington Boro
	Robbinsville Twp
	Trenton City
	West Windsor Twp
Monmouth	Allenhurst Boro
	Middletown Twp
	Rumson Boro
	Upper Freehold Twp
Morris	Jefferson Twp
	Mount Arlington Boro
	Mount Olive Twp
	Netcong Boro
	Roxbury Twp
	Washington Twp
Ocean	Island Heights Boro
	Jackson Twp
	Long Beach Twp
	Pine Beach Boro
Salem	Alloway Twp
	Carneys Point Twp
	Elmer Boro
	Elsinboro Twp
	Lower Alloways Creek Twp

	Mannington Twp
	Oldmans Twp
	Penns Grove Boro
	Pennsville Twp
	Pilesgrove Twp
	Pittsgrove Twp
	Quinton Twp
	Salem City
	Upper Pittsgrove Twp
	Woodstown Boro
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	Allamuchy Twp
	Alpha Boro
	Belvidere Town
	Blairstown Twp
	Franklin Twp
	Frelinghuysen Twp
	Greenwich Twp
	Hackettstown Town
	Hardwick Twp
	Harmony Twp
	Hope Twp
	Independence Twp
	Knowlton Twp
	Liberty Twp
	Lopatcong Twp

Passaic River Acquisitions
Bergen

Mansfield Twp
Oxford Twp
Phillipsburg Town
Pohatcong Twp
Washington Boro
Washington Twp
White Twp

Allendale Boro
Carlstadt Boro
East Rutherford Boro
Elmwood Park Boro
Fair Lawn Boro
Franklin Lakes Boro
Garfield City
Glen Rock Boro
Hackensack City
Hasbrouck Heights Boro
Hillsdale Boro
Ho-Ho-Kus Boro
Lodi Boro
Lyndhurst Twp
Mahwah Twp
Maywood Boro
Midland Park Boro
Montvale Boro
North Arlington Boro
Oakland Boro
Paramus Boro
Ramsey Boro
Ridgewood Village
Rochelle Park Twp
Rutherford Boro
Saddle Brook Twp
Saddle River Boro
South Hackensack Twp
Upper Saddle River Boro
Waldwick Boro
Wallington Boro
Washington Twp
Woodcliff Lake Boro
Wood-Ridge Boro
Wyckoff Twp

Essex	Belleville Twp
	Bloomfield Twp
	Caldwell Boro
	Cedar Grove Twp
	East Orange City
	Essex Fells Twp
	Fairfield Twp
	Glen Ridge Twp Boro
	Livingston Twp
	Millburn Twp
	Montclair Twp
	Newark City
	North Caldwell Twp
	Nutley Twp
	Orange City Twp
	Roseland Boro
	South Orange Village Twp
	Verona Twp
	West Caldwell Twp
	West Orange Twp
Hudson	East Newark Boro
	Harrison Town
	Kearny Town
Morris	Boonton Town
	Boonton Twp
	Butler Boro
	Chatham Boro
	Chatham Twp
	Denville Twp
	Dover Town
	East Hanover Twp
	Florham Park Boro
	Hanover Twp
	Harding Twp
	Jefferson Twp
	Kinnelon Boro
	Lincoln Park Boro
	Long Hill Twp
	Madison Boro
	Mendham Boro
	Mendham Twp
	Mine Hill Twp
	Montville Twp
	Morris Plains Boro

	Morris Twp
	Morristown Town
	Mount Arlington Boro
	Mountain Lakes Boro
	Parsippany-Troy Hills Twp
	Pequannock Twp
	Randolph Twp
	Riverdale Boro
	Rockaway Boro
	Rockaway Twp
	Roxbury Twp
	Victory Gardens Boro
	Wharton Boro
Passaic	Bloomington Boro
	Clifton City
	Haledon Boro
	Hawthorne Boro
	Little Falls Twp
	North Haledon Boro
	Passaic City
	Paterson City
	Pompton Lakes Boro
	Prospect Park Boro
	Ringwood Boro
	Totowa Boro
	Wanaque Boro
	Wayne Twp
	West Milford Twp
	Woodland Park Boro
Somerset	Bernards Twp
	Bernardsville Boro
	Bridgewater Twp
	Far Hills Boro
	Warren Twp
Sussex	Hardyston Twp
	Sparta Twp
	Vernon Twp
Union	Berkeley Heights Twp
	New Providence Boro
	Summit City
<i>Raritan River Acquisitions</i>	
Hunterdon	Alexandria Twp
	Bethlehem Twp
	Califon Boro

	Clinton Town
	Clinton Twp
	Delaware Twp
	East Amwell Twp
	Flemington Boro
	Franklin Twp
	Glen Gardner Boro
	Hampton Boro
	High Bridge Boro
	Lebanon Boro
	Lebanon Twp
	Raritan Twp
	Readington Twp
	Tewksbury Twp
	Union Twp
Mercer	West Amwell Twp
	East Windsor Twp
	Hightstown Boro
	Hopewell Boro
	Hopewell Twp
	Lawrence Twp
	Pennington Boro
	Princeton Boro
	Princeton Twp
	Robbinsville Twp
Middlesex	West Windsor Twp
	Cranbury Twp
	Dunellen Boro
	East Brunswick Twp
	Edison Twp
	Helmetta Boro
	Highland Park Boro
	Jamesburg Boro
	Metuchen Boro
	Middlesex Boro
	Milltown Boro
	Monroe Twp
	New Brunswick City
	North Brunswick Twp
	Old Bridge Twp
	Perth Amboy City
	Piscataway Twp
	Plainsboro Twp
	Sayreville Boro

	South Amboy City
	South Brunswick Twp
	South Plainfield Boro
	South River Boro
	Spotswood Boro
	Woodbridge Twp
Monmouth	Eatontown Boro
	Farmingdale Boro
	Freehold Boro
	Loch Arbour Village
	Manalapan Twp
	Middletown Twp
	Rumson Boro
Morris	Chester Boro
	Chester Twp
	Mendham Boro
	Mendham Twp
	Mine Hill Twp
	Mount Arlington Boro
	Mount Olive Twp
	Randolph Twp
	Roxbury Twp
	Washington 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

Union	Berkeley Heights Twp Fanwood Boro Mountainside Boro New Providence Boro Plainfield City Scotch Plains Twp Springfield Twp Summit City Westfield Town
<i>Atlantic Basin / Hudson River / Rahway Basin</i>	
Atlantic	Absecon City Atlantic City Brigantine City Corbin City Egg Harbor City Egg Harbor Twp Estell Manor City Folsom Boro Galloway Twp Hamilton Twp Hammonton Town Linwood City Longport Boro Margate City Mullica Twp Northfield City Pleasantville City Port Republic City Somers Point City Ventnor City Weymouth Twp
Bergen	Alpine Boro Bergenfield Boro Bogota Boro Cliffside Park Boro Closter Boro Cresskill Boro Demarest Boro Dumont Boro Edgewater Boro Emerson Boro Englewood City Englewood Cliffs Boro Fairview Boro

	Fort Lee Boro
	Harrington Park Boro
	Haworth Boro
	Leonia Boro
	Little Ferry Boro
	Moonachie Boro
	New Milford Boro
	Northvale Boro
	Norwood Boro
	Old Tappan Boro
	Oradell Boro
	Palisades Park Boro
	Park Ridge Boro
	Ridgefield Boro
	Ridgefield Park Village
	River Edge Boro
	River Vale Twp
	Rockleigh Boro
	South Hackensack Twp
	Teaneck Twp
	Tenafly Boro
	Teterboro Boro
	Westwood Boro
Burlington	Bass River Twp
	Washington Twp
Camden	Chesilhurst Boro
	Waterford Twp
Cape May	Avalon Boro
	Cape May City
	North Wildwood City
	Ocean City
	Sea Isle City
	Stone Harbor Boro
	Upper Twp
	West Wildwood Boro
	Wildwood City
	Wildwood Crest Boro
Cumberland	Downe Twp
Essex	Irvington Twp
	Maplewood Twp
Hudson	Bayonne City
	Guttenburg Town
	Hoboken City
	Jersey City

Middlesex Monmouth	North Bergen Twp
	Secaucus Town
	Union City
	Weehawken Twp
	West New York Town
	Carteret Boro
	Aberdeen Twp
	Allentown Boro
	Asbury Park City
	Atlantic Highlands Boro
	Avon-By-The-Sea Boro
	Belmar Boro
	Bradley Beach Boro
	Brielle Boro
	Colts Neck Twp
	Deal Boro
	Englishtown Boro
	Fair Haven Boro
	Freehold Twp
	Hazlet Twp
	Highlands Boro
	Holmdel Twp
	Howell Twp
	Interlaken Boro
	Keansburg Boro
	Keyport Boro
	Lake Como Boro
	Little Silver Boro
	Long Branch City
	Manasquan Boro
	Marlboro Twp
	Matawan Boro
	Millstone Twp
	Monmouth Beach Boro
	Neptune Twp
	Neptune City Boro
	Ocean Twp
	Oceanport Boro
	Red Bank Boro
	Roosevelt Boro
	Sea Bright Boro
	Sea Girt Boro
	Shrewsbury Boro
	Shrewsbury Twp

Ocean	Spring Lake Boro
	Spring Lake Heights Boro
	Tinton Falls Boro
	Union Beach Boro
	Wall Twp
	West Long Branch Boro
	Barneгат Light Boro
	Barneгат Twp
	Bay Head Boro
	Beach Haven Boro
	Beachwood Boro
	Berkeley Twp
	Brick Twp
	Eagleswood Twp
	Harvey Cedars Boro
	Lacey Twp
	Lakehurst Boro
	Lakewood Twp
	Lavellette Boro
	Little Egg Harbor Twp
	Manchester Twp
	Mantoloking Boro
	Ocean Gate Boro
	Ocean Twp
	Plumstead Twp
	Point Pleasant Boro
	Point Pleasant Beach Boro
	Seaside Heights Boro
	Seaside Park Boro
	Ship Bottom Boro
	South Toms River Boro
	Stafford Twp
	Surf City Boro
	Toms River Twp
	Tuckerton Boro
Sussex	Franklin Boro
	Hamburg Boro
	Ogdensburg Boro
	Sussex Boro
Union	Clark Twp
	Cranford Twp
	Elizabeth City
	Garwood Boro
	Hillside Twp

Kenilworth Boro
 Linden City
 Rahway City
 Roselle Boro
 Roselle Park Boro
 Union Twp
 Winfield Twp

TOTAL

\$12,000,000

b. The expenditure of moneys appropriated pursuant to this section is subject to the provisions of the "Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009," P.L.2009, c.117.

3. a. There is reappropriated to the Department of Environmental Protection the unexpended balances, due to project cancellations or cost savings, of the amounts appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund, established pursuant to the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.), 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. There is appropriated to the Department of Environmental Protection such sums as may be, or may become, available on or before June 30, 2013, due to interest earnings in any Green Acres Fund established pursuant to a Green Acres bond act or in the Garden State Green Acres Preservation Trust Fund, for the purpose of providing additional funding, as determined by the Department of Environmental Protection, to any State project that previously received funding 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 ap-

proved 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.

c. For the purposes of this section, "Green Acres bond act" means P.L.2009, c.117, P.L.2007, c.119, P.L.1995, c.204, P.L.1992, c.88, and P.L.1989, c.183.

4. This act shall take effect immediately.

Approved January 25, 2013.

CHAPTER 11

AN ACT exempting certain Office of Emergency Management members from federal commercial driver's licensing requirements and supplementing P.L.1989, c.164 (C.39:3-10j et seq.).

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

C.39:3-10K1 Office of Emergency Management members, certain, exemption from federal commercial driver's licensing requirements.

1. a. A member of the State Office of Emergency Management or a county or municipal Office of Emergency Management shall not be subject to the requirements of the commercial licensing provisions of the federal "Commercial Motor Vehicle Safety Act," 49 U.S.C. s.31301 et seq., when operating any commercial motor vehicle or any emergency, rescue, or other motorized apparatus or equipment provided that:

(1) the operation of the vehicle, apparatus, or equipment is necessary to the preservation of life or property or the execution of emergency governmental functions;

(2) the vehicle, apparatus, or equipment operated is equipped with audible and visual signals and is not subject to normal traffic regulations; and

(3) the operation of the vehicle, apparatus, or equipment meets any other requirement set forth in 49 C.F.R. 383.3 (d)(2) or any other federal law, rule, or regulation establishing an exemption from the licensing provisions of the federal "Commercial Motor Vehicle Safety Act," 49 U.S.C. s.31301 et seq.

b. Notwithstanding the provisions of this section, an exemption shall not be granted if, to do so, the State would no longer be in a position of substantial compliance with the requirements of the federal "Commercial Motor Vehicle Safety Act," 49 U.S.C.s.31301 et seq.

c. The Chief Administrator of the New Jersey Motor Vehicle Commission may adopt any rules and regulations which may be necessary to effectuate the purposes of this act.

2. This act shall take effect immediately.

Approved January 25, 2013.

CHAPTER 12

AN ACT concerning the placement of horse racing wagers at in-State racetracks 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*:

C.5:5-187 Use of mobile gaming devices at racetracks.

1. a. The New Jersey Racing Commission may authorize the use of mobile gaming devices by patrons at in-State racetracks for the placement of wagers on in-State and out-of-State races being transmitted to the racetrack through an approved simulcasting signal, and live races taking place at that racetrack. As used in this section, "mobile gaming devices" means communications technology that allows a patron to transmit information to a computer to place a horse racing wager and to receive and display information concerning wagers, outcomes, and other information necessary or required to be provided to the patron in connection with wagering. The commission shall promulgate the rules and regulations necessary to implement the use of mobile gaming devices at approved racetracks in this State, which shall include, but may not be limited to, ensuring that:

(1) the patron is of lawful age and has established a mobile gaming account in person with the permit holder at the permit holder's racetrack where mobile gaming wagers will be placed;

(2) the wager is placed by and the winnings paid to the patron in person within the approved racetrack facility;

(3) the amounts wagered are distributed in accordance with applicable laws, rules and regulations;

(4) the mobile gaming device is inoperable outside the approved race-track;

(5) the commission has authorized the device for mobile gaming; and

(6) mobile wagering is conducted in compliance with other applicable laws, rules, and regulations governing the conduct of horse racing and wagering in this State.

b. For the purposes of this section, mobile gaming devices shall be permitted to operate within the property boundaries of an approved race-track facility, including any restaurant, simulcasting room, and outdoor area, but excluding parking garages or parking areas of the racetrack facility, provided that the commission shall ascertain and ensure, pursuant to rules and regulations issued by it to implement mobile gaming under this section, that mobile gaming shall not extend outside of the property boundaries of the racetrack facility.

2. This act shall take effect immediately.

Approved January 25, 2013.

CHAPTER 13

AN ACT concerning voluntary contributions through gross income tax returns to support New Jersey athletes participating in the 2014 Special Olympics USA Games, supplementing chapter 9 of Title 54A of the New Jersey Statutes.

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

C.54A:9-25.32 “2014 NJ Special Olympics Home Team Fund.”

1. a. There is established in the Department of the Treasury a special fund to be known as the “2014 NJ Special Olympics Home Team Fund.”

b. For the taxable years beginning in calendar years 2012 and 2013, a taxpayer shall have the opportunity to indicate on the taxpayer’s New Jersey gross income tax return that a portion of the taxpayer’s tax refund or an enclosed contribution shall be deposited in the “2014 NJ Special Olympics

Home Team Fund” in accordance with the provisions of section 1 of P.L.1999, c.21 (C.54A:9-25.14).

c. Any costs incurred by the Division of Taxation for collection or administration attributable to this section may be deducted from receipts collected pursuant to this section, as determined by the Director of the Division of Budget and Accounting in the Department of the Treasury. The State Treasurer shall deposit net contributions collected pursuant to this section into the “2014 NJ Special Olympics Home Team Fund.”

d. The Legislature shall annually appropriate all funds deposited in the “2014 NJ Special Olympics Home Team Fund” to Special Olympics New Jersey. All monies appropriated to Special Olympics New Jersey shall be used solely to fund expenses associated with the training of New Jersey athletes participating in the 2014 Special Olympics USA Games and the participation of New Jersey athletes in the 2014 Special Olympics USA Games, including but not limited to: equipment, insurance, room and board, travel, and uniforms.

e. On the first day of the seventh month after the conclusion of the 2014 Special Olympics USA Games, monies within the “2014 NJ Special Olympics Home Team Fund” shall be appropriated to Special Olympics New Jersey and used solely to fund expenses associated with New Jersey athletes’ training for and participation in future Special Olympics games, including but not limited to: equipment, insurance, room and board, travel, and uniforms.

2. This act shall take effect immediately.

Approved January 29, 2013.

CHAPTER 14

AN ACT providing credits against certain taxes for investing in New Jersey emerging technology businesses, and amending P.L.1997, c.349, and supplementing chapter 4 of Title 54A of the New Jersey Statutes.

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

1. Section 1 of P.L.1997, c.349 (C.54:10A-5.28) is amended to read as follows:

C.54:10A-5.28 Short title.

1. Sections 1 through 3 of P.L.1997, c.349 (C.54:10A-5.28 through 54:10A-5.30) and section 4 of P.L.2013, c.14 (C.54A:4-13) shall be known and may be cited as the "New Jersey Angel Investor Tax Credit Act."

2. Section 2 of P.L.1997, c.349 (C.54:10A-5.29) is amended to read as follows:

C.54:10A-5.29 Definitions relative to small New Jersey emerging technology businesses.

2. As used in this act:

"Advanced computing" means a technology used in the designing and developing of computing hardware and software, including innovations in designing the full spectrum of hardware from hand-held calculators to super computers, and peripheral equipment.

"Advanced materials" means materials with engineered properties created through the development of specialized processing and synthesis technology, including ceramics, high value-added metals, electronic materials, composites, polymers, and biomaterials.

"Biotechnology" means the continually expanding body of fundamental knowledge about the functioning of biological systems from the macro level to the molecular and sub-atomic levels, as well as novel products, services, technologies and sub-technologies developed as a result of insights gained from research advances which add to that body of fundamental knowledge.

"Control" with respect to a corporation means ownership, directly or indirectly, of stock possessing 80% or more of the total combined voting power of all classes of the stock of the corporation entitled to vote; and "control" with respect to a trust means ownership, directly or indirectly, of 80% or more of the beneficial interest in the principal or income of the trust. The ownership of stock in a corporation, of a capital or profits interest in a partnership or association or of a beneficial interest in a trust shall be determined in accordance with the rules for constructive ownership of stock provided in subsection (c) of section 267 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.267), other than paragraph (3) of subsection (c) of that section.

"Controlled group" means one or more chains of corporations connected through stock ownership with a common parent corporation if stock possessing at least 80% of the voting power of all classes of stock of each of the corporations is owned directly or indirectly by one or more of the corporations and the common parent owns directly stock possessing at least 80% of the voting power of all classes of stock of at least one of the other corporations.

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

"Electronic device technology" means a technology involving microelectronics, semiconductors, electronic equipment, and instrumentation, radio frequency, microwave, and millimeter electronics, and optical and optoelectrical devices, or data and digital communications and imaging devices.

"Information technology" means software publishing, motion picture and video production, television production and post-production services, telecommunications, data processing, hosting and related services, custom computer programming services, computer system design, computer facilities management services, other computer related services, and computer training.

"Life sciences" means the production of medical equipment, ophthalmic goods, medical or dental instruments, diagnostic substances, biopharmaceutical products; or physical and biological research.

"Medical device technology" means a technology involving any medical equipment or product (other than a pharmaceutical product) that has therapeutic value, diagnostic value, or both, and is regulated by the federal Food and Drug Administration.

"Mobile communications technology" means a technology involving the functionality and reliability of transmission of voice and multimedia data using a communication infrastructure via a computer or a mobile device, that shall include but shall not be limited to smartphones, electronic books and tablets, mp3 players, motor vehicle electronics, home entertainment systems, and other wireless appliances, without having connected to any physical or fixed link.

"New Jersey emerging technology business" means a company with fewer than 225 employees, of whom at least 75 percent are filling a position in New Jersey, that is doing business, employing or owning capital or property, or maintaining an office in this State and: (1) has qualified research expenses paid or incurred for research conducted in this State; (2) conducts pilot scale manufacturing in this State; or (3) conducts technology commer-

cialization in this State in the fields of advanced computing, advanced materials, biotechnology, electronic device technology, information technology, life sciences, medical device technology, mobile communications technology, or renewable energy technology.

"Partnership" means a syndicate, group, pool, joint venture or other unincorporated organization through or by means of which any business, financial operation or venture is carried on, and which is not a trust or estate, a corporation or a sole proprietorship.

"Pilot scale manufacturing" means design, construction, and testing of preproduction prototypes and models in the fields of advanced computing, advanced materials, biotechnology, electronic device technology, information technology, life sciences, medical device technology, mobile communications technology, and renewable energy technology, other than for commercial sale, excluding sales of prototypes or sales for market testing if total gross receipts, as calculated in the manner provided in section 6 of P.L.1945, c.162 (C.54:10A-6), from such sales of the product, service or process do not exceed \$1,000,000.

"Qualified investment" means the non-refundable transfer of cash to a New Jersey emerging technology business by a taxpayer that is not a related person of the New Jersey emerging technology business, the transfer of which is in connection with either (1) a transaction in exchange for stock, interests in partnerships or joint ventures, licenses (exclusive or non-exclusive), rights to use technology, marketing rights, warrants, options or any items similar to those included herein, including but not limited to options or rights to acquire any of the items included herein; or (2) a purchase, production, or research agreement.

"Qualified research expenses" means qualified research expenses as defined in section 41 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.41), as in effect on June 30, 1992, in the fields of advanced computing, advanced materials, biotechnology, electronic device technology, information technology, life sciences, medical device technology, mobile communications technology, or renewable energy technology.

"Related person" means:

- a. a corporation, partnership, association or trust controlled by the taxpayer;
- b. an individual, corporation, partnership, association or trust that is in the control of the taxpayer;
- c. a corporation, partnership, association or trust controlled by an individual, corporation, partnership, association or trust that is in the control of the taxpayer; or

d. a member of the same controlled group as the taxpayer.

"Renewable energy technology" means a technology involving the generation of electricity from solar energy; wind energy; wave or tidal action; geothermal energy; the combustion of gas from the anaerobic digestion of food waste and sewage sludge at a biomass generating facility; the combustion of methane gas captured from a landfill; and a fuel cell powered by methanol, ethanol, landfill gas, digester gas, biomass gas, or other renewable fuel but not powered by a fossil fuel.

"Tax year" means the fiscal or calendar accounting period of a taxpayer.

3. Section 3 of P.L.1997, c.349 (C.54:10A-5.30) is amended to read as follows:

C.54:10A-5.30 Taxpayer allowed credit.

3. a. A taxpayer, upon approval of the taxpayer's application therefor by the New Jersey Economic Development Authority and in consultation with the director, shall be allowed a credit against the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), in an amount equal to 10% of the qualified investment made by the taxpayer in a New Jersey emerging technology business, up to a maximum allowed credit of \$500,000 for the tax year for each qualified investment made by the taxpayer.

b. A credit shall not be allowed pursuant to section 1 of P.L.1993, c.175 (C.54:10A-5.24), for expenses paid from funds for which a credit is allowed, or which are includable in the calculation of a credit allowed, under this section.

Notwithstanding any other provision of law, the order of priority in which the credit allowed by this section and any other credits allowed by law may be taken shall be as prescribed by the director.

c. Except as provided in subsection d. of this section, the amount of tax year credit otherwise allowable under this section which cannot be applied for the tax year against tax liability otherwise due for that tax year may either be carried over, if necessary, to the 15 tax years following the tax year for which the credit was allowed or, at the election of the taxpayer, be claimed as and treated as an overpayment for the purposes of R.S.54:49-15, provided, however, that section 7 of P.L.1992, c.175 (C.54:49-15.1) shall not apply.

d. A taxpayer may not carry over any amount of credit allowed under subsection a. of this section to a tax year during which a corporate acquisition with respect to which the taxpayer was a target corporation occurred or

during which the taxpayer was a party to a merger or a consolidation, or to any subsequent tax year, if the credit was allowed for a tax year prior to the year of acquisition, merger or consolidation, except that if in the case of a corporate merger or corporate consolidation the taxpayer can demonstrate, through the submission of a copy of the plan of merger or consolidation and such other evidence as may be required by the director, the identity of the constituent corporation which was the acquiring person, a credit allowed to the acquiring person may be carried over by the taxpayer. As used in this subsection, "acquiring person" means the constituent corporation the stockholders of which own the largest proportion of the total voting power in the surviving or consolidated corporation after the merger or consolidation.

e. The Executive Director of the New Jersey Economic Development Authority, in consultation with the director, shall adopt rules in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to implement sections 1 through 3 of P.L.1997, c.349 (C.54:10A-5.28 through 54:10A-5.30) and section 4 of P.L.2013, c.14 (C.54A:4-13), including but not limited to: examples of and the determination of qualified investments of which applicants must provide documentation with their tax credit application; the promulgation of procedures and forms necessary to apply for a credit; and provisions for credit applicants to be charged an initial application fee, and ongoing service fees, to cover the administrative costs related to the credit.

The amount of credits approved by the Executive Director of the New Jersey Economic Development Authority, and in consultation with the director, pursuant to subsection a. of this section and pursuant to section 4 of P.L.2013, c.14 (C.54A:4-13) shall not exceed a cumulative total of \$25,000,000 in any calendar year to apply against the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5) and the tax imposed pursuant to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. If the cumulative amount of credits allowed to taxpayers in a calendar year exceeds the amount of credits available in that year, then taxpayers who have first applied for and have not been allowed a credit amount for that reason shall be allowed, in the order in which they have submitted an application, the amount of the tax credit on the first day of the next succeeding calendar year in which tax credits under this section and section 4 of P.L.2013, c.14 (C.54A:4-13) are not in excess of the amount of credits available.

C.54A:4-13 Credit against tax due.

4. a. A taxpayer, upon approval of the taxpayer's application therefor by the New Jersey Economic Development Authority, and in consultation

with the director, shall be allowed a credit against the tax otherwise due for the taxable year under the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., in an amount equal to 10 percent of the qualified investment made by the taxpayer in a New Jersey emerging technology business, up to a maximum allowed credit of \$500,000 for the taxable year for each qualified investment made by the taxpayer.

b. The amount of the credit allowed pursuant to this section shall be applied against the tax otherwise due under the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., after all other credits and payments. If the credit exceeds the amount of tax liability otherwise due, that amount of excess shall be an overpayment for the purposes of N.J.S.54A:9-7, provided, however, that subsection (f) of N.J.S.54A:9-7 shall not apply.

c. A partnership shall not be allowed a credit under this section directly, but the amount of credit of a taxpayer in respect of a distributive share of partnership income under the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., shall be determined by allocating to the taxpayer that proportion of the credit acquired by the partnership that is equal to the taxpayer's share, whether or not distributed, of the total distributive income or gain of the partnership for its taxable year ending within or with the taxpayer's taxable year. For the purposes of subsection b. of this section, the amount of tax liability that would be otherwise due of a taxpayer is that proportion of the total liability of the taxpayer that the taxpayer's share of the partnership income or gain included in gross income bears to the total gross income of the taxpayer.

d. The Executive Director of the New Jersey Economic Development Authority, in consultation with the director, shall adopt rules in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to implement sections 1 through 3 of P.L.1997, c.349 (C.54:10A-5.28 through 54:10A-5.30) and this section, including but not limited to: examples of and the determination of qualified investments of which applicants must provide documentation with their tax credit application; the promulgation of procedures and forms necessary to apply for a credit; and provisions for credit applicants to be charged an initial application fee, and ongoing service fees, to cover the administrative costs related to the credit.

The amount of credits approved by the Executive Director of the New Jersey Economic Development Authority and the Director of the Division of Taxation in the Department of the Treasury pursuant to subsection a. of this section and pursuant to section 3 of P.L.1997, c.349 (C.54:10A-5.30) shall not exceed a cumulative total of \$25,000,000 in any calendar year to

apply against the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), and the tax imposed pursuant to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. If the cumulative amount of credits allowed to taxpayers in a calendar year exceeds the amount of credits available in that year, then taxpayers who have first applied for and have not been allowed a credit amount for that reason shall be allowed, in the order in which they have submitted an application, the amount of the tax credit on the first day of the next succeeding calendar year in which tax credits under this section and section 3 of P.L.1997, c.349 (C.54:10A-5.30) are not in excess of the amount of credits available.

e. As used in this section:

"Advanced computing" means a technology used in the designing and developing of computing hardware and software, including innovations in designing the full spectrum of hardware from hand-held calculators to super computers, and peripheral equipment.

"Advanced materials" means materials with engineered properties created through the development of specialized processing and synthesis technology, including ceramics, high value-added metals, electronic materials, composites, polymers, and biomaterials.

"Biotechnology" means the continually expanding body of fundamental knowledge about the functioning of biological systems from the macro level to the molecular and sub-atomic levels, as well as novel products, services, technologies and sub-technologies developed as a result of insights gained from research advances which add to that body of fundamental knowledge.

"Control" with respect to a corporation, means ownership, directly or indirectly, of stock possessing 80 percent or more of the total combined voting power of all classes of the stock of the corporation entitled to vote; and "control," with respect to a trust, means ownership, directly or indirectly, of 80 percent or more of the beneficial interest in the principal or income of the trust. The ownership of stock in a corporation, of a capital or profits interest in a partnership or association or of a beneficial interest in a trust shall be determined in accordance with the rules for constructive ownership of stock provided in subsection (c) of section 267 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.267), other than paragraph (3) of subsection (c) of that section.

"Controlled group" means one or more chains of corporations connected through stock ownership with a common parent corporation if stock possessing at least 80 percent of the voting power of all classes of stock of each of the corporations is owned directly or indirectly by one or more of

the corporations and the common parent owns directly stock possessing at least 80 percent of the voting power of all classes of stock of at least one of the other corporations.

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

"Electronic device technology" means a technology involving microelectronics, semiconductors, electronic equipment, and instrumentation, radio frequency, microwave, and millimeter electronics, and optical and optic-electrical devices, or data and digital communications and imaging devices.

"Information technology" means software publishing, motion picture and video production, television production and post-production services, telecommunications, data processing, hosting and related services, custom computer programming services, computer system design, computer facilities management services, other computer related services, and computer training.

"Life sciences" means the production of medical equipment, ophthalmic goods, medical or dental instruments, diagnostic substances, biopharmaceutical products; or physical and biological research.

"Medical device technology" means a technology involving any medical equipment or product (other than a pharmaceutical product) that has therapeutic value, diagnostic value, or both, and is regulated by the federal Food and Drug Administration.

"Mobile communications technology" means a technology involving the functionality and reliability of transmission of voice and multimedia data using a communication infrastructure via a computer or a mobile device, that shall include but shall not be limited to smartphones, electronic books and tablets, mp3 players, motor vehicle electronics, home entertainment systems, and other wireless appliances, without having connected to any physical or fixed link.

"New Jersey emerging technology business" means a company with fewer than 225 employees, of whom at least 75 percent are filling a position in New Jersey, that is doing business, employing or owning capital or property, or maintaining an office in this State and: (1) has qualified research expenses paid or incurred for research conducted in this State; (2) conducts pilot scale manufacturing in this State; or (3) conducts technology commercialization in this State in the fields of advanced computing, advanced materials, biotechnology, electronic device technology, information technology, life sciences, medical device technology, mobile communications technology, or renewable energy technology.

"Partnership" means a syndicate, group, pool, joint venture or other unincorporated organization through or by means of which any business, financial operation or venture is carried on, and which is not a trust or estate, a corporation or a sole proprietorship.

"Pilot scale manufacturing" means design, construction, and testing of preproduction prototypes and models in the fields of advanced computing, advanced materials, biotechnology, electronic device technology, information technology, life sciences, medical device technology, mobile communications technology, or renewable energy technology, other than for commercial sale, excluding sales of prototypes or sales for market testing if total gross receipts, as calculated in the manner provided in section 6 of P.L.1945, c.162 (C.54:10A-6), from such sales of the product, service or process do not exceed \$1,000,000.

"Qualified investment" means the non-refundable transfer of cash to a New Jersey emerging technology business by a taxpayer that is not a related person of the New Jersey emerging technology business, the transfer of which is in connection with either (1) a transaction in exchange for stock, interests in partnerships or joint ventures, licenses (exclusive or non-exclusive), rights to use technology, marketing rights, warrants, options or any items similar to those included herein, including but not limited to options or rights to acquire any of the items included herein; or (2) a purchase, production, or research agreement.

"Qualified research expenses" means qualified research expenses as defined in section 41 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.41), as in effect on June 30, 1992, in the fields of advanced computing, advanced materials, biotechnology, electronic device technology, information technology, life sciences, medical device technology, mobile communications technology, or renewable energy technology.

"Related person" means:

- a. a corporation, partnership, association or trust controlled by the taxpayer;
- b. an individual, corporation, partnership, association or trust that is in the control of the taxpayer;
- c. a corporation, partnership, association or trust controlled by an individual, corporation, partnership, association or trust that is in the control of the taxpayer; or
- d. a member of the same controlled group as the taxpayer.

"Renewable energy technology" means a technology involving the generation of electricity from solar energy; wind energy; wave or tidal action; geothermal energy; the combustion of gas from the anaerobic diges-

tion of food waste and sewage sludge at a biomass generating facility; the combustion of methane gas captured from a landfill; and a fuel cell powered by methanol, ethanol, landfill gas, digester gas, biomass gas, or other renewable fuel but not powered by a fossil fuel.

5. This act shall take effect immediately and section 3 shall apply to privilege periods beginning on or after January 1, 2012 and section 4 shall apply to taxable years beginning on or after January 1, 2012.

Approved January 25, 2013.

CHAPTER 15

AN ACT establishing a program to demonstrate a more cost effective and accurate process of property assessment administration, supplementing Title 54 of the Revised Statutes and amending various parts of the statutory law.

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

C.54:1-101 Short title.

1. Sections 1 through 4 of P.L.2013, c.15 (C.54:1-101 et seq.) shall be known and may be cited as the “Real Property Assessment Demonstration Program.”

C.54:1-102 Findings, declarations relative to the “Real Property Assessment Demonstration Program.”

2. The Legislature finds and declares:

a. The current real property assessment system fails to take full advantage of a collaborative system of property assessment between a county board of taxation, through its administrator, and the municipal assessors employed by each municipality in a county, that would result in a cost-effective and accurate process of real property assessment to benefit real property owners and property taxpayers. The benefits of a more collaborative system of real property assessment would accrue to local property owners and property taxpayers through a system of a more precise, technology-driven real property assessment process that would ensure that each municipal assessor is using the same technology as his or her colleagues in assessing real property, and by modifications to the annual real property

assessment calendar to better manage the assessment, and taxation, of real property in a manner that is more sensitive and responsive to the demands of the municipal budget calendar.

b. A collaborative system of real property assessment would also benefit municipalities by reducing the number of successful property assessment appeals filed annually with a county board of taxation and the Tax Court, thereby protecting the funding of municipal budgets through property tax dollars from the impact of successful property assessment appeals, which usually require the refund of excess property taxes paid by a taxpayer and impact the local budget by reducing the amount of property tax dollars available to fund municipal operations.

c. It is in the public interest of the State and its many real property taxpayers to implement a demonstration program to investigate whether systemic changes to the current system of real property assessment, including revisions to the assessment calendar and the assessment appeal process, will help address the shortcomings of the municipal assessment system and the effect of those shortcomings on local property taxpayers by enhancing the performance of local tax assessors through the use of cutting-edge technology under the direction of the county tax board.

C.54:1-103 Definitions relative to the “Real Property Assessment Demonstration Program.”

3. As used in this act:

“County board of taxation” or “county tax board” means the board of taxation of a demonstration county.

“County tax administrator” means the administrator of the board of taxation of a demonstration county.

“Demonstration county” means a county participating in the real property assessment demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104).

“Demonstration program” means the real property demonstration program for municipal real property assessment established in section 4 of P.L.2013, c.15 (C.54:1-104).

C.54:1-104 Real property assessment demonstration program.

4. a. There is established a real property assessment demonstration program, which shall be open for participation therein to any county in the State, to evaluate the efficacy and functionality of a municipal system of real property assessment directed by a county tax board through the county tax administrator pursuant to a revised assessment, and assessment appeal, calendar.

A goal of the demonstration program is to demonstrate an enhanced system of municipal real property assessment as a complement to the county-based real property assessment system pilot program undertaken pursuant to the provisions of P.L.2009, c.118 (C.54:1-86 et seq.), under which the entire real property assessment function formerly performed by the municipal tax assessor, has been transferred to the county through the appointment of a county assessor and deputy county assessors. The existence of two programs under which the real property assessment function is performed using two different methods will allow the Legislature to evaluate the effectiveness of each system of real property assessment, and to determine whether the current statutory system of real property assessment function should be revised Statewide.

For the first two full tax years immediately following the enactment of P.L.2013, c.15 (C.54:1-101 et al.), no more than two counties shall participate in the demonstration program established in this section, and for the third and fourth full tax years immediately following the enactment of P.L.2013, c.15 (C.54:1-101 et al.), no more than two additional counties shall participate in the demonstration program established in this section. A county shall not institute a demonstration program pursuant to the provisions of P.L.2013, c.15 (C.54:1-101 et al.) unless it meets the following criteria, and provides the required information to the Director of the Division of Taxation and to the Director of the Division of Local Government Services:

(i) the county tax board by resolution, shall certify to the Director of the Division of Taxation and to the Director of the Division of Local Government Services that the county tax board has sufficient funds available to pay all of the costs associated with the demonstration program, including the conversion to the MOD-IV system and the associated expansion of the technology infrastructure to the municipalities in the county. The county tax board shall forward the resolution to the Director of the Division of Taxation and to the Director of the Division of Local Government Services;

(ii) the county is a State-certified MOD-IV vendor, or the county has contracted with a single State-certified MOD-IV vendor to provide MOD-IV technology to all of the municipalities in the county. The county shall provide a copy of its MOD-IV certification, or a copy of a valid contract for MOD-IV services;

(iii) the members of the county's assessors' association, by not less than 2/3rds of its voting membership, have approved the implementation of the demonstration program. The county tax board shall forward the resolution

to the Director of the Division of Taxation and to the Director of the Division of Local Government Services.

b. There shall be no direct appropriation of State funds used to effectuate the provisions of the demonstration program established in subsection a. of this section. The technical costs of the demonstration program shall be paid by the county board of taxation using assessment appeal filing fees collected by the county board of taxation pursuant to section 18 of P.L.1979, c.499 (C.54:3-21.3a).

c. (1) Not later than September 1 immediately preceding demonstration program implementation, and using its own funds therefor, the county tax board of each demonstration county participating in the demonstration program established in subsection a. of this section shall provide MOD-IV and CAMA software to each municipality that does not use the software, at no cost to those municipalities, and shall provide, at no cost to those municipalities, training in the use of the software to the assessors of those municipalities, and to their respective staff members. Thereafter, each municipality shall pay an annual fee per each taxable line item in the municipality to the county tax board for the MOD-IV and CAMA service.

(2) On October 1 next following the provision of software under paragraph (1) of this subsection, each demonstration county shall commence the demonstration program under a plan developed by the county tax administrator of each demonstration county, approved by the county board of taxation, and submitted to the Director of the Division of Taxation and the Director of the Division of Local Government Services not less than 60 days prior to October 1. The Director of the Division of Taxation and the Director of the Division of Local Government Services shall not propose or require any changes to a demonstration program plan submitted by a county board of taxation unless a provision of the demonstration program shall be inconsistent with State law, or the decision of any court of this State, regarding the assessment of real property unless the changes have been agreed to by a majority of the members of a demonstration county's Assessment Demonstration Program Steering Committee created pursuant to paragraph (3) of this subsection. The demonstration program of each demonstration county shall operate under all statutory requirements and pursuant to all statutory dates and time frames concerning the assessment of real property in the State, as those statutory dates and time frames have been amended pursuant to the provisions of P.L.2013, c.15 (C.54:1-101 et al.).

(3) Each demonstration county shall establish an "Assessment Demonstration Program Steering Committee" to monitor and report on the activities within the demonstration county relative to the demonstration program.

Members of the steering committee shall be the State Treasurer or his designee, the Director of the Division of Taxation or his designee, the Director of the Division of Local Government Services or his designee, a member of the County Assessor's Association of the demonstration county, and the county tax administrator of the demonstration county. Actions taken by the steering committee shall be approved by a majority of the members of the steering committee.

d. The Director of the Division of Taxation and the Director of the Division of Local Government Services shall, with the advice and the recommendations of the county tax administrator provide to the Governor and to the Legislature, not later than July 1 next following the fourth full tax year after the implementation of the demonstration program, a report detailing the experience of each demonstration county participating in the demonstration program, the successes of the program, any problems experienced under the program, and any recommendations for statutory or administrative changes to the current system of real property assessment in the State.

e. Under the demonstration program, each municipal assessor in a demonstration county shall utilize the same property assessment software as is used by the county tax board and provided to the municipalities by the county tax board pursuant to subsection c. of this section. All real property assessment functions required pursuant to State law, including the revaluation or reassessment of real property, as well as other assessment-based functions such as the development of a compliance plan, maintenance of assessments and the calculation of added assessments shall be performed using the property assessment software.

f. In accordance with the provisions of statutory law and with any rule or regulation promulgated pursuant thereto, the county board of taxation of a demonstration county shall compel the implementation of a revaluation or reassessment of real property in any municipality in the demonstration county at such time that the county board of taxation determines the need therefor. If a municipality fails to comply with a revaluation or reassessment, as appropriate, ordered by the county board of taxation in a timely manner, the county board of taxation shall cause the revaluation or reassessment, as appropriate, to be performed at the municipality's cost. The cost of a revaluation or reassessment, as appropriate, shall be directly billed to such a municipality, in addition to the apportionment valuation, through the adjustment of the county levy for that municipality pursuant to R.S.54:4-48 and R.S.54:4-49. A municipality feeling aggrieved by a decision of the county board of taxation to cause the revaluation or reassess-

ment, as appropriate, to be performed at the municipality's cost may file an appeal of that decision of the county board of taxation to the Tax Court within 45 days of the approval by the Director of the Division of Taxation of the county tax board's order requiring the revaluation or reassessment, as appropriate.

g. The Director of the Division of Local Government Services in the Department of Community Affairs, and the Director of the Division of Taxation in the Department of the Treasury, shall have the authority to take any action as is deemed necessary and consistent with the intent of P.L.2013, c.15 (C.54:1-101 et al.) to implement its provisions, including but not limited to the authority to waive any provisions of statutory law and regulations that may be inconsistent with the intent or application of the provisions of P.L.2013, c.15 (C.54:1-101 et al.).

5. Section 1 of P.L.1999, c.278 (C.54:1-35.25b) is amended to read as follows:

C.54:1-35.25b Continuing education, training requirements for certified tax assessors.

1. a. All tax assessor certificates issued prior to the effective date of P.L.1999, c.278 (C.54:1-35.25b et al.) shall expire five years following that effective date and shall be renewed in accordance with the procedure established in this section. All tax assessor certificates issued on or after the effective date of P.L.1999, c.278 (C.54:1-35.25b et al.) shall expire five years after the issuance of the certificate and shall be renewed in accordance with the procedure established in this section.

(1) All tax assessor certificates shall be renewed upon application, payment of the required renewal fee, and verification that the applicant has met continuing education requirements, as set forth in paragraph (2) of this subsection. After the initial expiration of any tax assessor certificates following the effective date of P.L.1999, c.278 (C.54:1-35.25b et al.), each renewal period shall thereafter be for a period of three years. The renewal date shall be 30 days prior to the expiration date of the tax assessor certificate.

(2) Prior to the first renewal date of a tax assessor certificate pursuant to P.L.1999, c.278 (C.54:1-35.25b et al.) every applicant for renewal shall, on a form prescribed by the Director of the Division of Taxation, furnish proof of having earned a total of at least 50 continuing education credit hours over the prior five-year period. Thereafter, prior to each succeeding renewal date of a tax assessor certificate, every applicant for renewal shall, on a form prescribed by the Director of the Division of Taxation, furnish

proof of having earned a total of at least 30 continuing education credit hours over the prior three-year period. For the purposes of this section, one continuing education credit hour means 50 minutes of classroom or lecture time. After verifying that the applicant has fulfilled the continuing education requirement and after receiving a fee of not less than \$50 paid by the applicant to the order of the Treasurer of the State of New Jersey, the Director of the Division of Taxation shall renew the tax assessor certificate. The Director of the Division of Taxation shall determine, by regulation, the circumstances under which an extension of time to complete the requirements for continuing education may be granted by the director.

b. There is established within the Division of Taxation in the Department of the Treasury the Tax Assessor Continuing Education Eligibility Board. The board shall consist of six members and be comprised as follows: the Director of the Division of Taxation or his designee, the President of the Association of Municipal Assessors, and the President of the New Jersey Association of County Tax Board Commissioners and County Tax Administrators shall be permanent members. The Director of the Division of Taxation and the President of the Association of Municipal Assessors shall each appoint an additional member who shall serve for a term of two years. The Director of Government Services at Rutgers University shall serve *ex officio*. Any vacancy in the membership of the board shall be filled for the unexpired term in the manner provided by the original appointment. The first meeting of the board shall be held at the call of the Director of the Division of Taxation, and thereafter the board shall meet annually and shall hold at least one additional meeting within each 12-month period. The board shall establish the curriculum areas and the number of hours in each curriculum area that an assessor shall complete in order to renew certification.

c. When the holder of a tax assessor certificate has allowed the certificate to lapse by failing to renew the certificate, a new application and certificate shall be required. If application is made within six months of the expiration of the certificate, then application may be made in the same manner as a renewal, but with an additional late renewal fee of \$50.

d. (Deleted by amendment, P.L.2013, c.15).

e. In addition to the requirements of this section, to address the introduction to, and competency of, municipal assessors and county tax board personnel with the technology, administrative procedures, and real property appraisal requirements within a demonstration county under a demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104), the county tax administrator of a demonstration county, in consultation with the

members of the county tax board of that demonstration county, shall develop a training program to provide annually, free of charge, an additional 10 credit hours of continuing education training concerning the requirements of the real property assessment function in the demonstration county for all assessors, deputy assessors, tax board commissioners, the county tax administrator, and the deputy county tax administrator, practicing within that demonstration county. Attendance at the training program shall be required for each of these professionals, and the county tax administrator of the demonstration county shall annually certify to the Director of the Division of Taxation in the Department of the Treasury that each of these professionals has completed this training. The continuing education credit hours required by this subsection shall be in addition to the requirements of subsection a. of this section, and shall not be used to satisfy any requirements of that subsection. Any person who does not meet the additional continuing education training requirement required by this subsection shall be ineligible to function as an assessor or deputy assessor in any municipality located in a demonstration county until such time as the additional continuing education training requirement has been satisfied.

The Director of the Division of Taxation, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt such regulations as are necessary to effectuate the provisions of this section.

6. Section 19 of P.L.1979, c.499 (C.54:3-5.1) is amended to read as follows:

C.54:3-5.1 Annual reports; president of county board of taxation; director of division of taxation.

19. a. The president of each county board of taxation shall annually on or before August 15 report to the Director of the Division of Taxation in the Department of the Treasury, except that the president of a county board of taxation participating in the demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104) shall make this required report to the director annually on or before June 1. Such report shall be in such form as shall be prescribed by the director and shall contain such information and statistics as may be appropriate to demonstrate for the immediately preceding 3-month period during which tax appeals were heard by the county board: the total number of appeals filed with the county board; the disposition of the various appeals disposed of during that period; the character of appeals filed with regard to the classification of properties appealed; the total amount of

assessments involved in those appeals; the number of appeals filed in each filing fee category during that period; and, the total amount of reductions and increases of assessed valuation granted by the board during that period.

b. The Director of the Division of Taxation shall annually review the reports required under subsection a. of this section, and shall include a summary of the information contained therein in the division's annual report.

7. R.S.54:3-17 is amended to read as follows:

Ascertain ratio of assessments to value; equalization table; copies to assessors.

54:3-17. Each county tax administrator shall annually ascertain and determine, according to his best knowledge and information, the general ratio or percentage of true value at which the real property of each taxing district is in fact assessed according to the tax lists laid before the board. On or before March 1 of each year, or on or before May 15 in the case of a county board of taxation participating in the demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104), the county tax administrator shall prepare and submit to the county board an equalization table showing, for each district, the following items:

(a) The percentage level established pursuant to law for expressing the taxable value of real property in the county;

(b) The aggregate assessed value of the real property, exclusive of class II railroad property;

(c) The ratio of aggregate assessed to aggregate true value of the real property, exclusive of class II railroad property;

(d) The aggregate true value of the real property, exclusive of class II railroad property;

(e) The amount by which the valuation in item (b) should be increased or decreased in order to correspond to item (d);

(f) The aggregate assessed value of machinery implements and equipment and all other personal property used in business;

(g) The aggregate true value of machinery, implements and equipment and all other personal property used in business;

(h) The aggregate equalized valuation of machinery, implements and equipment and all other personal property used in business, computed by multiplying the aggregate true value thereof by the lower of (1) that percentage level established pursuant to law for expressing the taxable value of real property in the county, or (2) the average ratio of assessed to true value of real property as promulgated by the director on October 1 of the pretax

year, pursuant to chapter 86, laws of 1954, for State school aid purposes, as the same may have been modified by the Tax Court;

(i) The amount by which the valuation in item (f) should be increased or decreased in order to correspond to item (h).

A copy of the table shall be mailed to the assessor of each district, and to the Division of Taxation, and be posted at the courthouse, not later than March 1, or not later than May 15 in the case of a county board of taxation participating in the demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104).

8. R.S.54:3-18 is amended to read as follows:

Meeting to review equalization table; hearing and notice.

54:3-18. The county board of taxation in each county shall meet annually for the purpose of reviewing the equalization table prepared pursuant to R.S.54:3-17 with respect to the several taxing districts of the county. At the meeting a hearing shall be given to the assessors and representatives of the governing bodies of the various taxing districts for the purpose of determining the accuracy of the ratios and valuations of property as shown in the equalization table, and the board shall confirm or revise the table in accordance with the facts. The hearings may be adjourned from time to time but the equalization shall be completed before March 10, or not later than May 25 in the case of a county board of taxation participating in the demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104). At the first hearing any taxing district may object to the ratio or valuation fixed for any other district, but no increase in any valuation as shown in the table shall be made by the board without giving a hearing, after 3 days' notice, to the governing body and assessor of the taxing district affected.

9. R.S.54:3-21 is amended to read as follows:

Appeal by taxpayer or taxing district; petition; complaint; exception.

54:3-21. a. (1) Except as provided in subsection b. of this section a taxpayer feeling aggrieved by the assessed valuation of the taxpayer's property, or feeling discriminated against by the assessed valuation of other property in the county, or a taxing district which may feel discriminated against by the assessed valuation of property in the taxing district, or by the assessed valuation of property in another taxing district in the county, may on or before April 1, or 45 days from the date the bulk mailing of notification of assessment is completed in the taxing district, whichever is later, appeal to

the county board of taxation by filing with it a petition of appeal; provided, however, that any such taxpayer or taxing district may on or before April 1, or 45 days from the date the bulk mailing of notification of assessment is completed in the taxing district, whichever is later, file a complaint directly with the Tax Court, if the assessed valuation of the property subject to the appeal exceeds \$1,000,000. In a taxing district where a municipal-wide revaluation or municipal-wide reassessment has been implemented, a taxpayer or a taxing district may appeal before or on May 1 to the county board of taxation by filing with it a petition of appeal or, if the assessed valuation of the property subject to the appeal exceeds \$1,000,000, by filing a complaint directly with the State Tax Court. Within ten days of the completion of the bulk mailing of notification of assessment, the assessor of the taxing district shall file with the county board of taxation a certification setting forth the date on which the bulk mailing was completed. If a county board of taxation completes the bulk mailing of notification of assessment, the tax administrator of the county board of taxation shall within ten days of the completion of the bulk mailing prepare and keep on file a certification setting forth the date on which the bulk mailing was completed. A taxpayer shall have 45 days to file an appeal upon the issuance of a notification of a change in assessment. An appeal to the Tax Court by one party in a case in which the Tax Court has jurisdiction shall establish jurisdiction over the entire matter in the Tax Court. All appeals to the Tax Court hereunder shall be in accordance with the provisions of the State Uniform Tax Procedure Law, R.S.54:48-1 et seq.

If a petition of appeal or a complaint is filed on April 1 or during the 19 days next preceding April 1, a taxpayer or a taxing district shall have 20 days from the date of service of the petition or complaint to file a cross-petition of appeal with a county board of taxation or a counterclaim with the Tax Court, as appropriate.

(2) With respect to property located in a county participating in the demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104), and except as provided in subsection b. of this section, a taxpayer feeling aggrieved by the assessed valuation of the taxpayer's property, or feeling discriminated against by the assessed valuation of other property in the county, or a taxing district which may feel discriminated against by the assessed valuation of property in the taxing district, or by the assessed valuation of property in another taxing district in the county, may on or before January 15, or 45 days from the date the bulk mailing of notification of assessment is completed in the taxing district, whichever date is later, appeal to the county board of taxation by filing with it a petition of appeal;

provided, however, that any such taxpayer, or taxing district, may on or before April 1, or 45 days from the date the bulk mailing of notification of assessment is completed in the taxing district, whichever date is later, file a complaint directly with the Tax Court, if the assessed valuation of the property subject to the appeal exceeds \$1,000,000.

If a petition of appeal is filed on January 15 or during the 19 days next preceding January 15, or a complaint is filed with the Tax Court on April 1 or during the 19 days next preceding April 1, a taxpayer or a taxing district shall have 20 days from the date of service of the petition or complaint to file a cross-petition of appeal with a county board of taxation or a counterclaim with the Tax Court, as appropriate.

Within 10 days of the completion of the bulk mailing of notification of assessment, the assessor of the taxing district shall file with the county board of taxation a certification setting forth the date on which the bulk mailing was completed. If a county board of taxation completes the bulk mailing of notification of assessment, the tax administrator of the county board of taxation shall within 10 days of the completion of the bulk mailing prepare and keep on file a certification setting forth the date on which the bulk mailing was completed. A taxpayer shall have 45 days to file an appeal upon the issuance of a notification of a change in assessment. An appeal to the Tax Court by one party in a case in which the Tax Court has jurisdiction shall establish jurisdiction over the entire matter in the Tax Court. All appeals to the Tax Court hereunder shall be in accordance with the provisions of the State Uniform Tax Procedure Law, R.S.54:48-1 et seq.

b. No taxpayer or taxing district shall be entitled to appeal either an assessment or an exemption or both that is based on a financial agreement subject to the provisions of the "Long Term Tax Exemption Law" under the appeals process set forth in subsection a. of this section.

10. Section 18 of P.L.1979, c.499 (C.54:3-21.3a) is amended to read as follows:

C.54:3-21.3a Use of revenues from fees.

18. All revenues received by the county from fees, either established or increased pursuant to this amendatory and supplementary act, shall be used exclusively for the purposes of modernizing the record-retention capabilities of the county board of taxation, for defraying the costs incurred by the county board of taxation in recording and transcribing appeal proceedings, setting forth memorandums of judgment and in providing copies thereof, for paying any salary required to be paid by the county which is increased

pursuant to this amendatory and supplementary act, and to effectuate the provisions of the real property assessment demonstration program established by section 4 of P.L.2013, c.15 (C.54:1-104).

11. R.S.54:4-23 is amended to read as follows:

Assessment of real property; conditions for reassessment.

54:4-23. All real property shall be assessed to the person owning the same on October 1 in each year. The assessor shall ascertain the names of the owners of all real property situate in his taxing district, and after examination and inquiry, determine the full and fair value of each parcel of real property situate in the taxing district at such price as, in his judgment, it would sell for at a fair and bona fide sale by private contract on October 1 next preceding the date on which the assessor shall complete his assessments, as hereinafter required; provided, however, that in determining the full and fair value of land which is being assessed and taxed under the Farmland Assessment Act of 1964, chapter 48, laws of 1964, the assessor shall consider only those indicia of value which such land has for agricultural or horticultural use as provided by said act; and provided further however, that when the assessor has reason to believe that property comprising all or part of a taxing district has been assessed at a value lower or higher than is consistent with the purpose of securing uniform taxable valuation of property according to law for the purpose of taxation, or that the assessment of property comprising all or part of a taxing district is not in substantial compliance with the law and that the interests of the public will be promoted by a reassessment of such property, the assessor shall, after due investigation, make a reassessment of the property in the taxing district that is not in substantial compliance, provided that (1) the assessor has first notified, in writing, the mayor, the municipal governing body, the county board of taxation, and the county tax administrator of the basis of the assessor's determination that a reassessment of that property in the taxing district is warranted and (2) the assessor has submitted a copy of a compliance plan to the county board of taxation for approval. In the case of real property located in a county participating in the demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104), the assessor of the municipality in which the real property is situate, after due investigation, shall make a reassessment of the property in the taxing district that is not in substantial compliance. Following a reassessment of a portion of the taxing district pursuant to the provisions of this section, the assessor shall certify to the county board of taxation, through such sampling as the county board of taxation

deems adequate, that the reassessment is in substantial compliance with the portions of the taxing district that were not reassessed. For the purposes of assessment, the assessor shall compute and determine the taxable value of such real property at the level established for the county pursuant to law.

12. R.S.54:4-31 is amended to read as follows:

Abstract of deed provided electronically, mailed to assessor.

54:4-31. Unless provided electronically by the custodian of record, within one week thereafter the officer with whom the deed or other instrument shall have been recorded shall mail an abstract thereof, together with the address of the grantee, to such assessor, collector or other custodian who shall properly note the facts therein contained. The abstract shall contain the names of the grantor and grantee and an exact description of the property conveyed as set forth in the deed or instrument of conveyance, together with the date of presentation thereof for record.

13. R.S.54:4-35 is amended to read as follows:

Period for assessing; assessor's duplicate; preliminary, final assessment list.

54:4-35. a. Except as provided in subsection b. of this section, the assessor shall determine his taxable valuations of real property as of October 1 in each year and shall complete the preparation of his assessment list by January 10 following, on which date he shall attend before the county board of taxation and file with the board his complete assessment list, and a true copy thereof, to be called the assessor's duplicate. Such list and duplicate shall include the assessments of personal property reported or determined pursuant to this chapter. They shall be properly made up in such manner and form required by the Director of the Division of Taxation pursuant to R.S.54:4-26, to be examined, revised and corrected by the board as provided by law.

b. In the case of a municipality located in a county where the county board of taxation is participating in the demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104), the assessor shall determine the taxable valuations of real property as of October 1 in each year and shall complete the preparation of the preliminary assessment list by November 1, and the assessor shall appear on that date before the county board of taxation and shall certify to the board, on forms promulgated by the Director of the Division of Taxation in the Department of the Treasury, that the elec-

tronic file within the county's MOD-IV tax system is his complete preliminary assessment list.

After all of the assessment appeals filed with the county tax board have been decided, the assessor shall complete the preparation of the final assessment list by May 5, on which date the assessor shall appear before the county board of taxation and shall file with the board his completed final assessment list, and a true copy of the final assessment list, which true copy shall be the assessor's duplicate. The final assessment and the assessor's duplicate shall include the assessments of personal property reported or determined pursuant to the requirements of chapter 4 of Title 54 of the Revised Statutes, in such manner and form as shall be required by the director pursuant to R.S.54:4-26, and shall be examined, revised and corrected by the board as provided by law.

14. R.S.54:4-38 is amended to read as follows:

Public inspection; notice; advertisement.

54:4-38. a. Except as provided in subsection b. of this section, every assessor, at least ten days before filing the complete assessment list and duplicate with the county board of taxation, and before annexing thereto his affidavit as required in section 54:4-36 of this title, shall notify each taxpayer of the current assessment and preceding year's taxes and give public notice by advertisement in at least one newspaper circulating within his taxing district of a time and place when and where the assessment list may be inspected by any taxpayer for the purpose of enabling the taxpayer to ascertain what assessments have been made against him or his property and to confer informally with the assessor as to the correctness of the assessments, so that any errors may be corrected before the filing of the assessment list and duplicate. Thereafter, the assessor shall notify each taxpayer by mail within 30 days of any change to the assessment. This notification of change of assessment shall contain the prior assessment and the current assessment.

b. In the case of a municipality located in a county where the county board of taxation is participating in the demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104), every assessor, before filing the preliminary assessment list with the county board of taxation pursuant to subsection b. of R.S.54:4-35, shall notify each taxpayer of the preliminary assessment and preceding year's taxes and give public notice by advertisement in at least one newspaper circulating within his taxing district of a time and place when and where the assessment list may be inspected by any taxpayer for the purpose of enabling the taxpayer to ascertain what assess-

ments have been made against the taxpayer or the taxpayer's property. Thereafter, the assessor shall notify each taxpayer by mail within 30 days of any change to the assessment. This notification of change of assessment shall contain the prior assessment and the current assessment.

15. Section 32 of P.L.1991, c.75 (C.54:4-38.1) is amended to read as follows:

C.54:4-38.1 Notice of current assessment, preceding year's taxes, and changed assessments.

32. a. Except as provided in subsection b. of this section, every assessor, prior to February 1, shall notify by mail each taxpayer of the current assessment and preceding year's taxes. Thereafter, the assessor or county board of taxation shall notify each taxpayer by mail within 30 days of any change to the assessment. This notification of change of assessment shall contain the prior assessment and the current assessment. The director shall establish the form of notice of assessment and change of assessment. Any notice issued by the assessor or county board of taxation shall contain information instructing taxpayers on how to appeal their assessment.

b. In the case of a municipality located in a county where the county board of taxation is participating in the demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104), every assessor, on or before November 15 of the pretax year, shall notify by mail each taxpayer of the preliminary assessment and preceding year's taxes. Thereafter, the assessor or county board of taxation shall notify each taxpayer by mail within 30 days of any change to the assessment. This notification of change of assessment shall contain the prior assessment and the current assessment. The director shall establish the form of notice of assessment and change of assessment. Any notice issued by the assessor or county board of taxation shall contain information instructing taxpayers on how to appeal their assessment.

c. The county board of taxation of the demonstration county shall make the preliminary data electronically accessible to the public by posting the data in searchable form on the county's website not later than 15 business days after the submission of the preliminary data.

16. R.S.54:4-52 is amended to read as follows:

Table of aggregates for county; prepared by county board.

54:4-52. The county board of taxation shall, on or before May 20, or on or before May 31 in the case of a county board of taxation participating

in the demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104), fill out a table of aggregates copied from the duplicates of the several assessors and the certifications of the Director of the Division of Taxation relating to second-class railroad property, and enumerating the following items:

- (1) The total number of acres and lots assessed;
- (2) The value of the land assessed;
- (3) The value of the improvements thereon assessed;
- (4) The total value of the land and improvements assessed, including:
 - a. Second-class railroad property;
 - b. All other real property.
- (5) The value of the personal property assessed, stating in separate columns:
 - a. Value of household goods and chattels assessed;
 - b. Value of farm stock and machinery assessed;
 - c. Value of stocks in trade, materials used in manufacture and other personal property assessed under section 54:4-11;
 - d. Value of all other tangible personal property used in business assessed.
- (6) Deductions allowed, stated in separate columns:
 - a. Household goods and other exemptions under the provisions of section 54:4-3.16 of this Title;
 - b. Property exempted under section 54:4-3.12 of this Title.
- (7) The net valuation taxable;
- (8) Amounts deducted under the provisions of sections 54:4-49 and 54:4-53 of this Title or any other similar law (adjustments resulting from prior appeals);
- (9) Amounts added under any of the laws mentioned in subdivision 8 of this section (like adjustments);
- (10) Amounts added for equalization under the provisions of sections 54:3-17 to 54:3-19 of this Title;
- (11) Amounts deducted for equalization under the provisions of sections 54:3-17 to 54:3-19 of this Title;
- (12) Net valuation on which county, State and State school taxes are apportioned;
- (13) The number of polls assessed;
- (14) The amount of dog taxes assessed;
- (15) The property exempt from taxation under the following special classifications:
 - a. Public school property;

- b. Other school property;
- c. Public property;
- d. Church and charitable property;
- e. Cemeteries and graveyards;
- f. Other exemptions not included in foregoing classifications subdivided showing exemptions of real property and exemptions of personal property;

g. The total amount of exempt property.

(16) State road tax;

(17) State school tax;

(18) County taxes apportioned, exclusive of bank stock taxes;

(19) Local taxes to be raised, exclusive of bank stock taxes, subdivided as follows:

a. District school tax;

b. Other local taxes.

(20) Total amount of miscellaneous revenues, including surplus revenue appropriated, for the support of the taxing district budget, which, for a municipality operating under the State fiscal year, shall be the amounts for the fiscal year ending June 30 of the year in which the table is prepared;

(21) District court taxes;

(22) Library tax;

(23) Bank stock taxes due taxing district;

(24) Tax rate for local taxing purposes to be known as general tax rate to apply per \$100.00 of valuation, which general tax rate shall be rounded up to the nearest one-half penny after receipt in any year of a municipal resolution submitted to the county tax board on or before April 1 of that tax year requesting that the general tax rate be rounded up to the nearest one-half penny.

For municipalities operating under the State fiscal year, the amount for local municipal purposes shall be the amount as certified pursuant to section 16 of P.L.1994, c.72 (C.40A:4-12.1). The table shall also include a footnote showing the amount raised by taxation for municipal purposes as shown in the State fiscal year budget ending June 30 of the year the table is prepared.

In addition to the above such other matters may be added, or such changes in the foregoing items may be made, as may from time to time be directed by the Director of the Division of Taxation. The forms for filling out tables of aggregates shall be prescribed by the director and sent by him to the county treasurers of the several counties to be by them transmitted to the county board of taxation. Such table of aggregates shall be correctly

added by columns and shall be signed by the members of the county board of taxation and shall within three days thereafter be transmitted to the county treasurer who shall file the same and forthwith cause it to be printed in its entirety and shall transmit certified copy of same to the Director of the Division of Taxation, the State Auditor, the Director of the Division of Local Government Services in the Department of Community Affairs, the clerk of the board of freeholders, and the clerk of each municipality in the county.

17. The State Treasurer, in consultation with the Director of the Division of Taxation in the Department of the Treasury, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt rules and regulations to effectuate the purposes of the real property assessment demonstration program established in this act, except that notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Director of the Division of Local Government Services in the Department of Community Affairs and the State Treasurer may adopt, immediately upon filing with the Office of Administrative Law, such rules and regulations as deemed necessary to implement the provisions of this act which shall be effective for a period not to exceed 12 months and shall thereafter be amended, adopted or re-adopted in accordance with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).

18. This act shall take effect immediately.

Approved January 25, 2013.

CHAPTER 16

AN ACT concerning the Board of Education Employees' Pension Fund of Essex County and amending N.J.S.18A:66-97 and N.J.S.18A:66-110.

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

1. N.J.S.18A:66-97 is amended to read as follows:

Board of trustees, membership, terms, vacancies.

18A:66-97. a. Until the effective date of P.L.2005, c.328, any pension fund created or to be created as provided in this article shall be under the

control and management of the board of seven trustees, no more than three of whom shall be employees of the same board of education. The two trustees of the board added pursuant to this act, P.L.2001, c.454, shall be retirees of the pension fund elected by the retirees of the pension fund, and each such member shall serve for a term of two years. The first board selected as provided in section 18A:66-96 shall serve until the month of January following the incorporation of such association. At such time four members of the association shall be elected as trustees, in place of the four first selected, by a majority vote of the members of the association as follows: one for the term of one year, one for the term of two years, one for the term of three years, and one for the term of four years, who shall serve for the respective terms for which they are each chosen. Thereafter in the month of January of each year a member shall be chosen for a full term of four years to serve in place of the trustee whose term shall have expired.

b. After the effective date of P.L.2005, c.328, any pension fund created as provided in this article shall be under the control and management of the board of seven trustees, at least one of whom shall be an active member until the last active member of the fund retires and one of whom shall be a retiree. The remaining trustees may be either active members or retirees as the number of each may be determined by the bylaws of the board of trustees prior to an election. Commencing with the first January following the enactment of this act, P.L.2005, c.328, and continuing each January thereafter, two individuals shall be elected as trustees in the place of two sitting trustees by a majority vote, for a term of three years. Active member trustees shall be elected by a majority vote of the active members of the association, and retiree trustees shall be elected by a majority vote of the retirees of the pension fund. The transition in trustee terms and the number of trustees elected shall be accomplished as determined by the board.

In any election for a trustee in which there is only one candidate for a position, a vote of retirees or active members shall not be held and the candidate shall be designated a trustee by a majority vote of the sitting board of trustees.

Any vacancy occurring among the board of trustees or in the office of chairperson, vice-chairperson, secretary, treasurer, or other officers of such corporation shall be filled in the manner provided in bylaws, and in the absence of such provision shall be filled by the board of trustees.

c. Any pension fund created as provided in this article shall be (1) a governmental plan under section 414(d) of the federal Internal Revenue Code; (2) a qualified pension plan under section 401(a) of the Internal

Revenue Code; and (3) shall hold assets in a tax exempt trust under section 501 of the Internal Revenue Code.

d. In accordance with the provisions of section 401(a)(2) of the federal Internal Revenue Code, and subject to such exceptions as may be permitted for governmental plans under section 401(a)(2) of the federal Internal Revenue Code, at no time prior to the satisfaction of all liabilities with respect to members and their beneficiaries under any pension fund created as provided in this article shall any part of the corpus or income of the pension fund, within the taxable year or thereafter, be used for or diverted to purposes other than for the exclusive benefit of the members or their beneficiaries.

e. Notwithstanding any law, rule or regulation to the contrary, the contributions to and benefits payable under any pension fund created as provided in this article shall not exceed the limitations provided under section 415 of the federal Internal Revenue Code and the regulations issued by the United States Department of the Treasury under that code section, as applicable to a governmental plan as defined in section 414(d) of the federal Internal Revenue Code, and as indexed in accordance with section 415(d) of the federal Internal Revenue Code.

Any applicable limitation as adjusted under section 415(d) of the federal Internal Revenue code shall apply automatically to contributions to and benefits payable under any pension fund created as provided in this article as of January 1 following such adjustment. This automatic annual adjustment shall apply to members who have had a severance from employment. If this pension fund must be aggregated with another plan to determine the effect of section 415 of the federal Internal Revenue Code on a member's benefits or contributions, and such benefits or contributions must be reduced to comply with that code section, then such reduction shall be made pro rata between the plans in proportion to the member's creditable service in each plan.

f. Notwithstanding any law, rule or regulation to the contrary, for members of any pension fund created as provided in this article, the amount of compensation which may be used for member contributions and benefits shall not exceed the compensation limitation of section 401 (a) (17) of the federal Internal Revenue Code of 1986, (26 U.S.C. s.401 (a) (17)), as amended pursuant to section 13212 of the Omnibus Budget Reconciliation Act of 1993, Pub.L.103-66, 107 Stat. 312 or as hereafter amended or supplemented, to the extent applicable to governmental plans.

g. Notwithstanding any law, rule or regulation to the contrary, the form and timing of all distributions from any pension fund created as provided in this article to a member, or to the beneficiary of a member if the

member dies before the member's entire interest has been distributed, shall conform to the required distribution provisions of section 401(a)(9) of the federal Internal Revenue Code and the regulations issued by the United States Department of the Treasury under that code section only to the extent applicable to a governmental plan as defined in section 414(d) of the federal Internal Revenue Code, including the incidental death benefit requirements of section 401(a)(9)(G) of the federal Internal Revenue Code. In addition, in no event shall payments under any such pension fund commence to be paid to a member later than the member's required beginning date, without regard to whether the member has filed application therefor. For this purpose, a member's required beginning date is the April 1 of the calendar year following the later of (1) the calendar year in which the member attains age 70½ or (2) the calendar year in which the member retires. The actuarial adjustment described in section 401(a)(9)(C)(iii) of the federal Internal Revenue Code shall not apply.

h. In accordance with the provisions of section 401(a)(31) of the federal Internal Revenue Code, any pension fund created as provided in this article shall permit direct transfer of a distribution from the fund that is an eligible rollover distribution to an eligible retirement plan.

i. Any pension fund created as provided in this article shall operate in compliance with the federal "Uniformed Services Employment and Reemployment Rights Act of 1994," Pub.L.103-353 (38 U.S.C. s.4301 et seq.) and section 414(u) of the federal Internal Revenue Code. In addition, in accordance with section 401(a)(37) of the federal Internal Revenue code, if a member dies on or after January 1, 2007 while performing qualified military service, as defined in section 414(u)(5) of the federal Internal Revenue Code, such member's designated beneficiaries shall be entitled to any additional benefits, other than benefit accruals relating to the period of qualified military service, that would have been provided under any pension fund created as provided in this article if the member had resumed and then terminated employment on account of death.

2. N.J.S.18A:66-110 is amended to read as follows:

Manner of payment of pensions; options.

18A:66-110. Pensions shall be paid from the fund in the manner following:

a. A member of the pension fund who was a member on or before June 26, 1962 and who has or shall hereafter have credit in the pension fund for 30 years or more as an employee of a board of education in a

county wherein the fund has been established and maintained shall, upon application to the board of trustees of the pension fund, be retired by such board of trustees and shall thereupon receive annually from the fund, for and during the remainder of his or her life, by way of pension, an amount equal to one-forty-fifth of the average annual compensation received in any three years of creditable service providing the largest possible benefit multiplied by the number of years for which he or she has credit in the pension fund, the amount to be determined by resolution of the board.

b. Upon the retirement of a member who has reached the age of 60 years, the person so retired shall be entitled to receive during his or her life, by way of pension, one-forty-fifth of the average annual compensation received in any three years of creditable service providing the largest possible benefit multiplied by the number of years for which he or she has credit in the pension fund, the amount to be determined by resolution of the board. Upon the receipt of proper proof of death of a member who has retired on a service retirement allowance, there shall be paid to such person, if living, as he shall have nominated by written designation duly executed and filed with the board of trustees, otherwise to the executor or administrator of the member's estate an amount equal to one-half of the highest annual compensation received by the member in any year of creditable service.

c. A member of the fund who has credit therein for 10 years, who shall become incapacitated, either mentally or physically, and who cannot perform the regular duties of employment, or who is found unfit for the performance of his or her duties, upon the application of his employer or upon his own application or the application of someone acting in his behalf, shall be retired by the board of trustees of the pension fund and thereupon shall receive annually from the fund a retirement allowance as described in subsection b. of this section if he has reached or passed age 60 and if he is under age 60, an amount equal to nine-tenths of one-forty-fifth of the average annual compensation received in any three years of creditable service providing the largest possible benefit multiplied by the number of years of creditable service; provided, however, that in no event shall the pension be based upon less than 17 years nor more than 30 years of service unless the member would have had less than 17 years of service at age 60, in which event he shall be given credit for the years to age 60; however, a member who has not attained age 70 who shall become incapacitated, either mentally or physically, as a direct result of a traumatic event occurring in the performance of his or her duties of such employee, shall, upon the application of his employer or upon his own application or the application of someone acting in his behalf, be retired by the board of trustees of the pen-

sion fund, and, thereupon, if a report of the accident, in a form acceptable to the board of trustees of the pension fund, is filed with the said board of trustees within 60 days next following the accident and the application for retirement is filed with the said board of trustees within two years of the date of the accident, shall receive annually from the fund an amount equal to two-thirds of the annual salary being received by such employee on the date of the accident. The board of trustees may waive strict compliance with the time limits within which a report of the accident and an application for retirement must be filed with the board if it is satisfied: (1) that a report of the accident from which the disability is claimed to have resulted was filed with the employing board of education with reasonable promptitude and in no event later than 60 days after the accident, and (2) the applicant shall show that his failure to file a report with the board of trustees or to file his application for retirement within the time limited by law was due to mistake, inadvertence, ignorance of fact or law, inability, or to the fraud, misrepresentation or deceit of any person, or to a delay in the manifestation of the incapacity, or to any other reasonable cause or excuse, and (3) that the application for retirement was filed in good faith and the circumstances justify its favorable consideration.

The trustees of the pension fund shall have the power to determine whether or not any employee is permanently and totally disabled, and whether or not a disability of an employee is the direct result of a traumatic event occurring at some definite time and place in the performance of his or her duties as such employee. The claimant shall have the right to present physicians, witnesses or other testimony in his or her behalf before the board of trustees. The chairperson, or any other member of the board of trustees, may administer oaths to any physician or other persons called before the trustees regarding the employee's disability. The board of trustees shall decide, by resolution, whether the applicant is entitled to the benefit of this article.

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

Once in each year, the board of trustees may, and upon the member's application shall, require any member retired for a disability, who is under the age of 60, to undergo medical examination by a physician or physicians designated by the board of trustees. The examination shall be made at the residence of the pensioner or any other place mutually agreed upon. If the physician or physicians thereupon report and certify to the board of trustees

that the disabled pensioner is not permanently and totally incapacitated, either mentally or physically, for the performance of duty, and the board finds that said member is engaged in a gainful occupation, or could be engaged in a gainful occupation, and if the board concurs in the report, then the amount of the pension shall be reduced to an amount which, when added to the amount then being earned by him or her or an amount which he or she could earn if gainfully employed, shall not exceed the amount of compensation received by him or her at the time of his or her retirement, including any cost of living adjustment. If subsequent examination of such pensioner shows that his or her earnings have changed since the date of his or her last examination, then the amount of the pension shall be further altered, but the new pension shall not exceed the amount of the pension originally granted, nor shall the new pension, when added to the amount then being earned by the pensioner, exceed the salary or compensation received by him or her at the time of his or her retirement, including any cost of living adjustment.

d. At the time of retirement, any member may elect to receive his or her benefits in a retirement allowance payable throughout life, or he or she may, on retirement, elect to convert the benefits, otherwise payable to him or her, into a retirement allowance of the equivalent actuarial value computed on the basis of such mortality tables as shall be adopted by the board of trustees, in accordance with one of the optional forms following:

Option 1. A reduced retirement allowance, payable during life, with a provision that in the case of death, before the total pension payments have equaled the actuarial value computed as aforesaid, the balance shall be paid to his or her surviving designated beneficiary, duly acknowledged and filed with the board of trustees; and if none, then to the executor or administrator of his or her estate.

Option 2. A reduced retirement allowance, payable during the retired member's life, with the provision that after his or her death it will continue during the life of and be paid to his or her designated beneficiary, if such person survives him or her.

Option 3. A reduced retirement allowance, payable during the retired member's life, with the provision that after his or her death, an allowance at one-half of the rate of his or her reduced allowance will be continued during the life of and be paid to his or her designated beneficiary, if such person survives him or her.

Option 4. A reduced retirement allowance, payable during the retired member's life, with some other benefit payable after his or her death, provided the benefit is approved by the board of trustees.

Option 5. Some other benefit, which is equivalent to the full amount, three-quarters, one-half or one-quarter of the member's retirement allowance, shall be paid upon the member's death to the beneficiary designated by the member, and if that beneficiary dies before the member, the member's retirement allowance shall increase to the maximum retirement allowance for the member's lifetime, provided that such other benefit together with the member's lesser and maximum retirement allowances shall be certified by the actuary to be of equivalent actuarial value.

Except in the case of members who have elected to receive (1) a deferred retirement allowance pursuant to N.J.S.18A:66-113 or (2) an early retirement allowance pursuant to section 4 of P.L.1971, c.382 (C.18A:66-113.1) after separation from service pursuant to N.J.S.18A:66-113, if a member dies within 30 days after the date of retirement or the date of board approval, whichever is later, the member's retirement allowance shall not become effective and the member shall be considered an active member at the time of death. However, if the member dies after the date the application for retirement was filed with the system, the retirement will become effective if:

(1) The deceased member had designated a beneficiary under an optional settlement provided by this section; and

(2) The surviving beneficiary requests in writing that the board make such a selection. Upon formal action by the board approving that request, the request shall be irrevocable.

The board may select an Option 3 settlement on behalf of the beneficiary of a member who applied for and was eligible for retirement but who died prior to the effective date of the retirement allowance if all of the above conditions, with the exception of (1), are met.

The board of trustees shall, from time to time and as often as they deem it necessary, employ an actuary, who shall recommend, and the board shall keep in convenient form, such data as shall be necessary for actuarial valuations of the various funds created by this article. At least once in every five-year period, or more frequently as determined by the board of trustees, the actuary shall make an actuarial investigation into the mortality, service and salary experience of the members and beneficiaries of the retirement system, and shall make a valuation of the assets and liabilities of the various funds thereof, and upon the basis of such investigation the board of trustees shall:

(a) Adopt for the retirement system such mortality, service and other tables as shall be deemed necessary.

(b) Certify the rate of contribution which shall be made by each board of education to the pension fund as provided by this article.

Payments made pursuant to this subsection, as well as the pension fund documents associated therewith, shall comply with section 401(a)(25) of the federal Internal Revenue Code.

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

Approved January 25, 2013.

CHAPTER 17

AN ACT establishing a pilot program to suspend the operations of the offices of superintendent of elections and deputy superintendent of elections in certain counties, and supplementing chapter 32 of Title 19 of the Revised Statutes.

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

C.19:32-26.3 Pilot program, participation.

1. There is established a pilot program to suspend the operations of the office of the superintendent of elections and the office of the deputy superintendent of elections in participating counties. The governing body of a participating county shall have three years from the effective date of P.L.2013, c.17 (C.19:32-26.3 et seq.) to adopt an ordinance or resolution, as appropriate, to commence its participation in the program. A certified copy of the ordinance or resolution, as appropriate, shall be transmitted to the Secretary of State as soon as possible after it is adopted.

As used in P.L.2013, c.17 (C.19:32-26.3 et seq.), “participating counties” shall mean any county of the second class with a population of between 510,000 and 515,000 persons or between 490,000 and 495,000 persons, according to the 2010 federal decennial census for New Jersey.

C.19:32-26.4 Suspension of offices in participating counties.

2. a. Upon the adoption of a resolution or ordinance, as appropriate, to commence participation in the pilot program by a participating county, the operations of the office of superintendent of elections and the office of deputy superintendent of elections in the participating county shall be suspended for a period of three years and the functions, powers, and duties of each office shall be transferred to and assumed by the county board of elections.

The transfer of the functions, powers, and duties of the office of the superintendent of elections and the office of the deputy superintendent of elections shall be completed no later than the 90th day following the adoption of the ordinance or resolution, as appropriate, and the term of office of each individual holding each office shall be terminated no later than that 90th day.

b. For the period that the suspension is in effect, whenever reference is made in any statute, regulation, document or judicial proceeding to the office of the superintendent of elections or the office of the deputy superintendent of elections concerning the functions, powers, and duties that had been vested therein prior to the suspension, the same shall mean and refer to the county board of elections.

C.19:32-26.5 Actions prior to expiration of suspension.

3. Within 60 days prior to the expiration of the suspension provided for by section 2 of P.L.2013, c.17 (C.19:32-26.4), the governing body of a participating county shall undertake the following actions:

a. The governing body shall prepare a report in writing for the public and the Secretary of State on the impact of the suspension of the office of the superintendent of elections and the office of the deputy superintendent of elections during the three-year period of the suspension with respect to:

- (1) the operation and administration of State, county, municipal, school, special and federal elections;
- (2) the maintenance and distribution of voting machines;
- (3) the administration of voter registration in the county; and
- (4) the cost of conducting elections in the county.

The report shall be made public and submitted to the secretary no later than the 45th day following the expiration of the suspension.

b. The governing body shall decide whether to adopt an ordinance or resolution, as appropriate, within 60 days prior to the expiration of the suspension, with the adoption to be effective on the date of the expiration of the suspension, to either:

- (1) abolish the office of the superintendent of elections and the office of the deputy superintendent of elections; or
- (2) re-establish such offices as they existed prior to the suspension.

C.19:32-26.6 Termination of suspension, certain circumstances.

4. In the event that the governing body of a participating county fails to decide whether to adopt an ordinance or resolution, as appropriate, to abolish or re-establish the office of the superintendent of elections and the office of the deputy superintendent of elections within 60 days prior to the

expiration of the suspension, as provided for by section 3 of P.L.2013, c.17 (C.19:32-26.5), the suspension provided by section 2 of P.L.2013, c.17 (C.19:32-26.4) shall terminate and both of these offices shall be deemed abolished as of the date of the expiration of the suspension.

C.19:32-26.7 Re-establishment of offices; requirements.

5. Once the office of superintendent of elections and the office of the deputy superintendent has been abolished in a participating county pursuant to P.L.2013, c.17 (C.19:32-26.3 et seq.), the county shall not be permitted to re-establish the offices and return to them the functions, powers, and duties provided by law until the following requirements have been met in the following order:

a. at least five years shall have passed since the offices were abolished;

b. a new ordinance or resolution, as appropriate, providing for the re-establishment of the office of superintendent of elections and the office of deputy superintendent of elections, and the return of the functions, powers, and duties of each office provided by law from the county board of elections, shall be adopted by the county's governing body and a certified copy of the ordinance or resolution, as appropriate, together with a tally of the vote to adopt it, shall be filed with the Secretary of State within 10 days after the adoption;

c. a written report shall be prepared for the secretary that:

(1) explains why the governing body of the county believes the re-establishment of the office of superintendent and the office of deputy superintendent are necessary;

(2) presents a plan for how the offices shall be re-established and shall work in conjunction with the county clerk and the county board of elections; and

(3) includes the financial information necessary to prove that re-establishing the offices shall improve the efficiency and reduce the cost of:

(a) operating and administering State, county, school, municipal, special and federal elections;

(b) maintaining and distributing voting machines; and

(c) overseeing the administration of voter registration in the county; and

d. the re-establishment of the office of superintendent of elections and the office of deputy superintendent of elections shall be approved by the secretary after the secretary has had a maximum of 90 days to review the report. The secretary shall be authorized to receive answers to such ques-

tions that the secretary deems necessary to ask to ensure that the operation and administration of elections, maintenance and distribution of voting machines and administration of voter registration shall be conducted by the county in the most efficient and cost-effective manner possible.

In the event that the secretary decides that the office of the superintendent of elections and the office of the deputy superintendent of elections should be re-established in a participating county, qualified individuals to serve in each office shall be appointed as provided by law and the functions, powers, and duties of the offices shall be re-established within one year after the secretary's decision.

C.19:32-26.8 Appointment to fill office.

6. a. An individual shall be appointed to fill the office of superintendent of elections, pursuant to section 1 of P.L.1947, c.167 (C.19:32-26) and an individual shall be appointed to fill the office of deputy superintendent of elections, pursuant to section 1 of P.L.1992, c.17 (C.19:32-26.1), in a participating county if the offices are re-established pursuant to either section 3 or section 5 of P.L.2013, c.17 (C.19:32-26.5 or C.19:32-26.7), as the case may be.

b. A participating county is hereby authorized to abolish the office of the superintendent of elections and the office of the deputy superintendent of elections, pursuant to P.L.2013, c.17 (C.19:32-26.3 et seq.), notwithstanding the provisions of section 1 of P.L.1947, c.167 (C.19:32-26).

7. This act shall take effect immediately.

Approved January 25, 2013.

CHAPTER 18

AN ACT concerning certain credit card solicitations 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:62-53 Definitions relative to certain credit card solicitations.

1. As used in this act:

"Credit" means the right to defer payment of debt or to incur debt and defer its payment.

"Credit card" means any card, plate, coupon book, or other single credit device that may be used from time to time to obtain credit.

"Direct merchandising" means the promotion to sell or offer any goods, wares, services or merchandise to any person by means of interpersonal contact or through the use of displays.

"Public institution of higher education" means Rutgers, The State University, the State colleges or universities established pursuant to chapter 64 of Title 18A of the New Jersey Statutes, the New Jersey Institute of Technology, the University of Medicine and Dentistry of New Jersey, the county colleges and any other public university or college now or hereafter established or authorized by State law.

"Student" means a person who is a matriculated student at a public institution of higher education in this State whose billing address is in this State.

C.18A:62-54 Direct merchandizing of credit cards to students, certain circumstances; prohibited.

2. A public institution of higher education is not authorized to enter into any agreement, or to permit any of its agents or student organizations to enter into any agreement, for the direct merchandising of credit cards to any students.

3. This act shall take effect on the 30th day after enactment.

Approved January 25, 2013.

CHAPTER 19

AN ACT concerning special education programs and supplementing chapter 46 of Title 18A of the New Jersey Statutes.

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

C.18A:46-54 Regulations requiring plan to establish stability in special education programming.

1. The State Board of Education shall promulgate regulations to require school districts to develop a plan to establish stability in special education programming. The plan shall take into account the consistency of

the location, curriculum, and staffing in the provision of special education programs and services.

The State board regulations shall also require that when developing an individualized education program (IEP) with the parent or guardian of a student who is prone to regression due to frequent changes in location including, but not limited to, students diagnosed with autism spectrum disorder, the IEP team shall consider, among other factors, the consistency of the location of services when determining in-district special education placements.

2. This act shall take effect 90 days after the date of enactment.

Approved January 25, 2013.

CHAPTER 20

AN ACT regarding State tax auditing procedures and authorizing the use of fraud prevention contractors, amending P.L.1992, c.172.

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

1. Section 1 of P.L.1992, c.172 (C.54:49-12.2) is amended to read as follows:

C.54:49-12.2 Agreements for collection, fraud prevention services.

1. a. Notwithstanding any other provision of law, the director may enter into agreements with one or more private persons, companies, associations or corporations providing debt collection services for the purpose of collecting past due taxes, interest, additions to tax and penalties. Any such agreement shall contain provisions prohibiting the use of unfair debt collection practices by the provider of debt collection services, which provisions shall include, without limitation, restrictions upon the conduct of the provider of debt collection services substantially similar to those contained in the "Fair Debt Collection Practices Act," 15 U.S.C. s.1692 et seq.

b. Notwithstanding any other provision of law, the director may enter into agreements with one or more private persons, companies, associations or corporations providing fraud prevention services.

2. Section 3 of P.L.1992, c.172 (C.54:49-12.4) is amended to read as follows:

C.54:49-12.4 Provision of taxpayer information.

3. The provisions of subsection a. of R.S.54:50-8 notwithstanding, the director may provide such taxpayer information as is necessary for the provider of debt collection services or fraud prevention services to fulfill its obligations under the collection agreement or fraud prevention agreement, provided that such disclosure is not contrary to the provisions of subsection (a) of section 6103 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.6103. Such persons, companies, associations or corporations providing debt collection services or fraud prevention services, and their employees, shall be specifically subject to the confidentiality provisions of R.S.54:50-8. The provider of debt collection services or fraud prevention services shall furnish the director with the affidavit of each of its principals and employees in which each such principal and employee shall acknowledge receipt of a copy of the confidentiality provisions of the "State Uniform Tax Procedure Law", R.S.54:48-1 et seq., understanding of the obligation to maintain, and agreement to maintain, the confidentiality of taxpayer information, and awareness that violation of the confidentiality provisions is punishable by law.

3. This act shall take effect immediately.

Approved January 25, 2013.

CHAPTER 21

AN ACT permitting the appointment and transfer of certain law enforcement officers, amending and supplementing P.L.1985, c.439, and amending P.L.1987, c.271.

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

C.40A:9-117b Appointment, transfer of certain law enforcement officers permitted.

1. a. For the purposes of P.L.1985, c.439 (C.40A:14-146.8 et seq.), a county sheriff of a county that has established a county police department or force shall be entitled to act as a local unit, as defined in that act, and appoint Class Two special law enforcement officers for the purposes set forth in subsection b. of this section.

b. Class Two special law enforcement officers appointed pursuant to subsection a. of this section may be authorized to perform court security duties for the Superior Court when deemed appropriate by the Assignment Judge of the county. Class Two officers appointed pursuant to this section shall be subject to the same requirements, rules, and regulations established by the Assignment Judge of the county for sheriff's officers performing court security within the Superior Court's facilities in that county. The particular court security duty assignments of Class Two officers appointed pursuant to this section shall be determined by the sheriff with the approval of the Assignment Judge of the county. The utilization of Class Two officers appointed pursuant to this section, and the court security assignments they are authorized to perform, shall be incorporated into the local court security plan as approved by the Assignment Judge of the county. The provisions of this subsection shall not be construed to alter or abrogate in any manner either the sheriff's responsibilities or the authority of the Assignment Judge under subsection d. of N.J.S.2B:6-1.

2. Section 2 of P.L.1985, c. 439 (C.40A:14-146.9) is amended to read as follows:

C.40A:14-146.9 Definitions.

2. As used in this act:

a. "Commission" means the Police Training Commission established in the Department of Law and Public Safety pursuant to section 5 of P.L.1961, c.56 (C.52:17B-70);

b. "Emergency" means any sudden, unexpected or unforeseeable event requiring the immediate use or deployment of law enforcement personnel as shall be determined by the chief of police, or in the absence of the chief, other chief law enforcement officer or the mayor or the mayor's designee or, in the case of a county, the county executive or freeholder director or designee, as appropriate, to whom the authority of designating an "emergency" has been prescribed by local ordinance or resolution, as appropriate. Vacations, shortages in police personnel caused by vacancies unfilled by the appointing authority for more than 60 days, or any other condition which could reasonably have been anticipated or foreseen shall not constitute an "emergency" for the purposes of this act; but an "emergency" may continue for the purposes of this act when a vacancy remains unfilled for more than 60 days and when, on application of the appointing authority, the county prosecutor grants an extension for one or more additional 60-day

periods upon a showing by the appointing authority of a diligent, good faith effort to fill the vacancy;

c. "Local unit" means any municipality or county having established a regular police force pursuant to law;

d. "Population" means the population of the resort municipality shown in the last federal decennial census;

e. "Public entity" means the State and any county, municipality, district, public authority, public agency and any other political subdivision or public body in the State;

f. "Resort municipality" means a municipality which, because of its recreational or entertainment characteristics or facilities or its close proximity to such characteristics or facilities, experiences a substantial increase during the seasonal period in the number of persons visiting or temporarily residing there;

g. "Seasonal period" means any one period of four consecutive months during the calendar year, except with regard to a resort municipality bordering on the Atlantic ocean, in which case, "seasonal period" means one period of six consecutive months during the calendar year;

h. "Special law enforcement officer" means any person appointed pursuant to this act to temporarily or intermittently perform duties similar to those performed regularly by members of a police force of a local unit, or to provide assistance to a police force during unusual or emergency circumstances, or at individual times or during regular seasonal periods in resort municipalities.

3. Section 3 of P.L.1985, c. 439 (C.40A:14-146.10) is amended to read as follows:

C.40A:14-146.10 Special law enforcement officers.

3. a. Any local unit may, as it deems necessary, appoint special law enforcement officers sufficient to perform the duties and responsibilities permitted by local ordinances authorized by N.J.S. 40A:14-118 or ordinance or resolution, as appropriate, authorized by N.J.S.40A:14-106 and within the conditions and limitations as may be established pursuant to this act.

b. No person may be appointed as a special law enforcement officer unless the person:

- (1) Is a resident of this State during the term of appointment;
- (2) Is able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent;
- (3) Is sound in body and of good health;

(4) Is of good moral character;

(5) Has not been convicted of any offense involving dishonesty or which would make him unfit to perform the duties of his office;

(6) Has successfully undergone the same psychological testing that is required of all full-time police officers in the municipality or county or, with regard to a special law enforcement officer hired for a seasonal period by a resort municipality which requires psychological testing of its full-time police officers, has successfully undergone a program of psychological testing approved by the commission.

c. Every applicant for the position of special law enforcement officer appointed pursuant to this act shall have fingerprints taken, which fingerprints shall be filed with the Division of State Police and the Federal Bureau of Investigation.

d. No person shall be appointed to serve as a special law enforcement officer in more than one local unit at the same time, nor shall any permanent, regularly appointed full-time police officer of any local unit be appointed as a special law enforcement officer in any local unit. No public official with responsibility for setting law enforcement policy or exercising authority over the budget of the local unit or supervision of the police department of a local unit shall be appointed as a special law enforcement officer.

e. Before any special law enforcement officer is appointed pursuant to this act, the chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit shall ascertain the eligibility and qualifications of the applicant and report these determinations in writing to the appointing authority.

f. Any person who at any time prior to his appointment had served as a duly qualified, fully-trained, full-time officer in any municipality or county of this State and who was separated from that prior service in good standing, shall be eligible to serve as a special law enforcement officer consistent with guidelines promulgated by the commission. The training requirements set forth in section 4 of this act may be waived by the commission with regard to any person eligible to be appointed as a special law enforcement officer pursuant to the provisions of this subsection.

4. Section 4 of P.L.1985, c.439 (C.40A:14-146.11) is amended to read as follows:

C.40A:14-146.11 Training; classifications.

4. a. No person may commence his duties as a special law enforcement officer unless he has successfully completed a training course approved by

the commission and no special law enforcement officer may be issued a firearm unless he has successfully completed the basic firearms course approved by the commission for permanent, regularly appointed police and annual requalification examinations as required by subsection b. of section 7 of this act. There shall be two classifications for special police officers. The commission shall prescribe by rule or regulation the training standards to be established for each classification. Training may be in a commission approved academy or in any other training program which the commission may determine appropriate. The classifications shall be based upon the duties to be performed by the special law enforcement officer as follows:

(1) Class One. Officers of this class shall be authorized to perform routine traffic detail, spectator control and similar duties. If authorized by ordinance or resolution, as appropriate, Class One officers shall have the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances and violations of Title 39 of the Revised Statutes. The use of a firearm by an officer of this class shall be strictly prohibited and no Class One officer shall be assigned any duties which may require the carrying or use of a firearm.

(2) Class Two. Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer. The use of a firearm by an officer of this class may be authorized only after the officer has been fully certified as successfully completing training as prescribed by the commission.

b. The commission may, in its discretion, except from the requirements of this section any person who demonstrates to the commission's satisfaction that he has successfully completed a police training course conducted by any federal, state or other public or private agency, the requirements of which are substantially equivalent to the requirements of this act.

c. The commission shall certify officers who have satisfactorily completed training programs and issue appropriate certificates to those officers. The certificate shall clearly state the category of certification for which the officer has been certified by the commission.

d. All special law enforcement officers appointed and in service on the effective date of this act may continue in service if within 24 months of the effective date of this act they will have completed all training and certification requirements of this act.

5. Section 8 of P.L.1985, c.439 (C.40A:14-146.15) is amended to read as follows:

C.40A:14-146.15 Powers.

8. The chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit wherein the officer is appointed, may authorize special law enforcement officers when on duty to exercise the same powers and authority as permanent, regularly appointed police officers of the local unit, including, but not limited to, the carrying of firearms and the power of arrest, subject to rules and regulations, not inconsistent with the certification requirements of this act, as may be established by local ordinance or resolution, as appropriate, adopted by the appropriate authority of the local unit in which they are employed.

6. Section 9 of P.L.1985, c.439 (C.40A:14-146.16) is amended to read as follows:

C.40A:14-146.16 Limitation on hours.

9. a. Except as provided in subsection c. of this section, no special law enforcement officer may be employed for more than 20 hours per week by the local unit except that special law enforcement officers may be employed by the local unit for those hours as the governing body may determine necessary in accordance with the limits prescribed below:

(1) In resort municipalities not to exceed 48 hours per week during any seasonal period.

(2) In all municipalities or counties without limitation as to hours during periods of emergency.

(3) In all municipalities or counties in addition to not more than 20 hours per week including duties assigned pursuant to the provisions of section 7 of this act a special law enforcement officer may be assigned for not more than 20 hours per week to provide public safety and law enforcement services to a public entity.

(4) In municipalities or counties, as provided in subsection b. of section 7 of this act, for hours to be determined at the discretion of the director of the municipal or county police force.

b. Notwithstanding any provision of this act to the contrary, special law enforcement officers may be employed only to assist the local law enforcement unit but may not be employed to replace or substitute for full-time, regular police officers or in any way diminish the number of full-time officers employed by the local unit.

c. Each municipality or county may designate one special law enforcement officer to whom the limitations on hours employed set forth in subsection a. of this section shall not be applicable.

7. Section 10 of P.L.1985, c.439 (C.40A:14-146.17) is amended to read as follows:

C.40A:14-146.17 Limitations on number, categories.

10. The local governing body shall by ordinance or resolution, as appropriate, establish limitations upon the number and categories of special law enforcement officers which may be employed by the local unit in accordance with the certification and other requirements provided for in this act. In communities other than resort municipalities, the number of Class Two special law enforcement officers shall not exceed 25% of the total number of regular police officers, except that no municipality shall be required to reduce the number of Class Two special law enforcement officers or the equivalent thereof in the employ of the municipality as of March 1, 1985. Notwithstanding the provisions of this section, each local unit may appoint two Class Two special law enforcement officers.

8. Section 11 of P.L.1985, c.439 (C.40A:14-146.18) is amended to read as follows:

C.40A:14-146.18 Residency requirement.

11. A local unit may provide by ordinance or resolution, as appropriate, that certain or all special law enforcement officers shall be residents of the municipality or county in which they are employed.

9. Section 1 of P.L.1987, c.271 (C.40:37-11.6) is amended to read as follows:

C.40:37-11.6 Abolition of county park police force.

1. a. (1) Except as otherwise provided in paragraph (2) of this subsection, when the governing body of a county abolishes a county park commission, the governing body may, in its discretion, abolish any county park police force which had been established by that county park commission. Upon the abolition of a county park police force, the governing body of the county shall authorize the county sheriff to assign and supervise an appropriate number of sheriff's officers to perform security duties for the county parks, provided that the appropriate number of officers assigned to perform security duties for county parks shall include all of the former county park police officers who were transferred and given appointments as sheriff's officers pursuant to subsection b. of this section. In assigning the appropriate number of officers to perform security duties in county parks, the sheriff shall determine the appropriate table of organization, the number of officers

to be assigned above the number of former county park police officers, the rank of the officers and any other rules and regulations the sheriff shall deem appropriate.

The sheriff shall not assign a county park police officer who was transferred and given an appointment as a sheriff's officer pursuant to subsection b. of this section to duties other than security duties in county parks without the consent of that officer. Any officer assigned by the sheriff to perform park security duties shall maintain all the powers of a sheriff's officer as provided by law and, in addition, shall acquire the power to preserve order in the county parks, to secure and enforce the rules and regulations established for the county parks, and to protect life and property in the county parks. A county park police officer who was transferred and given an appointment as a sheriff's officer shall retain all of the police power and authority that the officer had as a county park police officer prior to the appointment as a sheriff's officer, including any authority to bear and use a firearm.

(2) In the case of a county which has established a county police force, the governing body of that county may authorize the chief law enforcement officer of that force rather than the sheriff to assign and supervise former county park police officers in the same manner as other officers of the county police force are assigned and supervised.

The chief law enforcement officer of the county police force may assign a county park police officer who was transferred and given an appointment as a county police officer pursuant to subsection b. of this section to duties other than security duties in county parks. Any officer assigned by the chief law enforcement officer of the county police force to perform park security duties shall maintain all the powers of a county police officer, as provided by law and, in addition, shall acquire the power to preserve order in the county parks, to secure and enforce the rules and regulations established for the county parks, and to protect life and property in the county parks. A county park police officer who was transferred and given an appointment as a county police officer shall retain all of the police power and authority that the officer had as a county park police officer, including any authority to bear and use a firearm.

b. (1) Notwithstanding the provisions of any other law to the contrary, when a county park police force is abolished, any county park police officer who was appointed and in service on or before the date on which the force is abolished shall be transferred to the county sheriff's department and shall receive an immediate appointment as a sheriff's officer, except as otherwise may be provided pursuant to paragraph (2) of this subsection. Such a new sheriff's officer shall acquire all of the civil service rights and benefits which

correspond to his new rank within the sheriff's department and shall receive the compensation and other monetary benefits corresponding to that rank. A county park police officer who receives an appointment as a sheriff's officer and who has not yet been certified by the Police Training Commission within the Department of Law and Public Safety as having satisfactorily completed a police training program shall meet all the training requirements for a sheriff's officer within six months of the date of appointment.

Upon appointment as a sheriff's officer pursuant to this subsection, a county park police officer with the rank of chief may be demoted no more than one rank. A county park police officer with the rank of captain may be demoted to the rank of lieutenant, an officer with the rank of lieutenant may be demoted to the rank of sergeant, and any other officer shall not be demoted to a rank lower than a sergeant upon appointment as a sheriff's officer.

(2) Notwithstanding the provisions of any other law to the contrary, when a county park police force is abolished in a county which has established a county police force and the governing body of that county has authorized the chief law enforcement officer of that force rather than the sheriff to assign and supervise former county park police officers, those county park police officers who were appointed and in service on or before the date on which the force is abolished shall be transferred to the county police force and shall receive an immediate appointment as a county police officer. All such county police officers shall acquire all the civil service rights and benefits which correspond to their new rank within the county police force and shall receive the compensation and other monetary benefits corresponding to that rank. A county park police officer who receives an appointment as a county police officer and who has not yet been certified by the Police Training Commission within the Department of Law and Public Safety as having satisfactorily completed a police training program shall meet all the training requirements for a county police officer within six months of the date of appointment.

Upon appointment as a county police officer pursuant to this paragraph, a county park police officer with the rank of chief may be demoted no more than one rank. A county park police officer with the rank of captain may be demoted to the rank of lieutenant, an officer with the rank of lieutenant may be demoted to the rank of sergeant, and any other officer shall not be demoted to a rank lower than a sergeant upon appointment as a county police officer.

c. The provisions of this section shall be controlling over any provision of current law which is inconsistent with the provisions of this section in situations where a county park police force has been abolished and the

county sheriff or the chief law enforcement officer of the county police force has been authorized to provide security for county parks. It is the purpose of this act that a county park police officer shall be appointed as a sheriff's officer or county police officer, as the case may be, without any loss of seniority rights, or impairment of tenure or retirement system rights.

d. Upon the enactment of this section into law, a county park police officer with the rank of chief shall be given the option of becoming a sheriff's officer or county police officer, as the case may be, pursuant to the provisions of this section or of retiring from service. If the chief elects retirement, he shall not be demoted but shall retain the rank of chief and shall be given terminal leave for a period of one month for each five-year period of past service as a county park police officer. During the terminal leave, the chief shall continue to receive full compensation and shall be entitled to all benefits, including any increases in compensation or benefits, that he may have been entitled to if he had remained on active duty.

10. This act shall take effect immediately.

Approved January 25, 2013.

CHAPTER 22

AN ACT authorizing the sale of certain State surplus real property located in the City of Camden, Camden County, by the State Treasurer to the New Jersey Economic Development Authority.

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

1. The Legislature finds and declares that:

a. The State of New Jersey owns a parcel of land and improvements containing over 16 acres on the waterfront of the City of Camden upon which the Riverfront State Prison was constructed. The redevelopment of this parcel is an important step in the implementation of the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et seq.), which calls for rebuilding the City of Camden's tax base and reducing its dependence on State aid by attracting private capital investment.

b. The decommissioning, demolition, and site improvements, and sale of this property will facilitate its redevelopment for possible commercial, residential, and recreational uses. In addition, it will encourage rezoning

and redevelopment of Camden's waterfront north of the Benjamin Franklin Bridge and encourage the rehabilitation of the existing residential neighborhoods to the east. Redevelopment of this site will return property to the tax rolls, thereby helping to rebuild the city's tax base, reduce its structural deficit, and move the city closer to fiscal self-sufficiency.

c. The New Jersey Department of Corrections has seen a general decline in the prison population. As a result, other prisons within the State system have been able to absorb transfers from the Riverfront State Prison.

d. The New Jersey Economic Development Authority has a history of supporting successful development in the City of Camden. The authority spearheaded the construction of the Waterfront Technology Center which was the first office laboratory building built in Camden on speculation in over 40 years. This building has been recognized for bringing private investment and jobs to the city and serving as a catalyst for other projects along the Camden waterfront. The authority, through the Economic Recovery Board, a subsidiary of the authority, has been responsible for assisting in bringing investment to the city and creating new full time jobs and housing units throughout the city. Therefore, the authority has the requisite experience and expertise to prepare, market, and sell the site for economic development.

e. The Delaware River Port Authority has provided funding for the demolition and site improvements of the prison and has waived its reimbursement rights, provided that all net proceeds will be used by the State and used by the New Jersey Economic Development Authority for projects within Camden City.

f. It is in the best interest of the State to authorize the authority to undertake the sale of the site to one or more qualified purchasers or redevelopers, facilitate the rezoning or subdivision of the site to allow for the redevelopment of the site, and to manage the disposition of the site to one or more purchasers or redevelopers.

g. The State House Commission approved the policies and procedures for the disposition of the Riverfront State Prison site by the authority, which will be accomplished through an auction with an appraised value as the minimum sell price among prequalified real estate developers, with the final sale terms and conditions to be approved by the authority and by the State House Commission.

2. a. The Department of the Treasury, on behalf of the Department of Corrections, is authorized to sell and convey to the New Jersey Economic Development Authority all of the State's right, title, and interest in and to the property known as the Riverfront State Prison, consisting of a 16 +- acre

parcel of land and improvements situated on Block 79, Lot 13 in the City of Camden, Camden County, which has been declared surplus to the needs of the State. The consideration to be paid to the State by the authority for the sale and conveyance of the property shall be the sum of one dollar.

b. The authority shall arrange for the sale and conveyance of the property in accordance with the terms and conditions, and in the furtherance of procedures for the disposition of the property, approved by the State House Commission at its meeting on November 22, 2010. The net proceeds from the sale and conveyance, after deduction of costs, expenses, and fees incurred by the authority for the sale and conveyance, shall be paid by the authority as follows: first, an amount equal to the appraised value of the property prior to the demolition and site improvements of the prison shall be paid to the State; and second, any amount remaining shall be retained and utilized by the New Jersey Economic Development Authority, on behalf of the State, for projects within Camden City.

c. Notwithstanding any law, rule, or regulation to the contrary, prior to the sale and conveyance of the property by the authority to another party, the terms and conditions of the proposed conveyance, as determined by the procedures for the disposition of the property referenced in subsection b. of this section, shall require the approval of the State House Commission. The property may be sold and conveyed by the authority in one or more separate transactions, but each separate transaction shall require the approval of the State House Commission.

3. This act shall take effect immediately.

Approved January 25, 2013.

CHAPTER 23

AN ACT appropriating \$24,290,379 from the “2009 Farmland Preservation Fund” and the “Garden State Farmland Preservation Trust Fund” to the State Agriculture Development Committee for farmland preservation purposes.

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

1. a. There is appropriated from the “2009 Farmland Preservation Fund,” established pursuant to section 18 of the “Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009,” P.L.2009, c.117, and from the “Garden State Farmland Preservation Trust Fund,” established pursuant to section 20 of P.L.1999, c.152 (C.13:8C-20), to the State Agriculture Development Committee the following sums to pay the cost of acquisition by the committee of development easements on, or fee simple titles to, farmland, to provide grants to counties and municipalities for up to 80% of the cost of acquisition of fee simple titles to farmland, and to provide grants to qualifying tax exempt nonprofit organizations for up to 50% of the cost of acquisition of fee simple titles to farmland, for farmland preservation purposes for projects approved as eligible for such funding pursuant to the “Agriculture Retention and Development Act,” P.L.1983, c.32 (C.4:1C-11 et seq.), “Garden State Preservation Trust Act,” P.L.1999, c.152 (C.13:8C-1 et seq.), and “Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009,” P.L.2009, c.117:

(1) \$20,388,596 from the “2009 Farmland Preservation Fund”;

(2) \$244,989 from the “Garden State Farmland Preservation Trust Fund,” made available due to project withdrawals, canceled obligations, and the reallocation of previously appropriated funds for the acquisition of development easements on farmland; and

(3) \$6,794 from the “Garden State Farmland Preservation Trust Fund,” made available from proceeds received from the resale or lease of farmland previously acquired in fee simple by the committee.

b. Any farmland acquired in fee simple with monies appropriated pursuant to this section shall be offered for resale or lease with agricultural deed restrictions approved by the committee.

2. There is appropriated from the “Garden State Farmland Preservation Trust Fund,” established pursuant to section 20 of P.L.1999, c.152 (C.13:8C-20), to the State Agriculture Development Committee such sums from any additional proceeds which may become available by the effective date of this act due to the resale or lease of farmland previously acquired in fee simple by the committee, for the purpose of providing for the cost of acquisition by the committee of development easements and fee simple titles to farmland for farmland preservation purposes pursuant to subsection a. of section 1 of this act. Any farmland acquired in fee simple with monies appropriated pursuant to this section shall be offered for resale or lease with agricultural deed restrictions approved by the committee.

3. Of the monies appropriated or reappropriated pursuant to P.L.1999, c.138, P.L.2000, c.78, P.L.2000, c.169, P.L.2001, c.104, and P.L.2001, c.183 from the “Garden State Farmland Preservation Trust Fund,” established pursuant to section 20 of P.L.1999, c.152 (C.13:8C-20), the sum of \$244,989 is made available due to project withdrawals, canceled obligations, and the reallocation of previously appropriated funds for the acquisition of development easements on farmland.

4. There is appropriated from the “2009 Farmland Preservation Fund,” established pursuant to section 18 of the “Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009,” P.L.2009, c.117, to the State Agriculture Development Committee the sum of \$3,450,000 for the purpose of providing funding for the organizational, administrative and other work and services, including salaries, equipment, materials and services necessary to administer the applicable provisions of P.L.2009, c.117.

5. There is appropriated from the “2009 Farmland Preservation Fund,” established pursuant to section 18 of the “Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009,” P.L.2009, c.117, to the State Agriculture Development Committee the sum of \$200,000 for the purpose of providing for the review of appraisals for all farmland preservation programs administered by the State Agriculture Development Committee pursuant to P.L.2009, c.117.

6. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P.L.2009, c.117, P.L.1983, c.32 (C.4:1C-11 et seq.), and P.L.1999, c.152 (C.13:8C-1 et seq.), as appropriate.

7. This act shall take effect immediately.

Approved January 25, 2013.

CHAPTER 24

AN ACT appropriating \$38,500,000 from the “2009 Farmland Preservation Fund” and the “Garden State Farmland Preservation Trust Fund” to the State Agriculture Development Committee for planning incentive grants to counties for farmland preservation purposes.

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

1. a. There is appropriated to the State Agriculture Development Committee the following sums for the purpose of providing planning incentive grants to counties pursuant to section 1 of P.L.1999, c.180 (C.4:1C-43.1) for up to 80% of the cost of acquisition of development easements on farmland for projects approved as eligible for such funding pursuant to this section:

(1) \$31,184,106 from the "2009 Farmland Preservation Fund," established pursuant to section 18 of the "Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009," P.L.2009, c.117; and

(2) \$7,315,894 from the "Garden State Farmland Preservation Trust Fund," established pursuant to section 20 of the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-20), made available due to project withdrawals, canceled obligations, and reallocation of previously appropriated funds.

The total expenditure by the State Agriculture Development Committee pursuant to subsections b. and c. of this section shall not exceed \$38,500,000.

b. The following projects are eligible for funding with the monies appropriated pursuant to subsection a. of this section:

Applicant (County)	Municipality	Amount of Grant
Atlantic County	Buena Boro	\$1,000,000
	Buena Vista Twp	
	Corbin City	
	Estell Manor City	
	Folsom Boro	
	Galloway Twp	
	Hamilton Twp	
	Hammonton Town	
	Mullica Twp	
Bergen County	Allendale Boro	1,000,000
	Closter Boro	
	Demarest Boro	
	Emerson Boro	
	Franklin Lakes Boro	
	Harrington Park Boro	

	Hillsdale Boro	
	Mahwah Twp	
	Montvale Boro	
	Norwood Boro	
	Oakland Boro	
	Old Tappan Boro	
	Paramus Boro	
	Park Ridge Boro	
	River Vale Twp	
	Saddle River Boro	
	Waldwick Boro	
	Westwood Boro	
	Woodcliff Lake Boro	
	Wyckoff Twp	
Burlington County	Bass River Twp	1,000,000
	Bordentown Twp	
	Burlington Twp	
	Chesterfield Twp	
	Cinnaminson Twp	
	Eastampton Twp	
	Evesham Twp	
	Florence Twp	
	Hainesport Twp	
	Lumberton Twp	
	Mansfield Twp	
	Medford Twp	
	Moorestown Twp	
	Mount Laurel Twp	
	New Hanover Twp	
	North Hanover Twp	
	Pemberton Boro	
	Pemberton Twp	
	Shamong Twp	
	Southampton Twp	
	Springfield Twp	
	Tabernacle Twp	
	Washington Twp	
	Westampton Twp	
	Woodland Twp	
	Wrightstown Boro	
Cape May County	Dennis Twp	500,000
	Lower Twp	
	Middle Twp	
	Upper Twp	

Cumberland County	West Cape May Boro	1,000,000
	Woodbine Boro	
	Deerfield Twp	
	Downe Twp	
	Fairfield Twp	
	Greenwich Twp	
	Hopewell Twp	
	Lawrence Twp	
	Shiloh Boro	
	Stow Creek Twp	
Gloucester County	Upper Deerfield Twp	1,000,000
	Vineland City	
	Clayton Boro	
	East Greenwich Twp	
	Elk Twp	
	Franklin Twp	
	Glassboro Boro	
	Greenwich Twp	
	Harrison Twp	
	Logan Twp	
	Mantua Twp	
	Monroe Twp	
	South Harrison Twp	
	Swedesboro Boro	
	Washington Twp	
Hunterdon County	West Deptford Twp	1,000,000
	Woolwich Twp	
	Alexandria Twp	
	Bethlehem Twp	
	Clinton Twp	
	Delaware Twp	
	East Amwell Twp	
	Franklin Twp	
	Hampton Boro	
	Holland Twp	
	Kingwood Twp	
	Lebanon Twp	
	Raritan Twp	
	Readington Twp	
	Tewksbury Twp	
Mercer County	Union Twp	1,000,000
	West Amwell Twp	
	East Windsor Twp	
	Hamilton Twp	

	Hopewell Boro	
	Hopewell Twp	
	Lawrence Twp	
	Princeton Twp	
	Robbinsville Twp	
	West Windsor Twp	
Middlesex County	Cranbury Twp	500,000
	East Brunswick Twp	
	Monroe Twp	
	North Brunswick Twp	
	Old Bridge Twp	
	Plainsboro Twp	
	Sayreville Boro	
	South Brunswick Twp	
Monmouth County	Colts Neck Twp	1,000,000
	Farmingdale Boro	
	Freehold Twp	
	Holmdel Twp	
	Howell Twp	
	Manalapan Twp	
	Marlboro Twp	
	Middletown Twp	
	Millstone Twp	
	Roosevelt Boro	
	Tinton Falls Boro	
	Upper Freehold Twp	
	Wall Twp	
Morris County	Boonton Twp	1,000,000
	Chatham Twp	
	Chester Boro	
	Chester Twp	
	Denville Twp	
	Harding Twp	
	Kinnelon Boro	
	Lincoln Park Boro	
	Long Hill Twp	
	Madison Boro	
	Mendham Boro	
	Mendham Twp	
	Mine Hill Twp	
	Montville Twp	
	Morris Twp	
	Morristown Town	
	Mount Arlington Boro	

	Mount Olive Twp	
	Pequannock Twp	
	Randolph Twp	
	Rockaway Twp	
	Roxbury Twp	
	Washington Twp	
Salem County	Alloway Twp	500,000
	Carneys Point Twp	
	Elmer Boro	
	Elsinboro Twp	
	Lower Alloways Creek Twp	
	Mannington Twp	
	Oldmans Twp	
	Pilesgrove Twp	
	Pittsgrove Twp	
	Quinton Twp	
	Upper Pittsgrove Twp	
	Woodstown Boro	
Somerset County	Bedminster Twp	1,000,000
	Bernards Twp	
	Bernardsville Boro	
	Branchburg Twp	
	Bridgewater Twp	
	Far Hills Boro	
	Franklin Twp	
	Hillsborough Twp	
	Millstone Boro	
	Montgomery Twp	
	Peapack-Gladstone Boro	
	Rocky Hill Boro	
	Warren Twp	
Sussex County	Andover Boro	1,000,000
	Andover Twp	
	Frankford Twp	
	Fredon Twp	
	Green Twp	
	Hampton Twp	
	Hardyston Twp	
	Lafayette Twp	
	Montague Twp	
	Newton Town	
	Sandyston Twp	
	Sparta Twp	
	Stillwater Twp	

Warren County	Vernon Twp	1,000,000
	Wantage Twp	
	Allamuchy Twp	
	Alpha Boro	
	Blairstown Twp	
	Franklin Twp	
	Frelinghuysen Twp	
	Greenwich Twp	
	Hardwick Twp	
	Harmony Twp	
	Hope Twp	
	Independence Twp	
	Knowlton Twp	
	Liberty Twp	
	Mansfield Twp	
	Oxford Twp	
	Pohatcong Twp	
	Washington Twp	
	White Twp	
TOTAL		\$13,500,000

c. (1) In addition to the funding provided pursuant to subsection b. of this section, each applicant identified in subsection b. of this section shall be eligible, in accordance with the rules and regulations of the State Agriculture Development Committee providing for a county planning incentive grant program competitive grant fund, to receive a grant not to exceed \$5,000,000 from the monies appropriated pursuant to subsection a. of this section.

(2) The following applicants shall be eligible, in accordance with the rules and regulations of the State Agriculture Development Committee providing for a county planning incentive grant program competitive grant fund, to receive a grant not to exceed \$5,000,000 from the monies appropriated pursuant to subsection a. of this section:

Applicant (County)	Municipality
Camden County	Berlin Boro
	Berlin Twp
	Cherry Hill Twp
	Chesilhurst Boro

	Gloucester Twp
	Voorhees Twp
	Waterford Twp
	Winslow Twp
Ocean County	Jackson Twp
	Lakewood Twp
	Plumsted Twp
	Toms River Twp
Passaic County	Bloomington Boro
	Clifton City
	North Haledon Boro
	Ringwood Boro
	Totowa Boro
	Wanaque Boro
	Wayne Twp
	West Milford Twp

(3) (a) The total expenditure by the State Agriculture Development Committee pursuant to this subsection shall not exceed \$25,000,000.

(b) The maximum grant award an applicant identified in subsection b. of this section may receive pursuant to the funding provided by subsection b. of this section and paragraph (1) of this subsection is \$6,000,000.

(c) The maximum grant award an applicant identified in paragraph (2) of this subsection may receive pursuant to the funding provided by this subsection is \$5,000,000.

2. Of the monies appropriated or reappropriated pursuant to P.L.1999, c.138, P.L.2000, c.49, P.L.2000, c.50, P.L.2000, c.51, P.L.2000, c.176, P.L.2001, c.103, P.L.2001, c.104, P.L.2001, c.181, P.L.2001, c.182, P.L.2001, c.183, P.L.2001, c.185, P.L.2003, c.80, P.L.2003, c.81, P.L.2003, c.82, P.L.2003, c.83, P.L.2003, c.271, P.L.2003, c.272, P.L.2005, c.14, P.L.2005, c.15, P.L.2005, c.16, P.L.2005, c.181, P.L.2005, c.182, P.L.2006, c.71, P.L.2006, c.74, P.L.2007, c.184, P.L.2007, c.185, and P.L.2009, c.93 from the "Garden State Farmland Preservation Trust Fund," established pursuant to section 20 of the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-20), the sum of \$7,315,894 is made available due to project withdrawals, canceled obligations, and reallocation of previously appropriated funds.

3. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P.L.2009, c.117, P.L.1999, c.180 (C.4:1C-

43.1), P.L.1983, c.32 (C.4:1C-11 et seq.), and P.L.1999, c.152 (C.13:8C-1 et seq.), as appropriate.

4. This act shall take effect immediately.

Approved January 25, 2013.

CHAPTER 25

AN ACT appropriating \$16,250,000 from the “2009 Farmland Preservation Fund” to the State Agriculture Development Committee for planning incentive grants to municipalities for farmland preservation purposes.

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

1. a. There is appropriated to the State Agriculture Development Committee the sum of \$16,250,000 from the “2009 Farmland Preservation Fund,” established pursuant to section 18 of the “Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009,” P.L.2009, c.117, for the purpose of providing planning incentive grants to municipalities pursuant to section 1 of P.L.1999, c.180 (C.4:1C-43.1) and approved as eligible for such funding pursuant to subsection b. of this section.

b. The following projects are eligible for funding with the monies appropriated pursuant to subsection a. of this section:

Municipality	County	Project Area	Amount of Grant Not to Exceed
Hopewell Twp	Cumberland	Hopewell Twp	\$750,000
Upper Deerfield Twp	Cumberland	Upper Deerfield Twp	500,000
Franklin Twp	Gloucester	Franklin Twp	500,000
Woolwich Twp	Gloucester	Woolwich Twp	500,000
Alexandria Twp	Hunterdon	Alexandria Twp	500,000
Delaware Twp	Hunterdon	Delaware Twp	500,000
East Amwell Twp	Hunterdon	East Amwell Twp	500,000
Holland Twp	Hunterdon	Holland Twp	500,000
Kingwood Twp	Hunterdon	Kingwood Twp	500,000

Readington Twp	Hunterdon	Readington Twp	500,000
Hopewell Twp	Mercer	Hopewell Twp	500,000
Howell Twp	Monmouth	Howell Twp	500,000
Manalapan Twp	Monmouth	Manalapan Twp	500,000
Marlboro Twp	Monmouth	Marlboro Twp	500,000
Millstone Twp	Monmouth	Millstone Twp	500,000
Upper Freehold Twp	Monmouth	Upper Freehold Twp	500,000
Pilesgrove Twp	Salem	Pilesgrove Twp	500,000
Pittsgrove Twp	Salem	Pittsgrove Twp	500,000
Upper Pittsgrove Twp	Salem	Upper Pittsgrove Twp	500,000
Bedminster Twp	Somerset	Bedminster Twp	500,000
Hillsborough Twp	Somerset	Hillsborough Twp	500,000
Montgomery Twp	Somerset	Montgomery Twp	500,000
Peapack-Gladstone Boro	Somerset	Peapack-Gladstone Boro	500,000
Frankford Twp	Sussex	Frankford Twp	750,000
Green Twp	Sussex	Green Twp	750,000
Blairstown Twp	Warren	Blairstown Twp	500,000
Franklin Twp	Warren	Franklin Twp	500,000
Freylinghuysen Twp	Warren	Freylinghuysen Twp	500,000
Greenwich Twp	Warren	Greenwich Twp	500,000
Knowlton Twp	Warren	Knowlton Twp	500,000
White Twp	Warren	White Twp	500,000
TOTAL			\$16,250,000

2. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P.L.2009, c.117, P.L.1983, c.32 (C.4:1C-11 et seq.), P.L.1999, c.180 (C.4:1C-43.1), and P.L.1999, c.152 (C.13:8C-1 et seq.), as appropriate.

3. This act shall take effect immediately.

Approved January 25, 2013.

CHAPTER 26

AN ACT concerning farmland preservation and appropriating monies from the “2009 Farmland Preservation Fund,” the “2007 Farmland Preservation Fund,” and the “Garden State Farmland Preservation Trust Fund” for grants to qualifying tax exempt nonprofit organizations for farmland preservation purposes.

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

1. a. There is appropriated from the “2009 Farmland Preservation Fund,” established pursuant to section 18 of the “Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009,” P.L.2009, c.117, from the “2007 Farmland Preservation Fund,” established pursuant to section 18 of the “Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007,” P.L.2007, c.119, and from the “Garden State Farmland Preservation Trust Fund,” established pursuant to section 20 of P.L.1999, c.152 (C.13:8C-20), to the State Agriculture Development Committee the following sums for the purpose of providing grants to qualifying tax exempt nonprofit organizations listed in subsection b. of this section for up to 50% of the cost of acquisition of development easements on farmland or for up to 50% of the cost of acquisition of fee simple titles to farmland for resale or lease with agricultural deed restrictions approved by the committee:

(1) \$1,527,298 from the “2009 Farmland Preservation Fund”;

(2) \$1,446,133 from the “2007 Farmland Preservation Fund,” made available due to project withdrawals, canceled obligations, and reallocation of monies previously appropriated pursuant to P.L.2009, c.95; and

(3) \$1,109,889 from the “Garden State Farmland Preservation Trust Fund,” made available due to project withdrawals, cancelled obligations, and reallocation of monies previously appropriated pursuant to P.L.1999, c.138, P.L.2003, c.82, P.L.2003, c.244, P.L.2005, c.180, P.L.2006, c.81, and P.L.2007, c.186.

b. The following projects are eligible for funding with the monies appropriated pursuant to subsection a. of this section:

Applicant (Project)	Farm	County	Municipality	Amount of Grant Not to Exceed
Hunterdon Land Trust Alliance	Mulligan	Hunterdon	Kingwood Twp	\$289,600
Monmouth Conservation Foundation	Conover	Monmouth	Wall Twp	\$107,500

New Jersey Conservation Foundation	Doak	Salem	Alloway Twp	\$2,169,237
	McAlonan	Salem	Alloway Twp	
	Matthews	Salem	Alloway Twp	
	Timchal	Salem	Alloway Twp	
	Perozzi	Salem	Pilesgrove Twp	
	Rupert	Somerset	Bedminster Twp	
	Ziebarth	Somerset	Bedminster Twp	
The Land Conservancy of New Jersey	Bindon	Somerset	Bedminster Twp	\$1,516,983
	K-J Farm	Warren	Harmony Twp	
	Sunny Hill	Warren	Harmony Twp	
	Star D	Warren	Harmony Twp	
	May	Warren	Hope Twp	

2. a. Of the monies appropriated pursuant to P.L.2009, c.95, from the "2007 Farmland Preservation Fund," established pursuant to section 18 of the "Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007," P.L.2007, c.119, the sum of \$1,446,133 is made available due to project withdrawals, cancelled obligations, and reallocation of previously appropriated funds.

b. Of the monies appropriated or reappropriated pursuant to P.L.1999, c.138, P.L.2003, c.82, P.L.2003, c.244, P.L.2005, c.180, P.L.2006, c.81, and P.L.2007, c.186, from the "Garden State Farmland Preservation Trust Fund," established pursuant to section 20 of the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-20), the sum of \$1,109,889 is made available due to project withdrawals, cancelled obligations, and reallocation of previously appropriated funds.

3. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P.L.2009, c.117, P.L.2007, c.119, P.L.1999, c.152 (C.13:8C-1 et seq.), and P.L.1983, c.32 (C.4:1C-11 et seq.), as appropriate.

4. This act shall take effect immediately.

Approved January 25, 2013.

CHAPTER 27

AN ACT authorizing Internet gaming at Atlantic City casinos under certain circumstances and amending and supplementing the "Casino Control

Act", P.L.1977, c.110 (C.5:12-1 et seq.),amending P.L.1981, c.142, and repealing section 11 of P.L.2011, c.18.

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

C.5:12-95.17 Findings, declarations relative to Internet gaming at Atlantic City casinos.

1. The Legislature finds and declares that:

a. The 1976 amendment to the New Jersey Constitution that amended Article IV, Section VII, paragraph 2 thereof, and the "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.), that authorized casino gaming in Atlantic City casinos clearly demonstrate, both through their text and their legislative history, that a fundamental goal of these enactments was to achieve the rehabilitation of Atlantic City as a tourist and resort destination; and

b. As recognized in the July 2010 Report of the Governor's Advisory Commission on New Jersey Gaming, Sports, and Entertainment, and as confirmed in subsequent legislative hearings held in Trenton and throughout the State culminating in the enactment of significant bipartisan reform legislation in February of 2011 (P.L.2011, c.18 and P.L.2011, c.19), legalized casino gaming in New Jersey presently stands at a crossroads, facing critical regional and global challenges that jeopardize its important role in the State's economy; and

c. The State and New Jersey's general public possess a vital interest in the success of tourism and casino gaming in Atlantic City, having established a limited exception to the general policy of the State concerning gaming for private gain under Article IV, Section VII, paragraph 2 of the New Jersey Constitution within Atlantic City, which by reason of its location, natural resources, and historical prominence and reputation as a noteworthy tourist destination, has been determined by the people of this State, the Legislature, and the Governor to be a unique and valuable asset that must be preserved, restored, and revitalized; and

d. The tourist, resort, and convention industry in Atlantic City constitutes a critical component of our State's economic infrastructure that, if properly regulated, developed, and fostered, is capable of providing a substantial contribution to the general health, welfare, and prosperity of the State and its residents; and

e. As recognized in the State Constitution and the Casino Control Act, as well as in P.L.2011, c.18 and P.L.2011, c.19, an important component of the State's historical and ongoing commitment to Atlantic City involves

creating and maintaining a robust casino gaming industry that is capable of competing regionally, nationally, and internationally at the highest levels of quality while, at the same time, fully retaining strict State regulatory oversight to ensure the integrity of all casino gaming operations conducted in this State; and

f. Since the development of the Internet, millions of people have chosen to gamble online through illegal off-shore operators, and such gambling is conducted without oversight, regulation, enforcement, or consumer protections, all of which raise significant concerns for the protection of individuals and consumers in this State; and

g. In October 2006, the United States Congress passed the Unlawful Internet Gambling Enforcement Act, 31 U.S.C. 5361 et seq., which generally prohibits the use of banking instruments, including credit cards, checks, and fund transfers, for interstate Internet gambling, essentially prohibiting online gambling by United States citizens, but which includes exceptions that permit individual states to create a regulatory framework to enable intrastate Internet gambling, provided that the bets or wagers are made exclusively within a single state under certain circumstances; and

h. An effective State regulatory and licensing system for participating in online gaming would increase public trust and confidence in legalized gambling, inhibit wagering by underage or otherwise vulnerable individuals, ensure that any games offered through the Internet are fair and safe, end the practice of sending much-needed jobs and tax revenue overseas to illegal operators while creating jobs and economic development in Atlantic City, and ensure that only those of good character and fitness who meet strict criteria may participate in Internet gaming operations in New Jersey; and

i. Moreover, providing regulators and law enforcement with the tools to restrict and stop the illegal Internet gambling market that takes place via the Internet in foreign jurisdictions and authorizing strict controls over how Atlantic City casinos may accept wagers placed over the Internet for games conducted in Atlantic City casinos will assist and enhance the rehabilitation and redevelopment of existing tourist and convention facilities in Atlantic City consistent with the original intent of the Casino Control Act and will further assist in marketing Atlantic City to customers that now have the convenience of gambling in jurisdictions closer to their homes through the legalization of gambling in states throughout the United States over the past three decades; and

j. Internet gaming, as defined and strictly limited in P.L.2013, c.27 (C.5:12-95.17 et al.), is unlike pari-mutuel wagering and other forms of remote gambling and will take place entirely on the servers and computer

equipment located in the casino based in Atlantic City. By contrast, in off-track pari-mutuel simulcast wagering, the customer places a wager at an off-track facility, the wager is accepted by the off-track facility, as evidenced by issuance of a ticket, and any amounts paid on a winning wager are paid out and received at the off-track facility. Any rights on the part of a customer in the event of a dishonored, misdirected or other frustrated pari-mutuel wager arise against the off-track facility where the wager is placed and received, not against the remote track at which the race is run; and

k. Internet gaming as authorized and limited under this act, on the other hand, requires that all hardware, software, and other equipment that is involved with Internet gaming will be located in casino facilities in Atlantic City. All that is needed by a customer is a computing or similar device of general application and a communications connection through a common carriage or similar medium. For example, in an online poker or other card game, the "table" is the server hosted by the operator in the casino premises in Atlantic City. The "cards" are played on that table in Atlantic City, and the wager is placed on and accepted at that table. No activity other than the transmission of information to and from the players along common carriage lines takes place outside of the casino premises; and

1. Pursuant to the 1976 amendment to the New Jersey State Constitution and the express authorization to the Legislature to determine the type of gambling games that may be conducted in casinos under regulation and control by the State, the Legislature hereby declares that in furtherance of the goals of the Casino Control Act and in recognition that the technologies necessary to support Internet gaming can be prescribed and implemented in a manner that ensures all such gambling activity occurs within casinos located in Atlantic City, it is appropriate that the Casino Control Act be amended and supplemented to authorize licensed casino operators to conduct such games within the casino premises with all wagering to be conducted solely within the casinos.

2. Section 5 of P.L.1977, c.110 (C.5:12-5) is amended to read as follows:

C.5:12-5 "Authorized game" or "authorized gambling game"

5. "Authorized Game" or "Authorized Gambling Game"-- Roulette, baccarat, blackjack, craps, big six wheel, slot machines, minibaccarat, red dog, pai gow, and sic bo; any variations or composites of such games, provided that such variations or composites are found by the division suitable for use after an appropriate test or experimental period under such terms

and conditions as the division may deem appropriate; and any other game which is determined by the division to be compatible with the public interest and to be suitable for casino use after such appropriate test or experimental period as the division may deem appropriate. "Authorized game" or "authorized gambling game" includes gaming tournaments in which players compete against one another in one or more of the games authorized herein or by the division or in approved variations or composites thereof if the tournaments are authorized by the division.

"Authorized game" or "Authorized gambling game" shall also include any game that the division may determine by regulation to be suitable for use for wagering through the Internet.

3. Section 6 of P.L.1977, c.110 (C.5:12-6) is amended to read as follows:

C.5:12-6 "Casino" or "casino room" or "licensed casino."

6. "Casino" or "casino room" or "licensed casino" -- One or more locations or rooms in a casino hotel facility that have been approved by the division for the conduct of casino gaming in accordance with the provisions of this act, including any part of the facility where Internet gaming is conducted, pursuant to rules established by the division. "Casino" or "casino room" or "licensed casino" shall not include any casino simulcasting facility authorized pursuant to the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et seq.).

4. Section 12 of P.L.1977, c.110 (C.5:12-12) is amended to read as follows:

C.5:12-12 "Casino service industry enterprise."

12. "Casino Service Industry Enterprise" -- Any vendor offering goods or services which directly relate to casino or gaming activity or Internet gaming activity, including gaming equipment and simulcast wagering equipment manufacturers, suppliers, repairers and independent testing laboratories, or any vendor providing to casino licensees or applicants goods and services ancillary to gaming activity, including, without limitation, junket enterprises and junket representatives, holders of casino hotel alcoholic beverage control licenses, lessors of casino property not required to hold a casino license pursuant to section 82 of P.L.1977, c.110 (C.5:12-82), licensors of authorized games, and suppliers of Internet gaming software or systems, and vendors who manage, control or administer the Internet games or the bets or wagers

associated with the games. Notwithstanding the foregoing, any form of enterprise engaged in the manufacture, sale, distribution, testing or repair of slot machines within New Jersey, other than antique slot machines as defined in N.J.S.2C:37-7, shall be considered a casino service industry enterprise for the purposes of this act regardless of the nature of its business relationship, if any, with casino applicants and licensees in this State.

For the purposes of this section, "casino applicant" includes any person required to hold a casino license pursuant to section 82 of P.L.1977, c.110 (C.5:12-82) who has applied to the division for a casino license or any approval required under P.L.1977, c.110 (C.5:12-1 et seq.).

C.5:12-28.1 "Internet gaming."

5. "Internet gaming" means the placing of wagers with a casino licensee at a casino located in Atlantic City using a computer network of both federal and non-federal interoperable packet switched data networks through which the casino licensee may offer authorized games to individuals who have established a wagering account with the casino licensee and who are physically present in this State, as authorized by rules established by the division.

C.5:12-28.2 "Internet gaming gross revenue."

6. "Internet gaming gross revenue" means the total of all sums actually received by a casino licensee from Internet gaming operations, less only the total of all sums actually paid out as winnings to patrons.

7. Section 70 of P.L.1977, c.110 (C.5:12-70) is amended to read as follows:

C.5:12-70 Required regulations.

70. Required Regulations. a. The division shall, without limitation include the following specific provisions in its regulations in accordance with the provisions of this act:

(1) Prescribing the methods and forms of application and registration which any applicant or registrant shall follow and complete;

(2) Prescribing the methods, procedures and form for delivery of information concerning any person's family, habits, character, associates, criminal record, business activities and financial affairs;

(3) Prescribing such procedures for the fingerprinting of an applicant, employee of a licensee, or registrant, and methods of identification which may be necessary to accomplish effective enforcement of restrictions on

access to the casino floor, the simulcasting facility, and other restricted areas of the casino hotel complex;

(4) Prescribing the method of notice to an applicant, registrant or licensee concerning the release of any information or data provided to the commission or division by such applicant, registrant or licensee;

(5) Prescribing the manner and procedure of all hearings conducted by the division or any hearing examiner, including special rules of evidence applicable thereto and notices thereof;

(6) Prescribing the manner and method of collection of payments of taxes, fees, and penalties;

(7) Defining and limiting the areas of operation, the rules of authorized games, including games played upon and wagered through the Internet, odds, and devices permitted, and the method of operation of such games and devices;

(8) Regulating the practice and procedures for negotiable transactions involving patrons, including limitations on the circumstances and amounts of such transactions, and the establishment of forms and procedures for negotiable instrument transactions, redemptions, and consolidations;

(9) Prescribing grounds and procedures for the revocation or suspension of operating certificates, licenses and registrations;

(10) Governing the manufacture, distribution, sale, deployment, and servicing of gaming devices and equipment;

(11) Prescribing for gaming operations the procedures, forms and methods of management controls, including employee and supervisory tables of organization and responsibility, and minimum security and surveillance standards, including security personnel structure, alarm and other electrical or visual security measures; provided, however, that the division shall grant an applicant for a casino license or a casino licensee broad discretion concerning the organization and responsibilities of management personnel who are not directly involved in the supervision of gaming or simulcast wagering operations;

(12) Prescribing the qualifications of, and the conditions pursuant to which, engineers, accountants, and others shall be permitted to practice before the division or to submit materials on behalf of any applicant or licensee; provided, however, that no member of the Legislature, nor any firm with which said member is associated, shall be permitted to appear or practice or act in any capacity whatsoever before the commission or division regarding any matter whatsoever, nor shall any member of the family of the Governor or of a member of the Legislature be permitted to so practice or

appear in any capacity whatsoever before the commission or division regarding any matter whatsoever;

(13) Prescribing minimum procedures for the exercise of effective control over the internal fiscal affairs of a licensee, including provisions for the safeguarding of assets and revenues, the recording of cash and evidence of indebtedness, and the maintenance of reliable records, accounts, and reports of transactions, operations and events, including reports to the division;

(14) Providing for a minimum uniform standard of accountancy methods, procedures and forms; a uniform code of accounts and accounting classifications; and such other standard operating procedures, including those controls listed in subsection a. of section 99 of P.L.1977, c.110 (C.5:12-99), as may be necessary to assure consistency, comparability, and effective disclosure of all financial information, including calculations of percentages of profit by games, tables, gaming devices and slot machines;

(15) Requiring quarterly financial reports and the form thereof, and an annual audit prepared by a certified public accountant licensed to do business in this State, attesting to the financial condition of a licensee and disclosing whether the accounts, records and control procedures examined are maintained by the licensee as required by this act and the regulations promulgated hereunder;

(16) Governing the gaming-related advertising of casino licensees, their employees and agents, with the view toward assuring that such advertisements are in no way deceptive; provided, however, that such regulations shall require the words "Bet with your head, not over it," or some comparable language approved by the division, to appear on all billboards, signs, and other on-site advertising of a casino operation and shall require the words "If you or someone you know has a gambling problem and wants help, call 1-800 GAMBLER," or some comparable language approved by the division, which language shall include the words "gambling problem" and "call 1-800 GAMBLER," to appear legibly on all print, billboard, and sign advertising of a casino operation; and

(17) (Deleted by amendment, P.L.1991, c.182).

(18) Concerning the distribution and consumption of alcoholic beverages on the premises of the licensee, which regulations shall be insofar as possible consistent with Title 33 of the Revised Statutes, and shall deviate only insofar as necessary because of the unique character of the hotel casino premises and operations;

(19) (Deleted by amendment, P.L.1991, c.182).

b. The commission shall, in its regulations, prescribe the manner and procedure of all hearings conducted by the commission, including special rules of evidence applicable thereto and notices thereof.

C.5:12-95.18 Reports regarding the impact of gaming through the Internet.

8. Reports regarding the impact of gaming through the Internet.

The division shall annually cause a report to be prepared and distributed to the Governor on the impact of Internet gaming on problem gamblers and gambling addiction in New Jersey. The report shall be prepared by a private organization or entity with expertise in serving the needs of persons with gambling addictions, which organization or entity shall be selected by the division. The report shall be prepared and distributed under the supervision of, and in coordination with, the division. Any costs associated with the preparation and distribution of the report shall be borne by casino licensees who have been authorized by the division to conduct Internet gaming and the division shall be authorized to assess a fee against such licensees for these purposes. The division may also report periodically to the Governor on the effectiveness of the statutory and regulatory controls in place to ensure the integrity of gaming operations through the Internet.

9. Section 43 of P.L.2011, c.19 (C.5:12-74.1) is amended to read as follows:

C.5:12-74.1 Information, data deemed confidential; exceptions.

43. a. Except as otherwise provided in this act, all information and data required by the division or commission to be furnished pursuant to this act or the regulations promulgated hereunder, or which may otherwise be obtained, relative to the internal controls specified in subsection a. of section 99 of P.L.1977, c.110 (C.5:12-99) or to the earnings or revenue of any applicant, registrant, or licensee shall be considered to be confidential and shall not be revealed in whole or in part except in the course of the necessary administration of this act, or upon the lawful order of a court of competent jurisdiction, or, with the approval of the Attorney General, to a duly authorized law enforcement agency.

b. All information and data pertaining to an applicant's criminal record, family, and background furnished to or obtained by the division or the commission from any source shall be considered confidential and shall be withheld in whole or in part, except that any information shall be released upon the lawful order of a court of competent jurisdiction or, with the approval of the Attorney General, to a duly authorized law enforcement agency.

c. Notice of the contents of any information or data released, except to a duly authorized law enforcement agency pursuant to subsection a. or b. of this section, shall be given to any applicant, registrant, or licensee in a manner prescribed by the rules and regulations adopted by the division.

d. The following information to be reported periodically to the division by a casino licensee shall not be considered confidential and shall be made available for public inspection:

(1) A licensee's gross revenue from all authorized games as defined herein, and the licensee's gross revenue from simulcast wagering;

(2) (i) The dollar amount of patron checks initially accepted by a licensee, (ii) the dollar amount of patron checks deposited to the licensee's bank account, (iii) the dollar amount of such checks initially dishonored by the bank and returned to the licensee as uncollected, and (iv) the dollar amount ultimately uncollected after all reasonable efforts;

(3) The amount of gross revenue tax or investment alternative tax actually paid and the amount of investment, if any, required and allowed, pursuant to section 144 of P.L.1977, c.110 (C.5:12-144) and section 3 of P.L.1984, c.218 (C.5:12-144.1);

(4) A list of the premises and the nature of improvements, costs thereof and the payees for all such improvements, which were the subject of an investment required and allowed pursuant to section 144 of P.L.1977, c.110 (C.5:12-144) and section 3 of P.L.1984, c.218 (C.5:12-144.1);

(5) The amount, if any, of tax in lieu of full local real property tax paid pursuant to section 146 of P.L.1977, c.110 (C.5:12-146), and the amount of profits, if any, recaptured pursuant to section 147 of P.L.1977, c.110 (C.5:12-147);

(6) A list of the premises, nature of improvements and costs thereof which constitute the cumulative investments by which a licensee has recaptured profits pursuant to section 147 of P.L.1977, c.110 (C.5:12-147);

(7) All quarterly and annual financial statements presenting historical data which are submitted to the division, including all annual financial statements which have been audited by an independent certified public accountant licensed to practice in the State of New Jersey; and

(8) The identity and nature of services provided by any person or firm receiving payment in any form whatsoever for professional services in connection with the authorization or conduct of games conducted via the Internet by an entity holding any license, permit or registration pursuant to P.L.1977, c.110 (C.5:12-1 et seq.).

Nothing in this subsection shall be construed to limit access by the public to those forms and documents required to be filed pursuant to Article 11 of this act.

10. Section 76 of P.L.1977, c.110 (C.5:12-76) is amended to read as follows:

C.5:12-76 General duties and powers.

76. General Duties and Powers.

The Division of Gaming Enforcement shall have the general responsibility for the implementation of P.L.1977, c.110 (C.5:12-1 et seq.), and to issue any approvals necessary as hereinafter provided, including without limitation, the responsibility to:

a. Enforce the provisions of this act and any regulations promulgated hereunder;

b. Promptly and in reasonable order investigate all applications for licensure and all registrations under this act;

c. Issue reports and recommendations to the commission with respect to all entities and natural persons required to qualify for a casino license, an application for interim casino authorization or a petition for a statement of compliance;

d. Promptly and in reasonable order review and approve or deny all casino service industry enterprise license applications;

e. Accept and maintain registrations for all casino employee and vendor registrants;

f. Revoke any registration or casino service industry enterprise license upon findings pursuant to the disqualification criteria in section 86 of P.L.1977, c.110 (C.5:12-86);

g. Promulgate such regulations as may be necessary to fulfill the policies of this act;

h. Initiate and decide any actions against licensees or registrants for violation of this act or regulations promulgated hereunder, and impose sanctions and levy and collect penalties upon finding violations;

i. Provide the commission with all information that the director deems necessary for any action to be taken by the commission under Article 6 of P.L.1977, c.110 (C.5:12-80 through 95);

j. Initiate, prosecute and defend appeals, as the director may deem appropriate;

k. Conduct continuing reviews of casino operations through on-site observation and other reasonable means to assure compliance with this act

and regulations promulgated hereunder, subject to subsection h. of section 63 of P.L.1977, c.110 (C.5:12-63);

l. Receive and take appropriate action on any referral from the commission relating to any evidence of a violation of P.L.1977, c.110 (C.5:12-1 et seq.) or the regulations promulgated thereunder;

m. Exchange fingerprint data with, and receive criminal history record information from, the Federal Bureau of Investigation for use in considering applicants for any license or registration issued pursuant to the provisions of P.L.1977, c.110 (C.5:12-1 et seq.);

n. Conduct audits of casino operations at such times, under such circumstances, and to such extent as the director shall determine, including reviews of accounting, administrative and financial records, and management control systems, procedures and records utilized by a casino licensee;

o. Request and receive information, materials and any other data from any licensee or registrant, or applicant for a license or registration under this act; and

p. Report to the Attorney General recommendations that promote more efficient operations of the division.

q. Receive complaints from the public relating to the conduct of gaming and simulcasting operations, examine records and procedures, and conduct 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, as the director deems appropriate;

r. Certify the revenue of any casino or simulcasting facility in such manner as the director deems appropriate;

s. Create and maintain a list of all excluded patrons;

t. Initiate and decide all actions for involuntary exclusion of patrons pursuant to section 71 of P.L.1977, c.110 (C.5:12-71);

u. Issue an operation certificate upon the commission's grant of an application for a casino license;

v. Recommend that the commission issue or revoke statements of compliance pursuant to section 81 of P.L.1977, c.110 (C.5:12-81) and the regulations promulgated thereunder;

w. Accept impact statements submitted by an applicant for a casino license pursuant to section 84 of P.L.1977, c.110 (C.5:12-84);

x. Utilize, in its discretion, the services of a private entity for the purpose of expediting criminal history record background checks required to be performed by the division pursuant to the provisions of P.L.1977, c.110 (C.5:12-1 et seq.), provided that the private entity has been awarded a contract in accordance with the public contracting laws of this State; and

y. License, regulate, investigate and take any other action regarding all aspects of authorized games conducted through the Internet.

11. Section 85 of P.L.1977, c.110 (C.5:12-85) is amended to read as follows:

C.5:12-85 Additional requirements.

85. Additional Requirements.

a. In addition to other information required by this act, a corporation or other form of business organization applying for a casino license shall provide the following information, in such form as may be established by regulation:

(1) The organization, financial structure and nature of all businesses operated by the applicant; the names and personal employment and criminal histories of all officers, directors and such other employees of the applicant as the division may require; the names of all holding, intermediary and subsidiary companies of the applicant; and the organization, financial structure and nature of all businesses operated by such of its holding, intermediary and subsidiary companies as the division may require, including the names and personal employment and criminal histories of such corporate officers, directors and other employees of such holding, intermediary and subsidiary companies as the division may require;

(2) The rights and privileges acquired by the holders of different classes of authorized securities of the applicant and such companies as the division may require, including the names, addresses and amounts held by all holders of such securities;

(3) The terms upon which securities have been or are to be offered;

(4) The terms and conditions of all outstanding loans, mortgages, trust deeds, pledges or any other indebtedness or security devices utilized by the applicant;

(5) The extent of the equity security holding in the applicant of all officers, directors and underwriters, and their remuneration in the form of salary, wages, fees or otherwise;

(6) Names of persons other than directors and officers who occupy positions specified by the division or whose compensation exceeds an amount determined by the division, and the amount of their compensation;

(7) A description of all bonus and profit-sharing arrangements;

(8) Copies of all management and service contracts;

(9) A listing of stock options existing or to be created; and

(10) Documentation establishing that it is qualified to do business in the State of New Jersey.

b. Each holding, intermediary and subsidiary company of an applicant for or holder of a casino license shall be required to qualify to do business in the State of New Jersey; and

(1) If it is a corporation, register with the division and furnish the division with all the information required of a corporate licensee as specified in subsection a. (1), (2) and (3) of this section and such other information as the division may require; or

(2) If it is not a corporation, register with the division and furnish the division with such information as the division may prescribe.

c. (Deleted by amendment, P.L.2011, c.19)

d. (Deleted by amendment, P.L.2011, c.19)

e. (Deleted by amendment, P.L.2011, c.19)

f. (Deleted by amendment, P.L.2011, c.19)

g. (Deleted by amendment, P.L.2011, c.19)

h. Each applicant for or holder of a casino license, or any holding, intermediary and subsidiary company of an applicant for or holder of a casino license, and any affiliate thereof, and any other licensee, permit holder or vendor under P.L.1977, c.110 (C.5:12-1 et seq.), including but not limited to an applicant or holder of any license, permit, or other approval to conduct Internet gaming, or any Internet gaming affiliate in accordance with the regulations of the division, shall provide to the division on a quarterly basis the following information with respect to games conducted through the internet:

(1) The name of any person, entity or firm to whom any payment, remuneration or other benefit or thing of value has been made or conferred for professional services, including but not limited to legal, consulting and lobbying services;

(2) The amount or value of such payments, remuneration, benefit, or thing of value;

(3) The date on which such payments, remuneration, benefit, or thing of value were made; and

(4) The reason or purpose for the procurement of such services.

12. Section 92 of P.L.1977, c.110 (C.5:12-92) is amended to read as follows:

C.5:12-92 Licensing of casino service industry enterprises.

92. Licensing of casino service industry enterprises. a. (1) Any business to be conducted with a casino applicant or licensee by a vendor offer-

ing goods or services which directly relate to casino or gaming activity or Internet gaming activity, including gaming equipment and simulcast wagering equipment manufacturers, suppliers, repairers, and independent testing laboratories, shall require licensure as a casino service industry enterprise in accordance with the provisions of this act prior to conducting any business whatsoever with a casino applicant or licensee, its employees or agents; provided, however, that upon a showing of good cause by a casino applicant or licensee, the director may permit an applicant for a casino service industry enterprise license to conduct business transactions with such casino applicant or licensee prior to the licensure of that casino service industry enterprise applicant under this subsection for such periods as the division may establish by regulation. Companies providing services to casino licensees regarding Internet gaming shall, notwithstanding any other provision of P.L.1977, c.110 (C.5:12-1 et seq.), be responsible for the full cost of their licensure, including any investigative costs.

(2) In addition to the requirements of paragraph (1) of this subsection, any casino service industry enterprise intending to manufacture, sell, distribute, test or repair slot machines within New Jersey, other than antique slot machines as defined in N.J.S.2C:37-7, shall be licensed in accordance with the provisions of this act prior to engaging in any such activities; provided, however, that upon a showing of good cause by a casino applicant or licensee, the director may permit an applicant for a casino service industry enterprise license to conduct business transactions with the casino applicant or licensee prior to the licensure of that casino service industry enterprise applicant under this subsection for such periods as the division may establish by regulation; and provided further, however, that upon a showing of good cause by an applicant required to be licensed as a casino service industry enterprise pursuant to this paragraph, the director may permit the casino service industry enterprise applicant to initiate the manufacture of slot machines or engage in the sale, distribution, testing or repair of slot machines with any person other than a casino applicant or licensee, its employees or agents, prior to the licensure of that casino service industry enterprise applicant under this subsection.

(3) Vendors providing goods and services to casino licensees or applicants ancillary to gaming, including, without limitation, junket enterprises and junket representatives, and any person employed by a junket enterprise or junket representative in a managerial or supervisory position, non-casino applicants or licensees required to hold a casino hotel alcoholic beverage license pursuant to section 103 of P.L.1977, c.110 (C.5:12-103), lessors of casino property not required to hold a casino license pursuant to section 82

of P.L.1977, c.110 (C.5:12-82), and licensors of authorized games shall be required to be licensed as an ancillary casino service industry enterprise and shall comply with the standards set forth in paragraph (4) of subsection c. of this section.

b. Each casino service industry enterprise required to be licensed pursuant to paragraph (1) of subsection a. of this section, as well as its owners; management and supervisory personnel; and employees if such employees have responsibility for services to a casino applicant or licensee, must qualify under the standards, except residency, established for qualification of a casino key employee under this act.

c. (1) Any vendor that offers goods or services to a casino applicant or licensee that is not included in subsection a. of this section including, but not limited to casino site contractors and subcontractors, shopkeepers located within the approved hotels, gaming schools that possess slot machines for the purpose of instruction, and any non-supervisory employee of a junket enterprise licensed under paragraph (3) of subsection a. of this section, shall be required to register with the division in accordance with the regulations promulgated under this act, P.L.1977, c.110 (C.5:12-1 et seq.).

(2) Notwithstanding the provisions of paragraph (1) of this subsection, the director may, consistent with the public interest and the policies of this act, direct that individual vendors registered pursuant to paragraph (1) of this subsection be required to apply for either a casino service industry enterprise license pursuant to paragraph (1) of subsection a. of this section, or an ancillary casino service industry enterprise license pursuant to paragraph (3) of subsection a. of this section, as directed by the division, including, without limitation, in-State and out-of-State sending tracks as defined in section 2 of the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-192); shopkeepers located within the approved hotels; and gaming schools that possess slot machines for the purpose of instruction. The director may also order that any enterprise licensed as or required to be licensed as an ancillary casino service industry enterprise pursuant to paragraph (3) of subsection a. of this section be required to apply for a casino service industry enterprise license pursuant to paragraph (1) of subsection a. of this section. The director may also, in his discretion, order that an independent software contractor not otherwise required to be registered be either registered as a vendor pursuant to subsection c. of this section or be licensed pursuant to either paragraph (1) or (3) of subsection a. of this section.

(3) (Deleted by amendment, P.L.2011, c.19)

(4) Each ancillary casino service industry enterprise required to be licensed pursuant to paragraph (3) of subsection a. of this section, as well as

its owners, management and supervisory personnel, and employees if such employees have responsibility for services to a casino applicant or licensee, shall establish their good character, honesty and integrity by clear and convincing evidence and shall provide such financial information as may be required by the division. Any enterprise required to be licensed as an ancillary casino service industry enterprise pursuant to this section shall be permitted to transact business with a casino licensee upon filing of the appropriate vendor registration form and application for such licensure.

d. Any applicant, licensee or qualifier of a casino service industry enterprise license or of an ancillary casino service industry enterprise license under subsection a. of this section, and any vendor registrant under subsection c. of this section shall be disqualified in accordance with the criteria contained in section 86 of this act, except that no such ancillary casino service industry enterprise license under paragraph (3) of subsection a. of this section or vendor registration under subsection c. of this section shall be denied or revoked if such vendor registrant can affirmatively demonstrate rehabilitation as provided in subsection d. of section 91 of P.L.1977, c.110 (C.5:12-91).

e. No casino service industry enterprise license or ancillary casino service industry enterprise license shall be issued pursuant to subsection a. of this section to any person unless that person shall provide proof of valid business registration with the Division of Revenue in the Department of the Treasury.

f. (Deleted by amendment, P.L.2011, c.19)

g. For the purposes of this section, each applicant shall submit to the division the name, address, fingerprints and a written consent for a criminal history record background check to be performed, for each person required to qualify as part of the application. The division is hereby authorized to exchange fingerprint data with and receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation consistent with applicable State and federal laws, rules and regulations. 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 division in the event a current or prospective qualifier, 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.

h. (1) Subsequent to the licensure of any entity pursuant to subsection a. of this section, including any finding of qualification as may be required

as a condition of licensure, or the registration of any vendor pursuant to subsection c. of this section, the director may revoke, suspend, limit, or otherwise restrict the license, registration or qualification status upon a finding that the licensee, registrant or qualifier is disqualified on the basis of the criteria set forth in section 86 of P.L.1977, c.110 (C.5:12-86).

(2) A hearing prior to the suspension of any license, registration or qualification issued pursuant to this section shall be a limited proceeding at which the division shall have the affirmative obligation to demonstrate that there is a reasonable possibility that the licensee, registrant or qualifier is disqualified on the basis of the criteria set forth in section 86 of P.L.1977, c.110 (C.5:12-86).

13. 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 or through Internet gaming 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 division 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 division regulations.

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 division. Gaming equipment which supports the conduct of gaming in a casino or simulcasting facility or through Internet gaming but does not permit or require patron access, such as computers, or gaming software or other gaming equipment used to conduct Internet gaming may be possessed and maintained by a casino licensee or a qualified holding or intermediary company of a casino licensee in restricted areas specifically approved by the division. 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 division, is under the exclusive control

of a casino licensee or casino licensee's employees, or of any individually qualified employee of a holding company or casino licensee 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 division.

Notwithstanding any other provision of this section, computer equipment used by the slot system operator of a multi-casino progressive slot system to link and communicate with the slot machines of two or more casino licensees for the purpose of calculating and displaying the amount of a progressive jackpot, monitoring the operation of the system, and any other purpose that the division deems necessary and appropriate to the operation or maintenance of the multi-casino progressive slot machine system may, with the prior approval of the division, be possessed, maintained and operated by the slot system operator either in a restricted area on the premises of a casino hotel or in a secure facility inaccessible to the public and specifically designed for that purpose off the premises of a casino hotel but within the territorial limits of Atlantic County, New Jersey.

Notwithstanding the foregoing, a person may, with the prior approval of the division and under such terms and conditions as may be required by the division, possess, maintain or exhibit gaming equipment in any other area of the casino hotel, provided that such equipment is used for nongaming purposes.

Notwithstanding any other provision of this act to the contrary, the division may, by regulation, authorize the linking of slot machines of one or more casino licensees and slot machines located in casinos licensed by another state of the United States. Wagering and account information for a multi-state slot system shall be transmitted by the operator of such multi-state slot system to either a restricted area on the premises of a casino hotel or to a secure facility inaccessible to the public and specifically designed for that purpose off the premises of a casino hotel but within the territorial limits of Atlantic County, New Jersey, and from there to slot machines of New Jersey casino licensees, provided all locations are approved by the division.

Notwithstanding any other provision of this act to the contrary, the division may authorize electronic versions of authorized games to be played within an approved hotel facility on mobile gaming devices to be approved by the division, provided the player has established an account with the casino licensee, the wager is placed by and the winnings are paid to the patron in person within the approved hotel facility, the mobile gaming device is inoperable outside the approved hotel facility, and the division authorizes the device for mobile gaming; provided that the division may establish any additional or more stringent licensing and other regulatory requirements

necessary for the proper implementation and conduct of mobile gaming as authorized herein. For the purposes of this provision, the approved hotel facility shall include any area located within the property boundaries of the casino hotel facility, including the swimming pool area and an outdoor recreation area, where mobile gaming devices may be used by patrons in accordance with this provision, but excluding parking garages or parking areas of a casino hotel facility, provided that the division shall ascertain and ensure, pursuant to rules and regulations issued by it to implement mobile gaming pursuant to this provision, that mobile gaming shall not extend outside of the property boundaries of the casino hotel facility.

c. Each casino hotel shall contain a count room and such other secure facilities as may be required by the division for the counting and storage of cash, coins, tokens, checks, plaques, gaming vouchers, coupons, and other devices or items of value used in wagering and approved by the division that are received in the conduct of gaming and for the inspection, counting and storage of dice, cards, chips and other representatives of value. The division shall promulgate regulations for the security of drop boxes and other devices in which the foregoing items are deposited at the gaming tables or in slot machines, and all areas wherein such boxes and devices are kept while in use, which regulations may include certain locking devices. 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 division may require.

d. All chips used in gaming shall be of such size and uniform color by denomination as the division shall require by regulation.

e. All gaming shall be conducted according to rules promulgated by the division. All wagers and pay-offs of winning wagers shall be made according to rules promulgated by the division, 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 division 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 division shall require. Each casino licensee shall prominently post within a casino room and simulcasting facility, as appropriate, according to regulations of the division 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 division shall require.

g. Each gaming table shall be equipped with a sign indicating the permissible minimum and maximum wagers pertaining thereto. All gaming and wagering offered through Internet gaming shall display online 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 and licensed for use by the division. The division shall also test any other gaming device, gaming equipment, gaming-related device, hardware and software by which authorized gambling games are offered through the Internet, or gross-revenue related device, such as a slot management system, electronic transfer credit system or gaming voucher system as it deems appropriate. In its discretion and for the purpose of expediting the approval process, the division may utilize the services of a private testing laboratory that has obtained a plenary license as a casino service industry enterprise pursuant to subsection a. of section 92 of P.L.1977, c.110 (C.5:12-92) to perform the testing, and may also utilize applicable data from any such private testing laboratory or from a governmental agency of a state other than New Jersey authorized to regulate slot machines and other gaming devices, gaming equipment, gaming-related devices and gross-revenue related devices used in casino gaming, if the private testing laboratory or governmental agency uses a testing methodology substantially similar to the methodology utilized by the division. The division, in its discretion, may rely upon the data provided by the private testing laboratory or governmental agency and adopt the conclusions of such private testing laboratory or governmental agency regarding any submitted device.

(2) Except as otherwise provided in paragraph (5) of subsection h. of this section, the division shall, within 60 days of its receipt of a complete application for the testing of a slot machine or other gaming equipment model, approve or reject the slot machine or other gaming equipment model. In so doing, the division shall specify whether and to what extent any data from a private testing laboratory or governmental agency of a state other than New Jersey was used in reaching its conclusions and recommendation. If the division is unable to complete the testing of a slot machine or other gaming equipment model within this 60-day period, the division may conditionally approve the slot machine or other gaming equipment model

for test use by a casino licensee provided that the division represents that the use of the slot machine or other gaming equipment 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 or other gaming equipment which a casino licensee has certified it will use in its casino in this State.

(3) The division 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 division of the settings.

(4) The division 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 division 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.

(5) Any new gaming equipment or simulcast wagering equipment that is submitted for testing to the division or to an independent testing laboratory licensed pursuant to subsection a. of section 92 of P.L.1977, c.110 (C.5:12-92) prior to or simultaneously with submission of such new equipment for testing in a jurisdiction other than New Jersey, may, consistent with regulations promulgated by the division, be deployed by a casino licensee on the casino floor 14 days after submission of such equipment for testing. If the casino or casino service industry enterprise licensee has not received approval for the equipment 14 days after submission for testing, any interested casino licensee may, consistent with division regulations, deploy the equipment on a field test basis, unless otherwise directed by the director.

(6) A casino's primary equipment used to conduct Internet gaming shall be located, with the prior approval of the division, in a restricted area

on the premises of the casino hotel within the territorial limits of Atlantic City, New Jersey. Backup equipment used on a temporary basis pursuant to rules established by the division to conduct Internet gaming may be located outside the territorial limits of Atlantic City, provided no Internet gaming shall occur unless a wager is accepted by a casino within the territorial limits of Atlantic City, New Jersey. All Internet wagers shall be deemed to be placed when received in Atlantic City by the licensee. Any intermediate routing of electronic data in connection with a wager shall not affect the fact that the wager is placed in Atlantic City

No software, computer or other gaming equipment shall be used to conduct Internet gaming unless it has been specifically tested by the division. The division may, in its discretion, and for the purpose of expediting the approval process, refer testing to any testing laboratory with a plenary license as a casino service industry enterprise pursuant to subsection a. of section 92 of P.L.1977, c.110 (C.5:12-92). The division shall give priority to the testing of software, computers or other gaming equipment which a casino licensee has certified it will use to conduct Internet gaming in this State. The division shall, by regulation, establish such technical standards for approval of software, computers and other gaming equipment used to conduct Internet gaming, including mechanical, electrical or program 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. When appropriate, the licensee shall set the denominations of Internet games and shall simultaneously notify the division of the settings.

No software, computer or other gaming equipment shall be used to conduct Internet gaming unless it is able to verify that a player placing a wager is physically present in this State. The division shall require by regulation that the equipment used by every licensee to conduct Internet gaming is, in fact, verifying every player's physical presence in this State each time a player logs onto a new playing session.

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, slot vouchers or complimentary vouchers distributed by the casino licensee, or, if authorized by regulation of the division, 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 division.

n. (1) It shall be unlawful for any casino key employee licensee to wager in any casino or simulcasting facility in this State.

(2) It shall be unlawful for any other employee of a casino licensee who, in the judgment of the division, is directly involved with the conduct of gaming operations, including but not limited to dealers, floor persons, box persons, security and surveillance employees, to wager in any 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 an affiliated licensee.

(3) The prohibition against wagering set forth in paragraphs (1) and (2) of this subsection shall continue for a period of 30 days commencing upon the date that the employee either leaves employment with a casino licensee or is terminated from employment with a 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 lock-box reserved for that purpose, unless the tip or gratuity is authorized by a patron utilizing an automated wagering system approved by the division. All tips or gratuities shall be 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 division may, by regulation, 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.

(3) Notwithstanding the provisions of paragraph (1) of this subsection, a casino licensee may require that a percentage of the prize pool offered to participants pursuant to an authorized poker tournament be withheld for distribution to the tournament dealers as tips or gratuities as the division by regulation may approve.

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 division.

14. Section 104 of P.L.1977, c.110 (C.5:12-104) is amended to read as follows:

C.5:12-104 Casino licensees, leases and contracts

104. a. Unless otherwise provided in this subsection, no agreement shall be lawful which provides for the payment, however defined, of any direct or indirect interest, percentage or share of: any money or property gambled at a casino or simulcasting facility; any money or property derived from casino gaming activity or wagering at a simulcasting facility; or any revenues, profits or earnings of a casino or simulcasting facility. Notwithstanding the foregoing:

(1) Agreements which provide only for the payment of a fixed sum which is in no way affected by the amount of any such money, property, revenues, profits or earnings shall not be subject to the provisions of this subsection; and receipts, rentals or charges for real property, personal property or services shall not lose their character as payments of a fixed sum because of contract, lease, or license provisions for adjustments in charges, rentals or fees on account of changes in taxes or assessments, cost-of-living index escalations, expansion or improvement of facilities, or changes in services supplied.

(2) Agreements between a casino licensee and a junket enterprise or junket representative licensed, qualified or registered in accordance with the provisions of P.L.1977, c.110 (C.5:12-1 et seq.) and the regulations of the division which provide for the compensation of the junket enterprise or junket representative by the casino licensee based upon the actual casino gaming or simulcast wagering activities of a patron procured or referred by the junket enterprise or junket representative shall be lawful if filed with the division prior to the conduct of any junket that is governed by the agreement.

(3) Agreements between a casino licensee and its employees which provide for casino employee or casino key employee profit sharing shall be lawful if the agreement is in writing and filed with the division prior to its effective date. Such agreements may be reviewed by the division under any relevant provision of P.L.1977, c.110 (C.5:12-1 et seq.).

(4) Agreements to lease an approved casino hotel or the land thereunder and agreements for the complete management of all casino gaming operations in a casino hotel shall not be subject to the provisions of this subsection but shall rather be subject to the provisions of subsections b. and c. of section 82 of this act.

(5) Agreements which provide for percentage charges between the casino licensee and a holding company or intermediary company of the casino licensee shall be in writing and filed with the division but shall not be subject to the provisions of this subsection.

(6) Agreements relating to simulcast racing and wagering between a casino licensee and an in-State or out-of-State sending track licensed or exempt from licensure in accordance with section 92 of P.L.1977, c.110 (C.5:12-92) shall be in writing, be filed with the division, and be lawful and effective only if expressly approved as to their terms by the division and the New Jersey Racing Commission, except that any such agreements which provide for a percentage of the parimutuel pool wagered at a simulcasting facility to be paid to the sending track shall not be subject to the provisions of this subsection.

(7) Agreements relating to simulcast racing and wagering between a casino licensee and a casino service industry enterprise licensed pursuant to the provisions of subsection a. of section 92 of P.L.1977, c.110 (C.5:12-92) as a hub facility, as defined in joint regulations of the Division of Gaming Enforcement and the New Jersey Racing Commission, shall be in writing, be filed with the commission, and be lawful and effective only if expressly approved as to their terms by the commission and the New Jersey Racing Commission, except that any such agreements which provide for a percentage of the casino licensee's share of the parimutuel pool wagered at a simulcasting facility to be paid to the hub facility shall not be subject to the provisions of this subsection.

(8) Agreements relating to simulcast racing and wagering between a casino licensee and a casino service industry enterprise licensed pursuant to the provisions of subsection a. of section 92 of P.L.1977, c.110 (C.5:12-92) to conduct casino simulcasting in a simulcasting facility shall be in writing, be filed with the commission, and be lawful and effective only if expressly approved as to their terms by the commission, except that any such agreements

which provide for a percentage of the casino licensee's share of the parimutuel pool wagered at a simulcasting facility to be paid to the casino service industry enterprise shall not be subject to the provisions of this subsection.

(9) Written agreements relating to the operation of multi-casino or multi-state progressive slot machine systems between one or more casino licensees and a casino service industry enterprise licensed pursuant to the provisions of subsection a. of section 92 of P.L.1977, c.110 (C.5:12-92), or an eligible applicant for such license, which provide for an interest, percentage or share of the casino licensee's revenues, profits or earnings from the operation of such multi-casino or multi-state progressive slot machines to be paid to the casino service industry enterprise licensee or applicant shall not be subject to the provisions of this subsection if the agreements are filed with and approved by the division.

(10) A written agreement between a casino licensee and a casino service industry enterprise licensed pursuant to subsection a. of section 92 of P.L.1977, c.110 (C.5:12-92), or an eligible applicant for such license, relating to the construction, renovation or operation of qualifying sleeping units, as defined in section 27 of P.L.1977, c.110 (C.5:12-27), or of non-gaming amenities, as defined by the division, within the limits of the city of Atlantic City, regardless of whether such qualifying sleeping units or non-gaming amenities are connected to a casino hotel facility, which provides for an interest, percentage or share of the casino licensee's revenues, profits or earnings, not to exceed 5% of the casino licensee's revenues, to be paid to the casino service industry enterprise licensee or applicant in return for the construction, renovation or operation of such qualifying sleeping units or non-gaming amenities shall not be subject to the provisions of this subsection provided that: (i) the agreement requires a capital investment, at least 10% of which shall be made by the casino service industry enterprise licensee or applicant over the term of the agreement, of not less than \$30 million, which minimum amount shall be adjusted periodically by the division for inflation; (ii) the division finds that the total amount of casino revenues, profits or earnings that can be paid to the casino service industry enterprise licensee or applicant pursuant to this agreement is commercially reasonable under the circumstances; and (iii) the agreement is filed with and approved by the division.

(11) A written agreement between a casino licensee holding an Internet gaming permit and a casino service industry enterprise licensed pursuant to subsection a. of section 92 of P.L.1977, c.110 (C.5:12-92), or an eligible applicant for such a license, in connection with the conduct of Internet gaming under P.L.2013, c.27 (C.5:12-95.17 et al.), which provides for a

percentage of the casino licensee's Internet gaming gross revenue to be paid to the casino service industry enterprise licensee shall not be subject to the provisions of this subsection, provided that the agreement shall be in writing, filed with the division, and shall be lawful and effective only if the terms thereof are expressly approved by the division.

b. Each casino applicant or licensee shall maintain, in accordance with the rules of the division, a record of each written or unwritten agreement regarding the realty, construction, maintenance, or business of a proposed or existing casino hotel or related facility. The foregoing obligation shall apply regardless of whether the casino applicant or licensee is a party to the agreement. Any such agreement may be reviewed by the division on the basis of the reasonableness of its terms, including the terms of compensation, and of the qualifications of the owners, officers, employees, and directors of any enterprise involved in the agreement, which qualifications shall be reviewed according to the standards enumerated in section 86 of P.L.1977, c.110 (C.5:12-86). If the division disapproves such an agreement or the owners, officers, employees, or directors of any enterprise involved therein, the division may require its termination.

Every agreement required to be maintained, and every related agreement the performance of which is dependent upon the performance of any such agreement, shall be deemed to include a provision to the effect that, if the commission shall require termination of an agreement pursuant to its authority under P.L.1977, c.110 (C.5:12-1 et seq.), such termination shall occur without liability on the part of the casino applicant or licensee or any qualified party to the agreement or any related agreement. Failure expressly to include such a provision in the agreement shall not constitute a defense in any action brought to terminate the agreement. If the agreement is not maintained or presented to the commission in accordance with division regulations, or the disapproved agreement is not terminated, the division may pursue any remedy or combination of remedies provided in this act.

For the purposes of this subsection, "casino applicant" includes any person required to hold a casino license pursuant to section 82 of P.L.1977, c.110 (C.5:12-82) who has applied to the division for a casino license or any approval required under P.L.1977, c.110 (C.5:12-1 et seq.).

c. Nothing in this act shall be deemed to permit the transfer of any license, or any interest in any license, or any certificate of compliance or any commitment or reservation.

15. Section 109 of P.L.1977, c.110 (C.5:12-109) is amended to read as follows:

C.5:12-109 Emergency orders.

109. Notwithstanding any provisions of this article, the director may issue an emergency order for the suspension, limitation or conditioning of any operation certificate or any license, other than a casino license, or any registration, or any permit to conduct Internet gaming, or may issue an emergency order requiring the licensed casino to keep an individual from the premises of such licensed casino or from using or maintaining an Internet gaming account, or not to pay such individual any remuneration for services or any profits, income or accruals on his investment in such casino, in the following manner:

a. An emergency order shall be issued only when the director finds that:

(1) There has been charged a violation of any of the criminal laws of this State by a licensee or registrant, or

(2) Such action is necessary to prevent a violation of any such provision, or

(3) Such action is necessary immediately for the preservation of the public peace, health, safety, morals, good order and general welfare or to preserve the public policies declared by this act.

b. An emergency order shall set forth the grounds upon which it is issued, including the statement of facts constituting the alleged emergency necessitating such action.

c. The emergency order shall be effective immediately upon issuance and service upon the licensee, registrant, or resident agent of the licensee. The emergency order may suspend, limit, condition or take other action in relation to the approval of one or more individuals who were required to be approved in any operation, without necessarily affecting any other individuals or the licensed casino establishment. The emergency order shall remain effective until further order of the director.

d. Within 5 days after issuance of an emergency order, the division shall cause a complaint to be filed and served upon the person or entity involved in accordance with the provisions of this act.

e. Thereafter, the person or entity against whom the emergency order has been issued and served shall show cause before the director why the emergency order should not remain in effect in accordance with the provisions of this act and the regulations promulgated hereunder.

16. Section 1 of P.L.1999, c.352 (C.5:12-129.1) is amended to read as follows:

C.5:12-129.1 Report of suspicious transaction.

1. The holder of any license issued under P.L.1977, c.110 (C.5:12-1 et seq.), or any person acting on behalf thereof, shall file a report of any suspicious transaction with the Director of the Division of Gaming Enforcement. For the purposes of P.L.1999, c.352 (C.5:12-129.1 et al.), "suspicious transaction" means the acceptance of cash, the redeeming of chips or markers or other cash equivalents, or a payment to establish credits in an Internet gaming account involving or aggregating \$5,000 if the licensee or person knows or suspects that the transaction:

- a. involves funds derived from illegal activities or is intended or conducted in order to conceal or disguise funds or assets derived from illegal activities;
- b. is part of a plan to violate or evade any law or regulation or to avoid any transaction reporting requirement under the law or regulations of this State or the United States, including a plan to structure a series of transactions to avoid any transaction reporting requirement under the laws or regulations of this State or the United States; or
- c. has no business or other apparent lawful purpose or is not the sort of transaction in which a person would normally be expected to engage and the licensee or person knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction.

C.5:12-95.19 Annual tax on Internet gaming gross revenues.

17. There is hereby imposed an annual tax on Internet gaming gross revenues in the amount of 15% of such gross revenues which shall be paid into the Casino Revenue Fund. The 8% tax on casino gross revenues shall not apply to Internet gaming gross revenues. The investment alternative tax established by section 3 of P.L.1984, c.218 (C.5:12-144.1) shall apply to Internet gaming gross revenues, except that the investment alternative tax on these revenues shall be 5% and the investment alternative shall be 2.5%, with the proceeds thereof used as provided in that section.

C.5:12-95.20 Federal law applicable.

18. Internet gaming in this State shall be subject to the provisions of, and preempted and superseded by, any applicable federal law.

Internet gaming in this State shall be deemed to take place where a casino's server is located in Atlantic City regardless of the player's physical location within this State.

C.5:12-95.21 Permit required to conduct Internet gaming.

19. a. No Internet gaming shall be opened to the public, and no gaming, except for test purposes, may be conducted therein, until a casino licensee with a valid operation certificate, or an Internet gaming affiliate thereof that is licensed pursuant to paragraph (5) of subsection b. of section 82 of P.L.1977, c.110 (C.5:12-82), receives from the division a permit to conduct Internet gaming. Such permit, valid for one year, shall be issued by the division upon a finding that the Internet gaming complies in all respects with the requirements of this act, P.L.2013, c.27 and regulations promulgated by the division.

C.5:12-95.22 Location of primary Internet gaming operation.

20. a. A casino's primary Internet gaming operation, including facilities, equipment and personnel who are directly engaged in the conduct of Internet gaming activity, shall be located within a restricted area on the premises of the casino hotel within the territorial limits of Atlantic City, New Jersey. Backup equipment used on a temporary basis pursuant to rules established by the division to conduct Internet gaming may, with the approval of the division, be located outside the territorial limits of Atlantic City, provided no internet gaming shall occur unless a wager is accepted by a casino within the territorial limits of Atlantic City, New Jersey.

b. Facilities used to conduct and support Internet gaming shall:

(1) be arranged in a manner promoting optimum security for Internet gaming;

(2) include a closed circuit visual monitoring system according to specifications approved by the division, with access on the licensed premises to the system or its signal provided to the division;

(3) not be designed in any way that might interfere with the ability of the division to supervise Internet gaming operations; and

(4) comply in all respects with regulations of the division pertaining thereto.

C.5:12-95.23 Conditions for acceptance of Internet wagers.

21. A casino licensee may accept Internet gaming account wagers only as follows:

a. The account wager shall be placed directly with the casino licensee by the holder of the wagering account and the casino licensee has verified the account holder's physical presence in this State.

b. The account holder placing the account wager shall provide the casino licensee with the correct authentication information for access to the wagering account.

c. A casino licensee may not accept an account wager in an amount in excess of funds on deposit in the wagering account of the holder placing the wager. Funds on deposit include amounts credited under this act, P.L.2013, c.27 (C.5:12-95.17 et al.), and in the account at the time the wager is placed.

C.5:12-95.24 Disposition of inactive, dormant accounts.

22. All amounts remaining in Internet gaming accounts inactive or dormant for such period and under such conditions as established by regulation by the division shall be paid 50% to the casino licensee and 50% to the casino control fund. Before closing a wagering account pursuant to this section, the casino licensee shall attempt to contact the account holder by mail, phone and computer.

C.5:12-95.25 Assistance to people with gambling problem.

23. In order to assist those persons who may have a gambling problem, a casino licensee shall:

a. cause the words "If you or someone you know has a gambling problem and wants help, call 1-800 GAMBLER," or some comparable language approved by the division, which language shall include the words "gambling problem" and "call 1-800 GAMBLER," to be displayed prominently at log on and log off times to any person visiting or logged onto Internet gaming; and

b. provide a mechanism by which a holder of a wagering account may establish the following controls on wagering activity through the wagering account:

(1) a limit on the amount of money deposited within a specified period of time and the length of time the holder will be unable to participate in gaming if the holder reaches the established deposit limit; and

(2) a temporary suspension of gaming through the account for any number of hours or days.

The casino licensee shall not send gaming-related electronic mail to an account holder while gaming through his or her wagering account is suspended, if the suspension is for at least 72 hours. The casino licensee shall provide a mechanism by which an account holder may change these controls, except that while gaming through the wagering account is suspended, the account holder may not change gaming controls until the suspension expires, but the holder shall continue to have access to the account and shall be permitted to withdraw funds from the account upon proper application therefor.

C.5:12-95.26 Offering of Internet gaming without approval, fourth degree crime; fines.

24. Any person who offers games into play or displays such games through Internet gaming without approval of the division to do so is guilty of a crime of the fourth degree and notwithstanding the provisions of N.J.S.2C:43-3, shall be subject to a fine of not more than \$25,000 and in the case of a person other than a natural person, to a fine of not more than \$100,000 and any other appropriate disposition authorized by subsection b. of N.J.S.2C:43-2.

C.5:12-95.27 Tampering with equipment, third degree crime; fines.

25. a. Notwithstanding section 46 of P.L.1991, c.182 (C.5:12-113.1), any person who knowingly tampers with software, computers or other equipment used to conduct Internet gaming to alter the odds or the payout of a game or disables the game from operating according to the rules of the game as promulgated by the division 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 and in the case of a person other than a natural person, to a fine of not more than \$200,000 and any other appropriate disposition authorized by subsection b. of N.J.S.2C:43-2.

b. In addition to the penalties provided in subsection a., an employee of the casino licensee who violates this section shall have his or her license revoked and shall be subject to such further penalty as the division deems appropriate.

c. In addition to the penalties provided in subsection a., a casino licensee that violates this section shall have its permit to conduct Internet gaming revoked and shall be subject to such further penalty as the division deems appropriate.

C.5:12-95.28 Tampering affecting odds, payout, third degree crime; fines.

26. a. Any person who knowingly offers or allows to be offered any Internet game that has been tampered with in a way that affects the odds or the payout of a game or disables the game from operating according to the rules of the game as promulgated by the division 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 and in the case of a person other than a natural person, to a fine of not more than \$200,000 and any other appropriate disposition authorized by subsection b. of N.J.S.2C:43-2.

b. In addition to the penalties provided in subsection a., an employee of the casino licensee who knowingly violates this section shall have his or her license suspended for a period of not less than 30 days.

c. In addition to the penalties provided in subsection a., a casino licensee that violates this section shall have its permit to conduct Internet gaming suspended for a period of not less than 30 days.

C.5:12-95.29 Annual fees for issuance, renewal of Internet gaming permits.

27. a. The division shall, by regulation, establish annual fees for the issuance or renewal of Internet gaming permits. The issuance fee shall be based upon the cost of investigation and consideration of the license application and shall be not less than \$400,000. The renewal fee shall be based upon the cost of maintaining enforcement, control and regulation of Internet wagering operations and shall be not less than \$250,000.

b. The Attorney General shall certify to the division actual and prospective costs of the investigative and enforcement functions of the division, which costs shall be the basis, together with the operating expenses of the division, for the establishment of annual permit issuance and renewal fees.

c. A nonrefundable deposit of at least \$100,000 shall be required to be posted with each application for an Internet gaming permit and shall be applied to the initial permit fee if the application is approved.

d. In addition to the permit issuance and renewal fees, a casino licensee with an Internet gaming permit shall pay annually to the division \$250,000 to be deposited into the State General Fund for appropriation by the Legislature to the Department of Human Services, \$140,000 of which shall be allocated to the Council on Compulsive Gambling of New Jersey and \$110,000 of which shall be used for compulsive gambling treatment programs in the State.

C.5:12-95.30 Facilities permitted to conduct Internet gaming; violations, penalties.

28. No organization or commercial enterprise, other than a casino located in Atlantic City or its Internet gaming affiliate that has been issued a permit to conduct Internet gaming and has located all of its equipment used to conduct Internet gaming, including computers, servers, monitoring rooms, and hubs, in Atlantic City, shall make its premises available for placing wagers at casinos using the Internet or advertise that its premises may be used for such purpose. An organization or commercial enterprise that is determined by the division to have violated the provisions of this section shall be subject to a penalty of \$1,000 per player per day for making its premises available for placing wagers at casinos using the Internet and of \$10,000 per violation for advertising that its premises may be used for such purpose.

C.5:12-95.31 Acceptance of certain out-of-State wagers.

29. Notwithstanding any other provision of P.L.2013, c.27 (C.5:12-95.17 et al.), wagers may be accepted thereunder from persons who are not physically present in this State if the Division of Gaming Enforcement in the Department of Law and Public Safety determines that such wagering is not inconsistent with federal law or the law of the jurisdiction, including any foreign nation, in which any such person is located, or such wagering is conducted pursuant to a reciprocal agreement to which this State is a party that is not inconsistent with federal law.

Repealer.

30. Section 11 of P.L.2011, c.18 (C.5:12-225) is repealed.

31. Section 9 of P.L.2011, c.18 (C.5:12-223) is amended to read as follows:

C.5:12-223. Agreements; fees, use.

9. a. If the not-for-profit corporation is unable to perform its obligations under an agreement with the authority, or Convention Center Division, or if the agreement is terminated, as provided under that section, and is not renewed, the authority shall assess a fee payable by each casino licensee for the State fiscal year, for a period of five State fiscal years. The fee assessed under this subsection shall be in proportion to the casino licensee's gross revenues generated in the fiscal year preceding the assessment. The total fees assessed collectively upon all casino licensees shall be no less than \$30,000,000 for each State fiscal year for which the fees are assessed.

b. Such fees shall be used exclusively to facilitate the development of the tourism district, enhance the cleanliness and safety of the tourism district, and fund the marketing efforts of the authority or of the Convention Center Division, as the case may be, concerning tourism in the district.

32. Section 82 of P.L.1977, c.110 (C.5:12-82) is amended to read as follows:

C.5:12-82 Casino license - applicant eligibility.

82. a. No casino shall operate unless all necessary licenses and approvals therefor have been obtained in accordance with law.

b. Only the following persons shall be eligible to hold a casino license; and, unless otherwise determined by the commission with the con-

currence of the Attorney General which may not be unreasonably withheld in accordance with subsection c. of this section, each of the following persons shall be required to hold a casino license prior to the operation of a casino in the casino hotel with respect to which the casino license has been applied for:

(1) Any person who either owns an approved casino hotel or owns or has a contract to purchase or construct a casino hotel which in the judgment of the commission can become an approved casino hotel within 30 months or within such additional time period as the commission may, upon a showing of good cause therefor, establish;

(2) Any person who, whether as lessor or lessee, either leases an approved casino hotel or leases or has an agreement to lease a casino hotel which in the judgment of the commission can become an approved casino hotel within 30 months or within such additional time period as the commission may, upon a showing of good cause therefor, establish;

(3) Any person who has a written agreement with a casino licensee or with an eligible applicant for a casino license for the complete management of a casino and, if applicable, any authorized games in a casino simulcasting facility;

(4) Any other person who has control over either an approved casino hotel or the land thereunder or the operation of a casino; and

(5) Any person who is an Internet gaming affiliate of an owner or operator of a licensed casino, and such person is to own or operate an Internet gaming system for such licensed casino.

c. Prior to the operation of a casino and, if applicable, a casino simulcasting facility, every agreement to lease an approved casino hotel or the land thereunder and every agreement for the management of the casino and, if applicable, any authorized games in a casino simulcasting facility, shall be in writing and filed with the commission and the division. No such agreement shall be effective unless expressly approved by the commission. The commission may require that any such agreement include within its terms any provision reasonably necessary to best accomplish the policies of this act. Consistent with the policies of this act:

(1) The commission, with the concurrence of the Attorney General which may not be unreasonably withheld, may determine that any person who does not have the ability to exercise any significant control over either the approved casino hotel or the operation of the casino contained therein shall not be eligible to hold or required to hold a casino license;

(2) The commission, with the concurrence of the Attorney General which may not be unreasonably withheld, may determine that any owner,

lessor or lessee of an approved casino hotel or the land thereunder who does not own or lease a significant portion of an approved casino hotel shall not be eligible to hold or required to hold a casino license;

(3) The commission shall require that any person or persons eligible to apply for a casino license organize itself or themselves into such form or forms of business association as the commission shall deem necessary or desirable in the circumstances to carry out the policies of this act;

(4) The commission may issue separate casino licenses to any persons eligible to apply therefor;

(5) As to agreements to lease an approved casino hotel or the land thereunder, unless it expressly and by formal vote for good cause determines otherwise, the commission shall require that each party thereto hold either a casino license or casino service industry enterprise license and that such an agreement shall include within its terms a buy-out provision conferring upon the casino licensee-lessee who controls the operation of the approved casino hotel the absolute right to purchase for an expressly set forth fixed sum the entire interest of the lessor or any person associated with the lessor in the approved casino hotel or the land thereunder in the event that said lessor or said person associated with the lessor is found by the commission or director, as the case may be, to be unsuitable to be associated with a casino enterprise;

(6) The commission shall not permit an agreement for the leasing of an approved casino hotel or the land thereunder to provide for the payment of an interest, percentage or share of money gambled at the casino or derived from casino gaming activity or of revenues or profits of the casino unless the party receiving payment of such interest, percentage or share is a party to the approved lease agreement; unless each party to the lease agreement holds either a casino license or casino service industry enterprise license, and includes within its terms a buy-out provision conforming to that described in paragraph (5) above;

(7) As to agreements for the management of a casino and, if applicable, the authorized games in a casino simulcasting facility, the commission shall require that each party thereto hold a casino license or a casino service industry enterprise license pursuant to subsection a. of section 92 of P.L.1977, c.110 (C.5:12-92), that the party thereto who is to manage the casino gaming operations own at least 10% of all outstanding equity securities of any casino licensee or of any eligible applicant for a casino license if the said licensee or applicant is a corporation and the ownership of an equivalent interest in any casino licensee or in any eligible applicant for a casino license if same is not a corporation, and that such an agreement be

for the complete management of all casino space in the casino hotel and, if applicable, all authorized games in a casino simulcasting facility, provide for the sole and unrestricted power to direct the casino gaming operations of the casino hotel which is the subject of the agreement, and be for such a durational term as to assure reasonable continuity, stability and independence in the management of the casino gaming operations, provided that the provisions of this paragraph shall not apply to a slot system agreement between a group of casino licensees and a casino service industry enterprise licensed pursuant to subsection a. of section 92 of P.L.1977, c.110 (C.5:12-92), or an eligible applicant for such license, and that, with regard to such agreements, the casino service industry enterprise licensee or applicant may operate and administer the multi-casino progressive slot machine system, including, but not limited to, the operation of a monitor room or the payment of progressive, including annuity, jackpots, or both, and further provided that the obligation to pay a progressive jackpot or establish an annuity jackpot guarantee shall be the sole responsibility of the casino licensee or casino service industry enterprise licensee or applicant designated in the slot system agreement and that no other party shall be jointly or severally liable for the payment or funding of such jackpots or guarantees unless such liability is specifically established in the slot system agreement;

(8) The commission may permit an agreement for the management of a casino and, if applicable, the authorized games in a casino simulcasting facility to provide for the payment to the managing party of an interest, percentage or share of money gambled at all authorized games or derived from casino gaming activity or of revenues or profits of casino gaming operations;

(9) Notwithstanding any other provision of P.L.1977, c.110 (C.5:12-1 et seq.) to the contrary, the commission may permit an agreement between a casino licensee and a casino service industry enterprise licensed pursuant to the provisions of subsection a. of section 92 of P.L.1977, c.110 (C.5:12-92) for the conduct of casino simulcasting in a simulcasting facility or for the operation of a multi-casino progressive slot machine system, to provide for the payment to the casino service industry enterprise of an interest, percentage or share of the money derived from the casino licensee's share of proceeds from simulcast wagering activity or the operation of a multi-casino progressive slot machine system; and

(10) As to agreements to lease an approved casino hotel or the land thereunder, agreements to jointly own an approved casino hotel or the land thereunder and agreements for the management of casino gaming operations or for the conduct of casino simulcasting in a simulcasting facility, the com-

mission shall require that each party thereto, except for a banking or other chartered or licensed lending institution or any subsidiary thereof, or any chartered or licensed life insurance company or property and casualty insurance company, or the State of New Jersey or any political subdivision thereof or any agency or instrumentality of the State or any political subdivision thereof, shall be jointly and severally liable for all acts, omissions and violations of this act by any party thereto regardless of actual knowledge of such act, omission or violation and notwithstanding any provision in such agreement to the contrary. Notwithstanding the foregoing, nothing in this paragraph shall require a casino licensee to be jointly and severally liable for any acts, omissions or violations of this act, P.L.1977, c.110 (C.5:12-1 et seq.), committed by any casino service industry enterprise licensee or applicant performing as a slot system operator pursuant to a slot system agreement.

d. No corporation shall be eligible to apply for a casino license unless:

(1) The corporation shall be incorporated in the State of New Jersey, although such corporation may be a wholly or partially owned subsidiary of a corporation which is organized pursuant to the laws of another state of the United States or of a foreign country;

(2) The corporation shall maintain an office of the corporation in the casino hotel licensed or to be licensed;

(3) The corporation shall comply with all the requirements of the laws of the State of New Jersey pertaining to corporations;

(4) The corporation shall maintain a ledger in the principal office of the corporation in New Jersey which shall at all times reflect the current ownership of every class of security issued by the corporation and shall be available for inspection by the commission or the division and authorized agents of the commission and the division at all reasonable times without notice;

(5) The corporation shall maintain all operating accounts required by the commission in a bank in New Jersey, except that a casino licensee may establish deposit-only accounts in any jurisdiction in order to obtain payment of any check described in section 101 of P.L.1977, c.110 (C.5:12-101);

(6) The corporation shall include among the purposes stated in its certificate of incorporation the conduct of casino gaming and provide that the certificate of incorporation includes all provisions required by this act;

(7) The corporation, if it is not a publicly traded corporation, shall file with the division and the commission such adopted corporate charter provisions as may be necessary to establish the right of the commission pursuant to subsection a. of section 105 of P.L.1977, c.110 (C.5:12-105) to disapprove transfers of securities, shares, and other interests in the applicant corporation; and, if it is a publicly traded corporation, provide in its corporate

charter that any securities of such corporation are held subject to the condition that if a holder thereof is found to be disqualified pursuant to the provisions of this act, such holder shall dispose of his interest in the corporation; provided, however, that, notwithstanding the provisions of N.J.S.14A:7-12 and N.J.S.12A:8-101 et seq., nothing herein shall be deemed to require that any security of such corporation bear any legend to this effect;

(8) The corporation, if it is not a publicly traded corporation, shall establish to the satisfaction of the division that appropriate charter provisions create the absolute right of such non-publicly traded corporations and companies to repurchase at the market price or the purchase price, whichever is the lesser, any security, share or other interest in the corporation in the event that the commission disapproves a transfer in accordance with the provisions of this act;

(9) Any publicly traded holding, intermediary, or subsidiary company of the corporation, whether the corporation is publicly traded or not, shall contain in its corporate charter the same provisions required under paragraph (7) for a publicly traded corporation to be eligible to apply for a casino license; and

(10) Any non-publicly traded holding, intermediary or subsidiary company of the corporation, whether the corporation is publicly traded or not, shall establish to the satisfaction of the commission that its charter provisions are the same as those required under paragraphs (7) and (8) for a non-publicly traded corporation to be eligible to apply for a casino license.

The provisions of this subsection shall apply with the same force and effect with regard to casino license applicants and casino licensees which have a legal existence that is other than corporate to the extent which is appropriate.

e. No person shall be issued or be the holder of a casino license if the issuance or the holding results in undue economic concentration in Atlantic City casino operations by that person. For the purpose of this subsection, "undue economic concentration" means that a person would have such actual or potential domination of the casino gaming market in Atlantic City as to substantially impede or suppress competition among casino licensees or adversely impact the economic stability of the casino industry in Atlantic City. In determining whether the issuance or holding of a casino license by a person will result in undue economic concentration, the commission shall consider the following criteria:

(1) The percentage share of the market presently controlled by the person in each of the following categories:

The total number of licensed casinos in this State;

Total casino and casino simulcasting facility square footage;

Number of guest rooms;
Number of slot machines;
Number of table games;
Net revenue;
Table game win;
Slot machine win;
Table game drop;
Slot machine drop; and
Number of persons employed by the casino hotel;

(2) The estimated increase in the market shares in the categories in (1) above if the person is issued or permitted to hold the casino license;

(3) The relative position of other persons who hold casino licenses, as evidenced by the market shares of each such person in the categories in (1) above;

(4) The current and projected financial condition of the casino industry;

(5) Current market conditions, including level of competition, consumer demand, market concentration, any consolidation trends in the industry and any other relevant characteristics of the market;

(6) Whether the licensed casinos held or to be held by the person have separate organizational structures or other independent obligations;

(7) The potential impact of licensure on the projected future growth and development of the casino industry and Atlantic City;

(8) The barriers to entry into the casino industry, including the licensure requirements of this act, P.L.1977, c.110 (C.5:12-1 et seq.), and whether the issuance or holding of a casino license by the person will operate as a barrier to new companies and individuals desiring to enter the market;

(9) Whether the issuance or holding of the license by the person will adversely impact on consumer interests, or whether such issuance or holding is likely to result in enhancing the quality and customer appeal of products and services offered by casino licensees in order to maintain or increase their respective market shares;

(10) Whether a restriction on the issuance or holding of an additional license by the person is necessary in order to encourage and preserve competition and to prevent undue economic concentration in casino operations; and

(11) Any other evidence deemed relevant by the commission.

The commission shall, after conducting public hearings thereon, promulgate rules and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) defining any additional criteria the commission will use in determining what constitutes undue economic concentration.

For the purpose of this subsection a person shall be considered the holder of a casino license if such license is issued to such person or if such license is held by any holding, intermediary or subsidiary company thereof, or by any person required to be qualified in conjunction with such casino license.

C.5:12-95.32 "Internet gaming affiliate."

33. As used in P.L.1977, c.110 (C.5:12-1 et seq.), as amended and supplemented, "Internet gaming affiliate" means a business entity licensed under that act that owns or operates an Internet gaming system on the behalf of a licensed casino.

34. Section 1 of P.L.2008, c.12 (C.5:12-38a) is amended to read as follows:

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

1. "Promotional gaming credit" - A slot machine credit or other item approved by the division 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 or through the licensee's Internet gaming system. 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 or Internet gaming system.

35. Section 4 of P.L.1981, c.142 (C.52:13D-17.2) is amended to read as follows:

C.52:13D-17.2 "person" defined; conflict of interest; violations, penalty.

4. a. As used in this section "person" means:

(1) any State officer or employee subject to financial disclosure by law or executive order and any other State officer or employee with responsibility for matters affecting casino activity; any special State officer or employee with responsibility for matters affecting casino activity; the Governor; any member of the Legislature or any full-time member of the Judiciary; any full-time professional employee of the Office of the Governor, or the Legislature; members of the Casino Reinvestment Development Authority; the head of a principal department; the assistant or deputy heads of a principal department, including all assistant and deputy commissioners; the head of any division of a principal department; or

(2) any member of the governing body, or the municipal judge or the municipal attorney of a municipality wherein a casino is located; any member of or attorney for the planning board or zoning board of adjustment of a municipality wherein a casino is located, or any professional planner, or consultant regularly employed or retained by such planning board or zoning board of adjustment.

b. (1) No State officer or employee, nor any person, nor any member of the immediate family of any State officer or employee, or person, nor any partnership, firm or corporation with which any such State officer or employee or person is associated or in which he has an interest, nor any partner, officer, director or employee while he is associated with such partnership, firm, or corporation, shall hold, directly or indirectly, an interest in, or hold employment with, or represent, appear for, or negotiate on behalf of, any holder of, or applicant for, a casino license, or any holding or intermediary company with respect thereto, in connection with any cause, application, or matter, except as provided in section 3 of P.L.2009, c.26 (C.52:13D-17.3), and except that (1) a State officer or employee other than a State officer or employee included in the definition of person, and (2) a member of the immediate family of a State officer or employee, or of a person, may hold employment with the holder of, or applicant for, a casino license if, in the judgment of the State Ethics Commission, the Joint Legislative Committee on Ethical Standards, or the Supreme Court, as appropriate, such employment will not interfere with the responsibilities of the State officer or employee, or person, and will not create a conflict of interest, or reasonable risk of the public perception of a conflict of interest, on the part of the State officer or employee, or person. No special State officer or employee without responsibility for matters affecting casino activity, excluding those serving in the Departments of Education, Health and Senior Services, and Human Services and the Commission on Higher Education, shall hold, directly or indirectly, an interest in, or represent, appear for, or negotiate on behalf of, any holder of, or applicant for, a casino license, or any holding or intermediary company with respect thereto, in connection with any cause, application, or matter. However, a special State officer or employee without responsibility for matters affecting casino activity may hold employment directly with any holder of or applicant for a casino license or any holding or intermediary company thereof and if so employed may hold, directly or indirectly, an interest in, or represent, appear for, or negotiate on behalf of, his employer, except as otherwise prohibited by law.

(2) No State officer or employee, nor any person, nor any member of the immediate family of any State officer or employee, or person, nor any

partnership, firm or corporation with which any such State officer or employee or person is associated or in which he has an interest, nor any partner, officer, director or employee while he is associated with such partnership, firm, or corporation, shall hold, directly or indirectly, an interest in, or hold employment with, or represent, appear for, or negotiate on behalf of, or derive any remuneration, payment, benefit or any other thing of value for any services, including but not limited to consulting or similar services, from any holder of, or applicant for, a license, permit, or other approval to conduct Internet gaming, or any holding or intermediary company with respect thereto, or any Internet gaming affiliate of any holder of, or applicant for, a casino license, or any holding or intermediary company with respect thereto, or any business, association, enterprise or other entity that is organized, in whole or in part, for the purpose of promoting, advocating for, or advancing the interests of the Internet gaming industry generally or any Internet gaming-related business or businesses in connection with any cause, application, or matter, except as provided in section 3 of P.L.2009, c.26 (C.52:13D-17.3), and except that (1) a State officer or employee other than a State officer or employee included in the definition of person, and (2) a member of the immediate family of a State officer or employee, or of a person, may hold employment with the holder of, or applicant for, a license, permit, or other approval to conduct Internet gaming, or any holding or intermediary company with respect thereto, or any Internet gaming affiliate of any holder of, or applicant for, a casino license, or any holding or intermediary company with respect thereto if, in the judgment of the State Ethics Commission, the Joint Legislative Committee on Ethical Standards, or the Supreme Court, as appropriate, such employment will not interfere with the responsibilities of the State officer or employee, or person, and will not create a conflict of interest, or reasonable risk of the public perception of a conflict of interest, on the part of the State officer or employee, or person.

c. No person or any member of his immediate family, nor any partnership, firm or corporation with which such person is associated or in which he has an interest, nor any partner, officer, director or employee while he is associated with such partnership, firm or corporation, shall, within two years next subsequent to the termination of the office or employment of such person, hold, directly or indirectly, an interest in, or hold employment with, or represent, appear for or negotiate on behalf of, any holder of, or applicant for, a casino license in connection with any cause, application or matter, or any holding or intermediary company with respect to such holder of, or applicant for, a casino license in connection with any phase of casino development, permitting, licensure or any other matter

whatsoever related to casino activity, except as provided in section 3 of P.L.2009, c.26 (C.52:13D-17.3), and except that:

(1) a member of the immediate family of a person may hold employment with the holder of, or applicant for, a casino license if, in the judgment of the State Ethics Commission, the Joint Legislative Committee on Ethical Standards, or the Supreme Court, as appropriate, such employment will not interfere with the responsibilities of the person and will not create a conflict of interest, or reasonable risk of the public perception of a conflict of interest, on the part of the person;

(2) an employee who is terminated as a result of a reduction in the workforce at the agency where employed, other than an employee who held a policy-making management position at any time during the five years prior to termination of employment, may, at any time prior to the end of the two-year period, accept employment with the holder of, or applicant for, a casino license if, in the judgment of the State Ethics Commission, the Joint Legislative Committee on Ethical Standards, or the Supreme Court, as appropriate, such employment will not create a conflict of interest, or reasonable risk of the public perception of a conflict of interest, on the part of the employee. In no case shall the restrictions of this subsection apply to a secretarial or clerical employee. Nothing herein contained shall alter or amend the post-employment restrictions applicable to members and employees of the Casino Control Commission and employees and agents of the Division of Gaming Enforcement pursuant to subsection e. (2) of section 59 and to section 60 of P.L.1977, c.110 (C.5:12-59 and C.5:12-60); and

(3) any partnership, firm or corporation engaged in the practice of law or in providing any other professional services with which any person included in paragraph (1) of subsection a. of this section, or a member of the immediate family of that person, is associated, and any partner, officer, director or employee thereof, other than that person, or immediate family member, may represent, appear for or negotiate on behalf of any holder of, or applicant for, a casino license in connection with any cause, application or matter or any holding company or intermediary company with respect to such holder of, or applicant for, a casino license in connection with any phase of casino development, permitting, licensure or any other matter whatsoever related to casino activity, and that person or immediate family member shall not be barred from association with such partnership, firm or corporation, if for a period of two years next subsequent to the termination of the person's office or employment, the person or immediate family member (a) is screened from personal participation in any such representation, appearance or negotiation; and (b) is associated with the partnership,

firm or corporation in a position which does not entail any equity interest in the partnership, firm or corporation. The exception provided in this paragraph shall not apply to a former Governor, Lieutenant Governor, Attorney General, member of the Legislature, person included in paragraph (2) of subsection a. of this section, or to the members of their immediate families.

d. This section shall not apply to the spouse of a State officer or employee, which State officer or employee is without responsibility for matters affecting casino activity, who becomes the spouse subsequent to the State officer's or employee's appointment or employment as a State officer or employee and who is not individually or directly employed by a holder of, or applicant for, a casino license, or any holding or intermediary company.

e. The Joint Legislative Committee on Ethical Standards and the State Ethics Commission, as appropriate, shall forthwith determine and publish, and periodically update, a list of those positions in State government with responsibility for matters affecting casino activity.

f. No person shall solicit or accept, directly or indirectly, any complimentary service or discount from any casino applicant or licensee which he knows or has reason to know is other than a service or discount that is offered to members of the general public in like circumstance.

g. No person shall influence, or attempt to influence, by use of his official authority, the decision of the commission or the investigation of the division in any application for licensure or in any proceeding to enforce the provisions of this act or the regulations of the commission. Any such attempt shall be promptly reported to the Attorney General; provided, however, that nothing in this section shall be deemed to proscribe a request for information by any person concerning the status of any application for licensure or any proceeding to enforce the provisions of this act or the regulations of the commission.

h. Any person who willfully violates the provisions of this section is a disorderly person and shall be subject to a fine not to exceed \$1,000, or imprisonment not to exceed six months, or both.

In addition, for violations of subsection c. of this section occurring after the effective date of P.L.2005, c.382, a civil penalty of not less than \$500 nor more than \$10,000 shall be imposed upon a former State officer or employee or former special State officer or employee of a State agency in the Executive Branch upon a finding of a violation by the State Ethics Commission, 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.).

C.5:12-95.33 Determination of date law becomes operative, expires.

36. a. The Division of Gaming Enforcement shall select the date upon which the provisions of P.L.2013, c.27 (C.5:12-95.17 et al.) shall become operative which shall not be less than three months, nor more than nine months, after the date of enactment, except that upon application by the division, the Casino Control Commission may allow the division, for good cause, to extend the operative date beyond nine months. The division shall provide all casino licensees and applicants with 45 days' notice of the operative date. Notwithstanding this delayed operative date, the division and the commission may take such anticipatory administrative action in advance as may be necessary for the implementation of P.L.2013, c.27 (C.5:12-95.17 et al.).

b. The authorization to conduct games through the Internet as provided for in P.L.2013, c.27 shall expire 10 years following the operative date established pursuant to subsection a. of this section, unless reauthorized by law.

37. This act shall take effect immediately but remain inoperative until the date selected by the Division of Gaming Enforcement pursuant to section 41 of P.L.2013, c.27 (C.5:12-95.17 et al.).

Approved February 26, 2013.

CHAPTER 28

AN ACT concerning the use of direct deposit for State, county, county college, municipal, and school district employee compensation and amending P.L.1981, c.385 and P.L.1987, c.38 and supplementing P.L.1981, c.385 (C.52:14-15a et seq.).

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

1. Section 1 of P.L.1981, c.385 (C.52:14-15a) is amended to read as follows:

C.52:14-15a Direct deposit; required, exemptions, information available to employees.

1. a. Whenever any person holding public office, position or employment, whose compensation is paid by this State or by any board, body,

agency, authority or commission thereof, hereinafter referred to as "employee", shall indicate in writing to the proper disbursing officer his desire to have his net pay deposited in a specific banking institution in a designated checking account, savings account, or share account for such employee, the State Treasurer shall make the deposit in the respective banking institution on behalf of the employee.

With respect to compensation paid on and after July 1, 2014, all such persons shall have net pay directly deposited as described in this section. The State Treasurer is authorized to grant an exemption from the requirements of this section on such terms and conditions as the State Treasurer may deem necessary. The State Treasurer is authorized to grant an exemption for seasonal and temporary employees as the State Treasurer may deem necessary.

b. Commencing on the first day of the fourth month following the enactment of P.L.2013, c.28, the State Treasurer shall make available for employees who have net pay directly deposited as described in this section any information concerning net pay, any accompanying information approved for distribution with net pay, and W-2 forms in accordance with applicable federal law, only on the Internet with restricted access and policies and procedures to protect the integrity and confidentiality of the information.

c. The requirements of this section shall also be applicable to all State entities that do not utilize the State centralized payroll system, including public institutions of higher education.

2. Section 4 of P.L.1981, c.385 (C.52:14-15d) is amended to read as follows:

C.52:14-15d Withdrawal of designation prohibited; exemptions.

4. Any written designation may be withdrawn by an employee at any time by filing the notice of withdrawal with his respective disbursing officer. The filing of notice of withdrawal shall be effective to halt deposits as of the thirtieth day next succeeding the date on which it is filed.

With respect to compensation paid on and after July 1, 2014, withdrawal of written designation shall be prohibited, unless the State Treasurer or appropriate officer grants an exemption to this prohibition as deemed necessary.

3. Section 2 of P.L.1987, c.38 (C.52:14-15f) is amended to read as follows:

C.52:14-15f Deposit of net pay; information available to employees.

2. a. Upon the adoption of an ordinance or resolution, as appropriate, the governing body of a county or municipality may provide for the deposit of the net pay of any employee of the county or municipality, or of a board, commission, bureau, department, or other public agency thereof, in a specific banking institution in a designated checking account, savings account, or share account. When the employee shall indicate in writing to the proper disbursing officer his or her desire to have his or her net pay deposited, the disbursing officer shall make the deposit in the respective banking institution on behalf of the employee. As used in P.L.1981, c.385 (C.52:14-15a et seq.), "employee" shall also mean any person holding public office, position, or employment whose compensation is paid by a county or municipality or any board, commission, bureau, department, or other public agency thereof.

b. On or after July 1, 2014, the governing body of a county or municipality may determine by the adoption of an ordinance or resolution, as appropriate, to provide for the mandatory direct deposit of net pay for all employees of the county or municipality, or of a board, commission, bureau, department or other public agency thereof, in a specific banking institution based on information provided by the employee. If the governing body provides for such direct deposit, compliance by an employee shall be mandatory. No ordinance or resolution shall be adopted under subsection a. of this section on or after July 1, 2014. The governing body is authorized to grant an exemption from the requirements adopted pursuant to this subsection on such terms and conditions as the governing body may deem necessary. The governing body is authorized to grant an exemption for seasonal and temporary employees as the governing body may deem necessary.

c. The governing body may make available for such employees who have net pay directly deposited as described in subsection a. of this section, and shall make available for such employees who have net pay directly deposited as described in subsection b. of this section, any information concerning net pay, any accompanying information approved for distribution with net pay, and W-2 forms in accordance with applicable federal law, only on the Internet with restricted access and policies and procedures to protect the integrity and confidentiality of the information.

C.52:14-15h Direct deposit of net pay for board of education employees; exemptions; information available to employees.

4. On or after July 1, 2014, the board of education of every local school district may determine to have net pay for all employees directly deposited in a specific banking institution in a checking account, savings

account, or share account designated in writing by the employee. If the board provides for such direct deposit, compliance by an employee shall be mandatory. The board is authorized to grant an exemption from the requirements adopted pursuant to this section on such terms and conditions as the board may deem necessary. The board is authorized to grant an exemption for seasonal and temporary employees as the board may deem necessary. The board shall make available for such employees who have net pay directly deposited as described in this section all information concerning net pay, any accompanying information approved for distribution with net pay, and W-2 forms in accordance with applicable federal law, only on the Internet with restricted access and policies and procedures to protect the integrity and confidentiality of the information. As used in this section, "local school district" shall have the meaning set forth in section 3 of P.L.1991, c.393 (C.18A:12-23).

C.52:14-15i Direct deposit of net pay for county college employees; exemptions; information available to employees.

5. On or after July 1, 2014, the board of trustees of a county college may determine to have net pay for all employees directly deposited in a specific banking institution in a checking account, savings account, or share account designated in writing by the employee. If the board provides for such direct deposit, compliance by an employee shall be mandatory. The board is authorized to grant an exemption from the requirements adopted pursuant to this section on such terms and conditions as the board may deem necessary. The board is authorized to grant an exemption for seasonal and temporary employees as the board may deem necessary. The board shall make available for such employees who have net pay directly deposited as described in this section all information concerning net pay, any accompanying information approved for distribution with net pay, and W-2 forms in accordance with applicable federal law, only on the Internet with restricted access and policies and procedures to protect the integrity and confidentiality of the information. As used in this section, "county college" shall have the meaning set forth in N.J.S.18A:64A-1, and "board of trustees" shall mean such boards established under N.J.S.18A:64A-8.

6. This act shall take effect immediately.

Approved March 12, 2013.

CHAPTER 29

AN ACT concerning the delivery of medical oxygen to residences and amending P.L.2002, c.118.

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

1. Section 1 of P.L.2002, c.118 (C.52:17B-139.7) is amended to read as follows:

C.52:17B-139.7 Notification to fire department by provider of medical oxygen, oxygen delivery system of patient's name, residence, age.

1. A licensed pharmacist or other provider of oxygen or an oxygen delivery system who has supplied oxygen or an oxygen delivery system to a patient on an order from a licensed health care provider shall notify the appropriate fire department or company serving the municipality in which the patient resides of the name, address, and age of the patient and the existence of the oxygen or oxygen delivery system at the patient's residence, in accordance with the provisions of this act.

a. Prior to notification, a pharmacist or other provider of oxygen or an oxygen delivery system shall inform the patient of the notification requirements of this act and obtain written informed consent from the patient for the notification.

If the patient is legally incompetent, the pharmacist or other provider of oxygen or an oxygen delivery system shall inform an authorized representative of the patient of the notification requirements of this act and obtain the written informed consent from the authorized representative.

b. Written informed consent shall consist of a statement, on a form or in a manner to be determined by the Director of the Division of Consumer Affairs in the Department of Law and Public Safety, signed by the patient or by an authorized representative of the patient, which acknowledges that the pharmacist or other provider of oxygen or an oxygen delivery system has provided the patient with information regarding the notification requirements of this act, and that the patient or authorized representative of the patient consents to the notification.

c. If the patient or his authorized representative declines to give his informed consent for the notification, the pharmacist or other provider of oxygen or an oxygen delivery system is required to inform the patient or his authorized representative that the patient or representative is obligated to notify the appropriate fire department or company of the patient's name,

address, age, and of the existence of oxygen or an oxygen delivery system at his residence. The pharmacist or other provider also shall inform the patient or his authorized representative that the patient or representative is obligated to notify the appropriate fire department or company whenever the supplying of oxygen or the providing of an oxygen delivery system to the patient is terminated and the oxygen or oxygen delivery system is removed from the patient's residence.

d. If the patient or his authorized representative declines to give his informed consent, the pharmacist or other provider of oxygen or an oxygen delivery system is exempt from the requirement to make the notification and is permitted to supply the oxygen or oxygen delivery system as directed by the licensed health care provider's order.

e. A copy of the written informed consent shall be attached to the order for the oxygen or oxygen delivery system or otherwise included in the patient's record or, if written consent is not given, the pharmacist or other provider of oxygen or an oxygen delivery system shall note on the order or in the patient's record that informed consent was not given.

f. A pharmacist or other provider of oxygen or an oxygen delivery system who complies with the provisions of this act shall be immune from civil liability if the patient fails to notify the appropriate fire department or company of the patient's name, address, age, and the existence of oxygen or an oxygen delivery system at the patient's residence.

g. Whenever the supplying of oxygen or the providing of an oxygen delivery system to a patient is terminated and the oxygen or oxygen delivery system is removed from the patient's residence, the pharmacist or other provider of that oxygen or oxygen delivery system shall so notify the appropriate fire department or company. Notice shall be given in a manner, form, and within a time frame prescribed by the Director of the Division of Consumer Affairs. If the patient or his authorized representative notified the fire department or company of the existence of oxygen or an oxygen delivery system at his residence pursuant to subsection c. of this section, the patient or his authorized representative shall notify the fire department or company that the supplying of oxygen or the providing of an oxygen delivery system is terminated and that the oxygen or oxygen delivery system has been removed from the patient's residence. Notification shall be provided within 10 days of removal.

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

Approved March 12, 2013.

CHAPTER 30

AN ACT concerning genetic counselors and amending P.L.2009, c.41.

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

1. Section 3 of P.L.2009, c.41 (C.45:9-37.113) is amended to read as follows:

C.45:9-37.113 Definitions relative to genetic counselors.

3. As used in this act:

"Board" means the State Board of Medical Examiners established pursuant to R.S.45:9-1.

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

"Genetic counseling" means a communication process, conducted by one or more appropriately trained individuals, that may include: obtaining and interpreting individual, family, medical and developmental histories; determining the mode of inheritance and risk of transmission of genetic conditions and birth defects; discussing the inheritance features, natural history, means of diagnosis, and management of genetic conditions and birth defects; identifying, coordinating, and explaining the clinical implications of genetic laboratory tests and other diagnostic studies and their results; integrating genetic laboratory test results and other diagnostic studies with personal and family medical history to assess and communicate risk factors for genetic or medical conditions and diseases; assessing psychosocial factors; recognizing social, educational, and cultural issues; evaluating the client's or family's responses to the condition or risk of recurrence and providing client-centered counseling and anticipatory guidance; and facilitating informed decision making about testing, management, and alternatives.

"Genetic Counseling Advisory Committee" or "committee" means the Genetic Counseling Advisory Committee established pursuant to section 4 of this act.

"Genetic counselor" means a health professional with specialized education, training and experience in medical genetics who meets the requirements for licensure as provided in this act.

"Licensed genetic counselor" means a person who holds a current, valid license issued pursuant to section 9 of this act.

"Supervision" means the direct review of a supervisee for the purpose of teaching, training, administration, accountability or clinical review by a supervisor in the same area of specialized practice.

2. Section 7 of P.L.2009, c.41 (C.45:9-37.117) is amended to read as follows:

C.45:9-37.117 Licensure required for genetic counselors; exceptions.

7. Except as provided in this section, a person shall not engage in the practice of genetic counseling as a genetic counselor, or hold himself out as a genetic counselor unless the person is licensed in accordance with this act.

a. (1) Only an individual may be licensed to practice genetic counseling within the State. A firm, partnership, association or corporation shall not advertise or otherwise offer to provide or convey the impression that it is providing genetic counseling services unless an individual holding a current valid license pursuant to the provisions of this act shall be rendering the genetic counseling services.

(2) A person who is not licensed as a genetic counselor shall not use the title "genetic counselor," "licensed genetic counselor," "gene counselor," "genetic consultant," "genetic associate" or any words, abbreviations, acronyms, insignia or combination of words, abbreviations, acronyms or insignias of similar import in relation to the person's name, occupation, or place of business.

b. The provisions of this act shall not prohibit an out-of-State genetic counselor from working as a consultant, or out-of-State employer or other organization from employing genetic counselors providing occasional services, who are not licensed pursuant to this act, from engaging in the practice of genetic counseling, subject to the stated circumstances and limitations as defined by the board, in consultation with the committee, by regulation, so long as the genetic counselor holds a license, if available, in the genetic counselor's state of employment. If licensure is not available in the genetic counselor's state of employment, the genetic counselor shall be certified by the American Board of Genetic Counseling or the American Board of Medical Genetics, or their successors, in order to practice genetic counseling without a State license in accordance with this subsection.

c. The provisions of this act shall not apply to:

(1) A person licensed by the State to practice medicine and surgery so long as the person does not hold himself out to the public as a licensed genetic counselor;

(2) A person licensed by the State as a registered nurse when acting within the scope of the person's profession and doing work of a nature consistent with the person's training, so long as the person does not hold himself out to the public as a genetic counselor;

(3) A student candidate for a degree in genetic counseling, or its equivalent as approved by the board in consultation with the committee by regulation, enrolled in an educational program accredited by the American Board of Genetic Counseling or its successor, so long as the student is practicing as part of a supervised course of study and is clearly designated by the title "genetic counseling intern" or title of similar import; or

(4) A graduate with a degree in genetic counseling, or its equivalent as approved by the board in consultation with the committee by regulation, from an educational program accredited by the American Board of Genetic Counseling or its successor, who has not passed the examination for licensure but otherwise has met all of the licensing requirements of this act, so long as the person: (a) does not hold himself out to the public as a licensed genetic counselor; (b) practices under the supervision of a licensed genetic counselor or geneticist; and (c) successfully passes the examination for licensure within the first two available examination cycles next following the filing of an application for licensure as a genetic counselor.

3. This act shall take effect immediately.

Approved March 12, 2013.

CHAPTER 31

AN ACT establishing a Task Force on Improving Special Education for Public School Students.

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

1. The Legislature finds and declares that:

- a. According to the Department of Education, there are approximately 215,000 students in the State currently eligible to receive special education and related services, and the excess cost of providing special education and related services beyond general education is an additional \$11,000 per pupil;
- b. Despite the ever-increasing allocation of State and local dollars to fund special education services each year, many public schools in the State are ill-equipped to provide effective special education and related services for their students within the district and must send students to out-of-district public schools or private schools in order to meet their needs, which increases the overall cost of providing special education and creates additional hardships for the students and their parents;
- c. A series of recent newspaper articles alleged that millions of dollars are squandered on special education programs each year due to fraud, a lack of oversight, a failure to document the effectiveness of programs, the need to send students to out-of-district public or private schools, and a lack of uniform standards for educating students with certain disabilities such as autism;
- d. Many parents and guardians of students requiring special education feel that the programs and services do not adequately meet the needs of their children, and that the current system is too inflexible to allow for necessary programmatic changes; and
- e. It is therefore in the public interest of special education students and the parents or guardians of those students to establish a task force to study various issues related to improving service delivery and providing appropriate and cost-effective special education programs and services for public school students.

2. There is established a Task Force on Improving Special Education for Public School Students to consist of 17 members as follows: the Commissioner of Education, ex officio, or a designee; and 16 members appointed by the Governor, including one parent or guardian of a public school student receiving special education services, one parent or guardian of a student attending a private school for students with disabilities, one public school special education teacher, one director of special education services for a school district, one representative of the Arc of New Jersey, one representative of the New Jersey Council on Developmental Disabilities, one representative of the New Jersey Parent-Teacher Association, one representative of the New Jersey Association of School Administrators, one representative of the New Jersey Education Association, one representative of the New Jersey School Boards Association, one representative of the

New Jersey Principals and Supervisors Association, one representative of the New Jersey Association of School Business Officials, one representative of the Statewide Parent Advocacy Network of New Jersey, one representative of the Garden State Coalition of Schools, one representative of ASAH, and one representative of the American Federation of Teachers.

3. Appointments to the task force shall be made within 30 days of the effective date of this act. Vacancies in the membership of the task force shall be filled in the same manner as the original appointments were made. Members of the task force shall serve without compensation but shall be entitled to their actual and necessary expenses incurred in the performance of their duties pursuant to this act.

4. It shall be the duty of the task force to study issues associated with improving the funding, delivery, and effectiveness of special education programs and services for public school students. The task force shall examine issues including, but not limited to: the evaluation of practices for classifying and educating students who are eligible for special education programs and services; the development of best practices for education professionals working with special education students; strategies to reduce the costs associated with the placement of eligible students in out-of-district public schools or private schools, including the development of in-district special education programs and services; and the development of standards and appropriate oversight to ensure that programs and services address the needs of students, focus on student achievement, and assess the effectiveness of programs and services.

5. Staff and related support services shall be provided to the task force by the Department of Education. The task force shall also 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.

6. The task force may meet and hold meetings at the place or places it designates and shall present its findings and recommendations to the Governor, the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the State Board of Education, and the Commissioner of Education no later than 180 days following its organizational meeting.

7. This act shall take effect immediately and the task force shall expire upon submission of its report pursuant to section 6 of this act.

Approved March 12, 2013.

CHAPTER 32

AN ACT concerning firefighter training and supplementing chapter 27D of Title 52 of the Revised Statutes.

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

C.52:27D-25kk Accreditation of certain recruit firefighter training programs; rules, regulations.

1. a. All recruit firefighter training programs conducted by the Division of Fire Safety in the Department of Community Affairs shall be accredited by the National Board on Fire Service Professional Qualifications, the International Fire Service Accreditation Congress, or any successor entity.

b. Persons who successfully complete an accredited recruit firefighter training program as set forth in subsection a. of this section shall be eligible to receive a certificate of national certification offered by the organization that has accredited the training program, upon payment of a certificate of certification fee to the accrediting organization.

c. The Director of the Division of Fire Safety in the Department of Community Affairs shall adopt rules and regulations to implement the provisions of this section, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

2. This act shall take effect immediately, except that subsections a. and b. of section 1 shall remain inoperative until the first day of the twenty-fifth month after enactment.

Approved March 12, 2013.

CHAPTER 33

AN ACT concerning the dissemination of certain information to student-athletes and supplementing chapter 11 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:11-3.4 Dissemination of certain information to student-athletes.

1. A school district or nonpublic school that participates in Statewide interscholastic sports programs sanctioned by the New Jersey State Interscholastic Athletic Association shall annually disseminate to each student enrolled in the district or nonpublic school who participates in interscholastic athletics the National Collegiate Athletic Association's freshman eligibility standards for participation in collegiate athletics.

2. This act shall take effect immediately.

Approved March 12, 2013.

CHAPTER 34

AN ACT concerning noise restrictions on beach bars and amending P.L.2011, c.198.

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

1. Section 1 of P.L.2011, c.198 (C.13:1G-4.3) is amended to read as follows:

C.13:1G-4.3 Exceptions to the "Noise Control Act of 1971."

1. a. (1) (a) It shall not be a violation of the "Noise Control Act of 1971," P.L.1971, c.418 (C.13:1G-1 et seq.), or any rule or regulation established pursuant thereto, for a person to operate a beach bar, existing and operating as of August 31, 2011, during normal business hours, as defined by the department, between May 15 and October 15.

(b) It shall not be a violation of the "Noise Control Act of 1971," P.L.1971, c.418 (C.13:1G-1 et seq.), or any rule or regulation established pursuant thereto, or any other noise control standard established by law, including but not limited to, any statute, rule, regulation, or local ordinance, for a person to operate a beach bar located in the Atlantic City Tourism District established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219), between May 15 and October 15, regardless of the hours during which the

beach bar is operating, or the date on which the beach bar came into existence or began operating.

(2) It shall not be a violation of the "Noise Control Act of 1971," P.L.1971, c.418 (C.13:1G-1 et seq.), or any rule or regulation established pursuant thereto, for a person to operate an amusement park or a carnival amusement ride, existing and operating as of August 31, 2011, during normal business hours, as defined by the department, between May 15 and October 15, provided, however, that the person operating the carnival amusement ride, whether within an amusement park or otherwise, is complying with the recommendations of the manufacturer for maintaining and lubricating the carnival amusement ride to minimize, to the extent practicable, the noise sources within and on the ride.

b. In the event of the replacement of a carnival amusement ride existing and in operation as of August 31, 2011, the ride shall remain subject to the provisions of paragraph (2) of subsection a. of this section provided that the noise emissions of the new carnival amusement ride are less than or equal to the noise emissions of the ride that is being replaced.

c. As used in this section:

"Amusement park" means "amusement park" as defined in section 1 of P.L.1992, c.118 (C.5:3-55).

"Carnival amusement ride" means "carnival amusement ride" as defined in section 2 of P.L.1975, c.105 (C.5:3-32).

2. This act shall take effect immediately.

Approved March 12, 2013.

CHAPTER 35

AN ACT concerning controlled dangerous substances, amending N.J.S.2C:35-2 and supplementing Title 2C of the New Jersey Statutes.

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

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

Definitions.

2C:35-2. As used in this chapter:

"Administer" means the direct application of a controlled dangerous substance or controlled substance analog, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by: (1) a practitioner (or, in his presence, by his lawfully authorized agent), or (2) the patient or research subject at the lawful direction and in the presence of the practitioner.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser but does not include a common or contract carrier, public warehouseman, or employee thereof.

"Controlled dangerous substance" means a drug, substance, or immediate precursor in Schedules I through V, any substance the distribution of which is specifically prohibited in N.J.S.2C:35-3, in section 3 of P.L.1997, c.194 (C.2C:35-5.2), in section 5 of P.L.1997, c.194 (C.2C:35-5.3), in section 2 of P.L.2011, c.120 (C.2C:35-5.3a), or in section 2 of P.L.2013, c.35 (C.2C:35-5.3b), and any drug or substance which, when ingested, is metabolized or otherwise becomes a controlled dangerous substance in the human body. When any statute refers to controlled dangerous substances, or to a specific controlled dangerous substance, it shall also be deemed to refer to any drug or substance which, when ingested, is metabolized or otherwise becomes a controlled dangerous substance or the specific controlled dangerous substance, and to any substance that is an immediate precursor of a controlled dangerous substance or the specific controlled dangerous substance. The term shall not include distilled spirits, wine, malt beverages, as those terms are defined or used in R.S.33:1-1 et seq., or tobacco and tobacco products. The term, wherever it appears in any law or administrative regulation of this State, shall include controlled substance analogs.

"Controlled substance analog" means a substance that has a chemical structure substantially similar to that of a controlled dangerous substance and that was specifically designed to produce an effect substantially similar to that of a controlled dangerous substance. The term shall not include a substance manufactured or distributed in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of section 505 of the "Federal Food, Drug and Cosmetic Act," 52 Stat. 1052 (21 U.S.C. s.355).

"Counterfeit substance" means a controlled dangerous substance or controlled substance analog which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed the substance and which thereby

falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled dangerous substance or controlled substance analog, whether or not there is an agency relationship.

"Dispense" means to deliver a controlled dangerous substance or controlled substance analog to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. "Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled dangerous substance or controlled substance analog. "Distributor" means a person who distributes.

"Drugs" means (a) substances recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and (b) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (c) substances (other than food) intended to affect the structure or any function of the body of man or other animals; and (d) substances intended for use as a component of any article specified in subsections (a), (b), and (c) of this section; but does not include devices or their components, parts, or accessories.

"Drug or alcohol dependent person" means a person who as a result of using a controlled dangerous substance or controlled substance analog or alcohol has been in a state of psychic or physical dependence, or both, arising from the use of that controlled dangerous substance or controlled substance analog or alcohol on a continuous or repetitive basis. Drug or alcohol dependence is characterized by behavioral and other responses, including but not limited to a strong compulsion to take the substance on a recurring basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

"Hashish" means the resin extracted from any part of the plant Genus Cannabis L. and any compound, manufacture, salt, derivative, mixture, or preparation of such resin.

"Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled dangerous substance or controlled substance analog, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container,

except that this term does not include the preparation or compounding of a controlled dangerous substance or controlled substance analog by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled dangerous substance: (1) by a practitioner as an incident to his administering or dispensing of a controlled dangerous substance or controlled substance analog in the course of his professional practice, or (2) by a practitioner (or under his supervision) for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

"Marijuana" means all parts of the plant Genus *Cannabis* L., whether growing or not; the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant; but shall not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(a) Opium, coca leaves, and opiates;

(b) A compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates;

(c) A substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in subsections (a) and (b), except that the words "narcotic drug" as used in this act shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecogine.

"Opiate" means any dangerous substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled pursuant to the provisions of section 3 of P.L.1970, c.226 (C.24:21-3), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Person" means any corporation, association, partnership, trust, other institution or entity, or one or more individuals.

"Plant" means an organism having leaves and a readily observable root formation, including, but not limited to, a cutting having roots, a rootball or root hairs.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, veterinarian, scientific investigator, laboratory, pharmacy, hospital, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled dangerous substance or controlled substance analog in the course of professional practice or research in this State.

(a) "Physician" means a physician authorized by law to practice medicine in this or any other state and any other person authorized by law to treat sick and injured human beings in this or any other state.

(b) "Veterinarian" means a veterinarian authorized by law to practice veterinary medicine in this State.

(c) "Dentist" means a dentist authorized by law to practice dentistry in this State.

(d) "Hospital" means any federal institution, or any institution for the care and treatment of the sick and injured, operated or approved by the appropriate State department as proper to be entrusted with the custody and professional use of controlled dangerous substances or controlled substance analogs.

(e) "Laboratory" means a laboratory to be entrusted with the custody of narcotic drugs and the use of controlled dangerous substances or controlled substance analogs for scientific, experimental, and medical purposes and for purposes of instruction approved by the Department of Health.

"Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled dangerous substance or controlled substance analog.

"Immediate precursor" means a substance which the Division of Consumer Affairs in the Department of Law and Public Safety has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled dangerous substance or controlled substance analog, the control of which is necessary to prevent, curtail, or limit such manufacture.

"Residential treatment facility" means any facility licensed and approved by the Department of Human Services and which is approved by any county probation department for the inpatient treatment and rehabilitation of drug or alcohol dependent persons.

"Schedules I, II, III, IV, and V" are the schedules set forth in sections 5 through 8 of P.L.1970, c.226 (C.24:21-5 through 24:21-8) and in section 4 of P.L.1971, c.3 (C.24:21-8.1) and as modified by any regulations issued by the Director of the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to the director's authority as provided in section 3 of P.L.1970, c.226 (C.24:21-3).

"State" means the State of New Jersey.

"Ultimate user" means a person who lawfully possesses a controlled dangerous substance or controlled substance analog for his own use or for the use of a member of his household or for administration to an animal owned by him or by a member of his household.

"Prescription legend drug" means any drug which under federal or State law requires dispensing by prescription or order of a licensed physician, veterinarian, or dentist and is required to bear the statement "Rx only" or similar wording indicating that such drug may be sold or dispensed only upon the prescription of a licensed medical practitioner and is not a controlled dangerous substance or stramonium preparation.

"Stramonium preparation" means a substance prepared from any part of the stramonium plant in the form of a powder, pipe mixture, cigarette, or any other form with or without other ingredients.

"Stramonium plant" means the plant *Datura Stramonium* Linne, including *Datura Tatula* Linne.

C.2C:35-5.3b Crimes relative to synthetic cannabinoid; degree.

2. a. It is a crime for any person knowingly or purposely to manufacture, distribute or dispense, or to possess or have under his control with intent to manufacture, distribute, or dispense a synthetic cannabinoid.

b. A person who violates subsection a. of this section where the quantity involved, including adulterants and dilutants, is one ounce or more is guilty of a crime of the second degree.

c. A person who violates subsection a. of this section where the quantity involved, including adulterants and dilutants, is less than one ounce is guilty of a crime of the third degree.

d. As used in this chapter, the term, "synthetic cannabinoid" shall include any material, compound, mixture, or preparation that is not included in Schedules I, II, III, IV, and V, other than as a synthetic cannabinoid; is not a federal Food and Drug Administration (FDA) approved drug; and contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric), homologues (analogues), and salts of isomers and homologues (analogues), unless specifically excepted, when-

ever the existence of these salts, isomers, homologues (analogs), and salts of isomers and homologues (analogs) is possible within the specific chemical designation:

(1) Naphthoylindoles. Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This structural class includes but is not limited to: JWH 015; JWH 018; JWH 019; JWH 073; JWH 081; JWH 122; JWH 200; JWH 210; JWH 398; AM 2201; and WIN 55 212.

(2) Naphthylmethylinindoles. Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This structural class includes but is not limited to: JWH-175; and JWH-184.

(3) Naphthoylpyrroles. Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This structural class includes but is not limited to JWH 307.

(4) Naphthylmethylindenes. Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent. This structural class includes but is not limited to JWH-176.

(5) Phenylacetylindoles. Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. This structural class includes but is not limited to: RCS-8 (SR-18); JWH 250; JWH 203; JWH-251; and JWH-302.

(6) Cyclohexylphenols. Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl, or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent. This structural class includes but is not limited to CP 47,497 (and homologues(analog)); cannabicyclohexanol; and CP 55, 940.

(7) Benzoylindoles. Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. This structural class includes but is not limited to: AM 694; Pravadoline (WIN 48,098); RCS 4; and AM-679.

(8) [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1, 4-benzoxazin-6-yl]-1-napthalenylmethanone. This structural class includes but is not limited to WIN 55,212-2.

(9) (6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol 7370. This structural class includes but is not limited to HU-210.

(10) Adamantoylindoles. Any compound containing a 3-(1-adamantoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the adamantyl ring system to any extent. This structural class includes but is not limited to AM-1248.

(11) Any other synthetic chemical compound that is a cannabinoid receptor agonist and mimics the pharmacological effect of naturally occurring cannabinoids that is not listed in Schedules II through V or is not an FDA approved drug.

C.2C:35-5.3c Obtaining, possessing synthetic cannabinoid; degree of crime.

3. a. It is a crime for any person, knowingly or purposely, to obtain or possess a synthetic cannabinoid, as that term is defined in subsection d. of section 2 of P.L.2013, c.35 (C.2C:35-5.3b).

b. A person who violates subsection a. of this section where the quantity involved is one ounce or more, including adulterants and dilutants, is guilty of a crime of the third degree.

c. A person who violates subsection a. of this section where the quantity involved, including adulterants and dilutants, is less than one ounce is guilty of a crime of the fourth degree.

4. This act shall take effect immediately.

Approved March 12, 2013.

CHAPTER 36

AN ACT establishing a pilot program in the New Jersey Turnpike Authority to aid military personnel in finding employment in the construction industry and supplementing P.L.1948, c.454 (C.27:23-1 et seq.).

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

C.27:23-51 Definitions relative to the Helmets to Hardhats pilot program.

1. As used in this act:

“Apprenticeable trade” means a trade or occupation eligible to participate in an apprenticeship program.

“Apprenticeship program” shall have the meaning ascribed to that term in section 3 of P.L.1993, c.268 (C.34:15E-3).

“Authority” means the New Jersey Turnpike Authority established by section 3 of P.L.1948, c.454 (C.27:23-3) or its successor.

“Custom fabrication” shall have the meaning ascribed to that term in section 2 of P.L.1963, c.150 (C.34:11-56.26).

“Helmets to Hardhats Program” means the program administered by the New Jersey State Building and Construction Trades Council that connects National Guard, Reserve, and transitioning active-duty military personnel with jobs in the construction industry.

“Highway project” shall have the meaning ascribed to that term in section 4 of P.L.1948, c.454 (C.27:23-4).

“Labor hours” means work performed by a skilled or semi-skilled laborer, mechanic, apprentice, or helper employed by any contractor or subcontractor and engaged in the construction, reconstruction, demolition, alteration, custom fabrication, repair work, or maintenance work, including painting and decorating, done under contract and paid for in whole, or in

part, out of the funds of a public body, except work performed under a rehabilitation program.

"Public body" shall have the meaning ascribed to that term in section 2 of P.L.1963, c.150 (C.34:11-56.26).

"Work performed under a rehabilitation program" shall have the meaning ascribed to that term in section 2 of P.L.1963, c.150 (C.34:11-56.26).

"Worker" shall have the meaning ascribed to that term in section 2 of P.L.1963, c.150 (C.34:11-56.26).

C.27:23-52 Helmets to Hardhats pilot program.

2. a. The authority shall establish a pilot program to aid former military personnel in finding employment in the construction industry. Notwithstanding the provisions of section 18 of P.L.1968, c.461 (C.27:23-6.1) or any other law to the contrary, pursuant to the pilot program the authority shall require that for each highway project constructed by the authority, contracts shall be awarded such that not less than five percent or more than 20 percent of the projected labor hours per project are awarded to contractors who employ workers from an apprenticeable trade participating in the Helmets to Hardhats Program as certified by the New Jersey State Building and Construction Trades Council. The authority shall provide that workers shall be paid not less than the prevailing wage rate for the worker's craft or trade, as determined by the Commissioner of Labor and Workforce Development pursuant to P.L.1963, c.150 (C.34:11-56.25 et seq.).

b. The authority shall develop goals to increase employment opportunities for all veterans during the pilot program period, including, but not limited to, goals for labor hours both in the administrative and construction areas related to highway projects.

C.27:23-53 Conduct of pilot program.

3. The authority shall conduct the pilot program established pursuant to section 2 of this act for a period of 18 months from the effective date of this act.

C.27:23-54 Evaluation of pilot program, report to Governor, Legislature.

4. The authority shall evaluate the pilot program established pursuant to section 2 of this act to determine what impact, if any, the program had in connecting former military personnel with jobs in the construction industry and on the cost of highway projects constructed by the authority. The authority shall review its efforts to comply with the goals established pursuant to subsection b. of section 2 of this act and the impact of those goals on

employment opportunities for veterans. The authority shall report the findings of that evaluation to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, within 24 months after the effective date of this act.

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

Approved March 27, 2013.

CHAPTER 37

AN ACT authorizing the deployment of oversight monitors in the implementation of certain recovery and rebuilding projects, supplementing Title 52 of the Revised Statutes.

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

C.52:15D-1 Findings, declarations relative to deployment of oversight monitors in implementation of certain recovery and rebuilding projects.

1. The Legislature finds and declares that:

a. Hurricane Sandy has inflicted approximately \$30,000,000,000 worth of damage upon the State and exposed the need for more than \$7,000,000,000 in mitigation efforts to buttress the State's defenses from future storms, according to the Governor's initial estimates of November of 2012;

b. The State of New Jersey, with the assistance of the federal government, shall endeavor to repair, rebuild, and revitalize the portions of the State devastated by Hurricane Sandy;

c. The State of New Jersey is duty bound to its residents and all taxpayers in the United States to ensure that all resources dedicated to the recovery from Hurricane Sandy be applied in an efficient manner and that the State should take all necessary precautions to prevent, detect, and remediate waste, fraud, and abuse;

d. Given the severity of the damage caused by Hurricane Sandy and the magnitude of the resources necessary to begin the recovery process

there is a need to ensure that the State has sufficient capacity for efficient oversight; and

e. The use of integrity monitors as independent oversight providers may be an effective measure to supplement the State's existing compliance control mechanisms to prevent the inefficient expenditure of Hurricane Sandy recovery resources.

C.52:15D-2 Conditions required in certain contracts using integrity oversight monitor; waivers.

2. a. (1) Subject to the availability of federal funding, for each State contract involving consideration of \$5,000,000 or more for a recovery and rebuilding project, the State Treasurer shall require to be included in the contract such conditions as the State Treasurer deems necessary to facilitate the use of integrity oversight monitors.

The State Treasurer shall select integrity oversight monitors for the implementation of a contract, unless this condition is waived by the State Treasurer upon a determination that sufficient integrity oversight is already present in the contract or a funding recipient's existing compliance controls.

The State Treasurer shall have the authority to require that the services of an integrity oversight monitor be retained from the qualified integrity oversight monitor pool established pursuant to subsection b. of this section for any duration of the contract upon a determination by the State Treasurer that an integrity oversight monitor is necessary to alleviate potential or ongoing inefficiency or that the size or nature of the contract makes the procurement of an integrity oversight monitor prudent.

(2) Subject to the availability of federal funding, for recovery and rebuilding projects not involving a State contract, the governmental entity that is a party to such contract shall provide the State Treasurer, in such form as the State Treasurer may prescribe, notice of such contract, a description of the recovery and rebuilding project, the parties thereto, and the funding source for the project costs, including integrity oversight monitoring services. Upon receipt of such notice, and subject to the availability of federal funding, the State Treasurer shall procure the services of an integrity oversight monitor from the qualified integrity oversight monitor pool established pursuant to subsection b. of this section during the initial implementation of the recovery and rebuilding project involving a contract that includes consideration of \$5,000,000 or more, unless this condition is waived by the State Treasurer upon a determination of sufficient funding recipient compliance controls.

For recovery and rebuilding projects not involving a State contract, the State Treasurer shall have the authority to procure the services of an integrity oversight monitor from the qualified integrity oversight monitor pool established pursuant to subsection b. of this section for any duration of a recovery and rebuilding project involving a contract that includes consideration of \$5,000,000 or more upon a determination by the State Treasurer that an integrity oversight monitor is necessary to alleviate potential or ongoing inefficiency or that the size or nature of the recovery and rebuilding project makes the procurement of an integrity oversight monitor prudent.

(3) If the State Treasurer issues a waiver of the requirement for an integrity oversight monitor pursuant to this subsection, the State Treasurer shall provide the Governor, the Senate President, and the Speaker of the General Assembly a report in accordance with section 2 of P.L.1991, c.164 (C.52:14-19.1), which report shall detail the reasoning associated with the waiver and the contract or funding recipient's existing compliance controls. The report shall be due within ten business days of the issuance of the waiver.

(4) Subject to the availability of federal funding, for a State or non-State contract involving consideration of less than \$5,000,000 for a recovery and rebuilding project, the State Treasurer's authorization to impose conditions concerning integrity oversight monitors pursuant to paragraphs (1) and (2) of this subsection shall apply if the State Treasurer determines that integrity oversight monitor conditions are necessary to alleviate potential or ongoing inefficiency or that the size or nature of a recovery and rebuilding project makes the procurement of an integrity oversight monitor prudent.

b. The State Treasurer shall establish a pool of qualified integrity oversight monitors. The State Treasurer shall qualify integrity oversight monitors for inclusion in the pool through a public procurement process in accordance with existing public contracting laws and regulations. Provided, however, to expedite the implementation of integrity oversight monitor oversight for recovery and rebuilding projects, the State Treasurer is authorized to administer the public procurement process for integrity oversight monitors in as expeditious a manner as is feasible under existing public contracting laws and regulations and to take such anticipatory action as is necessary to begin the selection process and creation of a qualified integrity oversight monitor pool in advance of the State's receipt of applicable federal resources dedicated to the recovery from Hurricane Sandy or other storms.

Upon inclusion on the qualified integrity oversight monitor pool, a qualified integrity oversight monitor is eligible for assignment pursuant to subsection a. of this section. The pool of qualified integrity oversight monitors shall be made available through a public website. This section shall not be construed to authorize the waiver of any applicable provision of law or regulation governing conflicts of interest.

c. An integrity oversight monitor shall periodically report to the governmental entity that is a party to the contract as the State Treasurer deems necessary and shall be subject to the malfeasance and inefficiency reporting protocol developed by the State Treasurer in consultation with the State Comptroller. The State Treasurer's reporting protocol shall require an integrity oversight monitor upon a finding of a likely criminal violation or lesser degree of waste, fraud, or abuse, to make a report immediately to the Attorney General and State Comptroller.

d. For purposes of executing the oversight functions of an integrity oversight monitor an integrity oversight monitor shall be afforded access to all records and information necessary to execute the integrity oversight monitor's oversight functions. Provided however, if an integrity oversight monitor's access to records and information may compromise sensitive information, the chief executive officer of the entity in possession of the records may limit the integrity oversight monitor's access accordingly. If a chief executive officer denies sensitive information to an integrity oversight monitor pursuant to this subsection, the chief executive officer shall provide the integrity oversight monitor with its reasoning for the denial in a written notice.

e. On the first business day of each calendar quarter, each integrity oversight monitor shall provide to the State Treasurer for distribution to the Legislature, in accordance with section 2 of P.L.1991, c.164 (C.52:14-19.1), and the Governor a report detailing the integrity oversight monitor's provision of services during the three-month period second preceding the due date of the report and any previously unreported provision of services, which shall include, but not be limited to, detailed findings concerning the integrity oversight monitor's provision of services and recommendations for corrective or remedial action relative to findings of malfeasance and inefficiency. The report shall include a privilege log which shall detail each denial of sensitive information that the integrity oversight monitor exercises in preparing the report for transmission to the Legislature and the Governor pursuant to this subsection. The report shall not include any information which may compromise a potential criminal investigation or prosecution or any proprietary information. The State Treasurer shall have the authority to specify reporting requirements for an integrity oversight monitor pursuant

to this subsection relative to the specific services provided by an integrity oversight monitor.

No report shall become due for an integrity oversight monitor until at least three months after commencing duties as an integrity oversight monitor. The State Treasurer shall provide the integrity oversight monitor reports received pursuant to this subsection to the Legislature and the Governor within ten business days of receipt.

f. As used in this section:

“Recovery and rebuilding project” means (1) the use of funds provided pursuant to federal legislation enacted by the 113 Congress of the United States of America which contains, but is not limited to, disaster assistance for impacts associated with Hurricane Sandy, or other major storms, in New Jersey; (2) the use of funds disbursed through the State treasury for undertakings to address the damage associated with the State of Emergency identified in the Governor’s Executive Order 104, dated October 27, 2012, concerning Hurricane Sandy, which undertakings shall include emergency operations, loss reimbursement, repairs, rebuilding, restorations, reconstruction, removal of debris, temporary housing, household assistance, relief, hazard mitigation improvements, construction, and other recovery and rebuilding activities deemed to be a recovery and rebuilding project by the State Treasurer; and (3) the use of funds provided pursuant to federal legislation or disbursed through the State Treasury for undertakings to address the damage associated with any other major storm or natural disaster.

“Integrity oversight monitor” means a private entity that contracts to provide specialized services to ensure legal compliance, detect misconduct, and promote best practices in the administration of recovery and rebuilding projects, which services may include, but shall not be limited to, legal, investigative, accounting, forensic accounting, engineering, other professional specialties, risk assessment, developing compliance system constructs, loss prevention, monitoring, contract managers and independent private inspectors general.

“Sensitive information” means information which if disclosed to an integrity oversight monitor would jeopardize compliance with State or federal law, threaten public health, welfare, or safety, or harm the competitive economic position of a party including, but not limited to, information deemed confidential or proprietary or related to copyright or trade secrets.

3. This act shall take effect immediately.

Approved March 27, 2013.

CHAPTER 38

AN ACT concerning sex offender registration records and amending P.L.1994, c.133.

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

1. Section 5 of P.L.1994, c.133 (C.2C:7-5) is amended to read as follows:

C.2C:7-5 Records; immunity.

5. a. Records maintained pursuant to P.L.1994, c.133 (C.2C:7-1 et seq.) shall be open to any law enforcement agency in this State, the United States, or any other state and may be released to:

(1) the Division of Child Protection and Permanency in the Department of Children and Families for use in carrying out its responsibilities under law; and

(2) the Department of Human Services and county and municipal welfare agencies for exclusive use in placing homeless families and persons in emergency shelters, which include but are not limited to, hotels and motels.

Law enforcement agencies in this State shall be authorized to release relevant and necessary information regarding sex offenders to the public when the release of the information is necessary for public protection in accordance with the provisions of P.L.1994, c.128 (C.2C:7-6 et seq.).

b. An elected public official, public employee, or public agency is immune from civil liability for damages for any discretionary decision to release relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The immunity provided under this section applies to the release of relevant information to other employees or officials or to the general public.

c. Nothing in P.L.1994, c.133 shall be deemed to impose any liability upon or to give rise to a cause of action against any public official, public employee, or public agency for failing to release information as authorized in subsection d. of this section.

d. Nothing in this section shall be construed to prevent law enforcement officers from notifying members of the public exposed to danger of any persons that pose a danger under circumstances that are not enumerated in P.L.1994, c.133.

2. This act shall take effect immediately.

Approved April 1, 2013.

CHAPTER 39

AN ACT prohibiting the use of indoor tanning beds by minors and amending P.L.2006, c.48 and P.L.1989, c.234 and supplementing chapter 2D of Title 26 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.2006, c.48 (C.26:2D-82.1) is amended to read as follows:

C.26:2D-82.1 Restrictions on use of tanning facilities by minors.

1. a. A tanning facility operator shall not permit a person who is under 17 years of age to use a tanning facility, except as provided in paragraph (1) of subsection b. of this section.

- b. (1) A tanning facility operator shall permit a person who is at least 14 years of age to use spray tanning in a tanning facility.

- (2) A tanning facility operator shall not permit a person who is under 17 years of age to use a tanning bed. A tanning facility operator shall permit a person who is at least 17 years of age to use a tanning bed, provided that the person's parent or guardian is present at the tanning facility for the initial consultation.

- (3) An emancipated minor shall be exempt from the provisions of this subsection upon legal proof documenting said emancipation.

- c. (Deleted by amendment, P.L.2013, c.39).

- d. The penalties for violating the provisions of this section shall be as provided in section 7 of P.L.1989, c.234 (C.26:2D-87).

2. Section 3 of P.L.1989, c.234 (C.26:2D-83) is amended to read as follows:

C.26:2D-83 Minimum safety standards for tanning facilities established.

3. The Commissioner of Health, in consultation with the Commissioner of Environmental Protection, shall, by regulation, establish minimum

safety standards for tanning facilities. The standards shall include, but not be limited to:

- a. Establishment of a maximum safe time of exposure to radiation and a maximum safe temperature at which tanning devices may be operated;
- b. A requirement that a patron at a tanning facility wear protective eye glasses when using tanning equipment and that a patron be supervised as to the length of time the patron uses tanning equipment at the facility;
- c. A requirement that the facility operator post easily legible, permanent warning signs near the tanning equipment which state: "DANGER-ULTRAVIOLET RADIATION FOLLOW ALL INSTRUCTIONS";
- d. A requirement that the facility have protective shielding for tanning equipment in the facility; and
- e. A requirement that the facility operator post a sign in conspicuous view at or near the reception area which states: "PERSONS UNDER AGE 14 SHALL NOT BE PERMITTED TO USE SPRAY TANNING IN THIS TANNING FACILITY. PERSONS WHO ARE AT LEAST 17 YEARS OF AGE SHALL BE PERMITTED TO USE A TANNING BED IN THIS FACILITY PROVIDED THAT A PARENT OR LEGAL GUARDIAN IS PRESENT FOR THE INITIAL CONSULTATION."

3. Section 7 of P.L.1989, c.234 (C.26:2D-87) is amended to read as follows:

C.26:2D-87 Violations, penalties.

7. A person who violates the provisions of P.L.1989, c.234 (C.26:2D-81 et seq.) and P.L.2006, c.48 (C.26:2D-82.1 et al.) is subject to a penalty of \$100 for the first offense and \$200 for each subsequent offense, except that a tanning facility operator who violates the provisions of section 1 of P.L.2006, c.48 (C.26:2D-82.1) concerning a minor's use of the tanning facility is subject to a penalty of \$1,000 for the first offense, \$2,000 for the second offense, and \$2,000 and a five-day suspension of the facility's registration and operation for a third and subsequent offense. The penalty shall be sued for and collected in a court of competent jurisdiction in a summary proceeding in accordance with the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

A penalty recovered under the provisions of P.L.1989, c.234 (C.26:2D-81 et seq.) and P.L.2006, c.48 (C.26:2D-82.1 et al.) shall be recovered by and in the name of the Commissioner of Health or by and in the name of the local board of health. When the plaintiff is the Commissioner of Health the penalty recovered shall be paid by the commissioner into the treasury of

the State. When the plaintiff is a local board of health, the penalty recovered shall be paid by the local board of health into the treasury of the municipality where the violation occurred.

C.26:2D-89 Report to Governor, Legislature.

4. The Commissioner of Health shall report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), no later than two years after the effective date of P.L.2013, c.39, on the number and details of violations of P.L.1989, c.234 (C.26:2D-81 et seq.) and P.L.2006, c.48 (C.26:2D-82.1 et al.) found at tanning salons.

5. This act shall take effect on the first day of the sixth month after enactment.

Approved April 1, 2013.

CHAPTER 40

AN ACT concerning resident domestic corporations and amending P.L.1986, c.74.

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

1. Section 3 of P.L.1986, c.74 (C.14A:10A-3) is amended to read as follows:

C.14A:10A-3 Definitions.

3. As used in this act:

a. "Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, a specified person.

b. "Announcement date," when used in reference to any business combination, means the date of the first public announcement of the final, definitive proposal for that business combination.

c. "Associate," when used to indicate a relationship with any person, means (1) any corporation or organization of which that person is an officer or partner or is, directly or indirectly, the beneficial owner of 10% or more of any class of voting stock, (2) any trust or other estate in which that per-

son has a substantial beneficial interest or as to which that person serves as trustee or in a similar fiduciary capacity, or (3) any relative or spouse of that person, or any relative of that spouse, who has the same home as that person.

d. "Beneficial owner," when used with respect to any stock, means a person:

(1) that, individually or with or through any of its affiliates or associates, beneficially owns that stock, directly or indirectly;

(2) that, individually or with or through any of its affiliates or associates, has (a) the right to acquire that stock (whether that right is exercisable immediately or only after the passage of time), pursuant to any agreement, arrangement or understanding (whether or not in writing), or upon the exercise of conversion rights, exchange rights, warrants or options, or otherwise; provided, however, that a person shall not be deemed the beneficial owner of stock tendered pursuant to a tender or exchange offer made by that person or any of that person's affiliates or associates until that tendered stock is accepted for purchase or exchange; or (b) the right to vote that stock pursuant to any agreement, arrangement or understanding (whether or not in writing); provided, however, that a person shall not be deemed the beneficial owner of any stock under this subparagraph if the agreement, arrangement or understanding to vote that stock (i) arises solely from a revocable proxy or consent given in response to a proxy or consent solicitation made in accordance with the applicable rules and regulations under the Exchange Act, and (ii) is not then reportable on a Schedule 13D under the Exchange Act (or any comparable or successor report); or

(3) that has any agreement, arrangement or understanding (whether or not in writing), for the purpose of acquiring, holding, voting (except voting pursuant to a revocable proxy or consent as described in subparagraph (b) of paragraph (2) of this subsection), or disposing of that stock with any other person that beneficially owns, or whose affiliates or associates beneficially own, directly or indirectly, that stock.

e. "Business combination," when used in reference to any resident domestic corporation and any interested stockholder of that resident domestic corporation, means:

(1) any merger or consolidation of that resident domestic corporation or any subsidiary of that resident domestic corporation with (a) that interested stockholder or (b) any other corporation (whether or not it is an interested stockholder of that resident domestic corporation) which is, or after a merger or consolidation would be, an affiliate or associate of that interested stockholder;

(2) any sale, lease, exchange, mortgage, pledge, transfer or other disposition (in one transaction or a series of transactions) to or with that interested stockholder or any affiliate or associate of that interested stockholder of assets of that resident domestic corporation or any subsidiary of that resident domestic corporation (a) having an aggregate market value equal to 10% or more of the aggregate market value of all the assets, determined on a consolidated basis, of that resident domestic corporation, (b) having an aggregate market value equal to 10% or more of the aggregate market value of all the outstanding stock of that resident domestic corporation, or (c) representing 10% or more of the earning power or income, determined on a consolidated basis, of that resident domestic corporation;

(3) the issuance or transfer by that resident domestic corporation or any subsidiary of that resident domestic corporation (in one transaction or a series of transactions) of any stock of that resident domestic corporation or any subsidiary of that resident domestic corporation which has an aggregate market value equal to 5% or more of the aggregate market value of all the outstanding stock of that resident domestic corporation to that interested stockholder or any affiliate or associate of that interested stockholder, except pursuant to the exercise of warrants or rights to purchase stock offered, or a dividend or distribution paid or made, pro rata to all stockholders of that resident domestic corporation;

(4) the adoption of any plan or proposal for the liquidation or dissolution of that resident domestic corporation proposed by, on behalf of or pursuant to any agreement, arrangement or understanding (whether or not in writing) with that interested stockholder or any affiliate or associate of that interested stockholder;

(5) any reclassification of securities (including, without limitation, any stock split, stock dividend, or other distribution of stock in respect of stock, or any reverse stock split), or recapitalization of that resident domestic corporation, or any merger or consolidation of that resident domestic corporation with any subsidiary of that resident domestic corporation, or any other transaction (whether or not with, or into, or otherwise involving that interested stockholder), proposed by, on behalf of or pursuant to any agreement, arrangement or understanding (whether or not in writing) with that interested stockholder or any affiliate or associate of that interested stockholder, which has the effect, directly or indirectly, of increasing the proportionate share of the outstanding shares of any class or series of stock or securities convertible into voting stock of that resident domestic corporation or any subsidiary of that resident domestic corporation which is directly or indirectly owned by that interested stockholder or any affiliate or associate of

that interested stockholder, except as a result of immaterial changes due to fractional share adjustments; or

(6) any receipt by that interested stockholder or any affiliate or associate of that interested stockholder of the benefit, directly or indirectly (except proportionately as a stockholder of that resident domestic corporation), of any loans, advances, guarantees, pledges or other financial assistance or any tax credits or other tax advantages provided by or through that corporation; provided, however, that the term "business combination" shall not be deemed to include the receipt of any of the foregoing benefits by that resident domestic corporation or any of that corporation's affiliates arising from transactions (such as intercompany loans or tax sharing arrangements) between that resident domestic corporation and its affiliates in the ordinary course of business.

f. "Common stock" means any stock other than preferred stock.

g. "Consummation date," with respect to any business combination, means the date of consummation of that business combination.

h. "Control," including the terms "controlling," "controlled by" and "under common control with," means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting stock, by contract, or otherwise. A person's beneficial ownership of 10% or more of the voting power of a corporation's outstanding voting stock shall create a presumption that that person has control of that corporation. Notwithstanding the foregoing in this subsection, a person shall not be deemed to have control of a corporation if that person holds voting power, in good faith and not for the purpose of circumventing this section, as an agent, bank, broker, nominee, custodian or trustee for one or more beneficial owners who do not individually or as a group have control of that corporation.

i. "Exchange Act" means the "Securities Exchange Act of 1934," 48 Stat. 881 (15 U.S.C. s. 78a et seq.) as the same has been or hereafter may be amended from time to time.

j. "Interested stockholder," when used in reference to any resident domestic corporation, means any person (other than that resident domestic corporation or any subsidiary of that resident domestic corporation) that:

(1) is the beneficial owner, directly or indirectly, of 10% or more of the voting power of the outstanding voting stock of that resident domestic corporation; or

(2) is an affiliate or associate of that resident domestic corporation and at any time within the five-year period immediately prior to the date in question was the beneficial owner, directly or indirectly, of 10% or more of

the voting power of the then outstanding stock of that resident domestic corporation. For the purpose of determining whether a person is an interested stockholder pursuant to this subsection, the number of shares of voting stock of that resident domestic corporation deemed to be outstanding shall include shares deemed to be beneficially owned by the person through application of subsection d. of this section but shall not include any other unissued shares of voting stock of that resident domestic corporation which may be issuable pursuant to any agreement, arrangement or understanding, or upon exercise of conversion rights, warrants or options, or otherwise.

k. "Market value," when used in reference to property of any resident domestic corporation, means:

(1) in the case of stock, the highest closing sale price during the 30-day period immediately preceding the date in question of a share of that stock on the composite tape for New York Stock Exchange-listed stocks, or, if that stock is not quoted on that composite tape or if that stock is not listed on that exchange, on the principal United States securities exchange registered under the Exchange Act on which that stock is listed, or, if that stock is not listed on any such exchange, the highest closing bid quotation with respect to a share of that stock during the 30-day period preceding the date in question on the National Association of Securities Dealers, Inc. Automated Quotations System, or any system then in use, or if no such quotations are available, the fair market value on the date in question of a share of that resident domestic stock as determined by the board of directors of that corporation in good faith; and

(2) in the case of property other than cash or stock, the fair market value of that property on the date in question as determined by the board of directors of that resident domestic corporation in good faith.

l. "Preferred stock" means any class or series of stock of a resident domestic corporation which under the bylaws or certificate of incorporation of that resident domestic corporation is entitled to receive payment of dividends prior to any payment of dividends on some other class or series of stock, or is entitled in the event of any voluntary liquidation, dissolution or winding up of the resident domestic corporation to receive payment or distribution of a preferential amount before any payments or distributions are received by some other class or series of stock.

m. "Resident domestic corporation" means an issuer of voting stock which is organized under the laws of this State, provided, however, that an issuer which did not have its principal executive offices located in this State and did not have significant business operations in this State on the date of enactment of P.L.2013, c.40, may elect not to be a resident domestic corpo-

ration and not be governed by P.L.1986, c.74 (C.14A:10A-1 et seq.), by its board of directors adopting an amendment to its bylaws to that effect within 90 days of the date of enactment of P.L.2013, c.40, and which amendment shall not be further amended by the board of directors.

n. "Stock" means:

(1) any stock or similar security, any certificate of interest, any participation in any profit sharing agreement, any voting trust certificate, or any certificate of deposit for stock; and

(2) any security convertible, with or without consideration, into stock, or any warrant, call or other option or privilege of buying stock without being bound to do so, or any other security carrying any right to acquire, subscribe to or purchase stock.

o. "Stock acquisition date," with respect to any person and any resident domestic corporation, means the date that person first becomes an interested stockholder of that resident domestic corporation.

p. "Subsidiary" of any resident domestic corporation means any other corporation of which voting stock having a majority of the votes entitled to be cast is owned, directly or indirectly, by that resident domestic corporation.

q. "Voting stock" means shares of capital stock of a corporation entitled to vote generally in the election of directors.

2. Section 4 of P.L.1986, c.74 (C.14A:10A-4) is amended to read as follows:

C.14A:10A-4 Five-year restriction; exceptions.

4. Notwithstanding anything to the contrary contained in this act (except section 6 of this act), no resident domestic corporation shall engage in any business combination with any interested stockholder of that resident domestic corporation for a period of five years following that interested stockholder's stock acquisition date unless:

a. that business combination is approved by the board of directors of that resident domestic corporation prior to that interested stockholder's stock acquisition date; or

b. the transaction or series of related transactions which caused the person to become an interested stockholder was approved by the board of directors of that resident domestic corporation prior to that interested stockholder's stock acquisition date and any subsequent business combinations with that interested stockholder are approved by the board of directors of that resident domestic corporation, provided that any such subsequent business combination is approved by (1) the board of directors, or a committee

of that board, consisting solely of persons who are not employees, officers, directors, stockholders, affiliates or associates of that interested stockholder, and (2) the affirmative vote of the holders of a majority of the voting stock not beneficially owned by such interested stockholder at a meeting called for such purpose.

3. Section 5 of P.L.1986, c.74 (C.14A:10A-5) is amended to read as follows:

C.14A:10A-5 Permissible business combinations.

5. In addition to the restriction contained in section 4 of this act, and except as provided in section 6 of this act, no resident domestic corporation shall engage at any time in any business combination with any interested stockholder of that resident domestic corporation other than a business combination specified in any one of subsection a., b., c. or d. of this section (the satisfaction of any one subsection being sufficient):

a. a business combination approved by the board of directors of that resident domestic corporation prior to that interested stockholder's stock acquisition date.

b. a business combination approved by the affirmative vote of the holders of two-thirds of the voting stock not beneficially owned by that interested stockholder at a meeting called for such purpose.

c. a business combination that meets all of the following conditions:

(1) the aggregate amount of the cash and the market value, as of the consummation date, of consideration other than cash to be received per share by holders of outstanding shares of common stock of that resident domestic corporation in that business combination is at least equal to the higher of the following:

(a) the highest per share price (including any brokerage commissions, transfer taxes and soliciting dealers' fees) paid by that interested stockholder for any shares of common stock of the same class or series acquired by it (i) within the five-year period immediately prior to the announcement date with respect to that business combination, or (ii) within the five-year period immediately prior to, or in, the transaction in which that interested stockholder became an interested stockholder, whichever is higher; plus, in either case, interest compounded annually from the earliest date on which that highest per share acquisition price was paid through the consummation date at the rate for one-year United States Treasury obligations from time to time in effect; less the aggregate amount of any cash dividends paid, and

the market value of any dividends paid other than in cash, per share of common stock since that earliest date, up to the amount of that interest; and

(b) the market value per share of common stock on the announcement date with respect to that business combination or on that interested stockholder's stock acquisition date, whichever is higher; plus interest compounded annually from that date through the consummation date at the rate for one-year United States Treasury obligations from time to time in effect; less the aggregate amount of any cash dividends paid, and the market value of any dividends paid other than in cash, per share of common stock since that date, up to the amount of that interest;

(2) the aggregate amount of the cash and the market value as of the consummation date of consideration other than cash to be received per share by holders of outstanding shares of any class or series of stock, other than common stock, of that resident domestic corporation is at least equal to the highest of the following (whether or not that interested stockholder has previously acquired any shares of that class or series of stock):

(a) the highest per share price (including any brokerage commissions, transfer taxes and soliciting dealers' fees) paid by that interested stockholder for any shares of that class or series of stock acquired by it (i) within the five-year period immediately prior to the announcement date with respect to that business combination, or (ii) within the five-year period immediately prior to, or in, the transaction in which that interested stockholder became an interested stockholder, whichever is higher; plus, in either case, interest compounded annually from the earliest date on which that highest per share acquisition price was paid through the consummation date at the rate for one-year United States Treasury obligations from time to time in effect; less the aggregate amount of any cash dividends paid, and the market value of any dividends paid other than in cash, per share of that class or series of stock since that earliest date, up to the amount of that interest;

(b) the highest preferential amount per share to which the holders of shares of that class or series of stock are entitled in the event of any liquidation, dissolution or winding up of that resident domestic corporation, plus the aggregate amount of any dividends declared or due as to which those holders are entitled prior to payment of dividends on some other class or series of stock (unless the aggregate amount of those dividends is included in that preferential amount); and

(c) the market value per share of that class or series of stock on the announcement date with respect to that business combination or on that interested stockholder's stock acquisition date, whichever is higher; plus interest compounded annually from that date through the consummation

date at the rate for one-year United States Treasury obligations from time to time in effect; less the aggregate amount of any cash dividends paid, and the market value of any dividends paid other than in cash, per share of that class or series of stock since that date, up to the amount of that interest;

(3) the consideration to be received by holders of a particular class or series of outstanding stock (including common stock) of that resident domestic corporation in that business combination is in cash or in the same form as the interested stockholder has used to acquire the largest number of shares of that class or series of stock previously acquired by it;

(4) the holders of all outstanding shares of stock of that resident domestic corporation not beneficially owned by that interested stockholder immediately prior to the consummation of that business combination are entitled to receive in that business combination cash or other consideration for those shares in compliance with paragraphs (1), (2) and (3) of this subsection; and

(5) after that interested stockholder's stock acquisition date and prior to the consummation date with respect to that business combination, that interested stockholder has not become the beneficial owner of any additional shares of stock of that resident domestic corporation, except:

(a) as part of the transaction which resulted in that interested stockholder becoming an interested stockholder;

(b) by virtue of proportionate stock splits, stock dividends or other distributions of stock in respect of stock not constituting a business combination under paragraph (5) of subsection e. of section 2 of this act;

(c) through a business combination meeting all of the conditions of paragraph (3) and this paragraph; or

(d) through purchase by that interested stockholder at any price which, if that price had been paid in an otherwise permissible business combination, the announcement date and consummation date of which were the date of that purchase, would have satisfied the requirements of paragraphs (1), (2) and (3) of this subsection.

d. a business combination approved by (1) the board of directors, or a committee of the board of directors, of that resident domestic corporation consisting solely of persons who are not employees, officers, directors, stockholders, affiliates or associates of that interested stockholder prior to the consummation of the business combination; and (2) the affirmative vote of the holders of a majority of the voting stock not beneficially owned by such interested stockholder at a meeting called for such purpose if the transaction or series of related transactions with the interested stockholder which caused the person to become an interested stockholder was approved

by the board of directors of the resident domestic corporation prior to the consummation of such transaction or series of related transactions.

4. Section 6 of P.L.1986, c.74 (C.14A:10A-6) is amended to read as follows:

C.14A:10A-6 Exemptions.

6. a. Unless the certificate of incorporation provides otherwise, the provisions of this act shall not apply to any business combination of a resident domestic corporation with an interested stockholder if the resident domestic corporation did not have a class of voting stock registered or traded on a national securities exchange or registered with the Securities and Exchange Commission pursuant to section 12(g) of the Exchange Act, 48 Stat. 892 (15 U.S.C. s.781) on that interested stockholder's stock acquisition date.

b. Unless the certificate of incorporation provides otherwise, the provisions of this act shall not apply to any business combination with an interested stockholder who was an interested stockholder prior to the effective date of this act unless subsequent thereto that interested stockholder increased his or its interested stockholder's proportion of the voting power of the resident domestic corporation's outstanding voting stock to a proportion in excess of the proportion of voting power that interested stockholder held prior to the effective date of this act.

c. (Deleted by amendment, P.L.1987, c.380.)

d. The provisions of this act shall not apply to any business combination of a resident domestic corporation with an interested stockholder of that corporation which became an interested stockholder inadvertently, if such interested stockholder (1) as soon as practicable divests itself or himself of a sufficient amount of the voting stock of that resident domestic corporation so that he or it no longer is the beneficial owner, directly or indirectly, of 10% or more of the voting power of the outstanding voting stock of that corporation, or a subsidiary of that resident domestic corporation, and (2) would not at any time within the five-year period preceding the announcement date with respect to that business combination have been an interested stockholder but for that inadvertent acquisition.

e. (Deleted by amendment, P.L.1989, c.106.)

f. The provisions of this act shall not apply to any business combination of a resident domestic corporation with an interested stockholder of that corporation which, prior to August 5, 1986, became the beneficial owner of more than 50% of the voting power of the outstanding voting stock of that resident domestic corporation by reason of a purchase of vot-

ing stock directly from that resident domestic corporation in a transaction approved by the board of directors of that resident domestic corporation, provided that, at the time of the approval, none of the directors of the resident domestic corporation was an employee, officer, director, shareholder, affiliate or associate of the interested stockholder.

g. The provisions of this act shall not apply to any business combination of a resident domestic corporation with an interested stockholder of that corporation which became an interested stockholder on or after August 5, 1986 and before January 1, 1987.

h. The provisions of P.L.1986, c.74 (C.14A:10A-1 et seq.) shall not apply to any stockholder who was the beneficial owner of 5% or more of the voting power of the outstanding voting stock of that resident domestic corporation on the effective date of P.L.2013, c.40 if the resident domestic corporation did not, on the effective date of P.L.2013, c.40, have its principal executive offices located in this State or significant business operations located in this State.

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

Approved April 1, 2013.

CHAPTER 41

AN ACT concerning business corporations and amending N.J.S.14A:5-1, N.J.S.14A:5-4, and N.J.S.14A:11-1.

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

1. N.J.S.14A:5-1 is amended to read as follows:

Place of shareholders' meetings.

14A:5-1. Place of shareholders' meetings.

(1) Meetings of shareholders of every corporation organized for any purpose under any general or special law of this State may, unless otherwise provided by law, be held at such place, within or without this State, as may be provided in the by-laws or as may be fixed by the board pursuant to authority granted by the by-laws. In the absence of any such provision, all meetings shall be held at the registered office of the corporation.

(2) A shareholder may participate in a meeting of shareholders by means of remote communication to the extent the board authorizes that participation. Participation by means of remote communication shall be subject to those guidelines and procedures as the board adopts, and shall be in conformity with subsection 14A:5-1(3).

(3) A shareholder participating in a meeting of shareholders by means of remote communication shall be deemed present and shall be entitled to vote at the meeting if the corporation has implemented reasonable measures to:

- (a) verify that each person participating remotely is a shareholder; and
- (b) provide each shareholder participating remotely with a reasonable opportunity to participate in the meeting, including an opportunity to vote on matters submitted to the shareholders, and to read or hear the proceedings of the meeting substantially concurrently with those proceedings.

2. N.J.S.14A:5-4 is amended to read as follows:

Notice of shareholders' meetings.

14A:5-4. Notice of shareholders' meetings.

(1) Except as otherwise provided in this act, written notice of the time, place and purpose or purposes of every meeting of shareholders shall be given not less than 10 nor more than 60 days before the date of the meeting, either personally or by mail, to each shareholder of record entitled to vote at the meeting. If the board has authorized participation by shareholders by means of remote communication pursuant to section 14A:5-1, the notice to that class or series of shareholders shall describe the means of remote communication to be used.

(2) When a meeting is adjourned to another time or place, it shall not be necessary, unless the by-laws otherwise provide, to give notice of the adjourned meeting if the time and place to which the meeting is adjourned are announced at the meeting at which the adjournment is taken and at the adjourned meeting only such business is transacted as might have been transacted at the original meeting. However, if after the adjournment the board fixes a new record date for the adjourned meeting, a notice of the adjourned meeting shall be given to each shareholder of record on the new record date entitled to notice under subsection 14A:5-4(1).

3. N.J.S.14A:11-1 is amended to read as follows:

Right of shareholder to dissent.

14A:11-1. Right of shareholder to dissent.

(1) Any shareholder of a domestic corporation shall have the right to dissent from any of the following corporate actions

(a) Any plan of merger or consolidation to which the corporation is a party, provided that, unless the certificate of incorporation otherwise provides

(i) a shareholder shall not have the right to dissent from any plan of merger or consolidation with respect to shares

(A) of a class or series which is listed on a national securities exchange or is held of record by not less than 1,000 holders on the record date fixed to determine the shareholders entitled to vote upon the plan of merger or consolidation; or

(B) for which, pursuant to the plan of merger or consolidation, he will receive (x) cash, (y) shares, obligations or other securities which, upon consummation of the merger or consolidation, will either be listed on a national securities exchange or held of record by not less than 1,000 holders, or (z) cash and such securities;

(ii) a shareholder of a surviving corporation shall not have the right to dissent from a plan of merger, if the merger did not require for its approval the vote of such shareholders as provided in section 14A:10-5.1 or in subsection 14A:10-3(4), 14A:10-7(2) or 14A:10-7(4);

(iii) a shareholder of a corporation shall not have the right to dissent from a plan of merger, if the merger did not require, for its approval, the vote of the shareholders as provided in subsection (6) of N.J.S.14A:10-3; or

(b) Any sale, lease, exchange or other disposition of all or substantially all of the assets of a corporation not in the usual or regular course of business as conducted by such corporation, other than a transfer pursuant to subsection (4) of N.J.S.14A:10-11, provided that, unless the certificate of incorporation otherwise provides, the shareholder shall not have the right to dissent

(i) with respect to shares of a class or series which, at the record date fixed to determine the shareholders entitled to vote upon such transaction, is listed on a national securities exchange or is held of record by not less than 1,000 holders; or

(ii) from a transaction pursuant to a plan of dissolution of the corporation which provides for distribution of substantially all of its net assets to shareholders in accordance with their respective interests within one year after the date of such transaction, where such transaction is wholly for

(A) cash; or

(B) shares, obligations or other securities which, upon consummation of the plan of dissolution will either be listed on a national securities exchange or held of record by not less than 1,000 holders; or

(C) cash and such securities; or

(iii) from a sale pursuant to an order of a court having jurisdiction.

(2) Any shareholder of a domestic corporation shall have the right to dissent with respect to any shares owned by him which are to be acquired pursuant to section 14A:10-9.

(3) A shareholder may not dissent as to less than all of the shares owned beneficially by him and with respect to which a right of dissent exists. A nominee or fiduciary may not dissent on behalf of any beneficial owner as to less than all of the shares of such owner with respect to which the right of dissent exists.

(4) A corporation may provide in its certificate of incorporation that holders of all its shares, or of a particular class or series thereof, shall have the right to dissent from specified corporate actions in addition to those enumerated in subsection 14A:11-1(1), in which case the exercise of such right of dissent shall be governed by the provisions of this Chapter.

(5) A shareholder entitled to dissent from a corporate action as enumerated in subsection 14A:11-1(1) or as specified pursuant to a corporation's certificate of incorporation shall not have the right to challenge a corporate action from which a shareholder has a right to dissent, regardless of whether the shareholder actually exercised the right to dissent as to that action, except that a shareholder may challenge a corporate action that was:

(a) not effectuated in accordance with the applicable provisions of this Chapter or the corporation's certificate of incorporation; or

(b) procured as a result of fraud, material misrepresentation, or other deceptive means.

4. This act shall take effect on the 90th day following enactment.

Approved April 1, 2013.

CHAPTER 42

AN ACT concerning derivative proceedings and shareholder class actions, supplementing chapter 3 of Title 14A of the New Jersey Statutes, and repealing N.J.S.14A:3-6.

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

C.14A:3-6.1 Definitions relative to derivative proceedings and shareholder class actions.

1. As used in this section:

“Derivative proceeding” means a civil suit in the right of a domestic corporation.

“Shareholder” includes a beneficial owner whose shares are held in a voting trust or held by a nominee on the beneficial owner’s behalf.

“Shareholder class action” means a civil suit by a shareholder against a domestic corporation or its directors or officers which alleges a breach of any duty by the directors or officers or the corporation which is imposed in whole or in part by statutory or common law of the State of New Jersey and seeks a right, remedy, or damages on behalf of a class of the domestic corporation’s shareholders.

C.14A:3-6.2 Conditions for commencing, maintaining proceeding.

2. A shareholder may not commence or maintain a derivative proceeding unless the shareholder:

(1) was a shareholder of the corporation at the time of the act or omission complained of or became a shareholder through transfer by operation of law from one who was a shareholder at that time and remains a shareholder throughout the derivative proceeding; and

(2) fairly and adequately represents the interests of the corporation in enforcing the right of the corporation.

C.14A:3-6.3 Actions taken before commencing proceeding.

3. No shareholder may commence a derivative proceeding until:

(1) a written demand has been made upon the corporation to take suitable action; and

(2) 90 days have expired from the date the demand was made unless the shareholder has earlier been notified that the demand has been rejected by the corporation or unless irreparable injury to the corporation would result by waiting for the expiration of the 90-day period.

C.14A:3-6.4 Stay of proceeding.

4. If the corporation commences an inquiry into the allegations made in the demand or complaint, the court may stay any derivative proceeding as the court deems appropriate.

C.14A:3-6.5 Conditions for dismissal of proceeding.

5. (1) Subject to subsection (5) of this section, a derivative proceeding shall be dismissed by the court on motion by the corporation if the court finds that:

(a) the person or group specified in paragraph (a) or (b) of subsection (2) of this section or subsection (6) of this section has determined in good faith, after conducting a reasonable inquiry upon which its conclusions are based, that the maintenance of the derivative proceeding is not in the best interests of the corporation; or

(b) the shareholders specified in paragraph (c) of subsection (2) of this section have voted to terminate the derivative proceeding.

(2) Unless a panel is appointed pursuant to subsection (6) of this section, the determination in subsection (1) of this section shall be made by:

(a) a majority vote of independent directors present at a meeting of the board of directors if the independent directors constitute a quorum;

(b) a majority vote of a committee consisting of one or more independent directors appointed by majority vote of independent directors, or one independent director if the board consists of only one independent director, present at a meeting of the board of directors, regardless of whether those independent directors constitute a quorum of the board; or

(c) the vote of the holders of a majority of the outstanding shares entitled to vote, not including shares owned by or voted under the control of a shareholder or related person who has or had a material beneficial financial interest in the act or omission complained of or other interest therein that would reasonably be expected to exert an influence on that shareholder's or related person's judgment if called upon to vote in the determination.

(3) If a derivative proceeding is commenced after a determination has been made rejecting a demand by a shareholder, the complaint shall allege with particularity facts establishing that a majority of the board of directors, or all members of a committee, which in either case determined the matter, did not consist of independent directors at the time the determination was made.

(4) If a majority of the board of directors consisted of independent directors at the time the determination in subsection (1) of this section was made or if the determination is made by shareholders, the plaintiff shall have the burden of proving that the requirements of subsection (1) of this section have not been met. If a majority of the board of directors does not consist of independent directors at the time the determination by independent directors is made, the corporation shall have the burden of proving that the requirements of subsection (1) of this section have been met.

(5) (a) If the corporation moves to dismiss the derivative proceeding, it shall make a written filing with the court setting forth, among other things, facts to show:

(i) whether or not a majority of the board of directors was independent at the time of the determination by the independent director or directors; and

(ii) that the independent director or directors made the determination in good faith after conducting a reasonable inquiry upon which the conclusions are based.

(b) Following a motion filed pursuant to paragraph (a) of this subsection, the court shall dismiss the derivative suit unless:

(i) the court finds that the requirements of subsection (1) of this section have not been met, taking into account the burden of proof under subsection (4) or (6) of this section; or

(ii) the plaintiff, in its complaint, an amended complaint, or in a written filing with the court, has alleged with particularity facts rebutting the facts contained in the corporation's filing.

(c) All discovery proceedings shall be stayed upon the filing by the corporation of its motion to dismiss and the filing required by this subsection until the notice of entry of the order ruling on the motion. Notwithstanding the foregoing stay of discovery, the court, on motion and after a hearing, may order that specified and limited discovery be conducted if plaintiffs make a good cause showing of alleged facts which evidence a lack of independence by the person or group making the determination for the corporation or a lack of a good faith determination. Limited discovery shall not include the work product, privileged communications, or testimony of attorneys who advised or assisted the person or group making the determination.

(6) Upon motion by the corporation, the court may appoint a panel of one or more individuals to make a determination whether the maintenance of the derivative proceeding is in the best interests of the corporation. The plaintiff shall have the burden of proving to the panel that the requirements of subsection (1) of this section have not been met.

(7) (a) A director shall be considered independent for the purposes of this section if the director has:

(i) no economic interest in the challenged act or transaction material to him or her, other than an economic interest that is shared by all shareholders generally; and

(ii) no material, personal, or business relationships with the defendant directors or officers who have a material interest in the act or transaction challenged.

(b) None of the following shall by itself cause a director to be considered not independent for the purposes of this section:

(i) the nomination or election of the director by a person who is a defendant in the derivative proceeding or against whom action is demanded;

(ii) the naming of the director as a defendant in the derivative proceeding or as a person against whom action is demanded; or

(iii) the approval by the director of the act being challenged in the derivative proceeding or demand if the act resulted in no personal benefit to the director.

C.14A:3-6.6 Court's approval required.

6. A derivative proceeding or a shareholder class action may not be discontinued or settled without the court's approval. If the court determines that a proposed discontinuance or settlement will substantially affect the interests of the corporation's shareholders or a class of shareholders, the court shall direct that notice be given to the shareholders affected.

C.14A:3-6.7 Termination of derivative proceeding, shareholder class action.

7. On termination of a derivative proceeding or a shareholder class action the court may:

(1) order the corporation to pay the plaintiff's expenses incurred in the proceeding if it finds that the proceeding has resulted in a substantial benefit to the corporation;

(2) order the plaintiff to pay any defendant's expenses incurred in defending the proceeding if it finds that the proceeding was commenced or maintained without the exercise of reasonable diligence by the plaintiff or without reasonable cause or for an improper purpose; or

(3) order a party to pay an opposing party's expenses incurred because of the filing of a pleading, motion or other paper, if it finds that the pleading, motion or other paper was not well grounded in fact, after reasonable inquiry, or warranted by existing law or a good faith argument for the extension, modification or reversal of existing law and was interposed for an improper purpose, such as to harass or cause unnecessary delay or needlessly increase the cost of litigation.

C.14A:3-6.8 Security for reasonable expenses.

8. In any derivative proceeding or shareholder class action instituted by a shareholder or shareholders holding less than 5% of the outstanding

shares of any class or series of the corporation, unless the shares have a market value in excess of \$250,000, the corporation in whose right the action is brought shall be entitled at any time before final judgment to require the plaintiff or plaintiffs to give security for the reasonable expenses, including fees of attorneys, that may be incurred by it in connection with the action or may be incurred by other parties named as defendant for which it may become legally liable. Market value shall be determined as of the date that the plaintiff institutes the action or, in the case of an intervener, as of the date that the intervener becomes a party to the action. The corporation shall have recourse to that security in that amount which the court having jurisdiction shall determine upon the termination of the action in accordance with section 7 of P.L.2013, c.42 (C.14A:3-6.7).

C.14A:3-6.9 Applicability.

9. In any derivative proceeding or shareholder class action, the provisions of P.L.2013, c.42 (C.14A:3-6.1 et seq.) shall apply to actions brought in state or federal court both within and outside of the State of New Jersey if the provisions of P.L.2013, c.42 (C.14A:3-6.1 et seq.) are made applicable to the corporation by the certificate of incorporation.

Repealer.

10. N.J.S.14A:3-6 is repealed.

11. This act shall take effect immediately.

Approved April 1, 2013.

CHAPTER 43

AN ACT concerning farmland assessment, amending and supplementing P.L.1964, c.48, amending P.L.1999, c.278, and repealing section 1 of P.L.1968, c.455 (C.54:4-23.13a).

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

C.54:4-23.3d Development of guidelines for certain agricultural, horticultural practices.

1. a. (1) The State Board of Agriculture and the Department of Agriculture shall develop, within one year after the date of enactment of P.L.2013,

c.43 (C.54:4-23.3d et al.), guidelines describing generally accepted agricultural and horticultural practices, which may be used by municipal tax assessors, county assessors, county tax administrators, and other appropriate local government officials to assist them in determining whether land may be deemed to be in agricultural use, horticultural use, or actively devoted to agricultural or horticultural use pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.). The Division of Taxation in the Department of the Treasury shall review the guidelines, and, upon its approval thereof, shall adopt them as rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The guidelines shall be advisory, and need not be exhaustive or comprehensive in terms of applicability, nor specifically tailored, to each and every possible agricultural or horticultural practice or use. The Director of the Division of Taxation shall distribute these guidelines to all municipal tax assessors, county assessors, county tax administrators, and other appropriate local government officials, by including them, to the maximum extent possible, with other information on real property taxation regularly distributed by the division to such individuals.

(2) Upon the request of a municipal tax assessor, county assessor, county tax administrator, or other appropriate local official, the Division of Taxation, in consultation with the State Board of Agriculture and the Department of Agriculture, shall provide advice to assist the municipal tax assessor, county assessor, county tax administrator, or other appropriate local official in determining whether or not a particular parcel may qualify for valuation, assessment and taxation pursuant to P.L.1964, c.48 based on the agricultural or horticultural activities taking place on the parcel.

b. The Division of Taxation, in conjunction with the Department of Agriculture, shall offer, at such time intervals as may be established by the Director of the Division of Taxation but at least biennially, and free of charge, a continuing education course to municipal tax assessors, county assessors, county tax administrators, and other appropriate local government officials on the guidelines developed and adopted pursuant to subsection a. of this section and other issues concerning the valuation, assessment and taxation of land pursuant to P.L.1964, c.48.

c. The State Board of Agriculture, the Department of Agriculture, and the Department of Environmental Protection shall consult with the New Jersey Forestry Association and the New Jersey Division of the Society of American Foresters on any issues pertaining to woodland management or forest stewardship and P.L.1964, c.48.

2. Section 5 of P.L.1964, c.48 (C.54:4-23.5) is amended to read as follows:

C.54:4-23.5 Land deemed actively devoted to agricultural, horticultural, woodland use.

5. a. Except as otherwise provided in subsection d. of this section, land, five acres in area, shall be deemed to be actively devoted to agricultural or horticultural use when the amount of the gross sales of agricultural or horticultural products produced thereon, any payments received under a soil conservation program, fees received for breeding, raising or grazing any livestock, income imputed to cropland pastured and permanent pasture land used for grazing in the amount determined by the State Farmland Evaluation Committee created pursuant to section 20 of P.L.1964, c.48 (C.54:4-23.20), and fees received for boarding, rehabilitating or training any livestock where the land under the boarding, rehabilitating or training facilities is contiguous to land which otherwise qualifies for valuation, assessment and taxation under P.L.1964, c.48, have averaged at least \$1,000 per year during the two-year period immediately preceding the tax year in issue, or there is clear evidence of anticipated yearly gross sales, payments, fees, and imputed income amounting to at least \$1,000 within a reasonable period of time, or such amount as may be established by the State Farmland Evaluation Committee pursuant to this section. In the case of woodland subject to a woodland management plan pursuant to section 3 of P.L.1964, c.48 (C.54:4-23.3), the amount shall be at least \$500, or such amount as may be established by the State Farmland Evaluation Committee pursuant to this section. Every three years, or sooner at the call of the Secretary of Agriculture or the Director of the Division of Taxation, the State Farmland Evaluation Committee shall review the minimum gross sales, payments, fees, and imputed income requirements, and anticipated yearly gross sales, payments, fees, and imputed income requirements, established in this section for the first five acres, and may, by rule or regulation adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), raise the amounts of those minimums to such levels as the committee determines appropriate. Any increase made to the minimum gross sales, payments, fees, and imputed income requirements, and anticipated yearly gross sales, payments, fees and imputed income requirements, for the first five acres as authorized pursuant to this section shall not be enforced until the third tax year following adoption of the increase.

In addition, where the land is more than five acres in area, it shall be deemed to be actively devoted to agricultural or horticultural use when the

amount of the gross sales of agricultural or horticultural products produced on the area above five acres, any payments received under a soil conservation program, fees received for breeding, raising or grazing any livestock, income imputed to cropland pastured and permanent pasture land used for grazing in the amount determined by the State Farmland Evaluation Committee created pursuant to section 20 of P.L.1964, c.48 (C.54:4-23.20), and fees received for boarding, rehabilitating or training any livestock where the land under the boarding, rehabilitating or training facilities is contiguous to land which otherwise qualifies for valuation, assessment and taxation under P.L.1964, c.48, have averaged at least \$5.00 per acre per year during the two-year period immediately preceding the tax year in issue, or there is clear evidence of anticipated yearly gross sales, payments, fees, and imputed income amounting to an average of at least \$5.00 per year within a reasonable period of time; except in the case of woodland and wetland, where the minimum requirement shall be an average of \$0.50 per acre on the area above five acres.

In addition, in order for land to be deemed to be actively devoted to agricultural or horticultural use, the activity and use must be consistent with the guidelines describing generally accepted agricultural and horticultural practices developed and adopted pursuant to subsection a. of section 1 of P.L.2013, c.43 (C.54:4-23.3d).

As used in this section, "livestock" shall not include dogs.

For the purposes of this section, the presence of an intervening public thoroughfare shall not preclude a finding of contiguity.

b. (1) Land previously qualified as actively devoted to agricultural or horticultural use under P.L.1964, c.48, but failing to meet the additional requirement on acreage above five acres, shall not be subject to the roll-back tax because of such disqualification, but shall be treated as land for which an annual application has not been submitted, provided that the land remains in agricultural or horticultural use.

(2) Land previously qualified as actively devoted to agricultural or horticultural use under P.L.1964, c.48, but failing to meet any increase in the minimum amount of gross sales, payments and fees received, and imputed income requirements, and anticipated yearly gross sales, payments, fees, and imputed income requirements, established pursuant to subsection a. of this section, shall not be subject to the roll-back tax because of such disqualification, but shall be treated as land for which an annual application has not been submitted, provided that the land remains in agricultural or horticultural use.

(3) Land qualified as actively devoted to agricultural or horticultural use as of the day before the date of enactment of P.L.2013, c.43 (C.54:4-23.3d et al.) due to the use of payments or other compensation received under a soil conservation program agreement with any agency of the federal government, but which payments or other compensation do not meet the minimum amounts required pursuant to subsection a. of this section as amended by P.L.2013, c.43 (C.54:4-23.3d et al.), shall continue to be deemed to be actively devoted to agricultural or horticultural use for purposes of valuation, assessment and taxation under P.L.1964, c.48 until the end of the soil conservation program agreement period.

c. In determining the eligibility of land for valuation, assessment and taxation pursuant to P.L.1964, c.48 (C.54:4-23.1 et seq.), the assessor of the taxing district in which the land is located shall, upon request by the owner of the land, exempt the owner from the income requirements of this section if the owner demonstrates to the satisfaction of the assessor that the failure to meet the income requirements was due to an injury, illness or death of the person responsible for performing the activities which produce the income necessary to meet the income eligibility requirement of this section. The request of the owner shall be accompanied by a certificate of a physician stating that the person was physically incapacitated or by a certified copy of the death certificate, as the case may be. The assessor may only grant an exemption once for a particular illness, injury or death.

d. The gross sales, payments, fees, and imputed income received pursuant to the requirements of this section shall not apply to land that (1) is the subject of a forest stewardship plan approved by the Department of Environmental Protection pursuant to section 3 of P.L.2009, c.256 (C.13:1L-31) which is fully implemented, and (2) otherwise qualifies under the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), for valuation, assessment and taxation as land in agricultural or horticultural use pursuant to section 3 of P.L.1964, c.48 (C.54:4-23.3).

3. Section 7 of P.L.1964, c.48 (C.54:4-23.7) is amended to read as follows:

C.54:4-23.7 Considerations of assessor in valuing land.

7. The assessor in valuing land which qualifies as land actively devoted to agricultural or horticultural use under the tests prescribed by P.L.1964, c.48 and the guidelines describing generally accepted agricultural and horticultural practices developed and adopted pursuant to subsection a. of section 1 of P.L.2013, c.43 (C.54:4-23.3d), and as to which the owner

thereof has made timely application for valuation, assessment and taxation hereunder for the tax year in issue, shall consider only those indicia of value which such land has for agricultural or horticultural use. In addition to use of personal knowledge, judgment and experience as to the value of land in agricultural or horticultural use, the assessor shall, in arriving at the value of such land, consider available evidence of agricultural and horticultural capability derived from the soil survey data at Rutgers, The State University, the National Co-operative Soil Survey, the recommendations of value of such land as made by any county or Statewide committee which may be established to assist the assessor, and the guidelines describing generally accepted agricultural and horticultural practices developed and adopted pursuant to subsection a. of section 1 of P.L.2013, c.43 (C.54:4-23.3d).

4. Section 14 of P.L.1964, c.48 (C.54:4-23.14) is amended to read as follows:

C.54:4-23.14 Application form; contents; violations, penalties.

14. a. Application for valuation, assessment and taxation of land in agricultural or horticultural use under P.L.1964, c.48 shall be on a form prescribed by the Director of the Division of Taxation in the Department of the Treasury, in consultation with the State Board of Agriculture, and provided for the use of claimants by the governing bodies of the respective taxing districts. The form of application shall provide for the reporting of information pertinent to the provisions of Article VIII, Section 1, paragraph 1(b) of the Constitution, as amended, and P.L.1964, c.48. The form shall include a plain language recitation and explanation of the guidelines describing generally accepted agricultural and horticultural practices developed and adopted pursuant to subsection a. of section 1 of P.L.2013, c.43 (C.54:4-23.3d) that may be used by municipal tax assessors, county assessors, county tax administrators, and other appropriate local government officials to assist them in determining whether land may be deemed to be in agricultural use, horticultural use, or actively devoted to agricultural or horticultural use pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.). The applicant shall include with the form of application, in a manner prescribed by the director, proofs of sales of agricultural or horticultural products, and of any other payments, fees, or imputed income received from the agricultural or horticultural use of the land, in the prior year, or clear evidence of anticipated yearly gross sales, payments, fees, or imputed income, amounting to at least \$1,000 for the first five acres, or in the case of woodland subject to a woodland manage-

ment plan pursuant to section 3 of P.L.1964, c.48 (C.54:4-23.3) amounting to at least \$500 for the first five acres, or in either case amounting to such sums as may be established by the State Farmland Evaluation Committee pursuant to subsection a. of section 5 of P.L.1964, c.48 (C.54:4-23.5).

In the case of land that is the subject of a forest stewardship plan approved by the Department of Environmental Protection pursuant to section 3 of P.L.2009, c.256 (C.13:1L-31) which is fully implemented, and otherwise qualifies under the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), for valuation, assessment and taxation as land in agricultural or horticultural use pursuant to section 3 of P.L.1964, c.48 (C.54:4-23.3), no proofs required pursuant to this subsection of gross sales, payments, fees, or imputed income, or of clear evidence of anticipated yearly gross sales, payments, fees, or imputed income, need be included with the form or otherwise submitted. However, the applicant shall include documentation demonstrating implementation of the forest stewardship plan, including documentation of scheduled activities, a forest inventory and yield parameters to document forest productivity, and inspections performed, in accordance with rules and regulations adopted for the forest stewardship program by the Department of Environmental Protection.

b. A certification by the landowner that the facts set forth in the application are true may be prescribed by the director to be in lieu of a sworn statement to that effect. Statements so certified shall be considered as if made under oath and subject to the same penalties as provided by law for perjury.

In addition, for a gross and intentional misrepresentation on the application, the landowner shall be subject to a civil penalty of up to \$5,000. Any such civil penalty may be imposed and collected by the municipality, the county, or the State, with costs, in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court and the municipal court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999" in connection with this subsection. One-half of any civil penalties so collected by a municipality or county shall be dedicated and used by the municipality or county in administering and enforcing the provisions of the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.) in the municipality or county. The remaining one-half of any civil penalties so collected by a municipality or county shall be paid by the municipality or county to the State, and together with any civil penalties so collected directly by the State, shall be dedicated and used by the Department of Agriculture and the Division of Taxation in administering and enforcing the provisions of P.L.1964, c.48.

c. Any landowner, except those who have submitted a woodland management plan or a forest stewardship plan pursuant to section 3 of P.L.1964, c.48 (C.54:4-23.3), who is an applicant for valuation, assessment and taxation pursuant to P.L.1964, c.48 (C.54:4-23.1 et seq.) for lands not previously qualified under P.L.1964, c.48 shall submit with the application a map of land use classes and soil groups that conforms with standards established by the Division of Taxation in consultation with the State Board of Agriculture.

d. For any landowner whose farm management unit is less than seven acres in size, the landowner shall submit with the application form a narrative describing the agricultural or horticultural uses on the farm management unit, the number of acres that will be actively devoted to those uses, and a sketch of the location on the farm management unit of those uses. For the purposes of this subsection, "farm management unit" means a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

e. The director, after consultation with the State Board of Agriculture, shall include with each application a letter or other document explaining any changes to the law, rules, regulations, and guidelines on the valuation, assessment and taxation of land pursuant to P.L.1964, c.48 (C.54:4-23.1 et seq.) that have occurred in the prior tax year and which shall be newly in effect in the tax year for which the application is being submitted.

f. The director shall devise a form for the extension of filing time for the valuation application, which form shall include the name and address of the applicant, the reason for the extension, and a space for the approval or rejection of the assessor.

5. Section 20 of P.L.1964, c.48 (C.54:4-23.20) is amended to read as follows:

C.54:4-23.20 State Farmland Evaluation Committee.

20. a. There is hereby created a State Farmland Evaluation Committee, the members of which shall be the Director of the Division of Taxation; the Dean of the College of Agriculture, Rutgers, The State University; the Secretary of Agriculture; a municipal tax assessor, county assessor, or county tax administrator, who shall be appointed by the Governor with the advice and consent of the Senate; and a farmer who is a current or former member of the State Board of Agriculture, who shall be appointed by the Governor

with the advice and consent of the Senate. Each appointed member shall serve for a term of three years and may be appointed to successive terms.

b. The committee shall meet from time to time on the call of the Secretary of Agriculture or the Director of the Division of Taxation and annually determine and publish a range of values for each of the several classifications of land in agricultural and horticultural use in the various areas of the State. The committee shall determine the ranges in fair value of such land based upon its productive capabilities when devoted to agricultural or horticultural uses. In making these annual determinations of value, the committee shall consider available evidence of agricultural or horticultural capability derived from the soil survey at Rutgers, The State University, the National Co-operative Soil Survey, and such other evidence of value of land devoted exclusively to agricultural or horticultural uses as it may in its judgment deem pertinent. On or before October 1 of each year, the committee shall make these ranges of fair value available to the assessing authority in each of the taxing districts in which land in agricultural and horticultural use is located.

c. The committee shall also conduct the review, required every three years, or sooner at the call of the Secretary of Agriculture or the Director of the Division of Taxation, of the minimum gross sales, payments, fees, and imputed income requirements, and anticipated yearly gross sales, payments, fees, and imputed income requirements, in order for land which is actively devoted to agricultural or horticultural use to be eligible for valuation, assessment and taxation under the provisions of P.L.1964, c.48 (C.54:4-23.1 et seq.), as prescribed by section 5 of P.L.1964, c.48 (C.54:4-23.5), and may raise the amounts of those minimums to such levels as the committee determines appropriate as authorized pursuant to section 5 of P.L.1964, c.48.

d. Within one year after the date of enactment of P.L.2013, c.43 (C.54:4-23.3d et al.), and every five years thereafter, the committee shall review the application form or forms for valuation, assessment and taxation of land in agricultural or horticultural use pursuant to P.L.1964, c.48 (C.54:4-23.1 et seq.), and provide any recommendations the committee may have thereon to the Director of the Division of Taxation.

6. Section 1 of P.L.1999, c.278 (C.54:1-35.25b) is amended to read as follows:

C.54:1-35.25b Continuing education, training requirements for certified tax assessors.

1. a. All tax assessor certificates issued prior to the effective date of P.L.1999, c.278 (C.54:1-35.25b et al.) shall expire five years following that

effective date and shall be renewed in accordance with the procedure established in this section. All tax assessor certificates issued on or after the effective date of P.L.1999, c.278 (C.54:1-35.25b et al.) shall expire five years after the issuance of the certificate and shall be renewed in accordance with the procedure established in this section.

(1) All tax assessor certificates shall be renewed upon application, payment of the required renewal fee, and verification that the applicant has met continuing education requirements, as set forth in paragraph (2) and paragraph (3) of this subsection. After the initial expiration of any tax assessor certificates following the effective date of P.L.1999, c.278 (C.54:1-35.25b et al.), each renewal period shall thereafter be for a period of three years. The renewal date shall be 30 days prior to the expiration date of the tax assessor certificate.

(2) Prior to the first renewal date of a tax assessor certificate pursuant to P.L.1999, c.278 (C.54:1-35.25b et al.) every applicant for renewal shall, on a form prescribed by the Director of the Division of Taxation, furnish proof of having earned a total of at least 50 continuing education credit hours over the prior five-year period. Thereafter, prior to each succeeding renewal date of a tax assessor certificate, every applicant for renewal shall, on a form prescribed by the Director of the Division of Taxation, furnish proof of having earned a total of at least 30 continuing education credit hours over the prior three-year period. For the purposes of this section, one continuing education credit hour means 50 minutes of classroom or lecture time. After verifying that the applicant has fulfilled the continuing education requirement and after receiving a fee of not less than \$50 paid by the applicant to the order of the Treasurer of the State of New Jersey, the Director of the Division of Taxation shall renew the tax assessor certificate. The Director of the Division of Taxation shall determine, by regulation, the circumstances under which an extension of time to complete the requirements for continuing education may be granted by the director.

(3) Commencing January 1, 2018, for any tax assessor of a municipality, and for any county assessor of a county, in which one or more Class 3B (Farm Qualified) properties subject to valuation, assessment and taxation pursuant to P.L.1964, c.48 (C.54:4-23.1 et seq.) are located, prior to every renewal date of a tax assessor certificate issued to that tax assessor pursuant to P.L.1999, c.278 (C.54:1-35.25b et al.), the applicant for renewal shall, on a form prescribed by the Director of the Division of Taxation, furnish proof of having taken, at least once in the prior three years, the continuing education course concerning certain aspects of farmland assessment required to be offered, free of charge, by the Division of Taxation, in conjunction with

the Department of Agriculture, pursuant to subsection b. of section 1 of P.L.2013, c.43 (C.54:4-23.3d).

b. There is established within the Division of Taxation in the Department of the Treasury the Tax Assessor Continuing Education Eligibility Board. The board shall consist of six members and be comprised as follows: the Director of the Division of Taxation or his designee, the President of the Association of Municipal Assessors, and the President of the New Jersey Association of County Tax Board Commissioners and County Tax Administrators shall be permanent members. The Director of the Division of Taxation and the President of the Association of Municipal Assessors shall each appoint an additional member who shall serve for a term of two years. The Director of Government Services at Rutgers University shall serve ex officio. Any vacancy in the membership of the board shall be filled for the unexpired term in the manner provided by the original appointment. The first meeting of the board shall be held at the call of the Director of the Division of Taxation, and thereafter the board shall meet annually and shall hold at least one additional meeting within each 12-month period. The board shall establish the curriculum areas and the number of hours in each curriculum area that an assessor shall complete in order to renew certification.

c. When the holder of a tax assessor certificate has allowed the certificate to lapse by failing to renew the certificate, a new application and certificate shall be required. If application is made within six months of the expiration of the certificate, then application may be made in the same manner as a renewal, but with an additional late renewal fee of \$50.

d. (Deleted by amendment, P.L.2013, c.15).

e. In addition to the requirements of this section, to address the introduction to, and competency of, municipal assessors and county tax board personnel with the technology, administrative procedures, and real property appraisal requirements within a demonstration county under a demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104), the county tax administrator of a demonstration county, in consultation with the members of the county tax board of that demonstration county, shall develop a training program to provide annually, free of charge, an additional 10 credit hours of continuing education training concerning the requirements of the real property assessment function in the demonstration county for all assessors, deputy assessors, tax board commissioners, the county tax administrator, and the deputy county tax administrator, practicing within that demonstration county. Attendance at the training program shall be required for each of these professionals, and the county tax administrator of

the demonstration county shall annually certify to the Director of the Division of Taxation in the Department of the Treasury that each of these professionals has completed this training. The continuing education credit hours required by this subsection shall be in addition to the requirements of subsection a. of this section, and shall not be used to satisfy any requirements of that subsection. Any person who does not meet the additional continuing education training requirement required by this subsection shall be ineligible to function as an assessor or deputy assessor in any municipality located in a demonstration county until such time as the additional continuing education training requirement has been satisfied.

The Director of the Division of Taxation, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt such regulations as are necessary to effectuate the provisions of this section.

Repealer.

7. Section 1 of P.L.1968, c.455 (C.54:4-23.13a) is repealed.

8. This act shall take effect immediately, except that it shall be applicable to tax years commencing with tax year 2015.

Approved April 15, 2013.

CHAPTER 44

AN ACT concerning notification to certain persons using certain electronic devices 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:36-39 Notification by school to certain persons using certain electronic devices; fine.

1. A school district or charter school that furnishes a student with a laptop computer, cellular telephone, or other electronic device shall provide the student with written or electronic notification that the electronic device may record or collect information on the student's activity or the student's use of the device if the electronic device is equipped with a camera, global positioning system, or other feature capable of recording or collecting in-

formation on the student's activity or use of the device. The notification shall also include a statement that the school district or charter school shall not use any of the capabilities in a manner that would violate the privacy rights of the student or any individual residing with the student. The parent or guardian of the student shall acknowledge receipt of the notification. The school district or charter school shall retain the acknowledgement as long as the student retains the use of the electronic device.

A school district or charter school failing to provide the notification required by this section shall be subject to a fine of \$250 per student, per incident. The fine shall be remitted to the Department of Education, and shall be deposited in a fund that shall be used to provide laptop or other portable computer equipment to at-risk pupils, as defined in section 3 of P.L.2007, c.260 (C.18A:7F-45).

2. This act shall take effect on the first July 1 following the date of enactment.

Approved April 15, 2013.

CHAPTER 45

AN ACT establishing a Supplemental Nutrition Assistance Program Employment and Training Provider Demonstration Project and supplementing Title 44 of the Revised Statutes.

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

C.44:10-95 Short title.

1. This act shall be known and may be cited as the "New Jersey SNAP Employment and Training Provider Demonstration Project Act."

C.44:10-96 Definitions relative to the "New Jersey SNAP Employment and Training Provider Demonstration Project Act."

2. As used in this act:

"Commissioner" means the Commissioner of Human Services.

"Demonstration project participant" means an eligible participant who elects to participate in the demonstration project established pursuant to this act.

“Department” means the Department of Human Services.

“Eligible participant” means a SNAP recipient who qualifies for participation in NJ SNAP ETP as a voluntary SNAP ETP participant or as a mandatory SNAP ETP participant.

“Mandatory SNAP ETP participant” means a participant in NJ SNAP ETP who, as a condition of receiving SNAP benefits: is required to register for work; is required to fulfill SNAP employment and training requirements; and has not been exempted from placement in an NJ SNAP ETP component.

“New Jersey Supplemental Nutrition Assistance Program Employment and Training Provider Demonstration Project” or “demonstration project” means the demonstration project established pursuant to this act.

“NJ SNAP ETP” means the New Jersey Supplemental Nutrition Assistance Program Employment and Training Program that assists SNAP recipients with acquiring the skills, training, work, or experience necessary to obtain regular employment, as established under the New Jersey Supplemental Nutrition Assistance Program and as described in the most recent State Employment and Training Plan submitted to the Food and Nutrition Service in the United States Department of Agriculture.

“Non-federal resources” means any of the following resources, provided that the resources are not from a federal source or used as a match for other federal funding purposes:

- (1) cash donations from private firms, charitable foundations, or non-profit organizations received by partnering providers;
- (2) local tax levy funds received by partnering providers;
- (3) certain eligible in-kind contributions received by partnering providers that are public entities, including property or services which support the provider’s NJ SNAP ETP activities and which are contributed by non-federal public entities without charge to the partnering provider; or
- (4) any other non-federal resources that are currently allowed by the federal government.

“Partnering provider” means a qualifying agency selected to participate in the demonstration project.

“Qualifying agency” means a local government, non-profit entity, institution of higher education, foundation, or other eligible community-based organization that qualifies for allowable federal SNAP ETP reimbursements pursuant to the federal “Food and Nutrition Act of 2008,” Pub.L.110-246 (7 U.S.C. s.2011 et seq.) by providing allowable services that help SNAP recipients acquire the skills, training, work, or experience necessary to obtain

regular employment. A qualifying agency may also include a consortium of organizations.

“Service area” means the geographic area of the State in which a partnering provider provides NJ SNAP ETP services under the demonstration project established pursuant to this act.

“SNAP” means the New Jersey Supplemental Nutrition Assistance Program, established pursuant to the federal “Food and Nutrition Act of 2008,” Pub.L.110-246 (7 U.S.C. s.2011 et seq.).

“SNAP ETP” means the federal Supplemental Nutrition Assistance Program Employment and Training Program administered by the Food and Nutrition Service in the United States Department of Agriculture and established pursuant to the federal “Food and Nutrition Act of 2008,” Pub.L.110-246 (7 U.S.C. s.2011 et seq.) and any regulations adopted pursuant thereto.

“Voluntary SNAP ETP participant” means a participant in NJ SNAP ETP who: is exempt from the work registration and employment and training requirements associated with receiving SNAP benefits; or who is not exempt from work registration but who has been exempted from SNAP employment and training requirements or otherwise exempted from placement in an NJ SNAP ETP component.

“Work First New Jersey TANF benefits” means Temporary Assistance for Needy Families benefits provided under the Work First New Jersey program established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) in accordance with the federal “Personal Responsibility and Work Opportunity Reconciliation Act of 1996,” Pub.L.104-193 (42 U.S.C. s.601 et seq.).

C.44:10-97 New Jersey Supplemental Nutrition Assistance Program Employment and Training Provider Demonstration Project.

3. a. The Department of Human Services shall establish the New Jersey Supplemental Nutrition Assistance Program Employment and Training Provider Demonstration Project under which the department shall form partnerships with qualifying agencies to provide services to eligible participants under NJ SNAP ETP and receive federal reimbursements for those services. The department shall consult with the Department of Labor and Workforce Development and the county welfare agencies with respect to the establishment and oversight of the demonstration project.

b. Applicants for participation as partnering providers in the demonstration project shall be qualifying agencies whose employment and training activities qualify for reimbursement under the federal SNAP ETP program. Partnering providers in the demonstration project shall be selected according to the process and criteria specified in this act.

C.44:10-98 Proposals to participate in demonstration project.

4. a. The commissioner shall issue a request for proposals from qualifying agencies to participate in the demonstration project no later than 60 days following the effective date of this act.

b. The department shall select no fewer than three partnering providers, from among qualifying agencies submitting proposals, to participate in the demonstration project for a period of four years. Partnering providers shall provide services under NJ SNAP ETP to eligible participants and be eligible to receive federal reimbursements for those services pursuant to the conditions of this act.

c. Each qualifying agency shall be evaluated for participation as a partnering provider in the demonstration project based on the agency's capacity to: serve eligible participants under NJ SNAP ETP; identify and utilize non-federal resources qualifying for federal SNAP ETP reimbursements pursuant to the federal "Food and Nutrition Act of 2008," Pub.L.110-246 (7 U.S.C. s.2011 et seq.); present and implement a coherent program plan for NJ SNAP ETP activities, as described in subsection d. of this section; and perform effectively each of the functions specified in section 6 of this act.

d. Each qualifying agency's proposal shall include a program plan describing how the agency's activities under the demonstration project would fulfill the purposes of NJ SNAP ETP. The program plan shall include, but not be limited to, the following information:

(1) the program goals and objectives, including the agency's priorities for serving eligible participants in the State;

(2) the program design, including: strategies for targeting and recruiting eligible participants; educational skills and training activities; work-related activities; job preparation, placement, and retention activities; strategies for coordinating with the county welfare agencies and the Department of Labor and Workforce Development; and strategies for providing support services, including case management, early intervention, career counseling, and referrals to additional programs and services;

(3) the program budget, including the overall resources to be used to support the agency's NJ SNAP ETP activities, the specific non-federal resources to be used to generate federal SNAP ETP reimbursements, and the intended utilization of anticipated federal SNAP ETP reimbursements;

(4) the extent to which community partners, including subcontractors, will be involved in the agency's activities; and

(5) the agency's plans for performing each of the functions specified in section 6 of this act.

e. In selecting partnering providers for participation in the demonstration project, the department shall prioritize partnering providers that would:

(1) serve SNAP recipients with significant barriers to employment, including, but not limited to: able-bodied adults without dependents required to participate in employment and training programs as a condition of receiving SNAP benefits; individuals with a history of substance abuse or other work limitations; ex-offenders; individuals with low literacy or limited English proficiency; veterans who are not eligible for other employment and training programs; and persons who are 16 through 24 years of age;

(2) serve unemployed or underemployed parents, including non-custodial parents and parents who have exceeded their Work First New Jersey TANF 60-month lifetime limit on cash assistance;

(3) provide training in both vocational and technical skills, as well as “soft skills,” including, but not limited to: workplace preparation training, teamwork, problem solving, time management, and conflict resolution;

(4) provide training that results in marketable credentials and that prepares participants for employment or reemployment in industries with projections of growth, as the department identifies those industries in collaboration with the Department of Labor and Workforce Development;

(5) conduct job development activities and identify how job opportunities will be secured to maximize SNAP recipients’ permanent placement in employment providing compensation at the level of a living wage and opportunities for wage progression; and

(6) demonstrate a proven history of successful job placement and retention.

f. The department may select partnering providers that would provide NJ SNAP ETP services within any service area including, but not limited to: the entire State; one or more regions encompassing several counties; or a single county.

g. Upon selection of a partnering provider, the department shall negotiate and execute a memorandum of understanding with the partnering provider, the Department of Labor and Workforce Development, and county welfare agencies, as applicable. The memorandum of understanding shall define the extent and degree of assistance among the department, the Department of Labor and Workforce Development, the county welfare agencies, and the partnering provider.

h. The commissioner shall establish standards of performance for partnering providers conducting demonstration project activities pursuant to this act, including, but not limited to, standards for performing the programmatic functions and financial functions required pursuant to section 6

of this act. The memorandum of understanding negotiated and executed pursuant to subsection g. of this section shall include a performance-based system for distributing federal SNAP ETP reimbursements to each partnering provider based upon the partnering provider's achievement of the standards of performance.

i. Upon finding that a partnering provider has not conducted its demonstration project activities in accordance with the standards of performance established in subsection h. of this section or that a partnering provider has otherwise failed to comply with the requirements of this act, the commissioner may: take such action as is necessary to correct the deficiencies of the provider; and terminate the partnering provider's participation in the demonstration project if the provider fails to take remedial action.

C.44:10-99 Collaboration between partnering providers and county welfare agencies.

5. a. A county welfare agency shall collaborate with all partnering providers whose service areas include the county to: inform all eligible participants, upon determination of their eligibility for SNAP benefits, of all demonstration project activities operating within the county; permit all eligible participants to participate in any demonstration project activities available within the county; and assist eligible participants with contacting partnering providers operating demonstration project activities. A county welfare agency may advise an eligible participant as to the applicability and appropriateness of specific demonstration activities to the eligible participant's case, but the county welfare agency shall not assign an eligible participant to demonstration project activities without the eligible participant's consent.

b. A partnering provider shall collaborate with all county welfare agencies within the provider's service area to: inform all eligible participants, upon determination of their eligibility for SNAP benefits, of the availability of demonstration project services; and assist the county welfare agencies with identifying those eligible participants for whom participation in the partnering provider's NJ SNAP ETP activities would be most applicable and appropriate.

c. A partnering provider shall serve all eligible participants residing within the provider's service area who elect to participate in the provider's demonstration project activities. Except as provided in this section, a partnering provider shall not deny or terminate the participation of any demonstration project participant.

d. Mandatory SNAP ETP participants may elect, for the purpose of fulfilling their SNAP employment and training requirements, to participate in a partnering provider's demonstration project activities. The participation

of a mandatory SNAP ETP participant in a partnering provider's demonstration project activities shall constitute placement in an NJ SNAP ETP component and shall fulfill SNAP employment and training requirements for the duration of the mandatory SNAP ETP participant's participation. A county welfare agency shall assign a mandatory SNAP ETP participant who does not elect to participate in any demonstration project activities to another NJ SNAP ETP component outside of the demonstration project, as available.

e. Mandatory SNAP ETP participants who elect to participate in demonstration project activities but who subsequently do not cooperate with, or participate in, those activities shall not be subject to penalties for noncompliance with SNAP employment and training requirements during their participation in the demonstration project. Partnering providers shall terminate the demonstration project participation of any non-cooperating or non-participating mandatory SNAP ETP participants and refer the non-cooperating or non-participating mandatory SNAP ETP participants to the applicable county welfare agency. The applicable county welfare agency shall assign the non-cooperating or non-participating mandatory SNAP ETP participant to another NJ SNAP ETP component outside of the demonstration project, as available.

f. Nothing in this act shall be construed to limit the authority of the county welfare agencies or the department to impose penalties for noncompliance with SNAP employment and training requirements on mandatory SNAP ETP participants who: are terminated from participation in demonstration project activities due to non-cooperation or non-participation; and subsequently refuse or fail to comply with SNAP employment and training requirements upon placement within another NJ SNAP ETP component outside of the demonstration project.

g. A partnering provider may deny or terminate the participation of any demonstration project participant who is not appropriately matched to the partnering provider's demonstration project activities upon obtaining approval from the applicable county welfare agency.

C.44:10-100 Programmatic functions required by partnering provider.

6. a. Each partnering provider shall be required to perform the following programmatic functions and to maintain sufficient capacity to perform these functions effectively:

(1) assist demonstration project participants with obtaining and retaining employment;

(2) provide demonstration project participants with appropriate NJ SNAP ETP services and participant reimbursements that fulfill the purposes

of NJ SNAP ETP and that qualify for federal SNAP ETP reimbursements. These services and participant reimbursements may include, but are not limited to: job search and placement services; job readiness assistance; education or training that improves basic skills and general employability; specific job skills training or vocational education; work experience that improves the employability of demonstration project participants; subsidized employment; workfare; self-employment training; services related to the federal Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.); job retention services; or reimbursements for demonstration project participant expenses, including dependent care costs, transportation expenses, books or training manuals, fees, uniforms, equipment and tools required for employment, or personal safety items required for program participation;

(3) assess and place demonstration project participants into appropriate NJ SNAP ETP services, as defined in paragraph (2) of this subsection;

(4) provide demonstration project participants with support services, including case management, early intervention, career counseling, and referrals to additional programs and services;

(5) verify whether potential demonstration project participants are receiving SNAP benefits and make referrals, as appropriate, to assist potential demonstration project participants with applying for SNAP benefits;

(6) collaborate with county welfare agencies to develop processes and materials that: inform eligible participants regarding demonstration project activities within each county, in accordance with each partnering provider's service area; facilitate eligible participants' communications with partnering providers regarding participation in demonstration project activities; and assist eligible participants with rendering decisions regarding their participation in demonstration project activities;

(7) assist demonstration project participants with continuing to meet administrative requirements, work requirements, employment and training requirements, and other requirements for maintaining SNAP eligibility;

(8) coordinate with the department and county welfare agencies on a monthly basis to verify that demonstration project participants are receiving SNAP benefits and are not receiving Work First New Jersey TANF benefits;

(9) coordinate with the county welfare agencies and the department to distinguish mandatory SNAP ETP participants from voluntary SNAP ETP participants;

(10) provide uninterrupted NJ SNAP ETP services and participant reimbursements to mandatory SNAP ETP participants electing to participate in the demonstration project who become voluntary SNAP ETP participants

and to voluntary SNAP ETP participants electing to participate in the demonstration project who become mandatory SNAP ETP participants, subject to the provisions for terminating demonstration project participation pursuant to section 5 of this act;

(11) maintain program records and report to the department the following monthly information for each claimed NJ SNAP ETP participant: program, participant name, participant Social Security number, services and reimbursements received, and weekly hours;

(12) prepare and submit to the department invoice and certification letters each quarter for the total non-federal resources and program expenditures qualifying for federal SNAP ETP reimbursements for the quarter;

(13) monitor demonstration project participants and subcontractors and provide detailed reports of participants, activities, and outcomes to the department on a regular basis;

(14) devote sufficient staff time and expertise to fulfill NJ SNAP ETP administrative and reporting requirements;

(15) collaborate with the department to ensure that federal SNAP ETP reimbursements received under the demonstration program are expended in accordance with all applicable federal laws and regulations; and

(16) report to the department and county welfare agencies on a monthly basis the identities of any mandatory SNAP ETP participants who are not cooperating with, or participating in, assigned services or work, as applicable to mandatory SNAP ETP participants who elect to participate in the demonstration project.

b. Each partnering provider shall be required to perform the following financial functions and to maintain sufficient capacity to perform the functions effectively:

(1) maintain cash flow necessary to manage the delay from program outlays to SNAP ETP reimbursements;

(2) manage federal grants, track expenditures, and ensure that non-federal resources and program expenditures qualify for federal SNAP ETP reimbursements;

(3) perform cost allocation using multiple funds;

(4) track staff time devoted to NJ SNAP ETP activities under this demonstration project; and

(5) maintain records for State audits.

c. Partnering providers may establish agreements with subcontracting organizations to support their NJ SNAP ETP activities under this demonstration project.

d. The department shall consider educational activities serving eligible participants at community colleges as qualifying for federal SNAP ETP reimbursements to the greatest extent allowable under federal laws and regulations. In accordance with section 273.5 of title 7, Code of Federal Regulations, individuals enrolled at least half-time in an institution of higher education who are assigned to, or placed in, an NJ SNAP ETP educational activity, including individuals who voluntarily participate in NJ SNAP ETP activities or who otherwise make self-initiated placements, and who meet all SNAP eligibility requirements shall be determined eligible for SNAP benefits and shall be eligible for participation in the demonstration project.

C.44:10-101 County welfare agencies, department to assist partnering providers.

7. a. The county welfare agencies, under the oversight of the department, shall assist partnering providers by:

(1) collaborating with partnering providers, the department, and the Department of Labor and Workforce Development to conduct outreach to potential demonstration project participants and to refer potential demonstration project participants to the partnering providers;

(2) collaborating with partnering providers to develop processes and materials that inform eligible participants regarding: the availability of demonstration project activities within each county, in accordance with each partnering provider's service area; the option for eligible participants to participate in demonstration project activities; the applicability and appropriateness of specific demonstration activities to the eligible participant's case; and the means by which eligible participants may contact partnering providers regarding demonstration project participation;

(3) determining potential demonstration project participants' SNAP eligibility and providing the results of eligibility determinations to partnering providers;

(4) developing and implementing a process to verify that potential demonstration project participants are receiving SNAP benefits and not receiving Work First New Jersey TANF benefits and ensuring that this verification process adheres to all applicable federal laws and regulations restricting the unauthorized disclosure of information concerning applicants for, and recipients of, SNAP or TANF benefits;

(5) determining each potential demonstration project participant's status as a voluntary SNAP ETP participant or a mandatory SNAP ETP participant, in coordination with partnering providers;

(6) confirming each demonstration project participant's SNAP eligibility on a monthly basis; and

(7) collaborating with partnering providers to develop criteria and procedures for terminating the participation of eligible participants in a partnering provider's demonstration project activities including, but not limited to: eligible participants who are not appropriately matched to a partnering provider's demonstration project activities; and any mandatory SNAP ETP participants who are not cooperating with, or participating in, assigned services or work, as applicable to mandatory SNAP ETP participants who elect to participate in the demonstration project.

b. The department shall, in consultation with the county welfare agencies and the Department of Labor and Workforce Development:

(1) assist partnering providers with understanding the administrative requirements, work requirements, employment and training requirements, and other requirements for demonstration project participants to maintain SNAP eligibility;

(2) assist partnering providers with understanding the requirements for non-federal resources and program expenditures to generate federal SNAP ETP reimbursements;

(3) submit requests for federal SNAP ETP reimbursements and fulfill all reporting and other SNAP ETP administrative responsibilities required by the Food and Nutrition Service in the United States Department of Agriculture;

(4) distribute federal SNAP ETP reimbursements received by the State under this demonstration project to the partnering providers whose non-federal resources and program expenditures generated the federal reimbursements, in accordance with the provisions of section 8 of this act;

(5) collect data concerning partnering providers and demonstration project participants, activities, and outcomes; and

(6) audit partnering providers on a routine basis to ensure fiscal and program integrity.

C.44:10-102 Submission of revised State Employment and Training Plan.

8. a. The department shall submit a revised State Employment and Training Plan to the Food and Nutrition Service in the United States Department of Agriculture, in accordance with section 273.7 (c) of title 7, Code of Federal Regulations, in order to expand NJ SNAP ETP to include demonstration project partnerships with qualifying agencies. The revised State Employment and Training Plan shall define the services to be provided under NJ SNAP ETP, including, but not limited to, the demonstration project services provided pursuant to this act. The department shall submit the revised State Employment and Training Plan to the Food and Nutrition

Service as soon as practicable but no later than the first day of the seventh month next following the effective date of this act.

b. The commissioner shall take such additional steps as may be necessary to secure approval from the Food and Nutrition Service in the United States Department of Agriculture for this demonstration project and to ensure that the State and partnering providers are in compliance with all applicable provisions of federal and State laws and regulations.

c. The department may reserve up to five percent of the federal SNAP ETP reimbursements generated as a direct result of the activities of the partnering providers and received by the State pursuant to this act for operating expenses and staff directly related to the administration, oversight, and evaluation of this demonstration project. The remaining federal SNAP ETP reimbursements generated as a direct result of the activities of the partnering providers and received by the State pursuant to this act shall be distributed to the partnering providers whose expenditures generated the federal SNAP ETP reimbursements on a pro-rata basis and in accordance with the performance-based system for distributing federal SNAP ETP reimbursements established pursuant to section 4 of this act. Within the request for proposals issued pursuant to this act, the department shall describe the performance-based system for distributing federal SNAP ETP reimbursements and indicate the net percentage of federal SNAP ETP reimbursements that shall be distributed to partnering providers.

d. The department shall apply for any additional federal funds which may be available to implement the provisions of this act, including, but not limited to, any unobligated, unexpended federal SNAP ETP funds originally allocated to other state agencies and available for reallocation pursuant to section 273.7 (d) of title 7, Code of Federal Regulations.

e. The commissioner may solicit, receive, and accept grants, funds, or anything of value from any public or private entity and receive and accept contributions of money, property, labor, or any other thing of value from any legitimate source to support the demonstration project, provided that the commissioner does not have reason to believe that the entity may have a vested interest in the decisions of the commissioner or the department concerning the selection of specific partnering providers.

C.44:10-103 Report to Governor, Legislature.

9. The commissioner shall issue a report no later than six months following the effective date of this act, and annually thereafter no later than September 30 of each year, to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature summarizing the partici-

pants, activities, and outcomes of the demonstration project. The initial report under this section shall include, but not be limited to, a summary of the request for proposals issued pursuant to section 4 of this act. Subsequent reports under this section shall include, but not be limited to, the identities of the partnering providers selected pursuant to section 4 of this act and a summary of demonstration project participant demographics, activities, and outcomes for each partnering provider. The reports issued pursuant to this section shall not disclose the identities of any SNAP applicants or recipients and shall adhere to all applicable federal laws and regulations restricting the unauthorized disclosure of information concerning applicants for, and recipients of, SNAP benefits.

C.44:10-104 Certain income excluded in determining eligibility.

10. Notwithstanding the provisions of any other law or regulation to the contrary, the department and the county welfare agencies shall exclude from a household's income all legally-obligated or court-ordered child support payments paid by a household member to, or on behalf of, a non-household member, including payments to a third party on behalf of the non-household member and amounts paid toward arrearages, for the purpose of determining whether a household meets applicable gross and net SNAP income eligibility standards.

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

Approved April 15, 2013.

CHAPTER 46

AN ACT concerning opioid antidotes and overdose prevention, and supplementing Title 24 of the Revised Statutes and Title 2C of the New Jersey Statutes.

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

C.24:6J-1 Short title.

1. This act shall be known and may be cited as the “Overdose Prevention Act.”

C.24:6J-2 Findings, declarations relative to overdose prevention.

2. The Legislature finds and declares that encouraging witnesses and victims of drug overdoses to seek medical assistance saves lives and is in the best interests of the citizens of this State and, in instances where evidence was obtained as a result of seeking of medical assistance, these witnesses and victims should be protected from arrest, charge, prosecution, conviction, and revocation of parole or probation for possession or use of illegal drugs. Additionally, naloxone is an inexpensive and easily administered antidote to an opioid overdose. Encouraging the wider prescription and distribution of naloxone or similarly acting drugs to those at risk for an opioid overdose, or to members of their families or peers, would reduce the number of opioid overdose deaths and be in the best interests of the citizens of this State. It is not the intent of the Legislature to protect individuals from arrest, prosecution or conviction for other criminal offenses, including engaging in drug trafficking, nor is it the intent of the Legislature to in any way modify or restrict the current duty and authority of law enforcement and emergency responders at the scene of a medical emergency or a crime scene, including the authority to investigate and secure the scene.

C.24:6J-3 Definitions relative to overdose prevention.

3. As used in this act:

“Commissioner” means the Commissioner of Human Services.

“Drug overdose” means an acute condition including, but not limited to, physical illness, coma, mania, hysteria, or death resulting from the consumption or use of a controlled dangerous substance or another substance with which a controlled dangerous substance was combined and that a layperson would reasonably believe to require medical assistance.

“Medical assistance” means professional medical services that are provided to a person experiencing a drug overdose by a health care professional, acting within the scope of his or her lawful practice, including professional medical services that are mobilized through telephone contact with the 911 telephone emergency service.

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

“Health care professional” means a physician, physician assistant, advanced practice nurse, or other individual who is licensed or whose professional practice is otherwise regulated pursuant to Title 45 of the Revised Statutes, other than a pharmacist, and who, based upon the accepted scope of professional authority, prescribes or dispenses an opioid antidote.

“Patient” includes a person who is not at risk of an opioid overdose but who, in the judgment of a physician, may be in a position to assist another individual during an overdose and who has received patient overdose information as required by section 5 of this act on the indications for and administration of an opioid antidote.

C.24:6J-4 Immunity from liability for certain prescribers, dispensers.

4. a. A health care professional or pharmacist who, acting in good faith, directly or through a standing order, prescribes or dispenses an opioid antidote to a patient capable, in the judgment of the health care professional, of administering the opioid antidote in an emergency, shall not, as a result of the professional’s acts or omissions, be subject to any criminal or civil liability, or any professional disciplinary action under Title 45 of the Revised Statutes for prescribing or dispensing an opioid antidote in accordance with this act.

b. A person, other than a health care professional, may in an emergency administer, without fee, an opioid antidote, if the person has received patient overdose information pursuant to section 5 of this act and believes in good faith that another person is experiencing an opioid overdose. The person shall not, as a result of the person’s acts or omissions, be subject to any criminal or civil liability for administering an opioid antidote in accordance with this act. In addition, the immunity provided for in section 7 or section 8 of P.L.2013, c.46 (C.2C:35-30 or C.2C:35-31) also shall apply to a person acting pursuant to this section, provided that the requirements of section 7 or section 8 also have been met.

C.24:6J-5 Patient overdose information.

5. a. A health care professional prescribing or dispensing an opioid antidote to a patient shall ensure that the patient receives patient overdose information. This information shall include, but is not limited to: opioid overdose prevention and recognition; how to perform rescue breathing and resuscitation; opioid antidote dosage and administration; the importance of calling 911 emergency telephone service for assistance with an opioid overdose; and care for an overdose victim after administration of the opioid antidote.

b. In order to fulfill the distribution of patient overdose information required by subsection a. of this section, the information may be provided by the health care professional, or a community-based organization, substance abuse organization, or other organization which addresses medical or social issues related to drug addiction that the health care professional maintains a written agreement with, and that includes: procedures for providing patient overdose information; information as to how employees or volunteers providing the information will be trained; and standards for documenting the provision of patient overdose information to patients.

c. The provision of patient overdose information shall be documented in the patient's medical record by a health care professional, or through similar means as determined by any written agreement between a health care professional and an organization as set forth in subsection b. of this section.

d. The Commissioner of Human Services, in consultation with State-wide organizations representing physicians, advanced practice nurses, or physician assistants, or community-based programs, substance abuse programs, syringe access programs, or other programs which address medical or social issues related to drug addiction, may develop and disseminate training materials in video, electronic, or other formats to health care professionals or organizations operating community-based programs, substance abuse programs, syringe access programs, or other programs which address medical or social issues related to drug addiction, to facilitate the provision of patient overdose information.

C.24:6J-6 Awarding of grants.

6. a. The Commissioner of Human Services may award grants, based upon any monies appropriated by the Legislature, to create or support local opioid overdose prevention, recognition, and response projects. County and municipal health departments, correctional institutions, hospitals, and universities, as well as organizations operating community-based programs, substance abuse programs, syringe access programs, or other programs which address medical or social issues related to drug addiction may apply to the Department of Human Services for a grant under this section, on forms and in the manner prescribed by the commissioner.

b. In awarding any grant, the commissioner shall consider the necessity for overdose prevention projects in various health care facility and non-health care facility settings, and the applicant's ability to develop interventions that will be effective and viable in the local area to be served by the grant.

c. In awarding any grant, the commissioner shall give preference to applications that include one or more of the following elements:

(1) prescription and distribution of naloxone hydrochloride or any other similarly acting drug approved by the United States Food and Drug Administration for the treatment of an opioid overdose;

(2) policies and projects to encourage persons, including drug users, to call 911 for emergency assistance when they witness a potentially fatal opioid overdose;

(3) opioid overdose prevention, recognition, and response education projects in syringe access programs, drug treatment centers, outreach programs, and other programs operated by organizations that work with, or have access to, opioid users and their families and communities;

(4) opioid overdose recognition and response training, including rescue breathing, in drug treatment centers and for other organizations that work with, or have access to, opioid users and their families and communities;

(5) the production and distribution of targeted or mass media materials on opioid overdose prevention and response;

(6) the institution of education and training projects on opioid overdose response and treatment for emergency services and law enforcement personnel; and

(7) a system of parent, family, and survivor education and mutual support groups.

d. In addition to any moneys appropriated by the Legislature, the commissioner may seek money from the federal government, private foundations, and any other source to fund the grants established pursuant to this section, as well as to fund on-going monitoring and evaluation of the programs supported by the grants.

C.2C:35-30 Immunity from liability, certain circumstances, for persons seeking medical assistance for someone experiencing a drug overdose.

7. a. A person who, in good faith, seeks medical assistance for someone experiencing a drug overdose shall not be:

(1) arrested, charged, prosecuted, or convicted for obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of, a controlled dangerous substance or controlled substance analog pursuant to subsection a., b., or c. of N.J.S.2C:35-10;

(2) arrested, charged, prosecuted, or convicted for inhaling the fumes of or possessing any toxic chemical pursuant to subsection b. of section 7 of P.L.1999, c.90 (C.2C:35-10.4);

(3) arrested, charged, prosecuted, or convicted for using, obtaining, attempting to obtain, or possessing any prescription legend drug or stramo-

nium preparation pursuant to subsection b., d., or e. of section 8 of P.L.1999, c.90 (C.2C:35-10.5);

(4) arrested, charged, prosecuted, or convicted for acquiring or obtaining possession of a controlled dangerous substance or controlled substance analog by fraud pursuant to N.J.S.2C:35-13;

(5) arrested, charged, prosecuted, or convicted for unlawfully possessing a controlled dangerous substance that was lawfully prescribed or dispensed pursuant to P.L.1998, c.90 (C.2C:35-24);

(6) arrested, charged, prosecuted, or convicted for using or possessing with intent to use drug paraphernalia pursuant to N.J.S.2C:36-2 or for having under his control or possessing a hypodermic syringe, hypodermic needle, or any other instrument adapted for the use of a controlled dangerous substance or a controlled substance analog pursuant to subsection a. of N.J.S.2C:36-6;

(7) subject to revocation of parole or probation based only upon a violation of offenses described in subsection a. (1) through (6) of this section, provided, however, this circumstance may be considered in establishing or modifying the conditions of parole or probation supervision.

b. The provisions of subsection a. of this section shall only apply if:

(1) the person seeks medical assistance for another person who is experiencing a drug overdose and is in need of medical assistance; and

(2) the evidence for an arrest, charge, prosecution, conviction, or revocation was obtained as a result of the seeking of medical assistance.

c. Nothing in this section shall be construed to limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regard to a defendant who does not qualify for the protections of this act or with regard to other crimes committed by a person who otherwise qualifies for protection pursuant to this act. Nothing in this section shall be construed to limit any seizure of evidence or contraband otherwise permitted by law. Nothing herein shall be construed to limit or abridge the authority of a law enforcement officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in subsection a. of this section. Nothing in this section shall be construed to limit, modify or remove any immunity from liability currently available to public entities or public employees by law.

C.2C:35-31 Protections for certain persons experiencing a drug overdose.

8. a. A person who experiences a drug overdose and who seeks medical assistance or is the subject of a good faith request for medical assistance pursuant to section 4 of this act shall not be:

(1) arrested, charged, prosecuted, or convicted for obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of, a controlled dangerous substance or controlled substance analog pursuant to subsection a., b., or c. of N.J.S.2C:35-10;

(2) arrested, charged, prosecuted, or convicted for inhaling the fumes of or possessing any toxic chemical pursuant to subsection b. of section 7 of P.L.1999, c.90 (C.2C:35-10.4);

(3) arrested, charged, prosecuted, or convicted for using, obtaining, attempting to obtain, or possessing any prescription legend drug or stramonium preparation pursuant to subsection b., d., or e. of section 8 of P.L.1999, c.90 (C.2C:35-10.5);

(4) arrested, charged, prosecuted, or convicted for acquiring or obtaining possession of a controlled dangerous substance or controlled substance analog by fraud pursuant to N.J.S.2C:35-13;

(5) arrested, charged, prosecuted, or convicted for unlawfully possessing a controlled dangerous substance that was lawfully prescribed or dispensed pursuant to P.L.1998, c.90 (C.2C:35-24);

(6) arrested, charged, prosecuted, or convicted for using or possessing with intent to use drug paraphernalia pursuant to N.J.S.2C:36-2 or for having under his control or possessing a hypodermic syringe, hypodermic needle, or any other instrument adapted for the use of a controlled dangerous substance or a controlled substance analog pursuant to subsection a. of N.J.S.2C:36-6;

(7) subject to revocation of parole or probation based only upon a violation of offenses described in subsection a. (1) through (6) of this section, provided, however, that this circumstance may be considered in establishing or modifying the conditions of parole or probation supervision.

b. The provisions of subsection a. of this section shall only apply if the evidence for an arrest, charge, prosecution, conviction or revocation was obtained as a result of the seeking of medical assistance.

c. Nothing in this section shall be construed to limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regard to a defendant who does not qualify for the protections of this act or with regard to other crimes committed by a person who otherwise qualifies for protection pursuant to this act. Nothing in this section shall be construed to limit any seizure of evidence or contraband otherwise permitted by law. Nothing herein shall be construed to limit or abridge the authority of a law enforcement officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in subsection a. of this section. Nothing in this

section shall be construed to limit, modify or remove any immunity from liability currently available to public entities or public employees by law.

9. Sections 1 through 6 of this act shall take effect on the first day of the second month next following enactment, except that the Commissioner of Human Services shall take any anticipatory action in advance thereof as shall be necessary for the implementation of this act and sections 7 and 8 shall take effect immediately.

Approved May 2, 2013.

CHAPTER 47

AN ACT concerning certified educational facilities managers and amending and supplementing P.L.1999, c.337.

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

1. Section 3 of P.L.1999, c.337 (C.18A:17-51) is amended to read as follows:

C.18A:17-51 Applicant to provide certification documentation.

3. A board of education shall require any applicant for a permanent position as a buildings and grounds supervisor to provide documentation that he is a certified educational facilities manager who has received an authorization from the Department of Education pursuant to section 2 of P.L.2013, c.47 (C.18A:17-53).

C.18A:17-53 Issuance of authorization to serve as educational facilities manager.

2. a. The Department of Education shall issue an authorization to serve as an educational facilities manager to an applicant who meets the criteria of a certified educational facilities manager as set forth in section 1 of P.L.1999, c.337 (C.18A:17-49). The department shall place the applicant on a master list of certified educational facilities managers to be maintained by the department. An authorization shall be valid for a period of three years from the date of issuance.

b. The department shall renew the authorization of a certified educational facilities manager upon receipt and verification of a renewal application submitted pursuant to section 3 of P.L.2013, c.47 (C.18A:17-54).

C.18A:17-54 Application for renewal of authorization.

3. a. A certified educational facilities manager shall apply to the Department of Education for renewal of the authorization issued pursuant to section 2 of P.L.2013, c.47 (C.18A:17-53). The renewal application shall include a certified statement, upon a form prescribed by the department, that the applicant completed at least 20 hours of training or continuing education in the prior three years in fields of study related to school facilities in the State and approved by the department.

b. In the case of an authorization issued by the department more than three years prior to the effective date of P.L.2013, c.47 (C.18A:17-53 et al.), the department shall establish a schedule for the submission of renewal applications for those authorizations.

4. This act shall take effect immediately.

Approved May 6, 2013.

CHAPTER 48

AN ACT concerning commercial driver licenses 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.39:3-10.17b Definitions relative to certain commercial driver licenses; issuance.

1. a. As used in this act:

“Commercial motor vehicle” means a motor vehicle or combination of motor vehicles used or designed to transport passengers or property that has a gross vehicle weight rating of 26,001 or more pounds or displays a gross vehicle weight rating of 26,001 or more pounds or a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds. The term shall not include any of the other types of vehicles listed under the definition of commercial motor vehicle pursuant to section 3 of P.L.1990, c.103 (C.39:3-10.11).

“Military commercial driver license” means an authorization for a person to operate a commercial motor vehicle which is issued by any branch of the active duty or the reserve component of the Armed Forces of the United States or the National Guard of any state.

b. Notwithstanding the provisions of section 4 of P.L.1990, c.103 (C.39:3-10.12) or any other law to the contrary, the Chief Administrator of the New Jersey Motor Vehicle Commission shall waive the skills test required pursuant to section 4 of P.L.1990, c.103 (C.39:3-10.12) for a commercial driver license applicant who has experience operating a commercial motor vehicle while serving in the military and who submits satisfactory proof that the applicant meets the requirements for such a waiver under the federal “Commercial Motor Vehicle Safety Act of 1986,” as those requirements are set forth in 49 C.F.R. s.383.77.

c. In order to qualify for the waiver permitted under subsection b. of this section, an applicant for a commercial driver license shall submit to the chief administrator, in addition to the application:

(1) satisfactory proof that the applicant is a member of a branch of the active or the reserve component of the Armed Forces of the United States or the National Guard of any state, or that the applicant is a veteran who received an honorable discharge from a branch of the active or reserve component of the Armed Forces of the United States or the National Guard of any state;

(2) the applicant’s military commercial driver license or other documentation certifying the applicant’s experience in the operation of a commercial motor vehicle while serving in the military; and

(3) any additional documentation that the chief administrator deems necessary to determine the equivalent class of commercial motor vehicle that the applicant is authorized to operate.

d. A waiver shall not be granted under the provisions of this act if the granting of the waiver would place the State out of substantial compliance with the requirements of the federal “Commercial Motor Vehicle Safety Act of 1986.”

e. Nothing in this section shall be construed to exempt an applicant for a commercial driver license from any other State or federal requirements for obtaining a commercial driver license or any endorsement thereon, including, but not limited to, the submission of fingerprints and a criminal history records check.

2. This act shall take effect on the first day of the sixth month following enactment, but the chief administrator may take such anticipatory acts

in advance thereof as may be necessary for the timely implementation of this act.

Approved May 6, 2013.

CHAPTER 49

AN ACT concerning professional and occupational licenses and supplementing P.L.1978, c.73 (C.45:1-14 et seq.).

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

C.45:1-15.3 Issuance of certain professional, occupational licenses to veterans with equivalent training.

1. a. Notwithstanding any other act or regulation to the contrary, a professional or occupational board designated in section 2 of P.L.1978, c.73 (C.45:1-15) that issues a professional or occupational license, certificate of registration, or certification for which professional training, education, or experience is required shall give credit toward its requirements for licensure or certification for training, education, and experience received while serving as a member of the Armed Forces of the United States that is substantially equivalent to the training, education, or experience required for licensure or certification.

b. A professional or occupational board shall issue a license or certification to an applicant who presents evidence to the board that:

(1) the applicant has been honorably discharged from active military service;

(2) the training, education, and experience the applicant received while serving as a member of the Armed Forces of the United States, together with any training, education, and experience obtained outside of the Armed Forces, is substantially equivalent to training, education, or experience required for licensure or certification; and

(3) the applicant complies with all other requirements for licensure, including, without limitation, any requirement for examination.

c. For the purpose of determining substantial equivalence of education, a professional or occupational board shall consider education courses directly relevant to the profession or occupation for which a license or certi-

fication is sought that are part of the applicant's military training or service that meet the equivalence standards of the American Council on Education.

d. For the purpose of determining substantial equivalence of experience, a professional or occupational board shall consider whether the experience gained in the military is of a character equivalent to that which would have been gained in the civilian sector doing similar work.

e. A professional or occupational board may require an applicant to provide such documentation of the applicant's training, education, or experience as deemed necessary by the board to determine substantial equivalency. An applicant seeking credit for military training, experience, or both shall submit to the appropriate professional or occupational board the applicant's Verification of Military Experience and Training (VMET) Document, DD Form 2586.

f. To the extent that an applicant's military training, education, or experience, or a portion thereof, is not deemed substantially equivalent, a professional or occupational board shall credit whatever portion of the military training, education, or experience that is substantially equivalent towards meeting the requirements for the issuance of the license or certificate.

C.45:1-15.4 Rules, regulations.

2. Each professional or occupational board designated in section 2 of P.L.1978, c.73 (C.45:1-15), subject to the provisions of this act, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations necessary to implement this act.

3. This act shall take effect 12 months following enactment, but each board may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved May 6, 2013.

CHAPTER 50

AN ACT concerning health benefits coverage for prescription eye drops and supplementing various parts of the statutory law.

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

C.17:48-6ll Hospital service corporation to provide coverage for prescription eye drops.

1. a. A hospital service corporation which provides hospital or medical expense benefits that include coverage for prescription eye drops under a contract delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses incurred for refills of prescription eye drops in accordance with the Guidance for Early Refill Edits of Topical Ophthalmic Products provided to Medicare Part D plan sponsors by the Centers for Medicare & Medicaid Services of the U.S. Department of Health and Human Services, provided that:

(1) the prescribing health care practitioner indicates on the original prescription that additional quantities of the prescription eye drops are needed; and

(2) the refill requested by the subscriber or covered person does not exceed the number of additional quantities indicated on the original prescription by the prescribing health care practitioner.

b. The provisions of this section shall apply to all hospital service corporation contracts in which the hospital service corporation has reserved the right to change the premium.

C.17:48A-7ii Medical service corporation to provide coverage for prescription eye drops.

2. a. A medical service corporation which provides hospital or medical expense benefits that include coverage for prescription eye drops under a contract delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses incurred for refills of prescription eye drops in accordance with the Guidance for Early Refill Edits of Topical Ophthalmic Products provided to Medicare Part D plan sponsors by the Centers for Medicare & Medicaid Services of the U.S. Department of Health and Human Services, provided that:

(1) the prescribing health care practitioner indicates on the original prescription that additional quantities of the prescription eye drops are needed; and

(2) the refill requested by the subscriber or covered person does not exceed the number of additional quantities indicated on the original prescription by the prescribing health care practitioner.

b. The provisions of this section shall apply to all medical service corporation contracts in which the medical service corporation has reserved the right to change the premium.

C.17:48E-35.36 Health service corporation to provide coverage for prescription eye drops.

3. a. A health service corporation which provides hospital or medical expense benefits that include coverage for prescription eye drops under a contract delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses incurred for refills of prescription eye drops in accordance with the Guidance for Early Refill Edits of Topical Ophthalmic Products provided to Medicare Part D plan sponsors by the Centers for Medicare & Medicaid Services of the U.S. Department of Health and Human Services, provided that:

(1) the prescribing health care practitioner indicates on the original prescription that additional quantities of the prescription eye drops are needed; and

(2) the refill requested by the subscriber or covered person does not exceed the number of additional quantities indicated on the original prescription by the prescribing health care practitioner.

b. The provisions of this section shall apply to all health service corporation contracts in which the health service corporation has reserved the right to change the premium.

C.17B:26-2.1ff Individual health insurer to provide coverage for prescription eye drops.

4. a. An individual health insurer which provides hospital or medical expense benefits that include coverage for prescription eye drops under a policy delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses incurred for refills of prescription eye drops in accordance with the Guidance for Early Refill Edits of Topical Ophthalmic Products provided to Medicare Part D plan sponsors by the Centers for Medicare & Medicaid Services of the U.S. Department of Health and Human Services, provided that:

(1) the prescribing health care practitioner indicates on the original prescription that additional quantities of the prescription eye drops are needed; and

(2) the refill requested by the insured or covered person does not exceed the number of additional quantities indicated on the original prescription by the prescribing health care practitioner.

b. The provisions of this section shall apply to those policies in which the insurer has reserved the right to change the premium.

C.17B:27-46.1ll Group health insurer to provide coverage for prescription eye drops.

5. a. A group health insurer which provides hospital or medical expense benefits that include coverage for prescription eye drops, under a policy delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses incurred for refills of prescription eye drops in accordance with the Guidance for Early Refill Edits of Topical Ophthalmic Products provided to Medicare Part D plan sponsors by the Centers for Medicare & Medicaid Services of the U.S. Department of Health and Human Services, provided that:

(1) the prescribing health care practitioner indicates on the original prescription that additional quantities of the prescription eye drops are needed; and

(2) the refill requested by the insured or covered person does not exceed the number of additional quantities indicated on the original prescription by the prescribing health care practitioner.

b. The provisions of this section shall apply to all policies in which the insurer has reserved the right to change the premium.

C.17B:27A-7.19 Individual health benefits plan to provide coverage for prescription eye drops.

6. a. An individual health benefits plan which provides hospital or medical expense benefits that include coverage for prescription eye drops under a contract delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses incurred for refills of prescription eye drops in accordance with the Guidance for Early Refill Edits of Topical Ophthalmic Products provided to Medicare Part D plan sponsors by the Centers for

Medicare & Medicaid Services of the U.S. Department of Health and Human Services, provided that:

(1) the prescribing health care practitioner indicates on the original prescription that additional quantities of the prescription eye drops are needed; and

(2) the refill requested by the covered person does not exceed the number of additional quantities indicated on the original prescription by the prescribing health care practitioner.

b. The provisions of this section shall apply to all individual health benefits plans in which the carrier has reserved the right to change the premium.

C.17B:27A-19.23 Small employer health benefits plan to provide coverage for prescription eye drops.

7. a. A small employer health benefits plan which provides hospital or medical expense benefits that include coverage for prescription eye drops under a contract delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses incurred for refills of prescription eye drops in accordance with the Guidance for Early Refill Edits of Topical Ophthalmic Products provided to Medicare Part D plan sponsors by the Centers for Medicare & Medicaid Services of the U.S. Department of Health and Human Services, provided that:

(1) the prescribing health care practitioner indicates on the original prescription that additional quantities of the prescription eye drops are needed; and

(2) the refill requested by the subscriber or covered person does not exceed the number of additional quantities indicated on the original prescription by the prescribing health care practitioner.

b. The provisions of this section shall apply to all small employer health benefits plans in which the carrier has reserved the right to change the premium.

C.26:2J-4.37 Health maintenance organization to provide coverage for prescription eye drops.

8. a. A health maintenance organization contract which provides hospital or medical expense benefits that include coverage for prescription eye drops, issued or continued in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance on or after the

effective date of this act, shall provide coverage for expenses incurred for refills of prescription eye drops in accordance with the Guidance for Early Refill Edits of Topical Ophthalmic Products provided to Medicare Part D plan sponsors by the Centers for Medicare & Medicaid Services of the U.S. Department of Health and Human Services, provided that:

(1) the prescribing health care practitioner indicates on the original prescription that additional quantities of the prescription eye drops are needed; and

(2) the refill requested by the enrollee or covered person does not exceed the number of additional quantities indicated on the original prescription by the prescribing health care practitioner.

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

C.52:14-17.29s SHBC to provide coverage for prescription eye drops.

9. The State Health Benefits Commission shall ensure that every contract purchased by the commission on or after the effective date of this act that provides hospital or medical expense benefits that include coverage for prescription eye drops, shall provide coverage for expenses incurred for refills of prescription eye drops in accordance with the Guidance for Early Refill Edits of Topical Ophthalmic Products provided to Medicare Part D plan sponsors by the Centers for Medicare & Medicaid Services of the U.S. Department of Health and Human Services, provided that:

(1) the prescribing health care practitioner indicates on the original prescription that additional quantities of the prescription eye drops are needed; and

(2) the refill requested by the covered person does not exceed the number of additional quantities indicated on the original prescription by the prescribing health care practitioner.

C.52:14-17.46.6d School Employees' Health Benefits Commission to provide coverage for prescription eye drops.

10. The School Employees' Health Benefits Commission shall ensure that every contract purchased by the commission on or after the effective date of this act that provides hospital or medical expense benefits that include coverage for prescription eye drops, shall provide coverage for expenses incurred for refills of prescription eye drops in accordance with the Guidance for Early Refill Edits of Topical Ophthalmic Products provided to Medicare

Part D plan sponsors by the Centers for Medicare & Medicaid Services of the U.S. Department of Health and Human Services, provided that:

(1) the prescribing health care practitioner indicates on the original prescription that additional quantities of the prescription eye drops are needed; and

(2) the refill requested by the covered person does not exceed the number of additional quantities indicated on the original prescription by the prescribing health care practitioner.

11. This act shall take effect on the 90th day after enactment.

Approved May 6, 2013.

CHAPTER 51

AN ACT concerning human trafficking and designated the “Human Trafficking Prevention, Protection, and Treatment Act,” and amending and supplementing various parts of the statutory law.

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

C.52:17B-237 Commission on Human Trafficking.

1. a. There is hereby created, in the Division of Criminal Justice in the Department of Law and Public Safety, a commission to be known as the Commission on Human Trafficking, consisting of 15 members as follows: the Attorney General, or his designee; the Commissioner of Children and Families, or his designee; the Commissioner of Human Services, or his designee; a county prosecutor, appointed by the Governor based upon the recommendation of the County Prosecutors Association of the State of New Jersey; one member of the New Jersey Human Trafficking Task Force established within the Department of Law and Public Safety, designated by the Attorney General; two public members appointed by the Governor based upon the recommendation of the Senate President, one representing law enforcement and one representing a victim’s assistance organization; one public member appointed by the Governor based upon the recommendation of the Senate Minority Leader representing either a non-profit health care facility or mental health services; two public members appointed by the Governor based upon the recommendation of the Speaker of the Gen-

eral Assembly, one representing law enforcement and one representing a victim's assistance organization; one public member appointed by the Governor based upon the recommendation of the Assembly Minority Leader representing either a non-profit health care facility or mental health services; and four public members appointed by the Governor, one of whom shall be a representative of a child advocacy organization concerning missing, abducted, or exploited children, and one of whom shall be a human trafficking survivor. All public members shall have experience with, possess a background in, or demonstrate a specialized knowledge of, the legal, policy, educational, social, or psychological aspects of human trafficking.

b. (1) Of the public members first appointed:

(a) the following shall serve for a term of three years: one member appointed upon the recommendation of the Senate President; one member appointed upon the recommendation of the Speaker of the General Assembly; and two members appointed by the Governor; and

(b) the following shall serve for a term of two years: one member appointed upon the recommendation of the Senate President; one member appointed upon the recommendation of the Speaker of the General Assembly; each member appointed upon the recommendation of the Senate and Assembly Minority Leaders; and two members appointed by the Governor.

(c) Upon the conclusion of the initial terms, each public member shall be appointed for a term of three years.

(2) Each member appointed shall hold office for the term of appointment and until a successor shall have been appointed and qualified.

(3) Any vacancy in the membership of the commission shall be filled by appointment in the same manner as the original appointment was made.

c. (1) The commission shall organize upon the appointment of a majority of its authorized membership. The members shall elect one of the members to serve as chair and vice-chair, and the chair may appoint a secretary, who need not be a member of the commission.

(2) The commission shall meet at those times and places within the State of New Jersey as the commission shall determine. A majority of the commission's authorized membership shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the commission.

d. The members of the commission shall serve without compensation, but shall be eligible for reimbursement for necessary and reasonable expenses incurred in the performance of their official duties within the limits of funds appropriated or otherwise made available to the commission for its purposes.

e. The Division of Criminal Justice in the Department of Law and Public Safety shall, at the direction of the Attorney General, provide legal, stenographic, technical, clerical, and other staff and resource assistance to the commission, and additionally the commission may incur 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.

f. It shall be the duty of the commission to:

(1) Evaluate the existing law concerning human trafficking and the enforcement thereof, and to make recommendations for legislation, if appropriate;

(2) Review existing victim assistance programs and analyze the costs, organization, and availability of these services for victims of human trafficking and to make recommendations for legislation, if appropriate;

(3) Promote a coordinated response by public and private resources for victims of human trafficking; and

(4) Develop mechanisms to promote public awareness of human trafficking, including promotion of the national, 24-hour toll-free hotline telephone service on human trafficking described under section 18 of P.L.2013, c.51 (C.2C:13-11), and the promotion of training courses and other educational materials for use by persons required under section 19 of P.L.2013, c.51 (C.2C:13-12) to undergo training on the handling of and response procedures for suspected human trafficking activities.

g. The commission shall report annually to the Governor and to the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), its activities, as well as its findings and recommendations for any needed new services or resources for victims of human trafficking, and any proposed changes to the current law concerning human trafficking.

C.52:17B-238 “Human Trafficking Survivor’s Assistance Fund.”

2. a. There is established the “Human Trafficking Survivor’s Assistance Fund” as a separate, non-lapsing, dedicated fund in the General Fund, which shall be administered by the Attorney General. All monies deposited in the fund pursuant to P.L.2013, c.51 (C.52:17B-237 et al.), any other enactment, or as otherwise provided from any public or private source shall be used for the provision of services to victims of human trafficking, to promote awareness of human trafficking, and the development, maintenance, revision, and distribution of training course and other educational materials, and the operation of educational or training programs, in accordance with sections 11 and 19 of P.L.2013, c.51 (C.2C:34-1.2 and C.2C:13-12). All expenditures from the fund shall be made by the Attorney General,

in consultation with the Commission on Human Trafficking established by section 1 of P.L.2013, c.51 (C.52:17B-237), and done so in accordance with rules and regulations promulgated by the Attorney General and other applicable law.

b. Receipt of expenditures from the fund by any provider of services to victims of human trafficking shall not be based or otherwise conditioned upon the previous, present, or future cooperation of the recipient regarding any law enforcement investigation or prosecution, or lack thereof.

3. Section 1 of P.L.2005, c.77 (C.2C:13-8) is amended to read as follows:

C.2C:13-8 Human trafficking.

1. Human trafficking. a. A person commits the crime of human trafficking if he:

(1) knowingly holds, recruits, lures, entices, harbors, transports, provides or obtains, by any means, another, to engage in sexual activity as defined in paragraph (2) of subsection a. of N.J.S.2C:34-1 or to provide labor or services:

(a) by causing or threatening to cause serious bodily harm or physical restraint against the person or any other person;

(b) by means of any scheme, plan, or pattern intended to cause the person to believe that the person or any other person would suffer serious bodily harm or physical restraint;

(c) by committing a violation of N.J.S.2C:13-5 against the person;

(d) by destroying, concealing, removing, confiscating, or possessing any passport, immigration-related document as defined in section 1 of P.L.1997, c.1 (C.2C:21-31), or other document issued by a governmental agency to any person which could be used as a means of verifying the person's identity or age or any other personal identifying information;

(e) by means of the abuse or threatened abuse of the law or legal process;

(f) by means of fraud, deceit, or misrepresentation against the person; or

(g) by facilitating access to a controlled dangerous substance or controlled substance analog as set forth in chapter 35 of Title 2C of the New Jersey Statutes; or

(2) receives anything of value from participation as an organizer, supervisor, financier or manager in a scheme or course of conduct which violates paragraph (1) of this subsection; or

(3) knowingly holds, recruits, lures, entices, harbors, transports, provides or obtains, by any means, a child under 18 years of age, to engage in

sexual activity as defined in paragraph (2) of subsection a. of N.J.S.2C:34-1, whether or not the actor mistakenly believed that the child was 18 years of age or older, even if that mistaken belief was reasonable.

b. An offense under this section constitutes a crime of the first degree.

c. It is an affirmative defense to prosecution for a violation of this section that, during the time of the alleged commission of the offense of human trafficking created by this section, the defendant was a victim of human trafficking.

d. Notwithstanding the provisions of N.J.S.2C:43-6, the term of imprisonment imposed for a crime of the first degree under paragraph (2) or (3) of subsection a. of this section shall be either a term of 20 years during which the actor shall not be eligible for parole, or a specific term between 20 years and life imprisonment, of which the actor shall serve 20 years before being eligible for parole. Notwithstanding the provisions of N.J.S.2C:43-3, the sentence for a conviction for a crime of the first degree under this section shall include a fine in an amount of not less than \$25,000, which shall be collected as provided for the collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4) and forwarded to the Department of the Treasury to be deposited in the "Human Trafficking Survivor's Assistance Fund" established by section 2 of P.L.2013, c.51 (C.52:17B-238).

e. In addition to any other disposition authorized by law, any person who violates the provisions of this section shall be ordered to make restitution to any victim. The court shall award to the victim restitution which is the greater of:

(1) the gross income or value to the defendant of the victim's labor or services; or

(2) the value of the victim's labor or services as determined by the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), the "New Jersey State Wage and Hour Law," P.L.1966, c.113 (C.34:11-56a et seq.), the Seasonal Farm Labor Act, P.L.1945, c.71 (C.34:9A-1 et seq.), the laws concerning the regulation of child labor in chapter 2 of Title 34 of the Revised Statutes, or any other applicable State law, and the "Fair Labor Standards Act of 1938," 29 U.S.C. s.201 et seq., or any other applicable federal law.

C.2C:13-8.1 Civil action permitted by injured person.

4. a. Any person injured, including injury due to the loss of moneys or property, real or personal, by an actor and all those acting in concert with that actor who committed a human trafficking offense in violation of section 1 of P.L.2005, c.77 (C.2C:13-8) or section 5 of P.L.2013, c.51 (C.2C:13-9)

may bring a civil action in any court of competent jurisdiction against the actor and all those acting in concern with that actor. A civil action brought under this section shall not preclude the application of any other civil, administrative, or criminal remedy under any other provision of law.

b. (1) The standard of proof in a civil action brought pursuant to this section is a preponderance of the evidence, and the fact that a prosecution against the offending actor is not instituted or, whenever instituted, terminates without a conviction, shall not preclude a civil action.

(2) A final judgment rendered in favor of the State in any criminal proceeding shall estop the defendant from denying the same conduct in any civil action brought pursuant to this section.

c. In any civil action brought pursuant to this section, the court shall, in addition to any other appropriate legal or equitable relief, including damages for pain and suffering, recovery of reasonable costs for necessary medical, dental, and psychological services and punitive damages, award damages in an amount that is the greater of:

(1) the gross income or value to the defendant of the injured party's labor or services; or

(2) the value of the injured party's labor or services as determined by the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), the "New Jersey State Wage and Hour Law," P.L.1966, c.113 (C.34:11-56a et seq.), the Seasonal Farm Labor Act, P.L.1945, c.71 (C.34:9A-1 et seq.), the laws concerning the regulation of child labor in chapter 2 of Title 34 of the Revised Statutes, or any other applicable State law, and the "Fair Labor Standards Act of 1938," 29 U.S.C. s.201 et seq., or any other applicable federal law.

d. In addition to any damages, penalty, injunction, or other appropriate relief awarded in an action brought pursuant to this section, the court may award to the injured person bringing suit reasonable attorney's fees and costs.

C.2C:13-9 Second degree crime; penalties.

5. a. A person commits a crime of the second degree if he:

(1) provides services, resources, or assistance with the knowledge that the services, resources, or assistance are intended to be used in furtherance of the commission of the crime of human trafficking in violation of section 1 of P.L.2005, c.77 (C.2C:13-8).

(a) For purposes of this paragraph, "services, resources, or assistance" shall include financial support, business services, lodging, transportation, the provision of false documentation or identification, equipment, facilities, or any other service or property with a pecuniary value that exceeds \$200,

whether or not a person is compensated for the services, resources, or assistance, but shall not include humanitarian or charitable aid or services provided directly to a victim of human trafficking.

(b) For purposes of this paragraph, the requisite knowledge that services, resources, or assistance are intended to be used in furtherance of the commission of the crime of human trafficking may be inferred if the defendant was aware that a person to whom the defendant was providing services, resources, or assistance: (i) was subject to or subjected another to restrictions on the person's freedom of movement, so that the person could not leave without accompaniment of another person or was otherwise subjected to obvious restrictions on mobility; or (ii) did not possess or have access to any means of communication, including but not limited to a cellular or other wireless telephone or other electronic communication device, and was not permitted or was otherwise unable to communicate with another person without supervision or permission; or

(2) procures or attempts to procure a person to engage in sexual activity as defined in paragraph (2) of subsection a. of N.J.S.2C:34-1, or to provide labor or services, whether for himself or another person, knowing that the person provided or to be provided was a victim of human trafficking, or under circumstances in which a reasonable person would conclude that there was a substantial likelihood that the person was a victim of human trafficking.

(a) For purposes of this paragraph, there shall be a rebuttable presumption that the defendant knew, and that a reasonable person would conclude there was a substantial likelihood, that a person was a victim of human trafficking if the person: (i) could not leave the premises where the person provided labor or services without accompaniment of another person or was otherwise subjected to significant restrictions on the person's freedom of movement; or (ii) did not possess or have access to any means of communication, including but not limited to a cellular or other wireless telephone or other electronic communication device, and was not permitted or was otherwise unable to communicate with another person without supervision or permission.

(b) For the purposes of this paragraph, there shall be a rebuttable presumption that: (i) a person knew that a child under the age of 18 years of age procured to engage in sexual activity or for whom attempts were made to procure for that activity was a victim of human trafficking; and (ii) a reasonable person would conclude that there was a substantial likelihood that a child under the age of 18 years of age procured to engage in sexual activity

or for whom attempts were made to procure for that activity was a victim of human trafficking.

b. (1) It is an affirmative defense to prosecution for a violation of this section that, during the time of the alleged commission of the crime, the defendant was a victim of human trafficking.

(2) There shall be a rebuttable presumption that a child under the age of 18 years of age charged with a violation of this section was a victim of human trafficking.

c. (1) Notwithstanding any provision of law to the contrary, a person convicted for a violation of this section shall be sentenced to a term of imprisonment, which shall include a period of parole ineligibility of one-third to one-half of the term of imprisonment imposed or three years, whichever is greater. Notwithstanding the provisions of N.J.S.2C:43-3, the sentence for a conviction under this section shall include a fine in an amount of not less than \$15,000, which shall be collected as provided for the collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4) and forwarded to the Department of the Treasury to be deposited in the "Human Trafficking Survivor's Assistance Fund" established by section 2 of P.L.2013, c.51 (C.52:17B-238).

(2) Additionally, upon a finding of guilt or entry of a guilty plea for a crime described under this section, the court shall direct any issuing State, county, or municipal governmental agency to revoke any license, permit, certificate, approval, registration, charter, or similar form of business or professional authorization required by law concerning the operation of that person's business or profession, if that business or profession was used in the course of the crime.

d. Nothing in this section shall be construed to preclude, or limit in any way, the prosecution and conviction for any other offense, including prosecution and conviction pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8), human trafficking, N.J.S.2C:34-1, prostitution and related offenses, and N.J.S.2C:2-6, liability for another's conduct.

6. N.J.S.2C:5-4 is amended to read as follows:

Grading of criminal attempt and conspiracy, mitigation in cases of lesser danger.

2C:5-4. Grading of Criminal Attempt and Conspiracy; Mitigation in Cases of Lesser Danger. a. Grading. Except as provided in subsections c., d., and e., an attempt or conspiracy to commit a crime of the first degree is a crime of the second degree; except that an attempt or conspiracy to commit murder or terrorism is a crime of the first degree, provided, however,

that if the person attempted or conspired to murder five or more persons, the person shall be sentenced by the court to a term of 30 years, during which the person shall not be eligible for parole, or to a specific term of years which shall be between 30 years and life imprisonment, of which the person shall serve not less than 30 years before eligibility for parole. Otherwise an attempt is a crime of the same degree as the most serious crime which is attempted, and conspiracy is a crime of the same degree as the most serious crime which is the object of the conspiracy; provided that, leader of organized crime is a crime of the second degree. An attempt or conspiracy to commit an offense defined by a statute outside the code shall be graded as a crime of the same degree as the offense is graded pursuant to N.J.S.2C:1-4 and N.J.S.2C:43-1.

b. Mitigation. The court may impose sentence for a crime of a lower grade or degree if neither the particular conduct charged nor the defendant presents a public danger warranting the grading provided for such crime under subsection a. because:

(1) The criminal attempt or conspiracy charged is so inherently unlikely to result or culminate in the commission of a crime; or

(2) The conspiracy, as to the particular defendant charged, is so peripherally related to the main unlawful enterprise.

c. Notwithstanding the provisions of subsection a. of this section, conspiracy to commit a crime set forth in subsection a., b., or d. of N.J.S.2C:17-1 where the structure which was the target of the crime was a church, synagogue, temple or other place of public worship is a crime of the first degree.

d. Notwithstanding the provisions of subsection a. of this section, conspiracy to commit a crime as set forth in P.L.1994, c.121 (C.2C:21-23 et seq.) is a crime of the same degree as the most serious crime that was conspired to be committed.

e. Notwithstanding the provisions of subsection a. of this section, conspiracy to commit a crime of human trafficking as set forth in section 1 of P.L.2005, c.77 (C.2C:13-8) is a crime of the first degree.

7. Section 2 of P.L.1974, c.49 (C.2A:18-61.1) is amended to read as follows:

C.2A:18-61.1 Grounds for removal of tenants.

2. No lessee or tenant or the assigns, under-tenants or legal representatives of such lessee or tenant may be removed by the Superior Court from any house, building, mobile home or land in a mobile home park or tene-

ment leased for residential purposes, other than (1) owner-occupied premises with not more than two rental units or a hotel, motel or other guest house or part thereof rented to a transient guest or seasonal tenant; (2) a dwelling unit which is held in trust on behalf of a member of the immediate family of the person or persons establishing the trust, provided that the member of the immediate family on whose behalf the trust is established permanently occupies the unit; and (3) a dwelling unit which is permanently occupied by a member of the immediate family of the owner of that unit, provided, however, that exception (2) or (3) shall apply only in cases in which the member of the immediate family has a developmental disability, except upon establishment of one of the following grounds as good cause:

a. The person fails to pay rent due and owing under the lease whether the same be oral or written; provided that, for the purposes of this section, any portion of rent unpaid by a tenant to a landlord but utilized by the tenant to continue utility service to the rental premises after receiving notice from an electric, gas, water or sewer public utility that such service was in danger of discontinuance based on nonpayment by the landlord, shall not be deemed to be unpaid rent.

b. The person has continued to be, after written notice to cease, so disorderly as to destroy the peace and quiet of the occupants or other tenants living in said house or neighborhood.

c. The person has willfully or by reason of gross negligence caused or allowed destruction, damage or injury to the premises.

d. The person has continued, after written notice to cease, to substantially violate or breach any of the landlord's rules and regulations governing said premises, provided such rules and regulations are reasonable and have been accepted in writing by the tenant or made a part of the lease at the beginning of the lease term.

e. (1) The person has continued, after written notice to cease, to substantially violate or breach any of the covenants or agreements contained in the lease for the premises where a right of reentry is reserved to the landlord in the lease for a violation of such covenant or agreement, provided that such covenant or agreement is reasonable and was contained in the lease at the beginning of the lease term.

(2) In public housing under the control of a public housing authority or redevelopment agency, the person has substantially violated or breached any of the covenants or agreements contained in the lease for the premises pertaining to illegal uses of controlled dangerous substances, or other illegal activities, whether or not a right of reentry is reserved to the landlord in the lease for a violation of such covenant or agreement, provided that such

covenant or agreement conforms to federal guidelines regarding such lease provisions and was contained in the lease at the beginning of the lease term.

f. The person has failed to pay rent after a valid notice to quit and notice of increase of said rent, provided the increase in rent is not unconscionable and complies with any and all other laws or municipal ordinances governing rent increases.

g. The landlord or owner (1) seeks to permanently board up or demolish the premises because he has been cited by local or State housing inspectors for substantial violations affecting the health and safety of tenants and it is economically unfeasible for the owner to eliminate the violations; (2) seeks to comply with local or State housing inspectors who have cited him for substantial violations affecting the health and safety of tenants and it is unfeasible to so comply without removing the tenant; simultaneously with service of notice of eviction pursuant to this clause, the landlord shall notify the Department of Community Affairs of the intention to institute proceedings and shall provide the department with such other information as it may require pursuant to rules and regulations. The department shall inform all parties and the court of its view with respect to the feasibility of compliance without removal of the tenant and may in its discretion appear and present evidence; (3) seeks to correct an illegal occupancy because he has been cited by local or State housing inspectors or zoning officers and it is unfeasible to correct such illegal occupancy without removing the tenant; or (4) is a governmental agency which seeks to permanently retire the premises from the rental market pursuant to a redevelopment or land clearance plan in a blighted area. In those cases where the tenant is being removed for any reason specified in this subsection, no warrant for possession shall be issued until P.L.1967, c.79 (C.52:31B-1 et seq.) and P.L.1971, c.362 (C.20:4-1 et seq.) have been complied with.

h. The owner seeks to retire permanently the residential building or the mobile home park from residential use or use as a mobile home park, provided this subsection shall not apply to circumstances covered under subsection g. of this section.

i. The landlord or owner proposes, at the termination of a lease, reasonable changes of substance in the terms and conditions of the lease, including specifically any change in the term thereof, which the tenant, after written notice, refuses to accept; provided that in cases where a tenant has received a notice of termination pursuant to subsection g. of section 3 of P.L.1974, c.49 (C.2A:18-61.2), or has a protected tenancy status pursuant to the "Senior Citizens and Disabled Protected Tenancy Act," P.L.1981, c.226 (C.2A:18-61.22 et al.), or pursuant to the "Tenant Protection Act of 1992,"

P.L.1991, c.509 (C.2A:18-61.40 et al.), the landlord or owner shall have the burden of proving that any change in the terms and conditions of the lease, rental or regulations both is reasonable and does not substantially reduce the rights and privileges to which the tenant was entitled prior to the conversion.

j. The person, after written notice to cease, has habitually and without legal justification failed to pay rent which is due and owing.

k. The landlord or owner of the building or mobile home park is converting from the rental market to a condominium, cooperative or fee simple ownership of two or more dwelling units or park sites, except as hereinafter provided in subsection l. of this section. Where the tenant is being removed pursuant to this subsection, no warrant for possession shall be issued until this act has been complied with. No action for possession shall be brought pursuant to this subsection against a senior citizen tenant or disabled tenant with protected tenancy status pursuant to the "Senior Citizens and Disabled Protected Tenancy Act," P.L.1981, c.226 (C.2A:18-61.22 et al.), or against a qualified tenant under the "Tenant Protection Act of 1992," P.L.1991, c.509 (C.2A:18-61.40 et al.), as long as the agency has not terminated the protected tenancy status or the protected tenancy period has not expired.

l. (1) The owner of a building or mobile home park, which is constructed as or being converted to a condominium, cooperative or fee simple ownership, seeks to evict a tenant or sublessee whose initial tenancy began after the master deed, agreement establishing the cooperative or subdivision plat was recorded, because the owner has contracted to sell the unit to a buyer who seeks to personally occupy it and the contract for sale calls for the unit to be vacant at the time of closing. However, no action shall be brought against a tenant under paragraph (1) of this subsection unless the tenant was given a statement in accordance with section 6 of P.L.1975, c.311 (C.2A:18-61.9);

(2) The owner of three or less condominium or cooperative units seeks to evict a tenant whose initial tenancy began by rental from an owner of three or less units after the master deed or agreement establishing the cooperative was recorded, because the owner seeks to personally occupy the unit, or has contracted to sell the unit to a buyer who seeks to personally occupy it and the contract for sale calls for the unit to be vacant at the time of closing;

(3) The owner of a building of three residential units or less seeks to personally occupy a unit, or has contracted to sell the residential unit to a buyer who wishes to personally occupy it and the contract for sale calls for the unit to be vacant at the time of closing.

m. The landlord or owner conditioned the tenancy upon and in consideration for the tenant's employment by the landlord or owner as superintendent, janitor or in some other capacity and such employment is being terminated.

n. The person has been convicted of or pleaded guilty to, or if a juvenile, has been adjudicated delinquent on the basis of an act which if committed by an adult would constitute an offense under the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al., involving the use, possession, manufacture, dispensing or distribution of a controlled dangerous substance, controlled dangerous substance analog or drug paraphernalia within the meaning of that act within or upon the leased premises or the building or complex of buildings and land appurtenant thereto, or the mobile home park, in which those premises are located, and has not in connection with his sentence for that offense either (1) successfully completed or (2) been admitted to and continued upon probation while completing, a drug rehabilitation program pursuant to N.J.S.2C:35-14; or, being the tenant or lessee of such leased premises, knowingly harbors or harbored therein a person who has been so convicted or has so pleaded, or otherwise permits or permitted such a person to occupy those premises for residential purposes, whether continuously or intermittently, except that this subsection shall not apply to a person harboring or permitting a juvenile to occupy the premises if the juvenile has been adjudicated delinquent upon the basis of an act which if committed by an adult would constitute the offense of use or possession under the said act. No action for removal may be brought pursuant to this subsection more than two years after the date of the adjudication or conviction or more than two years after the person's release from incarceration whichever is the later.

o. The person has been convicted of or pleaded guilty to, or if a juvenile, has been adjudicated delinquent on the basis of an act which if committed by an adult would constitute an offense under N.J.S.2C:12-1 or N.J.S.2C:12-3 involving assault, or terroristic threats against the landlord, a member of the landlord's family or an employee of the landlord; or, being the tenant or lessee of such leased premises, knowingly harbors or harbored therein a person who has been so convicted or has so pleaded, or otherwise permits or permitted such a person to occupy those premises for residential purposes, whether continuously or intermittently. No action for removal may be brought pursuant to this subsection more than two years after the adjudication or conviction or more than two years after the person's release from incarceration whichever is the later.

p. The person has been found, by a preponderance of the evidence, liable in a civil action for removal commenced under this act for an offense under N.J.S.2C:20-1 et al. involving theft of property located on the leased premises from the landlord, the leased premises or other tenants residing in the leased premises, or N.J.S.2C:12-1 or N.J.S.2C:12-3 involving assault or terroristic threats against the landlord, a member of the landlord's family or an employee of the landlord, or under the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al., involving the use, possession, manufacture, dispensing or distribution of a controlled dangerous substance, controlled dangerous substance analog or drug paraphernalia within the meaning of that act within or upon the leased premises or the building or complex of buildings and land appurtenant thereto, or the mobile home park, in which those premises are located, and has not in connection with his sentence for that offense either (1) successfully completed or (2) been admitted to and continued upon probation while completing a drug rehabilitation program pursuant to N.J.S.2C:35-14; or, being the tenant or lessee of such leased premises, knowingly harbors or harbored therein a person who committed such an offense, or otherwise permits or permitted such a person to occupy those premises for residential purposes, whether continuously or intermittently, except that this subsection shall not apply to a person who harbors or permits a juvenile to occupy the premises if the juvenile has been adjudicated delinquent upon the basis of an act which if committed by an adult would constitute the offense of use or possession under the said "Comprehensive Drug Reform Act of 1987."

q. The person has been convicted of or pleaded guilty to, or if a juvenile, has been adjudicated delinquent on the basis of an act which if committed by an adult would constitute an offense under N.J.S.2C:20-1 et al. involving theft of property from the landlord, the leased premises or other tenants residing in the same building or complex; or, being the tenant or lessee of such leased premises, knowingly harbors therein a person who has been so convicted or has so pleaded, or otherwise permits such a person to occupy those premises for residential purposes, whether continuously or intermittently.

r. The person is found in a civil action, by a preponderance of the evidence, to have committed a violation of the human trafficking provisions set forth in section 1 of P.L.2005, c.77 (C.2C:13-8) within or upon the leased premises or the building or complex of buildings and land appurtenant thereto, or the mobile home park, in which those premises are located; or, being the tenant or lessee of such leased premises, knowingly harbors or harbored therein a person who has been engaged in human trafficking, or

otherwise permits or permitted such a person to occupy those premises for residential purposes, whether continuously or intermittently. No action for removal may be brought pursuant to this subsection more than two years after the alleged violation has terminated. A criminal conviction or a guilty plea to a crime of human trafficking under section 1 of P.L.2005, c.77 (C.2C:13-8) shall be considered prima facie evidence of civil liability under this subsection.

For purposes of this section, (1) "developmental disability" means any disability which is defined as such pursuant to section 3 of P.L.1977, c.82 (C.30:6D-3); (2) "member of the immediate family" means a person's spouse, parent, child or sibling, or a spouse, parent, child or sibling of any of them; and (3) "permanently" occupies or occupied means that the occupant maintains no other domicile at which the occupant votes, pays rent or property taxes or at which rent or property taxes are paid on the occupant's behalf.

8. Section 3 of P.L.1974, c.49 (C.2A:18-61.2) is amended to read as follows:

C.2A:18-61.2 Removal of residential tenants; required notice; contents; service.

3. No judgment of possession shall be entered for any premises covered by section 2 of this act, except in the nonpayment of rent under subsection a. or f. of section 2, unless the landlord has made written demand and given written notice for delivery of possession of the premises. The following notice shall be required:

a. For an action alleging disorderly conduct under subsection b. of section 2, or injury to the premises under subsection c. of section 2, or any grounds under subsection m., n., o., p., q., or r. of section 2, three days' notice prior to the institution of the action for possession;

b. For an action alleging continued violation of rules and regulations under subsection d. of section 2, or substantial breach of covenant under subsection e. of section 2, or habitual failure to pay rent, one month's notice prior to the institution of the action for possession;

c. For an action alleging any grounds under subsection g. of section 2, three months' notice prior to the institution of the action;

d. For an action alleging permanent retirement under subsection h. of section 2, 18 months' notice prior to the institution of the action and, provided that, where there is a lease in effect, no action may be instituted until the lease expires;

e. For an action alleging refusal of acceptance of reasonable lease changes under subsection i. of section 2, one month's notice prior to institution of action;

f. For an action alleging any grounds under subsection l. of section 2, two months' notice prior to the institution of the action and, provided that where there is a written lease in effect no action shall be instituted until the lease expires;

g. For an action alleging any grounds under subsection k. of section 2, three years' notice prior to the institution of action, and provided that where there is a written lease in effect, no action shall be instituted until the lease expires;

h. In public housing under the control of a public housing authority or redevelopment agency, for an action alleging substantial breach of contract under paragraph (2) of subsection e. of section 2, the period of notice required prior to the institution of an action for possession shall be in accordance with federal regulations pertaining to public housing leases.

The notice in each of the foregoing instances shall specify in detail the cause of the termination of the tenancy and shall be served either personally upon the tenant or lessee or such person in possession by giving him a copy thereof, or by leaving a copy thereof at his usual place of abode with some member of his family above the age of 14 years, or by certified mail; if the certified letter is not claimed, notice shall be sent by regular mail.

9. N.J.S.2C:34-1 is amended to read as follows:

Prostitution and related offenses.

2C:34-1. Prostitution and Related Offenses.

a. As used in this section:

(1) "Prostitution" is sexual activity with another person in exchange for something of economic value, or the offer or acceptance of an offer to engage in sexual activity in exchange for something of economic value.

(2) "Sexual activity" includes, but is not limited to, sexual intercourse, including genital-genital, oral-genital, anal-genital, and oral-anal contact, whether between persons of the same or opposite sex; masturbation; touching of the genitals, buttocks, or female breasts; sadistic or masochistic abuse and other deviate sexual relations.

(3) "House of prostitution" is any place where prostitution or promotion of prostitution is regularly carried on by one person under the control, management or supervision of another.

(4) "Promoting prostitution" is:

(a) Owning, controlling, managing, supervising or otherwise keeping, alone or in association with another, a house of prostitution or a prostitution business;

(b) Procuring an inmate for a house of prostitution or place in a house of prostitution for one who would be an inmate;

(c) Encouraging, inducing, or otherwise purposely causing another to become or remain a prostitute;

(d) Soliciting a person to patronize a prostitute;

(e) Procuring a prostitute for a patron;

(f) Transporting a person into or within this State with purpose to promote that person's engaging in prostitution, or procuring or paying for transportation with that purpose; or

(g) Knowingly leasing or otherwise permitting a place controlled by the actor, alone or in association with others, to be regularly used for prostitution or promotion of prostitution, or failure to make a reasonable effort to abate such use by ejecting the tenant, notifying law enforcement authorities, or other legally available means.

b. A person commits an offense if:

(1) The actor engages in prostitution as a patron;

(2) The actor promotes prostitution;

(3) The actor knowingly promotes prostitution of a child under 18 whether or not the actor mistakenly believed that the child was 18 years of age or older, even if such mistaken belief was reasonable;

(4) The actor knowingly promotes prostitution of the actor's child, ward, or any other person for whose care the actor is responsible;

(5) The actor compels another to engage in or promote prostitution;

(6) The actor promotes prostitution of the actor's spouse;

(7) The actor knowingly engages in prostitution with a person under the age of 18, or if the actor enters into or remains in a house of prostitution for the purpose of engaging in sexual activity with a child under the age of 18, or if the actor solicits or requests a child under the age of 18 to engage in sexual activity. It shall be no defense to a prosecution under this paragraph that the actor mistakenly believed that the child was 18 years of age or older, even if such mistaken belief was reasonable; or

(8) The actor engages in prostitution by personally offering sexual activity in exchange for something of economic value.

c. Grading of offenses under subsection b.

(1) An offense under subsection b. constitutes a crime of the first degree if the offense falls within paragraph (3) or (4) of that subsection.

(2) An offense under subsection b. constitutes a crime of the second degree if the offense falls within paragraph (7) of that subsection.

(3) An offense under subsection b. constitutes a crime of the third degree if the offense falls within paragraph (5) or (6) of that subsection.

(4) An offense under paragraph (2) of subsection b. constitutes a crime of the third degree if the conduct falls within subparagraph (a), (b), (c), (f), or (g) of paragraph (4) of subsection a. Otherwise the offense is a crime of the fourth degree.

(5) An offense under subsection b. constitutes a disorderly persons offense if the offense falls within paragraph (1) of that subsection except that a second or third conviction for such an offense constitutes a crime of the fourth degree, and a fourth or subsequent conviction for such an offense constitutes a crime of the third degree. In addition, where a motor vehicle was used in the commission of any offense under paragraph (1) of subsection b. the court shall suspend for six months the driving privilege of any such offender who has a valid driver's license issued by this State. Upon conviction, the court shall immediately collect the offender's driver's license and shall forward it, along with a report stating the first and last day of the suspension imposed pursuant to this paragraph, to the New Jersey Motor Vehicle Commission.

(6) An offense under subsection b. constitutes a disorderly persons offense if the offense falls within paragraph (8) of that subsection, except that a second or subsequent conviction for such an offense constitutes a crime of the fourth degree.

d. Presumption from living off prostitutes. A person, other than the prostitute or the prostitute's minor child or other legal dependent incapable of self-support, who is supported in whole or substantial part by the proceeds of prostitution is presumed to be knowingly promoting prostitution.

e. It is an affirmative defense to prosecution for a violation of this section that, during the time of the alleged commission of the offense, the defendant was a victim of human trafficking pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8) or compelled by another to engage in sexual activity, regardless of the defendant's age.

f. (1) Any fine set forth in N.J.S.2C:43-3 that is imposed upon a person by a municipal court for a conviction of a disorderly persons offense under this section shall be collected, notwithstanding the procedures for the collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), by the municipal court administrator and paid into the municipal treasury of the municipality in which the offense was committed.

(2) In addition to any fine, fee, assessment, or penalty authorized under the provisions of Title 2C of the New Jersey Statutes, a person convicted of an offense of prostitution or related offense under paragraph (2), (3), (4), (5), (6), or (7) of subsection b. shall be assessed a penalty of at least \$10,000 but not more than \$50,000, except if the offense involved promotion of the prostitution of a child under the age of 18, the penalty shall be at least \$25,000. All penalties provided for in this subsection, collected as provided for the collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), shall be forwarded to the Department of the Treasury to be deposited in the "Human Trafficking Survivor's Assistance Fund" established by section 2 of P.L.2013, c.51 (C.52:17B-238).

C.2C:44-1.1 Certain convictions vacated, expunged.

10. a. (1) A person convicted of N.J.S.2C:34-1, prostitution and related offenses, or section 3 of P.L.1997, c.93 (C.2C:34-1.1), loitering for the purpose of engaging in prostitution, or a similar local ordinance, may file an application with the Superior Court in accordance with the Rules of Court to have the conviction vacated at any time following entry of a judgment of conviction, when the person's participation in the offense was a result of having been a victim of human trafficking pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8) or as defined in paragraph (14) of 22 U.S.C. s.7102.

(2) Notwithstanding any law to the contrary, the person may also in the same application seek an order for the expungement of any reference to the person's arrest, conviction, and any proceeding for prostitution in any records in the custody of a court, or law enforcement or correctional agency entitled to be served with the application pursuant to subsection b. of this section.

b. (1) An application made under this section, together with a copy of all supporting documents, shall be served pursuant to the Rules of Court upon: the Attorney General; the county prosecutor of the county wherein the court is located; the Superintendent of State Police; the chief of police or other executive head of the police department of the municipality wherein the offense was committed; the chief law enforcement officer of any other law enforcement agency of this State that participated in the arrest of the person; the superintendent or warden of any institution in which the person was confined; and, if a disposition was made in municipal court, upon the judge of that court. Any of the noticed parties herein may make an appearance or file a submission responding to the person's application.

(2) The application shall be made and heard within a reasonable time after the person has ceased to be a victim of human trafficking or has sought services for being a victim of human trafficking, whichever occurs later, subject to reasonable concerns for the safety of the person, family members of the person, or other victims of human trafficking that may be jeopardized by the bringing of the application, or for other reasons consistent with the purposes of this paragraph.

c. (1) The court may vacate a conviction pursuant to this section if it finds by a preponderance of the evidence that the person was a victim of human trafficking pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8) or as defined in paragraph (14) of 22 U.S.C. s.7102 at the time of the offense, and that the violation was a result of the person having been a victim of human trafficking.

(2) In making a determination:

(a) evidence documenting the person's status as a victim of human trafficking at the time of the offense from a federal, state, or local governmental agency shall create a rebuttable presumption that the person's participation in the offense was a result of having been a victim, but shall not be required to vacate a conviction under this section; and

(b) the court may additionally consider other evidence it deems appropriate in determining whether the person was a victim of human trafficking, including, but not limited to:

(i) certified records of federal or State court proceedings which demonstrate that the defendant was a victim of a trafficker charged with a human trafficking offense under section 1 of P.L.2005, c.77 (C.2C:13-8) or chapter 77 of Title 18 of the United States Code;

(ii) certified records of approval notices or law enforcement certifications generated from a federal immigration proceeding available to victims of human trafficking; and

(iii) testimony or a sworn statement from a trained professional staff member of a victim services organization, an attorney, a member of the clergy or a health care or other professional from whom the person has sought assistance in addressing the trauma associated with being a victim of human trafficking.

d. If the court finds, pursuant to subsection c. of this section, that the person was a victim of human trafficking, it shall enter an order vacating the conviction and directing that all court records be revised accordingly. When the person's application also seeks an order for expungement, the court order shall require that any court, law enforcement and correctional agencies, and other noticed parties pursuant to subsection b. of this section

expunge all references to the person's arrest, conviction, and related proceedings for the violation of N.J.S.2C:34-1, prostitution and related offenses, or section 3 of P.L.1997, c.93 (C.2C:34-1.1), loitering for the purpose of engaging in prostitution, or a similar local ordinance from all records in their custody that relate to the vacated conviction. An expungement ordered pursuant to this section shall have the same force as an expungement ordered pursuant to N.J.S.2C:52-1 et seq.

C.2C:34-1.2 Additional penalties for engaging in prostitution as a patron.

11. a. In addition to any other disposition authorized by law, the court shall order any person convicted of a disorderly persons offense for engaging in prostitution as a patron pursuant to paragraph (1) of subsection b. of N.J.S.2C:34-1 to participate in the "Prostitution Offender Program" established pursuant to subsection d. of this section, unless the prosecutor, by motion, requests that the mandatory participation be waived, in which case the court may waive the program participation required by this section.

b. In addition to any fine, fee, assessment, or penalty authorized under the provisions of Title 2C of the New Jersey Statutes, a person convicted of an offense of engaging in prostitution as a patron pursuant to paragraph (1) of subsection b. of N.J.S.2C:34-1 shall be assessed, if ordered to participate in the "Prostitution Offender Program," a fee of \$500.

c. Each \$500 fee assessed as required by this section shall be collected by the court, and forwarded to the Department of the Treasury to be deposited in the "Human Trafficking Survivor's Assistance Fund" established by section 2 of P.L.2013, c.51 (C.52:17B-238). From this fee, \$200 shall be retained in the fund, and the remaining \$300 shall be distributed as follows: \$200 to the approved provider of the "Prostitution Offender Program," as established under subsection d. of this section, attended by the person; and \$100 to the law enforcement agency that arrested the person resulting in that person's conviction.

d. (1) There is hereby established an education program to be known as the "Prostitution Offender Program," which shall consist of an instructional program on prostitution and human trafficking schemes offered in one or more locations throughout the State as follows:

(a) by a county or local governmental entity, if that county or local governmental entity demonstrates an interest in establishing a program, submits information pertaining to the proposed operation of an instructional program by the county or local governmental entity, or alternatively, by a nonprofit or other private provider on behalf of the county or local governmental entity, and the Attorney General, in consultation with the Commission on Human

Trafficking created by section 1 of P.L.2013, c.51 (C.52:17B-237), approves the program and the provider thereof, if the proposed provider is a nonprofit or other private entity. If a county or local governmental entity establishes and operates an instructional program, then all courts operating within the jurisdiction of that county or local governmental entity shall order a person convicted of an eligible offense under subsection a. of this section to attend that county or local governmental entity's program; provided, a court shall not be required to order a person to attend that program until the first day of the month next following the date on which the Attorney General notifies the Administrative Office of the Courts that the program has been established and approved by the Attorney General; and

(b) by the State, to be established within six months of the effective date of this section, based upon the Attorney General, in consultation with the Commission on Human Trafficking created by section 1 of P.L.2013, c.51 (C.52:17B-237), approving an instructional program to be provided by one or more approved nonprofit or other private providers in multiple locations throughout the State. Any court in a jurisdiction that does not have an approved county or local governmental entity instructional program as established under subparagraph (a) of this paragraph shall order a person convicted of an eligible offense under subsection a. of this section to attend the approved State program established under this subparagraph, unless there is an extra-jurisdictional county or local governmental entity instructional program within 25 miles of the court, and the court has been notified in accordance with this subparagraph, or subparagraph (a) of this paragraph, of the availability of that program to accept participants from the court, in which case the court may instead order a person to attend the county or local governmental entity's instructional program; regarding any program notice under this subparagraph, a court shall not be required to order a person to attend a program until the first day of the month next following the date on which the Attorney General notifies the Administrative Office of the Courts that the program has been established and approved by the Attorney General.

(2) The program shall include information intended to increase the person's awareness of:

- (a) the causes of prostitution and its relationship to human trafficking;
- (b) the health risks connected with prostitution, including the risk of transmittable diseases;
- (c) the consequences of convictions for prostitution or human trafficking, including penalties for subsequent convictions; and
- (d) the pervasiveness of human trafficking and the effects of human trafficking on its victims.

(3) Pursuant to section 2 of P.L.2013, c.51 (C.52:17B-238), the Attorney General, in consultation with the Commission on Human Trafficking, may provide for the expenditures of monies from the “Human Trafficking Survivor’s Assistance Fund” to assist with the development, maintenance, revision, and distribution of instructional program materials for the “Prostitution Offender Program,” and the operation of this instructional program.

C.2C:13-10 Findings, declarations relative to human trafficking; definitions.

12. a. The Legislature finds and declares that:

(1) There reportedly are more than 12 million victims of human trafficking and it is estimated that this figure could actually be as high as 27 million;

(2) According to the National Center for Missing and Exploited Children, at least 100,000 human trafficking victims are American children who are an average age of 13 years old;

(3) Advertisements for selling the services of girls as escorts on Internet websites falsely claim that these girls are 18 years of age or older, when the girls actually are minors;

(4) The advertising of these escort services includes minors who are being sold for sex, which constitutes sex trafficking and commercial sexual abuse of minors;

(5) Responding to political and public outcry, the Internet website craigslist.com removed its escort section, but another website with an escort section, backpage.com, has to date refused to do so;

(6) The states of Washington and Connecticut recently enacted laws to require Internet websites, such as backpage.com, and the patrons who advertise on websites, to maintain documentation that they have proved the age of the escorts presented in the advertisements;

(7) The State of New Jersey criminalized human trafficking in 2005; and

(8) Sex trafficking of minors should be eliminated in conformity with federal laws prohibiting the sexual exploitation of children.

b. A person commits the offense of advertising commercial sexual abuse of a minor if:

(1) the person knowingly publishes, disseminates, or displays, or causes directly or indirectly, to be published, disseminated, or displayed, any advertisement for a commercial sex act, which is to take place in this State and which includes the depiction of a minor; or

(2) the person knowingly purchases advertising in this State for a commercial sex act which includes the depiction of a minor.

c. A person who commits the offense of advertising commercial sexual abuse of a minor as established in subsection b. of this section is guilty of a crime of the first degree. Notwithstanding the provisions of N.J.S.2C:43-3, the fine imposed for an offense under this section shall be a fine of at least \$25,000, which shall be collected as provided for the collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4) and forwarded to the Department of the Treasury to be deposited in the "Human Trafficking Survivor's Assistance Fund" established by section 2 of P.L.2013, c.51 (C.52:17B-238).

d. Nothing in this section shall preclude an indictment and conviction for any other offense defined by the laws of this State.

e. For the purposes of this section:

"Advertisement for a commercial sex act" means any advertisement or offer in electronic or print media, including the Internet, which includes either an explicit or implicit offer for a commercial sex act to occur in this State.

"Commercial sex act" means any act of sexual contact or sexual penetration, as defined in N.J.S.2C:14-1, or any prohibited sexual act, as defined in N.J.S.2C:24-4, for which something of value is given or received by any person.

"Depiction" means any photograph or material containing a photograph or reproduction of a photograph.

"Minor" means a person who is under 18 years of age.

"Photograph" means a print, negative, slide, digital image, motion picture, or videotape, and includes anything tangible or intangible produced by photographing.

f. It shall not be a defense to a violation of this section that the defendant:

- (1) did not know the age of the minor depicted in the advertisement; or
- (2) claims to know the age of the person depicted, unless there is appropriate proof of age obtained and produced in accordance with subsections g. and h. of this section.

g. It shall be a defense to a violation of this section that the defendant made a reasonable, bona fide attempt to ascertain the true age of the minor depicted in the advertisement by requiring, prior to publication, dissemination, or display of the advertisement, production of a driver's license, marriage license, birth certificate, or other governmental or educational identification card or paper of the minor depicted in the advertisement and did not rely solely on oral or written representations of the minor's age, or the apparent age of the minor as depicted. The defendant shall prove the defense established in this subsection by a preponderance of the evidence.

h. The defendant shall maintain and, upon request, produce a record of the identification used to verify the age of the person depicted in the advertisement.

13. N.J.S.2C:24-4 is amended to read as follows:

Endangering welfare of children.

2C:24-4. Endangering Welfare of Children.

a. Any person having a legal duty for the care of a child or who has assumed responsibility for the care of a child who engages in sexual conduct which would impair or debauch the morals of the child, or who causes the child harm that would make the child an abused or neglected child as defined in R.S.9:6-1, R.S.9:6-3 and section 1 of P.L.1974, c.119 (C.9:6-8.21) is guilty of a crime of the second degree. Any other person who engages in conduct or who causes harm as described in this subsection to a child under the age of 18 is guilty of a crime of the third degree.

b. (1) As used in this subsection:

"Child" means any person under 18 years of age.

"Internet" means the international computer network of both federal and non-federal interoperable packet switched data networks.

"Prohibited sexual act" means

(a) Sexual intercourse; or

(b) Anal intercourse; or

(c) Masturbation; or

(d) Bestiality; or

(e) Sadism; or

(f) Masochism; or

(g) Fellatio; or

(h) Cunnilingus; or

(i) Nudity, if depicted for the purpose of sexual stimulation or gratification of any person who may view such depiction; or

(j) Any act of sexual penetration or sexual contact as defined in N.J.S.2C:14-1.

"Reproduction" means, but is not limited to, computer generated images.

(2) (Deleted by amendment, P.L.2001, c.291).

(3) A person commits a crime of the second degree if he causes or permits a child to engage in a prohibited sexual act or in the simulation of such an act if the person knows, has reason to know or intends that the prohibited act may be photographed, filmed, reproduced, or reconstructed in any manner, including on the Internet, or may be part of an exhibition or

performance. If the person is a parent, guardian or other person legally charged with the care or custody of the child, the person shall be guilty of a crime of the first degree.

(4) Any person who photographs or films a child in a prohibited sexual act or in the simulation of such an act or who uses any device, including a computer, to reproduce or reconstruct the image of a child in a prohibited sexual act or in the simulation of such an act is guilty of a crime of the second degree.

(5) (a) Any person who knowingly receives for the purpose of selling or who knowingly sells, procures, manufactures, gives, provides, lends, trades, mails, delivers, transfers, publishes, distributes, circulates, disseminates, presents, exhibits, advertises, offers or agrees to offer, through any means, including the Internet, any photograph, film, videotape, computer program or file, video game or any other reproduction or reconstruction which depicts a child engaging in a prohibited sexual act or in the simulation of such an act, is guilty of a crime of the second degree.

(b) Any person who knowingly possesses or knowingly views any photograph, film, videotape, computer program or file, video game or any other reproduction or reconstruction which depicts a child engaging in a prohibited sexual act or in the simulation of such an act, including on the Internet, is guilty of a crime of the third degree.

(6) For purposes of this subsection, a person who is depicted as or presents the appearance of being under the age of 18 in any photograph, film, videotape, computer program or file, video game or any other reproduction or reconstruction shall be rebuttably presumed to be under the age of 18. If the child who is depicted as engaging in, or who is caused to engage in, a prohibited sexual act or simulation of a prohibited sexual act is under the age of 18, the actor shall be strictly liable and it shall not be a defense that the actor did not know that the child was under the age of 18, nor shall it be a defense that the actor believed that the child was 18 years of age or older, even if such a mistaken belief was reasonable.

14. Section 8 of P.L.1968, c.409 (C.2A:156A-8) is amended to read as follows:

C.2A:156A-8 Authorization for application for order to intercept communications.

8. The Attorney General, county prosecutor or a person designated to act for such an official and to perform his duties in and during his actual absence or disability, may authorize, in writing, an ex parte application to a judge designated to receive the same for an order authorizing the intercept-

tion of a wire, or electronic or oral communication by the investigative or law enforcement officers or agency having responsibility for an investigation when such interception may provide evidence of the commission of the offense of murder, kidnapping, gambling, robbery, bribery, a violation of paragraph (1) or (2) of subsection b. of N.J.S.2C:12-1, a violation of section 3 of P.L.1997, c.353 (C.2C:21-4.3), a violation of N.J.S.2C:21-19 punishable by imprisonment for more than one year, a violation of P.L.1994, c.121 (C.2C:21-23 et seq.), a violation of sections 1 through 5 of P.L.2002, c.26 (C.2C:38-1 through C.2C:38-5), a violation of N.J.S.2C:33-3, a violation of N.J.S.2C:17-2, a violation of sections 1 through 3 of P.L.1983, c.480 (C.2C:17-7 through 2C:17-9), a violation of N.J.S.2C:12-3 (terroristic threats), violations of N.J.S.2C:35-3, N.J.S.2C:35-4 and N.J.S.2C:35-5, violations of sections 112 through 116, inclusive, of the "Casino Control Act," P.L.1977, c.110 (C.5:12-112 through 5:12-116), a violation of section 1 of P.L.2005, c.77 (C.2C:13-8), a violation of N.J.S.2C:34-1 punishable by imprisonment for more than one year, arson, burglary, theft and related offenses punishable by imprisonment for more than one year, endangering the welfare of a child pursuant to N.J.S.2C:24-4, escape, forgery and fraudulent practices punishable by imprisonment for more than one year, alteration of motor vehicle identification numbers, unlawful manufacture, purchase, use, or transfer of firearms, unlawful possession or use of destructive devices or explosives, weapons training for illegal activities pursuant to section 1 of P.L.1983, c.229 (C.2C:39-14), racketeering or a violation of subsection g. of N.J.S.2C:5-2, leader of organized crime, organized criminal activity directed toward the unlawful transportation, storage, disposal, discharge, release, abandonment or disposition of any harmful, hazardous, toxic, destructive, or polluting substance, or any conspiracy to commit any of the foregoing offenses or which may provide evidence aiding in the apprehension of the perpetrator or perpetrators of any of the foregoing offenses.

15. Section 1 of P.L.1994, c.144 (C.2A:162-12) is amended to read as follows:

C.2A:162-12 Crimes with bail restriction; posting of bail.

1. a. As used in this section:

"Crime with bail restrictions" means a crime of the first or second degree charged under any of the following sections:

- | | |
|------------------|----------|
| (1) Murder | 2C:11-3. |
| (2) Manslaughter | 2C:11-4. |

- (3) Kidnapping 2C:13-1.
- (4) Sexual Assault 2C:14-2.
- (5) Robbery 2C:15-1.
- (6) Carjacking P.L.1993, c.221, s.1 (C.2C:15-2).
- (7) Arson and Related Offenses 2C:17-1.
- (8) Causing or Risking Widespread
Injury or Damage 2C:17-2.
- (9) Burglary 2C:18-2.
- (10) Theft by Extortion 2C:20-5.
- (11) Endangering the Welfare of Children 2C:24-4.
- (12) Resisting Arrest; Eluding Officer 2C:29-2.
- (13) Escape 2C:29-5.
- (14) Corrupting or Influencing a Jury 2C:29-8.
- (15) Possession of Weapons for Unlawful Purposes 2C:39-4.
- (16) Weapons Training for Illegal
Activities P.L.1983, c.229, s.1 (C.2C:39-14).
- (17) Soliciting or Recruiting Gang
Members P.L.1999, c.160, s.1 (C.2C:33-28).
- (18) Human Trafficking P.L.2005, c.77, s.1 (C.2C:13-8).

"Crime with bail restrictions" also includes any first or second degree drug-related crimes under chapter 35 of Title 2C of the New Jersey Statutes and any first or second degree racketeering crimes under chapter 41 of Title 2C of the New Jersey Statutes.

"Crime with bail restrictions" also includes any crime or offense involving domestic violence, as defined in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19), where the defendant was subject to a temporary or permanent restraining order issued pursuant to the provisions of the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.) and is charged with a crime committed against a person protected under the order or where the defendant is charged with contempt pursuant to N.J.S.2C:29-9.

b. Subject to the provisions of subsection c. of this section, a person charged with a crime with bail restrictions may post the required amount of bail only in the form of:

- (1) Full cash;
- (2) A surety bond executed by a corporation authorized under chapter 31 of Title 17 of the Revised Statutes; or
- (3) A bail bond secured by real property situated in this State with an unencumbered equity equal to the amount of bail undertaken plus \$20,000.

c. There shall be a presumption in favor of the court designating the posting of full United States currency cash bail to the exclusion of other forms of bail when a defendant is charged with an offense as set forth in subsection a. of this section and:

(1) has two other indictable cases pending at the time of the arrest; or

(2) has two prior convictions for a first or second degree crime or for a violation of section 1 of P.L.1987, c.101 (C.2C:35-7) or any combination thereof; or

(3) has one prior conviction for murder, aggravated manslaughter, aggravated sexual assault, kidnapping or bail jumping; or

(4) was on parole at the time of the arrest; or

(5) was subject to a temporary or permanent restraining order issued pursuant to the provisions of the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.), was charged with a crime committed against a person protected under that order, including a charge of contempt pursuant to N.J.S.2C:29-9, and either: (a) is charged with commission of a domestic violence crime that resulted in serious bodily injury to the victim; or (b) has at least one prior conviction for a crime or offense involving domestic violence against the same victim or has previously violated a final restraining order protecting the same victim,

unless the court finds on the record that another form of bail authorized in subsection b. of this section will ensure the defendant's presence in court when required.

d. When bail is posted in the form of a bail bond secured by real property, the owner of the real property, whether the person is admitted to bail or a surety, shall also file an affidavit containing:

(1) A legal description of the real property;

(2) A description of each encumbrance on the real property;

(3) The market value of the unencumbered equity owned by the affiant as determined in a full appraisal conducted by an appraiser licensed by the State of New Jersey; and

(4) A statement that the affiant is the sole owner of the unencumbered equity.

e. Nothing herein is intended to preclude a court from releasing a person on the person's own recognizance when the court determines that such person is deserving.

16. Section 1 of P.L.1985, c.126 (C.2A:84A-32.4) is amended to read as follows:

C.2A:84A-32.4 Prosecutions or actions for sexual assault, criminal sexual contact, human trafficking, child abuse or neglect; closed circuit testimony for minor.

1. a. In prosecutions for aggravated sexual assault, sexual assault, aggravated criminal sexual contact, criminal sexual contact, human trafficking involving sexual activity, child abuse, or in any action alleging an abused or neglected child under P.L.1974, c.119 (C.9:6-8.21 et seq.), the court may, on motion and after conducting a hearing in camera, order the taking of the testimony of a witness on closed circuit television at the trial, out of the view of the jury, defendant, or spectators upon making findings as provided in subsection b. of this section.

b. An order under this section may be made only if the court finds that the witness is 16 years of age or younger and that there is a substantial likelihood that the witness would suffer severe emotional or mental distress if required to testify in open court. The order shall be specific as to whether the witness will testify outside the presence of spectators, the defendant, the jury, or all of them and shall be based on specific findings relating to the impact of the presence of each.

c. A motion seeking closed circuit testimony under subsection a. of this section may be filed by:

- (1) The victim or witness or the victim's or witness's attorney, parent or legal guardian;
- (2) The prosecutor;
- (3) The defendant or the defendant's counsel; or
- (4) The trial judge on the judge's own motion.

d. The defendant's counsel shall be present at the taking of testimony in camera. If the defendant is not present, he and his attorney shall be able to confer privately with each other during the testimony by a separate audio system.

e. If testimony is taken on closed circuit television pursuant to the provisions of this act, a stenographic recording of that testimony shall also be required. A typewritten transcript of that testimony shall be included in the record on appeal. The closed circuit testimony itself shall not constitute part of the record on appeal except on motion for good cause shown.

17. N.J.S.2C:14-7 is amended to read as follows:

Victim's previous sexual conduct; manner of dress.

2C:14-7. a. In prosecutions for aggravated sexual assault, sexual assault, aggravated criminal sexual contact, criminal sexual contact, human trafficking involving sexual activity, endangering the welfare of a child in

violation of N.J.S.2C:24-4, or the fourth degree crime of lewdness in violation of subsection b. of N.J.S.2C:14-4, evidence of the victim's previous sexual conduct shall not be admitted nor reference made to it in the presence of the jury except as provided in this section. When the defendant seeks to admit such evidence for any purpose, the defendant must apply for an order of the court before the trial or preliminary hearing, except that the court may allow the motion to be made during trial if the court determines that the evidence is newly discovered and could not have been obtained earlier through the exercise of due diligence. After the application is made, the court shall conduct a hearing in camera to determine the admissibility of the evidence. If the court finds that evidence offered by the defendant regarding the sexual conduct of the victim is relevant and highly material and meets the requirements of subsections c. and d. of this section and that the probative value of the evidence offered substantially outweighs its collateral nature or the probability that its admission will create undue prejudice, confusion of the issues, or unwarranted invasion of the privacy of the victim, the court shall enter an order setting forth with specificity what evidence may be introduced and the nature of the questions which shall be permitted, and the reasons why the court finds that such evidence satisfies the standards contained in this section. The defendant may then offer evidence under the order of the court.

b. In the absence of clear and convincing proof to the contrary, evidence of the victim's sexual conduct occurring more than one year before the date of the offense charged is presumed to be inadmissible under this section.

c. Evidence of previous sexual conduct with persons other than the defendant which is offered by any lay or expert witness shall not be considered relevant unless it is material to proving the source of semen, pregnancy or disease.

d. Evidence of the victim's previous sexual conduct with the defendant shall be considered relevant if it is probative of whether a reasonable person, knowing what the defendant knew at the time of the alleged offense, would have believed that the alleged victim freely and affirmatively permitted the sexual behavior complained of.

e. Evidence of the manner in which the victim was dressed at the time an offense was committed shall not be admitted unless such evidence is determined by the court to be relevant and admissible in the interest of justice, after an offer of proof by the proponent of such evidence outside the hearing of the jury or at such hearing as the court may require, and a state-

ment by the court of its findings of fact essential to its determination. A statement by the court of its findings shall also be included in the record.

f. For the purposes of this section, "sexual conduct" shall mean any conduct or behavior relating to sexual activities of the victim, including but not limited to previous or subsequent experience of sexual penetration or sexual contact, use of contraceptives, sexual activities reflected in gynecological records, living arrangement and life style.

C.2C:13-11 Coordination of State's involvement with national, 24-hour toll-free hotline service on human trafficking.

18. The Attorney General shall, in consultation with the Commission on Human Trafficking established by section 1 of P.L.2013, c.51 (C.52:17B-237), coordinate the State's involvement with the national, 24-hour toll-free hotline telephone service on human trafficking that is operating pursuant to the National Human Trafficking Hotline, Training, and Technical Assistance Program authorized by 22 U.S.C. ss.7104(b) and 7105(b)(1)(B), 8 U.S.C. s.1522(c)(1)(A), or any successor federal law.

C.2C:13-12 Training courses on handling, response procedures, investigation, prosecution of human trafficking cases.

19. a. The Police Training Commission, in consultation with the Attorney General and the Director of the Division of Criminal Justice in the Department of Law and Public Safety, shall develop and approve, as part of the police training courses required pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), courses of study on the handling, response procedures, investigation, and prosecution of human trafficking cases. These courses shall be reviewed at least every two years and modified from time to time as need may require.

b. (1) The Department of Community Affairs, in consultation with the Commission on Human Trafficking established by section 1 of P.L.2013, c.51 (C.52:17B-237), shall develop, approve, and provide for a one-time training course on the handling and response procedures of suspected human trafficking activities for owners, operators, and staff of hotels and motels as defined in the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.); or alternatively, the department, in consultation with the commission, shall approve a substantially similar one-time training course for use by hotels and motels in providing training to owners, operators, and staff. The department, in consultation with the commission, shall define by regulation which staff positions are required, as a condition of employment, to attend the one-time training course. Verifiable completion of the training course by required staff shall be a condition of issuance,

maintenance, or renewal of any license, permit, certificate, or approval required, permitted to be granted, or issued to owners or operators under the provisions of the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.). The training course shall be reviewed at least every two years and modified by the department, in consultation with the commission, from time to time as need may require.

(2) The Department of Community Affairs, through its oversight and enforcement authority provided under the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.), shall be responsible for ensuring that all hotel and motel owners, operators, and required staff attend the one-time training course within one year of the enactment of this section in the case of all current owners, operators, and required staff engaging in their respective profession on the effective date of this section, and within six months of the first day of ownership, operation, or employment for all new owners, operators, and required staff who initially engage in their respective profession on a date that follows the effective date.

(3) The Department of Community Affairs shall make available the training materials for the one-time training course to hotel and motel owners, operators, and required staff in order for the owners, operators, and required staff to fulfill the one-time training requirement set forth in this subsection.

c. (1) The Department of Health, in consultation with the Commission on Human Trafficking established by section 1 of P.L.2013, c.51 (C.52:17B-237), shall develop, approve, and provide for a one-time training course on the handling and response procedures of suspected human trafficking activities for employees of every licensed health care facility as defined in section 2 of P.L.1971, c.136 (C.26:2H-2), including those professionals whose professional practice is regulated pursuant to Title 45 of the Revised Statutes; or alternatively, the department, in consultation with the commission, shall approve for use a substantially similar one-time training course provided by a recognized Statewide nonprofit healthcare trade association with demonstrated experience in providing course offerings to health care facility employees on similar workplace matters. The department, in consultation with the commission and the approved nonprofit course provider, if any, shall define by regulation which employees are required, as a condition of their employment, to attend the one-time training course. Verifiable completion of the training course by required employees shall be a condition of issuance, maintenance, or renewal of any license, permit, certificate, or approval required, permitted to be granted, or issued to licensed health care facilities under the provisions of P.L.1971, c.136

(C.26:2H-1 et al.). The training course shall be reviewed at least every two years and modified by the department, in consultation with the commission and the approved nonprofit course provider, if any, from time to time as need may require.

(2) The Department of Health, through its oversight and enforcement authority provided under P.L.1971, c.136 (C.26:2H-1 et al.), shall be responsible for ensuring that all required employees of licensed health care facilities attend the one-time training course within one year of the enactment of this section in the case of all current employees engaging in their respective profession on the effective date of this section, and within six months of the first day of employment for all new employees who initially engage in their respective profession on a date that follows the effective date. If an approved nonprofit course provider is involved in providing the one-time training course to new employees who initially engage in their respective profession on a date that follows the effective date of this section, then the nonprofit course provider shall provide the training course at least once every six months in order for these employees to meet the six-month training deadline established by this paragraph.

(3) The Department of Health shall make available the training materials for the one-time training course to required employees, or to the approved nonprofit course provider, if any, in order for the required employees to fulfill the one-time training requirement set forth in this subsection.

d. (1) The Administrative Office of the Courts shall develop and approve a training course and a curriculum to raise awareness of judges and judicial personnel on the seriousness of the crime of human trafficking, its impact on human rights and the need to adequately implement anti-trafficking laws, including not only the prosecution and sentencing of defendants charged with human trafficking, but the need to respect and restore rights and needs of victims of human trafficking. This training course shall be reviewed at least every two years and modified by the Administrative Office of the Courts from time to time as need may require.

(2) The Administrative Office of the Courts shall make the training course, curriculum, and supporting materials available to appropriate judges and judicial personnel who may be involved with the court-related aspects of human trafficking prosecutions through annual in-service judicial training programs or other means.

e. Pursuant to section 2 of P.L.2013, c.51 (C.52:17B-238), the Attorney General, in consultation with the Commission on Human Trafficking established by section 1 of P.L.2013, c.51 (C.52:17B-237), may provide for the expenditures of monies from the "Human Trafficking Survivor's Assis-

tance Fund” to assist with the development, maintenance, revision, and distribution of training course materials for the courses developed in accordance with this section, and the operation of these training courses.

20. Section 9 of P.L.1985, c.404 (C.52:4B-47) is amended to read as follows:

C.52:4B-47 Training.

9. a. The curriculum for police training courses required pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.) shall include training on responding to the needs of crime victims, and specific training on responding to the needs of victims of human trafficking as defined in section 1 of P.L.2005, c.77 (C.2C:13-8), and on services available to provide assistance, including information on federal, State, and local hotlines available to receive reports of and provide assistance to victims of human trafficking.

b. In-service training shall be made available for police officers, assistant prosecutors, county detectives and investigators on specialized needs of crime victims and available services.

C.45:11-80 Criminal history record background check for licensure as massage, bodywork therapist or employer.

21. An applicant for licensure as a massage and bodywork therapist or registration as an employer offering massage and bodywork therapies under P.L.1999, c.19 (C.45:11-53 et seq.) and P.L.2007, c.337 (C.45:11-68 et seq.), and any holder of a license or registration under P.L.1999, c.19 (C.45:11-53 et seq.) and P.L.2007, c.337 (C.45:11-68 et seq.) shall, consistent with section 8 of P.L.1978, c.73 (C.45:1-21) and supporting regulations by the New Jersey Board of Massage and Bodywork Therapy, be subject to a criminal history record background check, which may, consistent with that applicable law, result in a refusal to issue a license or certificate, or suspension or revocation of an existing license or certificate.

22. Sections 1 and 2 of this act shall take effect immediately, and the remaining sections shall take effect on the first day of the second month next following the date of enactment, but the Attorney General, Commissioner of Community Affairs, Commissioner of Health, the Director of the Administrative Office of the Courts, and the New Jersey Board of Massage and Bodywork Therapy may take any anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved May 6, 2013.

CHAPTER 52

AN ACT concerning access to certain pupil information and supplementing chapter 54 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:54-20.3 Pupil directory information provided to county vocational school district.

1. a. As used in this section, “pupil directory information” means a pupil’s name and address.
- b. The board of education of a school district or regional school district located in a county in which there is a county vocational school district shall provide, upon the request of that county vocational school district, pupil directory information for each pupil enrolled in grades six through 12, or any subset of these grades, as requested by that county vocational school district. The board of education of a school district or regional school district shall not provide the pupil directory information for a pupil if the parent previously submitted a request that the pupil’s information not be released for the purposes of this subsection. The board of education of a school district or regional school district shall notify parents of the opportunity to prohibit the release of pupil directory information.
- c. The Commissioner of Education shall establish the timelines during which a county vocational school district may request pupil directory information and when the school district or regional school district shall provide the information.

2. This act shall take effect immediately.

Approved May 6, 2013.

CHAPTER 53

AN ACT concerning homeowners insurance consumer information brochures and amending P.L.2001, c.409.

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

1. Section 4 of P.L.2001, c.409 (C.17:36-5.36) is amended to read as follows:

C.17:36-5.36 Customer information brochure for homeowners insurance consumers.

4. a. No homeowners insurance policy shall be issued, delivered or renewed in this State on or after the 90th day following the effective date of this act unless the policy is accompanied by a consumer information brochure written in a simple, clear, understandable, and easily readable way which:

(1) explains the insurer's hurricane deductible program, if any;

(2) includes the information on flood insurance required to be provided pursuant to P.L.2000, c.84 (C.17:36-5.31 et al.); and

(3) provides a one page summary of the policy, including notable coverages and exclusions under the policy, as determined by the Commissioner of Banking and Insurance. The summary shall not be considered a replacement for the terms of the policy of insurance, shall not have the effect of altering the coverage afforded by the policy, and shall not confer new or additional rights beyond those expressly provided for in the policy. The summary shall expressly state that the summary is only provided as guidance to the homeowner in understanding the terms of the policy of insurance.

b. The board of directors of the New Jersey Insurance Underwriting Association established pursuant to P.L.1968, c.129 (C.17:37A-1 et seq.) shall prepare and disseminate a consumer information brochure in accordance with the requirements of this section.

c. An insurer shall provide a consumer information brochure to an insured at least annually at the time of policy renewal, or as otherwise ordered by the commissioner.

2. This act shall take effect on the 90th day following enactment except that the act's provisions shall not be implemented until the Department of Banking and Insurance, by regulation, issues a timeline for implementation.

Approved May 6, 2013.

CHAPTER 54

AN ACT concerning the cancellation of certain municipal charges and fees and amending P.L.1983, c.568.

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

1. Section 1 of P.L.1983, c.568 (C.40A:5-17.1) is amended to read as follows:

C.40A:5-17.1 Refund, delinquency of less than \$10.00

1. a. Notwithstanding the provision of any law to the contrary, the governing body of a municipality may adopt a resolution authorizing a municipal employee chosen by the governing body to process, without further action on the part of the governing body, any property tax refund of less than \$10.00.

b. Notwithstanding subsection a. of this section or any provision of law to the contrary, the governing body of a municipality may adopt a resolution authorizing a municipal employee chosen by the governing body to process, without further action on the part of the governing body, the cancellation of any property tax refund, delinquency, or the charges and fees imposed by the municipality of less than \$10.00.

2. This act shall take effect immediately.

Approved May 9, 2013.

CHAPTER 55

AN ACT concerning trusts and amending N.J.S.3B:11-1.

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

1. N.J.S.3B:11-1 is amended to read as follows:

Creator's reserved interest in trust alienable subject to creditors' claims.

3B:11-1. Creator's reserved interest in trust alienable subject to creditors' claims.

a. The right of any creator of a trust to receive either the income or the principal of the trust or any part of either thereof, presently or in the future, shall be freely alienable and shall be subject to the claims of his creditors, notwithstanding any provision to the contrary in the terms of the trust.

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b. A trustee's discretionary authority to pay trust income or principal to the creator of such trust in an amount equal to the income taxes on any portion of the trust principal chargeable to the creator shall not be considered to be a right of the trust creator to receive trust income or principal within the meaning of subsection a. of this section. The trust creator shall not be considered to have the right to receive income or principal of the trust solely because the trustee is authorized under the trust instrument or any other provision of law to pay or reimburse the creator for any tax on trust income or trust principal that is payable by the creator under the law imposing such tax or to pay any such tax directly to the taxing authorities. No creditor of a trust creator shall be entitled to reach any trust property based on the discretionary powers described in this subsection.

2. This act shall take effect immediately and shall be applicable to any trust created on or after the effective date.

Approved May 9, 2013.

CHAPTER 56

AN ACT concerning the dissolution of free public libraries and supplementing chapter 54 of Title 40 of the Revised Statutes.

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

C.40:54-7.1 Dissolution of free public libraries.

1. a. Any free public library established by referendum pursuant to R.S.40:54-1 et seq., may be dissolved, provided the dissolution is approved by a majority of the legal voters of the municipality, at a general election at which the question of the library's dissolution shall be submitted to a vote by direction of an ordinance adopted for that purpose by the governing body. If said ordinance shall be adopted, a copy thereof shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs and with the State Librarian.

b. The municipal clerk shall cause public notice of such general election to be given by advertisement, signed by the clerk and set up in at least five public places in the municipality for at least 10 days previous to the

date of such election and published for the same period in two newspapers printed or circulated therein.

c. The officer charged with the duty of preparing the ballots for such election shall cause the question to be submitted to be printed on the official ballots for such election in substantially the following form:

(1) In counties having county libraries established pursuant to R.S.40:33-4:

To vote upon the public question printed below, if in favor thereof mark a cross (X) or plus (+) in the square at the left of the word "YES," and if opposed thereto mark a cross (X) or a plus (+) in the square at the left of the word "NO."

	YES	"Shall the free public library established pursuant to R.S.40:54-1 et seq., in (name of municipality) be dissolved, effective (date of dissolution) and provision made for assessing, levying, and collecting the special tax assessed, levied, and collected to support the county library system entitling the residents of (name of municipality) to receive the same county library assistance services as are received by other municipalities within the county library system?"
	NO	

(2) In counties having county libraries established pursuant to P.L.1963, c.46 (C.40:33-5.1) or P.L.1977, c.300 (C.40:33-15 et seq.), and in counties having no county libraries established pursuant to R.S.40:33-4:

To vote upon the public question printed below, if in favor thereof mark a cross (X) or plus (+) in the square at the left of the word "YES," and if opposed thereto mark a cross (X) or a plus (+) in the square at the left of the word "NO."

	YES	"Shall the free public library established pursuant to R.S.40:54-1 et seq., in (name of municipality) be dissolved, effective (date of dissolution)?"
	NO	

(3) If the question presented in paragraph (1) of this subsection regarding municipal libraries in counties having a county library established pursuant to R.S.40:33-4 is approved, the governing body of the municipality

shall hold a joint meeting with the library board of trustees and county library governing body as soon as practicable for the purpose of arriving at an agreement as to the implementation of such discontinuance, the use of the library facilities thereafter, the adjustment, apportionment, accounting for, settlement, allowance and satisfaction of the rights and liabilities in or with respect to any property, obligations, or other matters or things connected with the municipal library, and such other matters and things in connection therewith as those governing bodies shall jointly determine. If the governing bodies shall be unable to agree, the matter shall be referred to the Director of the Division of Local Government Services in the Department of Community Affairs for determination.

(4) If the question presented in paragraph (2) of this subsection regarding counties having county libraries established pursuant to P.L.1963, c.46 (C.40:33-5.1) or P.L.1977, c.300 (C.40:33-15 et seq.), and in counties having no county library established pursuant to R.S.40:33-4 is approved, the municipality in which the free public library is located shall assume the assets and liabilities of the free public library upon the date of dissolution; and remaining assets 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 of the Division of Local Government Services in the Department of Community Affairs shall certify that each affected municipality has complied with this section. If the director finds that monies transferred to a municipality under this section 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.

d. The election officers of the municipality shall make a true and correct return of the result of such election in writing, under their hands, and said statement shall be entered at large upon the minutes of the governing body.

e. If a majority of the votes so counted shall be in favor of the dissolution of the free public library, the provisions of the question shall be deemed to have been adopted.

f. If the question presented in subsection c. of this section is approved, the municipality in which the free public library is located shall assume the assets and liabilities of the free public library upon the date of dissolution, unless other provisions have been made.

g. In accordance with R.S.19:3-6, the brief statement interpreting the public question shall be informative, fair, and balanced. The interpretive statement shall not encourage voters to approve or defeat the public question. The interpretive statement shall read as follows:

"If the voters approve this question, the free public library will be dissolved and the provisions in P.L.2013, c.56 (C.40:54-7.1) shall be followed."

h. To the extent that any provision in P.L.2013, c.56 (C.40:54-7.1) concerning the dissolution of free public libraries and supplementing chapter 54 of Title 40 of the Revised Statutes conflicts, or is inconsistent, with any other law, including, but not limited to, the initiative and referendum sections of the "Optional Municipal Charter Law," sections 17-35 through 17-47 of P.L.1950, c.210 (C.40:69A-184 through 40:69A-196), or of the "commission form of government law," R.S.40:74-5 through 40:74-19, the provisions of P.L.2013, c.56 (C.40:54-7.1) shall prevail and be controlling.

2. This act shall take effect immediately.

Approved May 9, 2013.

CHAPTER 57

AN ACT concerning municipal emergency management coordinators and amending P.L.1953, c.438.

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

1. Section 8 of P.L.1953, c.438 (C.App.A:9-40.1) is amended to read as follows:

C.App.A:9-40.1 Municipal emergency management coordinator.

8. In every municipality of this State the mayor or, in the case of a municipality which has adopted the commission form of government pursuant to the provisions of the "commission form of government law" (R.S.40:70-1 et seq.), the commissioner serving as director of the department to which the responsibility for emergency management has been assigned, shall appoint a municipal emergency management coordinator from

among the residents of the municipality. The municipal emergency management coordinator, subject to fulfilling the requirements of this section, shall serve for a term of three years. As a condition of his appointment and his right to continue for the full term of his appointment, each municipal emergency management coordinator shall have successfully completed at the time of his appointment or within one year immediately following his appointment or the effective date of this act, whichever is later, the current approved Home Study Course and the basic Emergency Management workshop. The failure of any municipal emergency management coordinator to fulfill such requirement within the period prescribed shall disqualify the coordinator from continuing in the office of coordinator and thereupon a vacancy in said office shall be deemed to have been created.

The provisions of this section shall not bar a municipality from entering into an agreement pursuant to the "Uniform Shared Services and Consolidation Act," sections 1 through 35 of P.L.2007, c.63 (C.40A:65-1 through C.40A:65-35) to designate (1) a municipal emergency management coordinator to serve two or more municipalities jointly, or (2) the county emergency management coordinator appointed pursuant to section 12 of P.L.1953, c.438 (C.App.A:9-42.1) for the county in which that municipality is located as the municipal emergency management coordinator, subject to approval of the governing body of the county. A municipality entering into such an agreement shall notify the State Emergency Management Coordinator.

2. This act shall take effect immediately.

Approved May 9, 2013.

CHAPTER 58

AN ACT concerning criminal penalties for offenses related to theft from a cargo carrier and designated as Lieutenant Scott Jenkins' Law, amending N.J.S.2C:20-1, N.J.S.2C:20-2, and N.J.S. 2C:20-7 and supplementing Title 2C of the New Jersey Statutes.

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

1. N.J.S.2C:20-1 is amended to read as follows:

Definitions.

2C:20-1. Definitions. In chapters 20 and 21, unless a different meaning plainly is required:

a. "Deprive" means: (1) to withhold or cause to be withheld property of another permanently or for so extended a period as to appropriate a substantial portion of its economic value, or with purpose to restore only upon payment of reward or other compensation; or (2) to dispose or cause disposal of the property so as to make it unlikely that the owner will recover it.

b. "Fiduciary" means an executor, general administrator of an intestate, administrator with the will annexed, substituted administrator, guardian, substituted guardian, trustee under any trust, express, implied, resulting or constructive, substituted trustee, executor, conservator, curator, receiver, trustee in bankruptcy, assignee for the benefit of creditors, partner, agent or officer of a corporation, public or private, temporary administrator, administrator, administrator pendente lite, administrator ad prosequendum, administrator ad litem or other person acting in a similar capacity. "Fiduciary" shall also include an employee or an agent of a cargo carrier, as the term is defined in subsection w. of this section, while acting in that capacity, or an independent contractor providing services to a cargo carrier as that term is defined in subsection w. of this section.

c. "Financial institution" means a bank, insurance company, credit union, savings and loan association, investment trust or other organization held out to the public as a place of deposit of funds or medium of savings or collective investment.

d. "Government" means the United States, any state, county, municipality, or other political unit, or any department, agency or subdivision of any of the foregoing, or any corporation or other association carrying out the functions of government.

e. "Movable property" means property the location of which can be changed, including things growing on, affixed to, or found in land, and documents, although the rights represented thereby have no physical location. "Immovable property" is all other property.

f. "Obtain" means: (1) in relation to property, to bring about a transfer or purported transfer of a legal interest in the property, whether to the obtainer or another; or (2) in relation to labor or service, to secure performance thereof.

g. "Property" means anything of value, including real estate, tangible and intangible personal property, trade secrets, contract rights, choses in ac-

tion and other interests in or claims to wealth, admission or transportation tickets, captured or domestic animals, food and drink, electric, gas, steam or other power, financial instruments, information, data, and computer software, in either human readable or computer readable form, copies or originals.

h. "Property of another" includes property in which any person other than the actor has an interest which the actor is not privileged to infringe, regardless of the fact that the actor also has an interest in the property and regardless of the fact that the other person might be precluded from civil recovery because the property was used in an unlawful transaction or was subject to forfeiture as contraband. Property in possession of the actor shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security agreement.

i. "Trade secret" means the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula or improvement which is secret and of value. A trade secret shall be presumed to be secret when the owner thereof takes measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes.

j. "Dealer in property" means a person who buys and sells property as a business.

k. "Traffic" means:

(1) To sell, transfer, distribute, dispense or otherwise dispose of property to another person; or

(2) To buy, receive, possess, or obtain control of or use property, with intent to sell, transfer, distribute, dispense or otherwise dispose of such property to another person.

l. "Broken succession of title" means lack of regular documents of purchase and transfer by any seller except the manufacturer of the subject property, or possession of documents of purchase and transfer by any buyer without corresponding documents of sale and transfer in possession of seller, or possession of documents of sale and transfer by seller without corresponding documents of purchase and transfer in possession of any buyer.

m. "Person" includes any individual or entity or enterprise, as defined herein, holding or capable of holding a legal or beneficial interest in property.

n. "Anything of value" means any direct or indirect gain or advantage to any person.

o. "Interest in property which has been stolen" means title or right of possession to such property.

p. "Stolen property" means property that has been the subject of any unlawful taking.

q. "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, association, or other legal entity, and any union or group of individuals associated in fact, although not a legal entity, and it includes illicit as well as licit enterprises and governmental as well as other entities.

r. "Attorney General" includes the Attorney General of New Jersey, his assistants and deputies. The term shall also include a county prosecutor or his designated assistant prosecutor, if a county prosecutor is expressly authorized in writing by the Attorney General to carry out the powers conferred on the Attorney General by this chapter.

s. "Access device" means property consisting of any telephone calling card number, credit card number, account number, mobile identification number, electronic serial number, personal identification number, or any other data intended to control or limit access to telecommunications or other computer networks in either human readable or computer readable form, either copy or original, that can be used to obtain telephone service. Access device also means property consisting of a card, code or other means of access to an account held by a financial institution, or any combination thereof, that may be used by the account holder for the purpose of initiating electronic fund transfers.

t. "Defaced access device" means any access device, in either human readable or computer readable form, either copy or original, which has been removed, erased, defaced, altered, destroyed, covered or otherwise changed in any manner from its original configuration.

u. "Domestic companion animal" means any animal commonly referred to as a pet or one that has been bought, bred, raised or otherwise acquired, in accordance with local ordinances and State and federal law for the primary purpose of providing companionship to the owner, rather than for business or agricultural purposes.

v. "Personal identifying information" means any name, number or other information that may be used, alone or in conjunction with any other information, to identify a specific individual and includes, but is not limited to, the name, address, telephone number, date of birth, social security number, official State issued identification number, employer or taxpayer number, place of employment, employee identification number, demand deposit account number, savings account number, credit card number, mother's maiden name, unique biometric data, such as fingerprint, voice print, retina

or iris image or other unique physical representation, or unique electronic identification number, address or routing code of the individual.

w. "Cargo carrier" means: (1) any business or establishment regularly operating for the purpose of conveying goods or property for compensation from one place to another by road, highway, rail, water or air, by any means including but not limited to any pipeline system, railroad car, motor truck, truck, trailer, semi-trailer, commercial motor vehicle or other vehicle, any steamboat, vessel or aircraft, and any business or establishment regularly engaged in the temporary storage of goods or property incident to further distribution of the goods or property elsewhere for commercial purposes, including but not limited to businesses or establishments operating a tank or storage facility, warehouse, terminal, station, station house, platform, depot, wharf, pier, or from any ocean, intermodal, container freight station or freight consolidation facility; or (2) any business or establishment that conveys goods or property which it owns or has title to, from one place to another, by road, highway, rail, water or air by any means including but not limited to any pipeline system, railroad car, motor truck, truck, trailer, semi-trailer, commercial motor vehicle or other vehicle, any steamboat, vessel or aircraft, and including the storage and warehousing of goods and property incidental to their conveyance from one place to another.

2. N.J.S.2C:20-2 is amended to read as follows:

Consolidation of theft and computer criminal activity offenses.

2C:20-2. a. Consolidation of Theft and Computer Criminal Activity Offenses. Conduct denominated theft or computer criminal activity in this chapter constitutes a single offense, but each episode or transaction may be the subject of a separate prosecution and conviction. A charge of theft or computer criminal activity may be supported by evidence that it was committed in any manner that would be theft or computer criminal activity under this chapter, notwithstanding the specification of a different manner in the indictment or accusation, subject only to the power of the court to ensure fair trial by granting a bill of particulars, discovery, a continuance, or other appropriate relief where the conduct of the defense would be prejudiced by lack of fair notice or by surprise.

b. Grading of theft offenses.

(1) Theft constitutes a crime of the second degree if:

(a) The amount involved is \$75,000.00 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;

(e) The property stolen is human remains or any part thereof; except that, if the human remains are stolen by deception or falsification of a document by which a gift of all or part of a human body may be made pursuant to P.L.2008, c.50 (C.26:6-77 et al.), the theft constitutes a crime of the first degree; or

(f) It is in breach of an obligation by a person in his capacity as a fiduciary and the amount involved is \$50,000.00 or more.

(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 and the amount involved is less than \$50,000.00;

(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.

(4) Theft constitutes a disorderly persons offense if:

(a) The amount involved was less than \$200.00; or

(b) The property stolen is an electronic vehicle identification system transponder.

The amount involved in a theft or computer criminal activity shall be determined by the trier of fact. The amount shall include, but shall not be limited to, the amount of any State tax avoided, evaded or otherwise unpaid, improperly retained or disposed of. Amounts involved in thefts or computer criminal activities committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the grade of the offense.

c. Claim of right. It is an affirmative defense to prosecution for theft that the actor:

(1) Was unaware that the property or service was that of another;

(2) Acted under an honest claim of right to the property or service involved or that he had a right to acquire or dispose of it as he did; or

(3) Took property exposed for sale, intending to purchase and pay for it promptly, or reasonably believing that the owner, if present, would have consented.

d. Theft from spouse. It is no defense that theft or computer criminal activity was from or committed against the actor's spouse, except that misappropriation of household and personal effects, or other property normally accessible to both spouses, is theft or computer criminal activity only if it occurs after the parties have ceased living together.

3. N.J.S.2C:20-7 is amended to read as follows:

Receiving stolen property.

2C:20-7. Receiving Stolen Property.

a. Receiving. A person is guilty of theft if he knowingly receives or brings into this State movable property of another knowing that it has been stolen, or believing that it is probably stolen. It is an affirmative defense

that the property was received with purpose to restore it to the owner. "Receiving" means acquiring possession, control or title, or lending on the security of the property.

b. Presumption of knowledge. The requisite knowledge or belief is presumed in the case of a person who:

(1) Is found in possession or control of two or more items of property stolen on two or more separate occasions; or

(2) Has received stolen property in another transaction within the year preceding the transaction charged; or

(3) Being a person in the business of buying or selling property of the sort received, acquires the property without having ascertained by reasonable inquiry that the person from whom he obtained it had a legal right to possess and dispose of it; or

(4) Is found in possession of two or more defaced access devices; or

(5) Is found in possession of property of a cargo carrier without proper documentation or other evidence of right to possession.

C.2C:20-2.4 Leader of cargo theft network.

4. a. A person is a leader of a cargo theft network if he conspires with others as an organizer, supervisor, financier or manager to engage for profit in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, transport, or store in this State property stolen from a cargo carrier, where the amount is at least \$5,000.

(1) Except as provided in paragraph (2) of this subsection, leader of a cargo theft network is a crime of the second degree. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, the court may impose a fine not to exceed \$250,000 or five times the retail value of the property seized at the time of the arrest, whichever is greater.

(2) Leader of a cargo theft network is a crime of the first degree if the scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, transport, or store in this State property stolen from a cargo carrier included the use or threatened use of any deadly weapon, as defined in N.J.S.2C:39-1 in the commission of the theft. Nothing in this subsection shall be deemed to limit the authority or discretion of the State to charge or prosecute any person for robbery under N.J.S.2C:15-1 or for any other offense, nor shall a conviction for robbery merge with any conviction under this section. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, the court may impose a fine not to exceed \$500,000 or five times the retail value of the property seized at the time of the arrest, whichever is greater.

b. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction of leader of a cargo theft network shall not merge with the conviction for any offense which is the object of the conspiracy. Nothing contained in this act shall prohibit the court from imposing an extended term pursuant to N.J.S.2C:43-7; nor shall this act be construed in any way to preclude or limit the prosecution or conviction of any person for conspiracy under N.J.S.2C:5-2, or any prosecution or conviction for any other offense.

c. It shall not be necessary in any prosecution under this section for the State to prove that any intended profit was actually realized. The trier of fact may infer that a particular scheme or course of conduct was undertaken for profit from all of the attending circumstances, including but not limited to the number of persons involved in the scheme or course of conduct, the actor's net worth and his expenditures in relation to his legitimate sources of income, the amount of property or number of incidents of theft, or the amount of cash or currency involved.

d. It shall not be a defense to a prosecution under this section that the stolen property was brought into, transported or stored in this State solely for ultimate distribution in another jurisdiction; nor shall it be a defense that any profit was intended to be made in another jurisdiction.

e. A person convicted of a second or subsequent offense under this section shall be sentenced to a term of imprisonment that shall include a mandatory minimum term of one-third to one-half of the sentence imposed, during which time the defendant shall not be eligible for parole. The court may not suspend or make any other non-custodial disposition of any person sentenced as a second or subsequent offender pursuant to this section. For the purposes of this section an offense is considered a second or subsequent offense if the actor has at any time been convicted pursuant to this section, or under any similar statute of the United States, this State or any other state for an offense that is substantially equivalent to this section.

C.2C:20-2.5 Additional disposition for certain offenses; degree of crime, penalties.

5. a. In addition to any other disposition authorized by law, a person convicted under the provisions of chapter 20 of Title 2C of the New Jersey Statutes of an offense involving the taking of property by a fiduciary, or a person convicted under P.L.2013, c.58 (C.2C:20-2.4 et al.) of leader of a cargo theft network or operating a facility for the sale or storage of property stolen from a cargo carrier, shall be subject:

- (1) For a crime of the third degree, to a penalty of \$500;
- (2) For a crime of the second degree, to a penalty of \$2,500; and

(3) For a crime of the first degree or any crime where the person to be sentenced has a prior conviction for a crime defined in chapter 20 of Title 2C of the New Jersey Statutes, to a penalty of \$5,000.

b. All penalties provided for in this section shall be collected as provided for the collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), and shall be distributed in accordance with the provisions of N.J.S.2C:64-6 as if the collected monies were the proceeds of property forfeited pursuant to the provisions of chapter 64 of Title 2C of the New Jersey Statutes. However, the distributed monies are first to be considered for use for law enforcement activities related to theft from a cargo carrier.

C.2C:20-2.6 Crimes involving theft from cargo carrier; degree of crime, penalties.

6. a. A person who knowingly maintains or operates any premises, place or facility used for the storage or resale of any property stolen from a cargo carrier is guilty of a crime. Where the property involved in the offense is valued at \$50,000 or more, the offense is a crime of the second degree. Otherwise, the offense is a crime of the third degree.

b. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, the court may impose a fine not to exceed \$250,000 or five times the retail value of the property stolen from the carrier seized at the time of the arrest, whichever is greater.

c. A person convicted of a second or subsequent offense under this section shall be sentenced to a term of imprisonment that shall include a mandatory minimum term of one-third to one-half of the sentence imposed, during which time the defendant shall not be eligible for parole. The court may not suspend or make any other non-custodial disposition of any person sentenced as a second or subsequent offender pursuant to this section. For the purposes of this section an offense is considered a second or subsequent offense if the actor has at any time been convicted pursuant to this section, or under any similar statute of the United States, this State or any other state for an offense that is substantially equivalent to this section.

7. This act shall take effect immediately.

Approved May 9, 2013.

CHAPTER 59

AN ACT to validate certain proceedings of school districts and any bonds or other obligations issued or to be issued pursuant to those proceedings.

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

1. All proceedings heretofore had or taken by any school district or at any school election for the authorization or issuance of bonds of the school district and any bonds or other obligations of the school district issued or to be issued in pursuance of any proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that the proposal did not conform with the requirements of N.J.S.18A:22-39; provided that no action, suit, or other proceeding of any nature to contest the validity of the proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, if instituted within 15 days after the effective date of this act.

2. This act shall take effect immediately.

Approved May 9, 2013.

CHAPTER 60

AN ACT requiring a review of corporation business tax credit and gross income tax credit programs for payments to interns.

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

1. The Commissioner of Labor and Workforce Development shall undertake a review of corporation business tax credit and gross income tax credit programs for payments to interns and shall report any findings and recommendations directly to the Governor no later than 12 months from the date of enactment of this act. Specifically, the commissioner shall examine the impact of, and make recommendations on, tax credit programs for interns as it pertains to increasing long-term employment for future college graduates.

2. This act shall take effect immediately.

Approved June 6, 2013.

CHAPTER 61

AN ACT expanding the neighborhood revitalization State tax credit to include gross income taxpayers, amending P.L.2001, c.415.

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

1. Section 3 of P.L.2001, c.415 (C.52:27D-492) is amended to read as follows:

C.52:27D-492 Eligibility of business entity for certificate for neighborhood revitalization tax credits.

3. A business entity shall be eligible for a certificate for neighborhood revitalization State tax credits if it has provided funding for a qualified project that has been approved in accordance with sections 4 and 5 of P.L.2001, c.415 (C.52:27D-493 and C.52:27D-494).

a. Credits may be granted in an amount up to 100 percent of the approved assistance provided to a nonprofit organization to implement a qualified neighborhood preservation and revitalization project.

b. The credit may be applied by the business entity receiving the certificate as credit against tax imposed on business related income including, but not limited to, business income subject to the provisions of the Corporation Business Tax Act (1945), P.L.1945, c.162 (C.54:10A-1 et al.), "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., "The Savings Institution Tax Act," P.L.1973, c.31 (C.54:10D-1 et seq.), the tax imposed on marine insurance companies pursuant to R.S.54:16-1 et seq., the tax imposed on insurers generally, pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.), the sewer and water utility excise tax imposed pursuant to section 6 of P.L.1940, c.5 (C.54:30A-54) and the petroleum products gross receipts tax imposed pursuant to section 3 of P.L.1990, c.42 (C.54:15B-3).

For a taxpayer applying credit to liability due pursuant to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., the credit allowed pursuant to this section shall only be applied to the amount of gross income tax liability for the taxable year, which as a percentage of gross income tax liability, is equal to the percentage of the taxpayer's gross income that is attributable to the taxpayer's business entity through which the taxpayer provided the funding for the qualified project. For purposes of determining the amount of gross income tax liability to which a credit allowed pursuant

to this section may be applied, gross income shall be calculated without the application of exclusions or deductions.

c. The credit allowed to a business entity under this section may not exceed for any taxable year \$1,000,000 or the total amount of tax otherwise payable by the business entity for the taxable year and, in addition, shall not exceed limitations placed on the amounts of credits or carryforward credits allowed, if any, under the relevant statute as enumerated in subsection b. of this section concerning the tax for which a credit is being claimed.

d. Credit shall not be allowed for activities for which the business entity is receiving credit under any other provision against any tax on business related income including, but not limited to, the corporation business tax, New Jersey gross income tax, corporate income tax, insurance premiums tax, petroleum products gross receipts tax, public utilities franchise tax, public utilities gross receipts tax, public utility excise tax, railroad franchise tax, and the saving institution tax.

e. The tax credit shall be awarded only for assistance provided within the same year in which the commissioner issued the certificate, or if the commissioner approved assistance for more than one year, within the year in which payment was scheduled and made. The provisions of this subsection may be waived for good cause shown.

f. The total tax credits certified for all qualified projects proposed in a fiscal year shall not exceed \$10,000,000.

2. This act shall take effect immediately and apply to tax years beginning on or after January 1, 2012.

Approved June 6, 2013.

CHAPTER 62

AN ACT concerning workers' compensation for the surviving spouses of certain deceased members of fire and police departments and the State Police and amending R.S.34:15-13.

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

1. R.S.34:15-13 is amended to read as follows:

Death benefits, burial expenses; computation and distribution.

34:15-13. Except as hereinafter provided, in case of death, compensation shall be computed, but not distributed, on the following basis:

- a. For one or more dependents, 70% of wages.
- b. (Deleted by amendment, P.L.2003, c.253).
- c. (Deleted by amendment, P.L.2003, c.253).
- d. (Deleted by amendment, P.L.2003, c.253).
- e. (Deleted by amendment, P.L.2003, c.253).

f. The term "dependents" shall apply to and include any or all of the following who are dependent upon the deceased at the time of accident or the occurrence of occupational disease, or at the time of death, namely: husband, wife, parent, stepparents, grandparents, children, stepchildren, grandchildren, child in esse, posthumous child, illegitimate children, brothers, sisters, half brothers, half sisters, niece, nephew. Legally adopted children shall, in every particular, be considered as natural children. Dependency shall be conclusively presumed as to the decedent's spouse and to any natural child of a decedent under 18 years of age or, if enrolled as a full-time student, under 23 years of age, who was actually a part of the decedent's household at the time of the decedent's death. Every provision of this article applying to one class shall be equally applicable to the other, except for the surviving spouses of members of the State Police or members of fire or police departments or forces who die in line of duty. Should any dependent of a deceased employee die during the period covered by such weekly payments the right of such dependent to compensation under this section shall cease, but should the surviving spouse of a deceased employee, other than the surviving spouse of a deceased member of the State Police or member of a fire or police department or force who died in line of duty, remarry during such period and before the total compensation is paid, the spouse shall be entitled to receive the remainder of the compensation which would have been due the spouse had the spouse not remarried, or 100 times the amount of weekly compensation paid immediately preceding the remarriage, whichever is the lesser. If the deceased was a member of the State Police or member of a fire or police department or force who died in the line of duty, the compensation shall be paid to the surviving spouse during the entire period of survivorship, even if the surviving spouse remarries, but the surviving spouse shall not receive a lump sum payment pursuant to this subsection. The foregoing schedule applies only to persons wholly dependent, and in the case of persons only partially dependent, except in the case of the surviving spouse and children who were actually a part of the decedent's household at the time of death, the compensation shall be

such proportion of the scheduled percentage as the amounts actually contributed to them by the deceased for their support constituted of his total wages and the provision as to a minimum of 20% of the average weekly wage as set forth in subsection a. of R.S.34:15-12 shall not apply to such compensation. In determining the number of dependents, where the deceased employee was a minor, the number of persons dependent upon the deceased employee shall be determined in the same way as if the deceased employee were an adult, notwithstanding any rule of law as to the person entitled to a minor's wages. Nothing in this subsection pertaining to the surviving spouse of a member of the State Police or member of a fire or police department or force who died in the line of duty shall be construed to entitle the surviving spouse to resumed payments of compensation if that surviving spouse received a lump sum payment pursuant to this subsection or remarried prior to the effective date of P.L.2013, c.62.

g. Compensation shall be computed upon the foregoing basis. Distribution shall be made among dependents, if more than one, according to the order of the Division of Workers' Compensation, which shall, when applied to for that purpose, determine, upon the facts being presented to it, the proportion to be paid to or on behalf of each dependent according to the relative-dependency. Payment on behalf of infants shall be made to the surviving parent, if any, or to the statutory or testamentary guardian.

h. If death results from the accident or occupational disease, whether there be dependents or not, expenses of the last sickness of the deceased employee shall be paid in accordance with the provisions for medical and hospital service as set forth in R.S.34:15-15. In addition, the cost of burial and of a funeral, not to exceed \$3,500 shall be paid to the dependent or other person having paid the costs of burial and the funeral. In the event that the dependent or other person has paid less than \$3,500 for the costs of burial and the funeral, the dependent or other person shall be reimbursed in the amount paid and, if the costs of burial and the funeral exceed the amount so paid, the difference between the said amount and \$3,500 or so much thereof as may be necessary to pay the cost of burial and the funeral, shall be paid to the undertaker or embalmer or the dependent or other person having paid the costs of burial and the funeral. In the event that no part of the costs of burial and the funeral have been paid, the amount of such cost of burial and the funeral, not to exceed \$3,500, shall be paid to the undertaker or embalmer or the dependent or other person who is to pay the costs of burial and the funeral.

i. In computing compensation to those named in this section, except husband, wife, parents and stepparents, and except as otherwise provided in

this section, only those under 18 or over 40 years of age shall be included and then only for that period in which they are under 18 or over 40; provided, however, that payments to such physically or mentally deficient persons as are for such reason dependent shall be made during the full compensation period of 450 weeks.

j. The maximum compensation in case of death shall be subject to the maximum compensation as stated in subsection a. of R.S.34:15-12 and a minimum of 20% of average weekly wages per week as set forth in subsection a. of R.S.34:15-12, except in the case of partial dependency as provided in this section. This compensation shall be paid, in the case of a surviving spouse, other than a surviving spouse of a member of the State Police or member of a fire or police department or force who died in the line of duty, during the entire period of survivorship or until such surviving spouse shall remarry and, in the case of other dependents, during 450 weeks and if at the expiration of 450 weeks there shall be one or more dependents under 18 years of age, compensation shall be continued for such dependents until they reach 18 years of age, or 23 years of age while enrolled as a full-time student, at the schedule provided under subsection a. of this section. If the deceased was a member of the State Police or member of a fire or police department or force who died in the line of duty, the compensation shall be paid to the surviving spouse during the entire period of survivorship, even if the surviving spouse remarries, but the surviving spouse shall not receive a lump sum payment pursuant to subsection f. of this section.

2. This act shall take effect immediately.

Approved June 13, 2013.

CHAPTER 63

AN ACT concerning the sale of alcoholic beverages in qualifying development projects and supplementing Title 33 of the Revised Statutes.

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

C.33:1-12.50 Special retail consumption, distribution licensing in qualifying development projects.

1. a. The Director of the Division of Alcoholic Beverage Control may issue special retail consumption licenses to one or more individual corpora-

tions or other types of legal entities operating a hotel, restaurant or bar on any premises located in a qualifying development project, as defined in subsection g. of this section. The number of such special retail consumption licenses that may be issued in a specific qualifying development project shall be calculated by dividing the total square footage of improvements within the qualifying development project by 50,000, not to exceed three licenses. The director, as the issuing authority, is authorized to issue, transfer, and renew such special retail consumption licenses. Except as otherwise provided by this act, each special retail consumption license shall be governed by the provisions of R.S.33:1-12 with respect to plenary retail consumption licenses.

b. The director may issue a special retail distribution license to one or more individual corporations or other types of legal entities operating a retail business on any premises located in a qualifying development project, as defined in subsection g. of this section. The number of such special retail distribution licenses that may be issued in a given qualifying development project shall be calculated by dividing the total square footage of improvements within the qualifying development project by 100,000, not to exceed two licenses. The director, as the issuing authority, is authorized to issue, transfer, and renew such special retail distribution licenses. Except as otherwise provided by this act, each special retail distribution license shall be governed by the provisions of R.S.33:1-12 with respect to plenary retail distribution licenses.

c. The special retail consumption or special retail distribution licenses shall be subject to all the provisions of Title 33 of the Revised Statutes, rules and regulations promulgated by the director and municipal ordinances.

d. A person who would fail to qualify as a licensee under Title 33 of the Revised Statutes shall not be permitted to operate a licensed premises holding a special license under this act.

e. Application for each special license shall be made to the director. Every applicant, at the expense of the applicant, shall retain an economist or similar expert, approved by the director, to determine the appropriate initial issuance fee for the special license. The economist or expert shall base this determination upon the average sales price for plenary retail consumption licenses or distribution licenses, depending on the license sought, recently sold within the county and within five miles of the premises in the qualifying development project where the license is being issued, reduced by the fair market value of the limitation on transferability, as set forth in subsection f. of this section. One-half of the initial issuance fee shall be allocated

to the director and one-half shall be allocated to the municipality in which the licensed premises is located. The annual renewal fee shall be \$2,500.

f. No license issued pursuant to this section shall be transferred to any premises other than a premises located within the same qualifying development project.

g. As used in this act, a “qualifying development project” means a real estate development project that:

(1) is located in a municipality which has a population of fewer than 1,000 residents; and

(2) is in an area subject to a redevelopment plan adopted by the New Jersey Meadowlands Commission pursuant to section 20 of P.L.1968, c.404 (C.13:17-21).

C.33:1-12.51 Rules, regulations.

2. The Director of the Division of Alcoholic Beverage Control may, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to effectuate the purposes of this act.

3. This act shall take effect on the first day of the third month after enactment; provided however, the Director of the Division of Alcoholic Beverage Control, prior to the effective date, may take such anticipatory action as needed for the act’s timely implementation.

Approved June 13, 2013.

CHAPTER 64

AN ACT establishing a “Veterans Higher Education Commission.”

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

1. There is established a commission to be known as the "Veterans Higher Education Commission." The commission shall consist of 9 members as follows: the Secretary of Higher Education, ex officio, or a designee; the Commissioner of the Department of Labor and Workforce Development, ex officio, or a designee; the Adjutant General of the Department

of Military and Veterans' Affairs, ex officio, or a designee; the Commissioner of Education, ex officio, or a designee; and 5 members to be appointed by the Governor including a representative of an institution of higher education's Student Veterans Organization, a representative of the New Jersey Council of County Colleges, a representative of the New Jersey Association of State Colleges and Universities, a representative of the Association of Independent Colleges and Universities in New Jersey, and a representative of a public research university.

2. All appointments to the commission shall be made within 60 days of the effective date of this act. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made. Members of the commission shall serve without compensation but shall be entitled to their actual and necessary expenses incurred in the performance of their duties pursuant to this act.

3. a. The commission shall organize within 30 days after the appointment of its members and shall select a chairperson and a vice-chairperson from among its members and a secretary who need not be a member of the commission.

b. Staff and related support services shall be provided to the commission by the Department of Military and Veterans' Affairs. The commission shall also 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.

4. It shall be the duty of the commission to study and make recommendations to the Governor and the Legislature on how to best facilitate the successful transition of veterans into the higher education community. The commission shall identify and examine:

a. policies and programs that will increase the percentage of veterans earning postsecondary certifications and degrees;

b. policies of institutions of higher education that successfully transition veterans enrolled in institutions of higher education back to civilian life, through services such as specialized counseling and career services;

c. options for educating faculty and staff on how to best educate and support veterans enrolled in institutions of higher education who have recently returned from military service; and

d. methods and strategies to increase veterans' awareness of the education and career opportunities and programs available to them through the State's public and independent institutions of higher education.

5. The commission may meet and hold hearings at the place or places it designates during the sessions or recesses of the Legislature. The commission shall issue a final report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), no later than one year following its organizational meeting and shall expire upon the issuance of the report.

6. This act shall take effect immediately.

Approved June 13, 2013.

CHAPTER 65

AN ACT concerning certain commercial transactions, replacing Chapters 1 and 7 of Title 12A of the New Jersey Statutes and revising parts of the statutory law.

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

1. Chapter 1 of Title 12A of the New Jersey Statutes (N.J.S.12A:1-101 through 12A:1-209, including any amendments or supplements thereto) is repealed and replaced as follows:

CHAPTER 1 – GENERAL PROVISIONS

12A:1-101. Short titles.

12A:1-101. Short Titles.

a. This act may be cited as the Uniform Commercial Code.

b. This Chapter may be cited as the Uniform Commercial Code – General Provisions.

12A:1-102. Scope of chapter.

12A:1-102. Scope of Chapter.

This Chapter applies to a transaction to the extent that it is governed by another Chapter of the Uniform Commercial Code.

12A:1-103. Construction of the Uniform Commercial Code to promote its purposes and policies; applicability of supplemental principles of law.

12A:1-103. Construction of the Uniform Commercial Code to Promote Its Purposes and Policies; Applicability of Supplemental Principles of Law.

a. The Uniform Commercial Code shall be liberally construed and applied to promote its underlying purposes and policies, which are:

(1) to simplify, clarify, and modernize the law governing commercial transactions;

(2) to permit the continued expansion of commercial practices through custom, usage, and agreement of the parties; and

(3) to make uniform the law among the various jurisdictions.

b. Unless displaced by the particular provisions of the Uniform Commercial Code, the principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, and other validating or invalidating cause supplement its provisions.

12A:1-104. Construction against implied repeal.

12A:1-104. Construction Against Implied Repeal.

The Uniform Commercial Code being a general act intended as a unified coverage of its subject matter, no part of it shall be deemed to be impliedly repealed by subsequent legislation if such construction can reasonably be avoided.

12A:1-105. Severability.

12A:1-105. Severability.

If any provision or clause of the Uniform Commercial Code or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Uniform Commercial Code which can be given effect without the invalid provision or application, and to this end the provisions of the Uniform Commercial Code are severable.

12A:1-106. Use of singular and plural; gender.

12A:1-106. Use of Singular and Plural; Gender.

In the Uniform Commercial Code, unless the statutory context otherwise requires:

a. Words in the singular number include the plural, and those in the plural include the singular; and

b. Words of any gender also refer to any other gender.

12A:1-107. Section captions.

12A:1-107. Section Captions.

Section captions are part of the Uniform Commercial Code.

12A:1-108. Relation to electronic signatures in Global and National Commerce Act.

12A:1-108. Relation to Electronic Signatures in Global and National Commerce Act.

This Chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. s.7001 et seq., except that nothing in this Chapter modifies, limits, or supersedes section 7001(c) of that act or authorizes electronic delivery of any of the notices described in section 7003(b) of that act.

12A:1-201. General definitions.

12A:1-201. General Definitions.

a. Unless the context otherwise requires, words or phrases defined in this section, or in the additional definitions contained in other Chapters of the Uniform Commercial Code that apply to particular Chapters or parts thereof, have the meanings stated.

b. Subject to definitions contained in other Chapters of the Uniform Commercial Code that apply to particular Chapters or parts thereof:

(1) "Action," in the sense of a judicial proceeding, includes recoupment, counterclaim, set off, suit in equity, and any other proceeding in which rights are determined.

(2) "Aggrieved party" means a party entitled to pursue a remedy.

(3) "Agreement," as distinguished from "contract," means the bargain of the parties in fact, as found in their language or inferred from other circumstances, including course of performance, course of dealing, or usage of trade.

(4) "Bank" means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company.

(5) "Bearer" means a person in control of a negotiable electronic document of title or a person in possession of a negotiable instrument, negotiable tangible document of title, or certificated security that is payable to bearer or indorsed in blank.

(6) "Bill of lading" means a document of title evidencing the receipt of goods for shipment issued by a person engaged in the business of directly or indirectly transporting or forwarding goods. The term does not include a warehouse receipt.

(7) "Branch" includes a separately incorporated foreign branch of a bank.

(8) "Burden of establishing" a fact means the burden of persuading the trier of fact that the existence of the fact is more probable than its nonexistence.

(9) "Buyer in ordinary course of business" means a person that buys goods in good faith, without knowledge that the sale violates the rights of another person in the goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind. A person buys goods in the ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller's own usual or customary practices. A person that sells oil, gas, or other minerals at the wellhead or minehead is a person in the business of selling goods of that kind. A buyer in ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods or documents of title under a pre-existing contract for sale. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under Chapter 2 may be a buyer in ordinary course of business. "Buyer in ordinary course of business" does not include a person that acquires goods in a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(10) "Conspicuous," with reference to a term, means so written, displayed, or presented that a reasonable person against which it is to operate ought to have noticed it. Whether a term is "conspicuous" or not is a decision for the court. Conspicuous terms include the following:

(a) a heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same or lesser size; and

(b) language in the body of a record or display in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from surrounding text of the same size by symbols or other marks that call attention to the language.

(11) "Consumer" means an individual who enters into a transaction primarily for personal, family, or household purposes.

(12) "Contract," as distinguished from "agreement," means the total legal obligation that results from the parties' agreement as determined by the Uniform Commercial Code as supplemented by any other applicable laws.

(13) "Creditor" includes a general creditor, a secured creditor, a lien creditor, and any representative of creditors, including an assignee for the

benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor's or assignor's estate.

(14) "Defendant" includes a person in the position of defendant in a counterclaim, cross-claim, or third-party claim.

(15) "Delivery," with respect to an electronic document of title means voluntary transfer of control and with respect to an instrument, a tangible document of title, or chattel paper, means voluntary transfer of possession.

(16) "Document of title" means a record:

(a) that in the regular course of business or financing is treated as adequately evidencing that the person in possession or control of the record is entitled to receive, control, hold, and dispose of the record and the goods the record covers; and

(b) that purports to be issued by or addressed to a bailee and to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass. The term includes a bill of lading, transport document, dock warrant, dock receipt, warehouse receipt, and order for delivery of goods. An electronic document of title means a document of title evidenced by a record consisting of information stored in an electronic medium. A tangible document of title means a document of title evidenced by a record consisting of information that is inscribed on a tangible medium.

(17) "Fault" means a default, breach, or wrongful act or omission.

(18) "Fungible goods" means:

(a) goods of which any unit, by nature or usage of trade, is the equivalent of any other like unit; or

(b) goods that by agreement are treated as equivalent.

(19) "Genuine" means free of forgery or counterfeiting.

(20) "Good faith," except as otherwise provided in Chapter 5, means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(21) "Holder" means:

(a) the person in possession of a negotiable instrument that is payable either to the bearer or to an identified person that is the person in possession;

(b) the person in possession of a negotiable tangible document of title if the goods are deliverable either to the bearer or to the order of the person in possession; or

(c) the person in control of a negotiable electronic document of title.

(22) “Insolvency proceeding” includes an assignment for the benefit of creditors or other proceeding intended to liquidate or rehabilitate the estate of the person involved.

(23) “Insolvent” means:

(a) having generally ceased to pay debts in the ordinary course of business other than as a result of a bona fide dispute;

(b) being unable to pay debts as they become due; or

(c) being insolvent within the meaning of federal bankruptcy law.

(24) “Money” means a medium of exchange currently authorized or adopted by a domestic or foreign government. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more countries.

(25) “Organization” means a person other than an individual.

(26) “Party,” as distinguished from “third party,” means a person that has engaged in a transaction or made an agreement subject to the Uniform Commercial Code.

(27) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.

(28) “Present value” means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain by use of either an interest rate specified by the parties if that rate is not manifestly unreasonable at the time the transaction is entered into or, if an interest rate is not so specified, a commercially reasonable rate that takes into account the facts and circumstances at the time the transaction is entered into.

(29) “Purchase” means taking by sale, lease, discount, negotiation, mortgage, pledge, lien, security interest, issue or reissue, gift, or any other voluntary transaction creating an interest in property.

(30) “Purchaser” means a person that takes by purchase.

(31) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(32) “Remedy” means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(33) “Representative” means a person empowered to act for another, including an agent, an officer of a corporation or association, and a trustee, executor, or administrator of an estate.

(34) “Right” includes remedy.

(35) “Security interest” means an interest in personal property or fixtures which secures payment or performance of an obligation. “Security interest” includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible, or a promissory note in a transaction that is subject to Chapter 9. “Security interest” does not include the special property interest of a buyer of goods on identification of those goods to a contract for sale under 12A:2-401, but a buyer may also acquire a “security interest” by complying with Chapter 9. Except as otherwise provided in 12A:2-505, the right of a seller or lessor of goods under Chapter 2 or 2A to retain or acquire possession of the goods is not a “security interest,” but a seller or lessor may also acquire a “security interest” by complying with Chapter 9. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer under 12A:2-401 is limited in effect to a reservation of a “security interest.” Whether a transaction in the form of a lease creates a “security interest” is determined pursuant to 12A:1-203.

(36) “Send” in connection with a writing, record, or notice means:

(a) to deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and, in the case of an instrument, to an address specified thereon or otherwise agreed, or if there be none to any address reasonable under the circumstances; or

(b) in any other way to cause to be received any record or notice within the time it would have arrived if properly sent.

(37) “Signed” includes using any symbol executed or adopted with present intention to adopt or accept a writing.

(38) “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.

(39) “Surety” includes a guarantor or other secondary obligor.

(40) “Term” means a portion of an agreement that relates to a particular matter.

(41) “Unauthorized signature” means a signature made without actual, implied, or apparent authority. The term includes a forgery.

(42) “Warehouse receipt” means a document of title issued by a person engaged in the business of storing goods for hire.

(43) “Writing” includes printing, typewriting, or any other intentional reduction to tangible form. “Written” has a corresponding meaning.

12A:1-202. Notice; knowledge.

12A:1-202. Notice; Knowledge.

a. Subject to subsection f. of this section, a person has “notice” of a fact if the person:

- (1) has actual knowledge of it;
- (2) has received a notice or notification of it; or
- (3) from all the facts and circumstances known to the person at the time in question, has reason to know that it exists.

b. “Knowledge” means actual knowledge. “Knows” has a corresponding meaning.

c. “Discover,” “learn,” or words of similar import refer to knowledge rather than to reason to know.

d. A person “notifies” or “gives” a notice or notification to another person by taking such steps as may be reasonably required to inform the other person in ordinary course, whether or not the other person actually comes to know of it.

e. Subject to subsection f. of this section, a person “receives” a notice or notification when:

- (1) it comes to that person’s attention; or
- (2) it is duly delivered in a form reasonable under the circumstances at the place of business through which the contract was made or at another location held out by that person as the place for receipt of such communications.

f. Notice, knowledge, or a notice or notification received by an organization is effective for a particular transaction from the time it is brought to the attention of the individual conducting that transaction and, in any event, from the time it would have been brought to the individual’s attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless the communication is part of the individual’s regular duties or the individual has reason to know of the transaction and that the transaction would be materially affected by the information.

12A:1-203. Lease distinguished from security interest.

12A:1-203. Lease Distinguished from Security Interest.

a. Whether a transaction in the form of a lease creates a lease or security interest is determined by the facts of each case.

b. A transaction in the form of a lease creates a security interest if the consideration that the lessee is to pay the lessor for the right to possession

and use of the goods is an obligation for the term of the lease and is not subject to termination by the lessee, and:

(1) the original term of the lease is equal to or greater than the remaining economic life of the goods;

(2) the lessee is bound to renew the lease for the remaining economic life of the goods or is bound to become the owner of the goods;

(3) the lessee has an option to renew the lease for the remaining economic life of the goods for no additional consideration or for nominal additional consideration upon compliance with the lease agreement; or

(4) the lessee has an option to become the owner of the goods for no additional consideration or for nominal additional consideration upon compliance with the lease agreement.

c. A transaction in the form of a lease does not create a security interest merely because:

(1) the present value of the consideration the lessee is obligated to pay the lessor for the right to possession and use of the goods is substantially equal to or is greater than the fair market value of the goods at the time the lease is entered into;

(2) the lessee assumes risk of loss of the goods;

(3) the lessee agrees to pay, with respect to the goods, taxes, insurance, filing, recording, or registration fees, or service or maintenance costs;

(4) the lessee has an option to renew the lease or to become the owner of the goods;

(5) the lessee has an option to renew the lease for a fixed rent that is equal to or greater than the reasonably predictable fair market rent for the use of the goods for the term of the renewal at the time the option is to be performed; or

(6) the lessee has an option to become the owner of the goods for a fixed price that is equal to or greater than the reasonably predictable fair market value of the goods at the time the option is to be performed.

d. Additional consideration is nominal if it is less than the lessee's reasonably predictable cost of performing under the lease agreement if the option is not exercised. Additional consideration is not nominal if:

(1) when the option to renew the lease is granted to the lessee, the rent is stated to be the fair market rent for the use of the goods for the term of the renewal determined at the time the option is to be performed; or

(2) when the option to become the owner of the goods is granted to the lessee, the price is stated to be the fair market value of the goods determined at the time the option is to be performed.

e. The “remaining economic life of the goods” and “reasonably predictable” fair market rent, fair market value, or cost of performing under the lease agreement shall be determined with reference to the facts and circumstances at the time the transaction is entered into.

12A:1-204. Value.

12A:1-204. Value.

Except as otherwise provided in Chapters 3, 4, 5, and 6, a person gives value for rights if the person acquires them:

- a. In return for a binding commitment to extend credit or for the extension of immediately available credit, whether or not drawn upon and whether or not a charge back is provided for in the event of difficulties in collection;
- b. As security for, or in total or partial satisfaction of, a preexisting claim;
- c. By accepting delivery under a preexisting contract for purchase; or
- d. In return for any consideration sufficient to support a simple contract.

12A:1-205. Reasonable time; seasonableness.

12A:1-205. Reasonable Time; Seasonableness.

a. Whether a time for taking an action required by the Uniform Commercial Code is reasonable depends on the nature, purpose, and circumstances of the action.

b. An action is taken seasonably if it is taken at or within the time agreed or, if no time is agreed, at or within a reasonable time.

12A:1-206. Presumptions.

12A:1-206. Presumptions.

Whenever the Uniform Commercial Code creates a “presumption” with respect to a fact, or provides that a fact is “presumed,” the trier of fact must find the existence of the fact unless and until evidence is introduced that supports a finding of its nonexistence.

12A:1-301. Territorial applicability; parties’ power to choose applicable law.

12A:1-301. Territorial Applicability; Parties’ Power to Choose Applicable Law.

a. Except as otherwise provided in this section, when a transaction bears a reasonable relation to this State and also to another state or nation

the parties may agree that the law either of this State or of that other state or nation shall govern their rights and duties.

b. In the absence of an agreement effective under subsection a. of this section, and except as provided in subsection c. of this section, the Uniform Commercial Code applies to transactions bearing an appropriate relation to this State.

c. If one of the following provisions of the Uniform Commercial Code specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law so specified:

- (1) section 12A:2-402;
- (2) sections 12A:2A-105 and 12A:2A-106;
- (3) section 12A:4-102;
- (4) section 12A:4A-507;
- (5) section 12A:5-116;
- (6) section 12A:8-110;
- (7) sections 12A:9-301 through 12A:9-307.

12A:1-302. Variation by agreement.

12A:1-302. Variation by Agreement.

a. Except as otherwise provided in subsection b. of this section or elsewhere in the Uniform Commercial Code, the effect of provisions of the Uniform Commercial Code may be varied by agreement.

b. The obligations of good faith, diligence, reasonableness, and care prescribed by the Uniform Commercial Code may not be disclaimed by agreement. The parties, by agreement, may determine the standards by which the performance of those obligations is to be measured if those standards are not manifestly unreasonable. Whenever the Uniform Commercial Code requires an action to be taken within a reasonable time, a time that is not manifestly unreasonable may be fixed by agreement.

c. The presence in certain provisions of the Uniform Commercial Code of the phrase “unless otherwise agreed,” or words of similar import, does not imply that the effect of other provisions may not be varied by agreement under this section.

12A:1-303. Course of performance, course of dealing, and usage of trade.

12A:1-303. Course of Performance, Course of Dealing, and Usage of Trade.

a. A “course of performance” is a sequence of conduct between the parties to a particular transaction that exists if:

(1) the agreement of the parties with respect to the transaction involves repeated occasions for performance by a party; and

(2) the other party, with knowledge of the nature of the performance and opportunity for objection to it, accepts the performance or acquiesces in it without objection.

b. A “course of dealing” is a sequence of conduct concerning previous transactions between the parties to a particular transaction that is fairly to be regarded as establishing a common basis of understanding for interpreting their expressions and other conduct.

c. A “usage of trade” is any practice or method of dealing having such regularity of observance in a place, vocation, or trade as to justify an expectation that it will be observed with respect to the transaction in question. The existence and scope of such a usage must be proved as facts. If it is established that such a usage is embodied in a trade code or similar record, the interpretation of the record is a question of law.

d. A course of performance or course of dealing between the parties or usage of trade in the vocation or trade in which they are engaged or of which they are or should be aware is relevant in ascertaining the meaning of the parties’ agreement, may give particular meaning to specific terms of the agreement, and may supplement or qualify the terms of the agreement. A usage of trade applicable in the place in which part of the performance under the agreement is to occur may be so utilized as to that part of the performance.

e. Except as otherwise provided in subsection f. of this section, the express terms of an agreement and any applicable course of performance, course of dealing, or usage of trade must be construed whenever reasonable as consistent with each other. If such a construction is unreasonable:

(1) express terms prevail over course of performance, course of dealing, and usage of trade;

(2) course of performance prevails over course of dealing and usage of trade; and

(3) course of dealing prevails over usage of trade.

f. Subject to section 12A:2-209, a course of performance is relevant to show a waiver or modification of any term inconsistent with the course of performance.

g. Evidence of a relevant usage of trade offered by one party is not admissible unless that party has given the other party notice that the court finds sufficient to prevent unfair surprise to the other party.

12A:1-304. Obligation of good faith.

12A:1-304. Obligation of Good Faith.

Every contract or duty within the Uniform Commercial Code imposes an obligation of good faith in its performance and enforcement.

12A:1-305. Remedies to be liberally administered.

12A:1-305. Remedies to Be Liberally Administered.

a. The remedies provided by the Uniform Commercial Code shall be liberally administered to the end that the aggrieved party may be put in as good a position as if the other party had fully performed but neither consequential or special damages nor penal damages may be had except as specifically provided in the Uniform Commercial Code or by other rule of law.

b. Any right or obligation declared by the Uniform Commercial Code is enforceable by action unless the provision declaring it specifies a different and limited effect.

12A:1-306. Waiver of renunciation of claim or right after breach.

12A:1-306. Waiver of Renunciation of Claim or Right After Breach.

A claim or right arising out of an alleged breach may be discharged in whole or in part without consideration by agreement of the aggrieved party in an authenticated record.

12A:1-307. Prima facie evidence by third party documents.

12A:1-307. Prima Facie Evidence by Third Party Documents.

A document in due form purporting to be a bill of lading, policy or certificate of insurance, official weigher's or inspector's certificate, consular invoice, or any other document authorized or required by the contract to be issued by a third party is prima facie evidence of its own authenticity and genuineness and of the facts stated in the document by the third party.

12A:1-308. Performance or acceptance under reservation of rights.

12A:1-308. Performance or Acceptance Under Reservation of Rights.

a. A party that with explicit reservation of rights performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as "without prejudice," "under protest," or the like are sufficient.

b. Subsection a. of this section shall not apply to an accord and satisfaction.

2. Chapter 7 of Title 12A of the New Jersey Statutes (N.J.S.12A:7-101 through 12A:7-603, including any amendments or supplements thereto) is repealed and replaced as follows:

CHAPTER 7 – DOCUMENTS OF TITLE

12A:7-101. Short title.

12A:7-101. Short title.

This Chapter may be cited as Uniform Commercial Code – Documents of Title.

12A:7-102. Definitions and index of definitions.

12A:7-102. Definitions and Index of Definitions.

a. In this Chapter, unless the context otherwise requires:

(1) "Bailee" means a person that by a warehouse receipt, bill of lading, or other document of title acknowledges possession of goods and contracts to deliver them.

(2) "Carrier" means a person that issues a bill of lading.

(3) "Consignee" means a person named in a bill of lading to which or to whose order the bill promises delivery.

(4) "Consignor" means a person named in a bill of lading as the person from which the goods have been received for shipment.

(5) "Delivery order" means a record that contains an order to deliver goods directed to a warehouse, carrier, or other person that in the ordinary course of business issues warehouse receipts or bills of lading.

(6) Reserved.

(7) "Goods" means all things that are treated as movable for the purposes of a contract for storage or transportation.

(8) "Issuer" means a bailee that issues a document of title or, in the case of an unaccepted delivery order, the person that orders the possessor of goods to deliver. The term includes a person for which an agent or employee purports to act in issuing a document if the agent or employee has real or apparent authority to issue documents, even if the issuer did not receive any goods, the goods were misdescribed, or in any other respect the agent or employee violated the issuer's instructions.

(9) "Person entitled under the document" means the holder, in the case of a negotiable document of title, or the person to which delivery of the goods is to be made by the terms of, or pursuant to instructions in a record under, a nonnegotiable document of title.

(10) Reserved.

(11) "Sign" means, with present intent to authenticate or adopt a record:

(a) to execute or adopt a tangible symbol; or

(b) to attach to or logically associate with the record an electronic sound, symbol, or process.

(12) "Shipper" means a person that enters into a contract of transportation with a carrier.

(13) "Warehouse" means a person engaged in the business of storing goods for hire.

b. Definitions in other articles applying to this Chapter and the sections in which they appear are:

(1) "Contract for sale," 12A:2-106.

(2) "Lessee in ordinary course of business," 12A:2A-103.

(3) "Receipt" of goods, 12A:2-103.

c. In addition, Chapter 1 of Title 12A of the New Jersey Statutes contains general definitions and principles of construction and interpretation applicable throughout this Chapter.

12A:7-103. Relation of chapter to treaty or statute.

12A:7-103. Relation of Chapter To Treaty or Statute.

a. This Chapter is subject to any treaty or statute of the United States or regulatory statute of this State to the extent the treaty, statute, or regulatory statute is applicable.

b. This Chapter does not modify or repeal any law prescribing the form or content of a document of title or the services or facilities to be afforded by a bailee, or otherwise regulating a bailee's business in respects not specifically treated in this Chapter. However, violation of such a law does not affect the status of a document of title that otherwise is within the definition of a document of title.

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

d. To the extent there is a conflict between the Uniform Electronic Transactions Act and this Chapter, this Chapter governs.

12A:7-104. Negotiable and nonnegotiable document of title.

12A:7-104. Negotiable and Nonnegotiable Document of Title.

a. Except as otherwise provided in subsection c. of this section, a document of title is negotiable if by its terms the goods are to be delivered to the bearer or to the order of a named person.

b. A document of title other than one described in subsection a. of this section is nonnegotiable. A bill of lading that states that the goods are consigned to a named person is not made negotiable by a provision that the goods are to be delivered only against an order in a record signed by the same or another named person.

c. A document of title is nonnegotiable if, at the time it is issued, the document has a conspicuous legend, however expressed, that it is nonnegotiable.

12A:7-105. Reissuance in alternative medium.

12A:7-105. Reissuance in Alternative Medium.

a. Upon request of a person entitled under an electronic document of title, the issuer of the electronic document may issue a tangible document of title as a substitute for the electronic document if:

(1) the person entitled under the electronic document surrenders control of the document to the issuer; and

(2) the tangible document when issued contains a statement that it is issued in substitution for the electronic document.

b. Upon issuance of a tangible document of title in substitution for an electronic document of title in accordance with subsection a. of this section:

(1) the electronic document ceases to have any effect or validity; and

(2) the person that procured issuance of the tangible document warrants to all subsequent persons entitled under the tangible document that the warrantor was a person entitled under the electronic document when the warrantor surrendered control of the electronic document to the issuer.

c. Upon request of a person entitled under a tangible document of title, the issuer of the tangible document may issue an electronic document of title as a substitute for the tangible document if:

(1) the person entitled under the tangible document surrenders possession of the document to the issuer; and

(2) the electronic document when issued contains a statement that it is issued in substitution for the tangible document.

d. Upon issuance of an electronic document of title in substitution for a tangible document of title in accordance with subsection c. of this section:

(1) the tangible document ceases to have any effect or validity; and

(2) the person that procured issuance of the electronic document warrants to all subsequent persons entitled under the electronic document that the warrantor was a person entitled under the tangible document when the warrantor surrendered possession of the tangible document to the issuer.

12A:7-106. Control of electronic document of title.**12A:7-106. Control of Electronic Document of Title.**

a. A person has control of an electronic document of title if a system employed for evidencing the transfer of interests in the electronic document reliably establishes that person as the person to which the electronic document was issued or transferred.

b. A system satisfies subsection a. of this section, and a person is deemed to have control of an electronic document of title, if the document is created, stored, and assigned in such a manner that:

(1) a single authoritative copy of the document exists which is unique, identifiable, and, except as otherwise provided in paragraphs (4), (5), and (6), unalterable;

(2) the authoritative copy identifies the person asserting control as:

(a) the person to which the document was issued; or

(b) if the authoritative copy indicates that the document has been transferred, the person to which the document was most recently transferred;

(3) the authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(4) copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control;

(5) each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(6) any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

WAREHOUSE RECEIPTS: SPECIAL PROVISIONS**12A:7-201. Person that may issue a warehouse receipt; storage under bond.**

12A:7-201. Person That May Issue a Warehouse Receipt; Storage Under Bond.

a. A warehouse receipt may be issued by any warehouse.

b. If goods, including distilled spirits and agricultural commodities, are stored under a statute requiring a bond against withdrawal or a license for the issuance of receipts in the nature of warehouse receipts, a receipt issued for the goods is deemed to be a warehouse receipt even if issued by a person that is the owner of the goods and is not a warehouse.

12A:7-202. Form of warehouse receipt; effect of omission.

12A:7-202. Form of Warehouse Receipt; Effect of Omission.

- a. A warehouse receipt need not be in any particular form.
- b. Unless a warehouse receipt provides for each of the following, the warehouse is liable for damages caused to a person injured by its omission:
 - (1) a statement of the location of the warehouse facility where the goods are stored;
 - (2) the date of issue of the receipt;
 - (3) the unique identification code of the receipt;
 - (4) a statement whether the goods received will be delivered to the bearer, to a named person, or to a named person or its order;
 - (5) the rate of storage and handling charges, unless goods are stored under a field warehousing arrangement, in which case a statement of that fact is sufficient on a nonnegotiable receipt;
 - (6) a description of the goods or the packages containing them;
 - (7) the signature of the warehouse or its agent;
 - (8) if the receipt is issued for goods that the warehouse owns, either solely, jointly, or in common with others, a statement of the fact of that ownership; and
 - (9) a statement of the amount of advances made and of liabilities incurred for which the warehouse claims a lien or security interest, unless the precise amount of advances made or liabilities incurred, at the time of the issue of the receipt, is unknown to the warehouse or to its agent that issued the receipt, in which case a statement of the fact that advances have been made or liabilities incurred and the purpose of the advances or liabilities is sufficient.
- c. A warehouse may insert in its receipt any terms that are not contrary to the Uniform Commercial Code and do not impair its obligation of delivery under 12A:7-403 or its duty of care under 12A:7-204. Any contrary provision is ineffective.

12A:7-203. Liability for nonreceipt or misdescription.

12A:7-203. Liability For Nonreceipt or Misdescription.

A party to or purchaser for value in good faith of a document of title, other than a bill of lading, that relies upon the description of the goods in the document may recover from the issuer damages caused by the nonreceipt or misdescription of the goods, except to the extent that:

- a. The document conspicuously indicates that the issuer does not know whether all or part of the goods in fact were received or conform to the description, such as a case in which the description is in terms of marks or labels or kind, quantity, or condition, or the receipt or description is

qualified by "contents, condition, and quality unknown," "said to contain," or words of similar import, if the indication is true; or

b. The party or purchaser otherwise has notice of the nonreceipt or misdescription.

12A:7-204. Duty of care; contractual limitation of warehouse's liability.

12A:7-204. Duty of Care; Contractual Limitation of Warehouse's Liability.

a. A warehouse is liable for damages for loss of or injury to the goods caused by its failure to exercise care with regard to the goods that a reasonably careful person would exercise under similar circumstances. Unless otherwise agreed, the warehouse is not liable for damages that could not have been avoided by the exercise of that care.

b. Damages may be limited by a term in the warehouse receipt or storage agreement limiting the amount of liability in case of loss or damage beyond which the warehouse is not liable. Such a limitation is not effective with respect to the warehouse's liability for conversion to its own use. On request of the bailor in a record at the time of signing the storage agreement or within a reasonable time after receipt of the warehouse receipt, the warehouse's liability may be increased on part or all of the goods covered by the storage agreement or the warehouse receipt. In this event, increased rates may be charged based on an increased valuation of the goods.

c. Reasonable provisions as to the time and manner of presenting claims and commencing actions based on the bailment may be included in the warehouse receipt or storage agreement.

d. This section does not modify or repeal any statute that imposes a higher responsibility upon the warehouse or invalidates a contractual limitation that would be permissible under this Chapter.

12A:7-205. Title under warehouse receipt defeated in certain cases.

12A:7-205. Title Under Warehouse Receipt Defeated in Certain Cases.

A buyer in ordinary course of business of fungible goods sold and delivered by a warehouse that is also in the business of buying and selling such goods takes the goods free of any claim under a warehouse receipt even if the receipt is negotiable and has been duly negotiated.

12A:7-206. Termination of storage at warehouse's option.

12A:7-206. Termination of Storage At Warehouse's Option.

a. A warehouse, by giving notice to the person on whose account the goods are held and any other person known to claim an interest in the

goods, may require payment of any charges and removal of the goods from the warehouse at the termination of the period of storage fixed by the document of title or, if a period is not fixed, within a stated period not less than 30 days after the warehouse gives notice. If the goods are not removed before the date specified in the notice, the warehouse may sell them pursuant to 12A:7-210.

b. If a warehouse in good faith believes that goods are about to deteriorate or decline in value to less than the amount of its lien within the time provided in subsection a. of this section and 12A:7-210, the warehouse may specify in the notice given under subsection a. of this section any reasonable shorter time for removal of the goods and, if the goods are not removed, may sell them at public sale held not less than one week after a single advertisement or posting.

c. If, as a result of a quality or condition of the goods of which the warehouse did not have notice at the time of deposit, the goods are a hazard to other property, the warehouse facilities, or other persons, the warehouse may sell the goods at public or private sale without advertisement or posting on reasonable notification to all persons known to claim an interest in the goods. If the warehouse, after a reasonable effort, is unable to sell the goods, it may dispose of them in any lawful manner and does not incur liability by reason of that disposition.

d. A warehouse shall deliver the goods to any person entitled to them under this Chapter upon due demand made at any time before sale or other disposition under this section.

e. A warehouse may satisfy its lien from the proceeds of any sale or disposition under this section but shall hold the balance for delivery on the demand of any person to which the warehouse would have been bound to deliver the goods.

12A:7-207. Goods must be kept separate; fungible goods.

12A:7-207. Goods Must Be Kept Separate; Fungible Goods.

a. Unless the warehouse receipt provides otherwise, a warehouse shall keep separate the goods covered by each receipt so as to permit at all times identification and delivery of those goods. However, different lots of fungible goods may be commingled.

b. If different lots of fungible goods are commingled, the goods are owned in common by the persons entitled thereto and the warehouse is severally liable to each owner for that owner's share. If, because of overissue, a mass of fungible goods is insufficient to meet all the receipts the warehouse

has issued against it, the persons entitled include all holders to which over-issued receipts have been duly negotiated.

12A:7-208. Altered warehouse receipts.

12A:7-208. Altered Warehouse Receipts.

If a blank in a negotiable tangible warehouse receipt has been filled in without authority, a good-faith purchaser for value and without notice of the lack of authority may treat the insertion as authorized. Any other unauthorized alteration leaves any tangible or electronic warehouse receipt enforceable against the issuer according to its original tenor.

12A:7-209. Lien of warehouse.

12A:7-209. Lien of Warehouse.

a. A warehouse has a lien against the bailor on the goods covered by a warehouse receipt or storage agreement or on the proceeds thereof in its possession for charges for storage or transportation, including demurrage and terminal charges, insurance, labor, or other charges, present or future, in relation to the goods, and for expenses necessary for preservation of the goods or reasonably incurred in their sale pursuant to law. If the person on whose account the goods are held is liable for similar charges or expenses in relation to other goods whenever deposited and it is stated in the warehouse receipt or storage agreement that a lien is claimed for charges and expenses in relation to other goods, the warehouse also has a lien against the goods covered by the warehouse receipt or storage agreement or on the proceeds thereof in its possession for those charges and expenses, whether or not the other goods have been delivered by the warehouse. However, as against a person to which a negotiable warehouse receipt is duly negotiated, a warehouse's lien is limited to charges in an amount or at a rate specified in the warehouse receipt or, if no charges are so specified, to a reasonable charge for storage of the specific goods covered by the receipt subsequent to the date of the receipt.

b. A warehouse may also reserve a security interest against the bailor for the maximum amount specified on the receipt for charges other than those specified in subsection a. of this section, such as for money advanced and interest. The security interest is governed by Chapter 9.

c. A warehouse's lien for charges and expenses under subsection a. of this section or a security interest under subsection b. of this section is also effective against any person that so entrusted the bailor with possession of the goods that a pledge of them by the bailor to a good-faith purchaser for value would have been valid. However, the lien or security interest is not

effective against a person that before issuance of a document of title had a legal interest or a perfected security interest in the goods and that did not:

(1) deliver or entrust the goods or any document of title covering the goods to the bailor or the bailor's nominee with:

(a) actual or apparent authority to ship, store, or sell;

(b) power to obtain delivery under 12A:7-403; or

(c) power of disposition under 12A:2-403, 12A:2A-304(2), 12A:2A-305(2), 12A:9-320, or 12A:9-321(c) or other statute or rule of law; or

(2) acquiesce in the procurement by the bailor or its nominee of any document.

d. A warehouse's lien on household goods for charges and expenses in relation to the goods under subsection a. of this section is also effective against all persons if the depositor was the legal possessor of the goods at the time of deposit. In this subsection, "household goods" means furniture, furnishings, or personal effects used by the depositor in a dwelling.

e. A warehouse loses its lien on any goods that it voluntarily delivers or unjustifiably refuses to deliver.

12A:7-210. Enforcement of warehouse's lien.

12A:7-210. Enforcement of Warehouse's Lien.

a. Except as otherwise provided in subsection b. of this section, a warehouse's lien may be enforced by public or private sale of the goods, in bulk or in packages, at any time or place and on any terms that are commercially reasonable, after notifying all persons known to claim an interest in the goods. The notification shall include a statement of the amount due, the nature of the proposed sale, and the time and place of any public sale. The fact that a better price could have been obtained by a sale at a different time or in a method different from that selected by the warehouse is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. The warehouse sells goods in a commercially reasonable manner if the warehouse sells the goods in the usual manner in any recognized market therefor, sells at the price current in that market at the time of the sale, or otherwise sells in conformity with commercially reasonable practices among dealers in the type of goods sold. A sale of more goods than apparently necessary to be offered to ensure satisfaction of the obligation is not commercially reasonable, except in cases covered by the preceding sentence.

b. A warehouse may enforce its lien on goods, other than goods stored by a merchant in the course of its business, only if the following requirements are satisfied:

(1) All persons known to claim an interest in the goods shall be notified.

(2) The notification shall include an itemized statement of the claim, a description of the goods subject to the lien, a demand for payment within a specified time not less than 10 days after receipt of the notification, and a conspicuous statement that unless the claim is paid within that time the goods will be advertised for sale and sold by auction at a specified time and place.

(3) The sale must conform to the terms of the notification.

(4) The sale must be held at the nearest suitable place to where the goods are held or stored.

(5) After the expiration of the time given in the notification, an advertisement of the sale shall be published once a week for two weeks consecutively in a newspaper of general circulation where the sale is to be held. The advertisement shall include a description of the goods, the name of the person on whose account the goods are being held, and the time and place of the sale. The sale shall take place at least 15 days after the first publication. If there is no newspaper of general circulation where the sale is to be held, the advertisement shall be posted at least 10 days before the sale in not fewer than six conspicuous places in the neighborhood of the proposed sale.

c. Before any sale pursuant to this section, any person claiming a right in the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred in complying with this section. In that event, the goods may not be sold but shall be retained by the warehouse subject to the terms of the receipt and this Chapter.

d. A warehouse may buy at any public sale held pursuant to this section.

e. A purchaser in good faith of goods sold to enforce a warehouse's lien takes the goods free of any rights of persons against which the lien was valid, despite the warehouse's noncompliance with this section.

f. A warehouse may satisfy its lien from the proceeds of any sale pursuant to this section but shall hold the balance, if any, for delivery on demand to any person to which the warehouse would have been bound to deliver the goods.

g. The rights provided by this section are in addition to all other rights allowed by law to a creditor against a debtor.

h. If a lien is on goods stored by a merchant in the course of its business, the lien may be enforced in accordance with subsection a. or b. of this section.

i. A warehouse is liable for damages caused by failure to comply with the requirements for sale under this section and, in case of willful violation, is liable for conversion.

BILLS OF LADING: SPECIAL PROVISIONS

12A:7-301. Liability for nonreceipt or misdescription; "said to contain;" "shipper's weight, load, and count;" improper handling.

12A:7-301. Liability For Nonreceipt or Misdescription; "Said To Contain;" "Shipper's Weight, Load, and Count;" Improper Handling.

a. A consignee of a nonnegotiable bill of lading which has given value in good faith, or a holder to which a negotiable bill has been duly negotiated, relying upon the description of the goods in the bill or upon the date shown in the bill, may recover from the issuer damages caused by the misdating of the bill or the nonreceipt or misdescription of the goods, except to the extent that the bill indicates that the issuer does not know whether any part or all of the goods in fact were received or conform to the description, such as in a case in which the description is in terms of marks or labels or kind, quantity, or condition or the receipt or description is qualified by "contents or condition of contents of packages unknown," "said to contain," "shipper's weight, load, and count," or words of similar import, if that indication is true.

b. If goods are loaded by the issuer of a bill of lading:

(1) the issuer shall count the packages of goods if shipped in packages and ascertain the kind and quantity if shipped in bulk; and

(2) words such as "shipper's weight, load, and count," or words of similar import indicating that the description was made by the shipper are ineffective except as to goods concealed in packages.

c. If bulk goods are loaded by a shipper that makes available to the issuer of a bill of lading adequate facilities for weighing those goods, the issuer shall ascertain the kind and quantity within a reasonable time after receiving the shipper's request in a record to do so. In that case, "shipper's weight" or words of similar import are ineffective.

d. The issuer of a bill of lading, by including in the bill the words "shipper's weight, load, and count," or words of similar import, may indicate that the goods were loaded by the shipper, and, if that statement is true, the issuer is not liable for damages caused by the improper loading. However, omission of such words does not imply liability for damages caused by improper loading.

e. A shipper guarantees to an issuer the accuracy at the time of shipment of the description, marks, labels, number, kind, quantity, condition, and weight, as furnished by the shipper, and the shipper shall indemnify the issuer against damage caused by inaccuracies in those particulars. This

right of indemnity does not limit the issuer's responsibility or liability under the contract of carriage to any person other than the shipper.

12A:7-302. Through bills of lading and similar documents of title.

12A:7-302. Through Bills of Lading And Similar Documents of Title.

a. The issuer of a through bill of lading, or other document of title embodying an undertaking to be performed in part by a person acting as its agent or by a performing carrier, is liable to any person entitled to recover on the bill or other document for any breach by the other person or the performing carrier of its obligation under the bill or other document. However, to the extent that the bill or other document covers an undertaking to be performed overseas or in territory not contiguous to the continental United States or an undertaking including matters other than transportation, this liability for breach by the other person or the performing carrier may be varied by agreement of the parties.

b. If goods covered by a through bill of lading or other document of title embodying an undertaking to be performed in part by a person other than the issuer are received by that person, the person is subject, with respect to its own performance while the goods are in its possession, to the obligation of the issuer. The person's obligation is discharged by delivery of the goods to another person pursuant to the bill or other document and does not include liability for breach by any other person or by the issuer.

c. The issuer of a through bill of lading or other document of title described in subsection a. of this section is entitled to recover from the performing carrier, or other person in possession of the goods when the breach of the obligation under the bill or other document occurred:

(1) the amount it may be required to pay to any person entitled to recover on the bill or other document for the breach, as may be evidenced by any receipt, judgment, or transcript of judgment; and

(2) the amount of any expense reasonably incurred by the issuer in defending any action commenced by any person entitled to recover on the bill or other document for the breach.

12A:7-303. Diversion; reconsignment; change of instructions.

12A:7-303. Diversion; Reconsignment; Change of Instructions.

a. Unless the bill of lading otherwise provides, a carrier may deliver the goods to a person or destination other than that stated in the bill or may otherwise dispose of the goods, without liability for misdelivery, on instructions from:

(1) the holder of a negotiable bill;

(2) the consignor on a nonnegotiable bill, even if the consignee has given contrary instructions;

(3) the consignee on a nonnegotiable bill in the absence of contrary instructions from the consignor, if the goods have arrived at the billed destination or if the consignee is in possession of the tangible bill or in control of the electronic bill; or

(4) the consignee on a nonnegotiable bill, if the consignee is entitled as against the consignor to dispose of the goods.

b. Unless instructions described in subsection a. of this section are included in a negotiable bill of lading, a person to which the bill is duly negotiated may hold the bailee according to the original terms.

12A:7-304. Tangible bills of lading in a set.

12A:7-304. Tangible Bills of Lading In A Set.

a. Except as customary in international transportation, a tangible bill of lading may not be issued in a set of parts. The issuer is liable for damages caused by violation of this subsection.

b. If a tangible bill of lading is lawfully issued in a set of parts, each of which contains an identification code and is expressed to be valid only if the goods have not been delivered against any other part, the whole of the parts constitutes one bill.

c. If a tangible negotiable bill of lading is lawfully issued in a set of parts and different parts are negotiated to different persons, the title of the holder to which the first due negotiation is made prevails as to both the document of title and the goods even if any later holder may have received the goods from the carrier in good faith and discharged the carrier's obligation by surrendering its part.

d. A person that negotiates or transfers a single part of a tangible bill of lading issued in a set is liable to holders of that part as if it were the whole set.

e. The bailee shall deliver in accordance with Subchapter 4 of this Chapter against the first presented part of a tangible bill of lading lawfully issued in a set. Delivery in this manner discharges the bailee's obligation on the whole bill.

12A:7-305. Destination bills.

12A:7-305. Destination Bills.

a. Instead of issuing a bill of lading to the consignor at the place of shipment, a carrier, at the request of the consignor, may procure the bill to be issued at destination or at any other place designated in the request.

b. Upon request of any person entitled as against a carrier to control the goods while in transit and on surrender of possession or control of any outstanding bill of lading or other receipt covering the goods, the issuer, subject to 12A:7-105, may procure a substitute bill to be issued at any place designated in the request.

12A:7-306. Altered bills of lading.

12A:7-306. Altered Bills of Lading.

An unauthorized alteration or filling in of a blank in a bill of lading leaves the bill enforceable according to its original tenor.

12A:7-307. Lien of carrier.

12A:7-307. Lien Of Carrier.

a. A carrier has a lien on the goods covered by a bill of lading or on the proceeds thereof in its possession for charges after the date of the carrier's receipt of the goods for storage or transportation, including demurrage and terminal charges, and for expenses necessary for preservation of the goods incident to their transportation or reasonably incurred in their sale pursuant to law. However, against a purchaser for value of a negotiable bill of lading, a carrier's lien is limited to charges stated in the bill or the applicable tariffs or, if no charges are stated, a reasonable charge.

b. A lien for charges and expenses under subsection a. of this section on goods that the carrier was required by law to receive for transportation is effective against the consignor or any person entitled to the goods unless the carrier had notice that the consignor lacked authority to subject the goods to those charges and expenses. Any other lien under subsection a. of this section is effective against the consignor and any person that permitted the bailor to have control or possession of the goods unless the carrier had notice that the bailor lacked authority.

c. A carrier loses its lien on any goods that it voluntarily delivers or unjustifiably refuses to deliver.

12A:7-308. Enforcement of carrier's lien.

12A:7-308. Enforcement of Carrier's Lien.

a. A carrier's lien on goods may be enforced by public or private sale of the goods, in bulk or in packages, at any time or place and on any terms that are commercially reasonable, after notifying all persons known to claim an interest in the goods. The notification shall include a statement of the amount due, the nature of the proposed sale, and the time and place of any public sale. The fact that a better price could have been obtained by a

sale at a different time or in a method different from that selected by the carrier is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. The carrier sells goods in a commercially reasonable manner if the carrier sells the goods in the usual manner in any recognized market therefor, sells at the price current in that market at the time of the sale, or otherwise sells in conformity with commercially reasonable practices among dealers in the type of goods sold. A sale of more goods than apparently necessary to be offered to ensure satisfaction of the obligation is not commercially reasonable, except in cases covered by the preceding sentence.

b. Before any sale pursuant to this section, any person claiming a right in the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred in complying with this section. In that event, the goods may not be sold but must be retained by the carrier, subject to the terms of the bill of lading and this Chapter.

c. A carrier may buy at any public sale pursuant to this section.

d. A purchaser in good faith of goods sold to enforce a carrier's lien takes the goods free of any rights of persons against which the lien was valid, despite the carrier's noncompliance with this section.

e. A carrier may satisfy its lien from the proceeds of any sale pursuant to this section but shall hold the balance, if any, for delivery on demand to any person to which the carrier would have been bound to deliver the goods.

f. The rights provided by this section are in addition to all other rights allowed by law to a creditor against a debtor.

g. A carrier's lien may be enforced pursuant to either subsection a. of this section or the procedure set forth in 12A:7-210b.

h. A carrier is liable for damages caused by failure to comply with the requirements for sale under this section and, in case of willful violation, is liable for conversion.

12A:7-309. Duty of care; contractual limitation of carrier's liability.

12A:7-309. Duty of Care; Contractual Limitation of Carrier's Liability.

a. A carrier that issues a bill of lading, whether negotiable or nonnegotiable, shall exercise the degree of care in relation to the goods which a reasonably careful person would exercise under similar circumstances. This subsection does not affect any statute, regulation, or rule of law that imposes liability upon a common carrier for damages not caused by its negligence.

b. Damages may be limited by a term in the bill of lading or in a transportation agreement that the carrier's liability may not exceed a value stated in the bill or transportation agreement if the carrier's rates are dependent upon value and the consignor is afforded an opportunity to declare a higher value and the consignor is advised of the opportunity. However, such a limitation is not effective with respect to the carrier's liability for conversion to its own use.

c. Reasonable provisions as to the time and manner of presenting claims and commencing actions based on the shipment may be included in a bill of lading or a transportation agreement.

WAREHOUSE RECEIPTS AND BILLS OF LADING: GENERAL OBLIGATIONS

12A:7-401. Irregularities in issue of receipt or bill or conduct of issuer.

12A:7-401. Irregularities In Issue of Receipt or Bill or Conduct of Issuer.

The obligations imposed by this Chapter on an issuer apply to a document of title even if:

- a. The document does not comply with the requirements of this Chapter or of any other statute, rule, or regulation regarding its issuance, form, or content;
- b. The issuer violated laws regulating the conduct of its business;
- c. The goods covered by the document were owned by the bailee when the document was issued; or
- d. The person issuing the document is not a warehouse but the document purports to be a warehouse receipt.

12A:7-402. Duplicate document of title; overissue.

12A:7-402. Duplicate Document of Title; Overissue.

A duplicate or any other document of title purporting to cover goods already represented by an outstanding document of the same issuer does not confer any right in the goods, except as provided in the case of tangible bills of lading in a set of parts, overissue of documents for fungible goods, substitutes for lost, stolen, or destroyed documents, or substitute documents issued pursuant to 12A:7-105. The issuer is liable for damages caused by its overissue or failure to identify a duplicate document by a conspicuous notation.

12A:7-403. Obligation of bailee to deliver; excuse.

12A:7-403. Obligation of Bailee To Deliver; Excuse.

a. A bailee shall deliver the goods to a person entitled under a document of title if the person complies with subsections b. and c. of this section, unless and to the extent that the bailee establishes any of the following:

(1) delivery of the goods to a person whose receipt was rightful as against the claimant;

(2) damage to or delay, loss, or destruction of the goods for which the bailee is not liable;

(3) previous sale or other disposition of the goods in lawful enforcement of a lien or on a warehouse's lawful termination of storage;

(4) the exercise by a seller of its right to stop delivery pursuant to 12A:2-705 or by a lessor of its right to stop delivery pursuant to 12A:2A-526;

(5) a diversion, reconsignment, or other disposition pursuant to 12A:7-303;

(6) release, satisfaction, or any other personal defense against the claimant; or

(7) any other lawful excuse.

b. A person claiming goods covered by a document of title shall satisfy the bailee's lien if the bailee so requests or if the bailee is prohibited by law from delivering the goods until the charges are paid.

c. Unless a person claiming the goods is a person against which the document of title does not confer a right under subsection a. of 12A:7-503:

(1) the person claiming under a document shall surrender possession or control of any outstanding negotiable document covering the goods for cancellation or indication of partial deliveries; and

(2) the bailee shall cancel the document or conspicuously indicate in the document the partial delivery or the bailee is liable to any person to which the document is duly negotiated.

12A:7-404. No liability for good-faith delivery pursuant to document of title.

12A:7-404. No Liability For Good-Faith Delivery Pursuant To Document of Title.

A bailee that in good faith has received goods and delivered or otherwise disposed of the goods according to the terms of a document of title or pursuant to this Chapter is not liable for the goods even if:

a. the person from which the bailee received the goods did not have authority to procure the document or to dispose of the goods; or

b. the person to which the bailee delivered the goods did not have authority to receive the goods.

WAREHOUSE RECEIPTS AND BILLS OF LADING:
NEGOTIATION AND TRANSFER

12A:7-501. Form of negotiation and requirements of due negotiation.

12A:7-501. Form of Negotiation and Requirements of Due Negotiation.

a. The following rules apply to a negotiable tangible document of title:

(1) If the document's original terms run to the order of a named person, the document is negotiated by the named person's indorsement and delivery. After the named person's indorsement in blank or to bearer, any person may negotiate the document by delivery alone.

(2) If the document's original terms run to bearer, it is negotiated by delivery alone.

(3) If the document's original terms run to the order of a named person and it is delivered to the named person, the effect is the same as if the document had been negotiated.

(4) Negotiation of the document after it has been indorsed to a named person requires indorsement by the named person and delivery.

(5) A document is duly negotiated if it is negotiated in the manner stated in this subsection a. to a holder that purchases it in good faith, without notice of any defense against or claim to it on the part of any person, and for value, unless it is established that the negotiation is not in the regular course of business or financing or involves receiving the document in settlement or payment of a monetary obligation.

b. The following rules apply to a negotiable electronic document of title:

(1) If the document's original terms run to the order of a named person or to bearer, the document is negotiated by delivery of the document to another person. Indorsement by the named person is not required to negotiate the document.

(2) If the document's original terms run to the order of a named person and the named person has control of the document, the effect is the same as if the document had been negotiated.

(3) A document is duly negotiated if it is negotiated in the manner stated in this subsection b. to a holder that purchases it in good faith, without notice of any defense against or claim to it on the part of any person, and for value, unless it is established that the negotiation is not in the regular course of business or financing or involves taking delivery of the document in settlement or payment of a monetary obligation.

c. Indorsement of a nonnegotiable document of title neither makes it negotiable nor adds to the transferee's rights.

d. The naming in a negotiable bill of lading of a person to be notified of the arrival of the goods does not limit the negotiability of the bill or constitute notice to a purchaser of the bill of any interest of that person in the goods.

12A:7-502. Rights acquired by due negotiation.

12A:7-502. Rights Acquired By Due Negotiation.

a. Subject to 12A:7-205 and 12A:7-503, a holder to which a negotiable document of title has been duly negotiated acquires thereby:

(1) title to the document;

(2) title to the goods;

(3) all rights accruing under the law of agency or estoppel, including rights to goods delivered to the bailee after the document was issued; and

(4) the direct obligation of the issuer to hold or deliver the goods according to the terms of the document free of any defense or claim by the issuer, except those arising under the terms of the document or under this Chapter, but in the case of a delivery order, the bailee's obligation accrues only upon the bailee's acceptance of the delivery order and the obligation acquired by the holder is that the issuer and any indorser will procure the acceptance of the bailee.

b. Subject to 12A:7-503, title and rights acquired by due negotiation are not defeated by any stoppage of the goods represented by the document of title or by surrender of the goods by the bailee and are not impaired even if:

(1) the due negotiation or any prior due negotiation constituted a breach of duty;

(2) any person has been deprived of possession of a negotiable tangible document or control of a negotiable electronic document by misrepresentation, fraud, accident, mistake, duress, loss, theft, or conversion; or

(3) a previous sale or other transfer of the goods or document has been made to a third person.

12A:7-503. Document of title to goods defeated in certain cases.

12A:7-503. Document of Title To Goods Defeated In Certain Cases.

a. A document of title confers no right in goods against a person that before issuance of the document had a legal interest or a perfected security interest in the goods and that did not:

(1) deliver or entrust the goods or any document of title covering the goods to the bailor or the bailor's nominee with:

- (a) actual or apparent authority to ship, store, or sell;
- (b) power to obtain delivery under 12A:7-403; or
- (c) power of disposition under 12A:2-403, 12A:2A-304(2), 12A:2A-305(2), 12A:9-320, or 12A:9-321(c) or other statute or rule of law; or

(2) acquiesce in the procurement by the bailor or its nominee of any document.

b. Title to goods based upon an unaccepted delivery order is subject to the rights of any person to which a negotiable warehouse receipt or bill of lading covering the goods has been duly negotiated. That title may be defeated under 12A:7-504 to the same extent as the rights of the issuer or a transferee from the issuer.

c. Title to goods based upon a bill of lading issued to a freight forwarder is subject to the rights of any person to which a bill issued by the freight forwarder is duly negotiated. However, delivery by the carrier in accordance with Subchapter 4 of this Chapter pursuant to its own bill of lading discharges the carrier's obligation to deliver.

12A:7-504. Rights acquired in absence of due negotiation; effect of diversion; stoppage of delivery.

12A:7-504. Rights Acquired In Absence of Due Negotiation; Effect of Diversion; Stoppage of Delivery.

a. A transferee of a document of title, whether negotiable or nonnegotiable, to which the document has been delivered but not duly negotiated, acquires the title and rights that its transferor had or had actual authority to convey.

b. In the case of a transfer of a nonnegotiable document of title, until but not after the bailee receives notice of the transfer, the rights of the transferee may be defeated:

(1) by those creditors of the transferor which could treat the transfer as void under 12A:2-402 or 12A:2A-308;

(2) by a buyer from the transferor in ordinary course of business if the bailee has delivered the goods to the buyer or received notification of the buyer's rights;

(3) by a lessee from the transferor in ordinary course of business if the bailee has delivered the goods to the lessee or received notification of the lessee's rights; or

(4) as against the bailee, by good-faith dealings of the bailee with the transferor.

c. A diversion or other change of shipping instructions by the consignor in a nonnegotiable bill of lading which causes the bailee not to deliver the goods to the consignee defeats the consignee's title to the goods if the goods have been delivered to a buyer in ordinary course of business or a lessee in ordinary course of business and, in any event, defeats the consignee's rights against the bailee.

d. Delivery of the goods pursuant to a nonnegotiable document of title may be stopped by a seller under 12A:2-705 or a lessor under 12A:2A-526, subject to the requirements of due notification in those sections. A bailee that honors the seller's or lessor's instructions is entitled to be indemnified by the seller or lessor against any resulting loss or expense.

12A:7-505. Indorser not guarantor for other parties.

12A:7-505. Indorser Not Guarantor For Other Parties.

The indorsement of a tangible document of title issued by a bailee does not make the indorser liable for any default by the bailee or previous indorsers.

12A:7-506. Delivery without indorsement: right to compel indorsement.

12A:7-506. Delivery Without Indorsement: Right To Compel Indorsement.

The transferee of a negotiable tangible document of title has a specifically enforceable right to have its transferor supply any necessary indorsement, but the transfer becomes a negotiation only as of the time the indorsement is supplied.

12A:7-507. Warranties on negotiation or delivery of document of title.

12A:7-507. Warranties On Negotiation or Delivery of Document of Title.

If a person negotiates or delivers a document of title for value, otherwise than as a mere intermediary under 12A:7-508, unless otherwise agreed, the transferor, in addition to any warranty made in selling or leasing the goods, warrants to its immediate purchaser only that:

- (1) the document is genuine;
- (2) the transferor does not have knowledge of any fact that would impair the document's validity or worth; and
- (3) the negotiation or delivery is rightful and fully effective with respect to the title to the document and the goods it represents.

12A:7-508. Warranties of collecting bank as to documents of title.

12A:7-508. Warranties of Collecting Bank As To Documents of Title.

A collecting bank or other intermediary known to be entrusted with documents of title on behalf of another or with collection of a draft or other claim against delivery of documents warrants by the delivery of the documents only its own good faith and authority even if the collecting bank or other intermediary has purchased or made advances against the claim or draft to be collected.

12A:7-509. Adequate compliance with commercial contract.

12A:7-509. Adequate Compliance With Commercial Contract.

Whether a document of title is adequate to fulfill the obligations of a contract for sale, a contract for lease, or the conditions of a letter of credit is determined by Chapter 2, 2A, or 5.

**WAREHOUSE RECEIPTS AND BILLS OF LADING:
MISCELLANEOUS PROVISIONS**

12A:7-601. Lost, stolen, or destroyed documents of title.

12A:7-601. Lost, Stolen, or Destroyed Documents of Title.

a. If a document of title is lost, stolen, or destroyed, a court may order delivery of the goods or issuance of a substitute document and the bailee may without liability to any person comply with the order. If the document was negotiable, a court may not order delivery of the goods or issuance of a substitute document without the claimant's posting security unless it finds that any person that may suffer loss as a result of nonsurrender of possession or control of the document is adequately protected against the loss. If the document was nonnegotiable, the court may require security. The court may also order payment of the bailee's reasonable costs and attorney's fees in any action under this subsection.

b. A bailee that, without a court order, delivers goods to a person claiming under a missing negotiable document of title is liable to any person injured thereby. If the delivery is not in good faith, the bailee is liable for conversion. Delivery in good faith is not conversion if the claimant posts security with the bailee in an amount at least double the value of the goods at the time of posting to indemnify any person injured by the delivery which files a notice of claim within one year after the delivery.

12A:7-602. Judicial process against goods covered by negotiable document of title.

12A:7-602. Judicial Process Against Goods Covered By Negotiable Document of Title.

Unless a document of title was originally issued upon delivery of the goods by a person that did not have power to dispose of them, a lien does not attach by virtue of any judicial process to goods in the possession of a bailee for which a negotiable document of title is outstanding unless possession or control of the document is first surrendered to the bailee or the document's negotiation is enjoined. The bailee may not be compelled to deliver the goods pursuant to process until possession or control of the document is surrendered to the bailee or to the court. A purchaser of the document for value without notice of the process or injunction takes free of the lien imposed by judicial process.

12A:7-603. Conflicting claims; interpleader.

12A:7-603. Conflicting Claims; Interpleader.

If more than one person claims title to or possession of the goods, the bailee is excused from delivery until the bailee has a reasonable time to ascertain the validity of the adverse claims or to commence an action for interpleader. The bailee may assert an interpleader either in defending an action for nondelivery of the goods or by original action.

MISCELLANEOUS PROVISIONS

12A:7-701. Applicability.

12A:7-701. Applicability.

This Chapter applies to a document of title that is issued or a bailment that arises on or after the effective date of this Chapter. This Chapter does not apply to a document of title that is issued or a bailment that arises before the effective date of this Chapter even if the document of title or bailment would be subject to this Chapter if the document of title had been issued or bailment had arisen on or after the effective date of this Chapter. This Chapter does not apply to a right of action that has accrued before the effective date of this Chapter.

3. N.J.S.12A:9-102 is amended to read as follows:

Definitions and index of definitions.

12A:9-102. Definitions and Index of Definitions.

(a) Chapter 9 definitions. In this chapter:

(1) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost.

(2) "Account", except as used in "account for", means a right to payment of a monetary obligation, whether or not earned by performance, (i) for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of, (ii) for services rendered or to be rendered, (iii) for a policy of insurance issued or to be issued, (iv) for a secondary obligation incurred or to be incurred, (v) for energy provided or to be provided, (vi) for the use or hire of a vessel under a charter or other contract, (vii) arising out of the use of a credit or charge card or information contained on or for use with the card, or (viii) as winnings in a lottery or other game of chance operated or sponsored by a State, governmental unit of a State, or person licensed or authorized to operate the game by a State or governmental unit of a State. The term includes health-care-insurance receivables and bondable transition property. The term does not include (i) rights to payment evidenced by chattel paper or an instrument, (ii) commercial tort claims, (iii) deposit accounts, (iv) investment property, (v) letter-of-credit rights or letters of credit, or (vi) rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card.

(3) "Account debtor" means a person obligated on an account, chattel paper, or general intangible. The term does not include persons obligated to pay a negotiable instrument, even if the instrument constitutes part of chattel paper.

(4) "Accounting", except as used in "accounting for", means a record:

(A) authenticated by a secured party;

(B) indicating the aggregate unpaid secured obligations as of a date not more than 35 days earlier or 35 days later than the date of the record; and

(C) identifying the components of the obligations in reasonable detail.

(5) "Agricultural lien" means an interest in farm products:

(A) which secures payment or performance of an obligation for:

(i) goods or services furnished in connection with a debtor's farming operation; or

(ii) rent on real property leased by a debtor in connection with its farming operation;

(B) which is created by statute in favor of a person that:

(i) in the ordinary course of its business furnished goods or services to a debtor in connection with a debtor's farming operation; or

(ii) leased real property to a debtor in connection with the debtor's farming operation; and

(C) whose effectiveness does not depend on the person's possession of the personal property.

(6) "As-extracted collateral" means:

(A) oil, gas, or other minerals that are subject to a security interest that:

(i) is created by a debtor having an interest in the minerals before extraction; and

(ii) attaches to the minerals as extracted; or

(B) accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction.

(7) "Authenticate" means:

(A) to sign; or

(B) with present intent to adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol, or process.

(8) "Bank" means an organization that is engaged in the business of banking. The term includes savings banks, savings and loan associations, credit unions, and trust companies.

(8.1) "Bondable transition property" shall have the meaning set forth in section 3 of P.L.1999, c.23 (C.48:3-51).

(9) "Cash proceeds" means proceeds that are money, checks, deposit accounts, or the like.

(10) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. The term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.

(11) "Chattel paper" means a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this paragraph, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. The term does not include (i) charters or other contracts involving the use or hire of a vessel or (ii) records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or

series of instruments, the group of records taken together constitutes chattel paper.

(12) "Collateral" means the property subject to a security interest or agricultural lien. The term includes:

(A) proceeds to which a security interest attaches;

(B) accounts, chattel paper, payment intangibles, and promissory notes that have been sold; and

(C) goods that are the subject of a consignment.

(13) "Commercial tort claim" means a claim arising in tort with respect to which:

(A) the claimant is an organization; or

(B) the claimant is an individual and the claim:

(i) arose in the course of the claimant's business or profession; and

(ii) does not include damages arising out of personal injury to or the death of an individual.

(14) "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer.

(15) "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option, or another contract if the contract or option is:

(A) traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to federal commodities laws; or

(B) traded on a foreign commodity board of trade, exchange, or market, and is carried on the books of a commodity intermediary for a commodity customer.

(16) "Commodity customer" means a person for which a commodity intermediary carries a commodity contract on its books.

(17) "Commodity intermediary" means a person that:

(A) is registered as a futures commission merchant under federal commodities law; or

(B) in the ordinary course of its business provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law.

(18) "Communicate" means:

(A) to send a written or other tangible record;

(B) to transmit a record by any means agreed upon by the persons sending and receiving the record; or

(C) in the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule.

(19) "Consignee" means a merchant to which goods are delivered in a consignment.

(20) "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

(A) the merchant:

(i) deals in goods of that kind under a name other than the name of the person making delivery;

(ii) is not an auctioneer; and

(iii) is not generally known by its creditors to be substantially engaged in selling the goods of others;

(B) with respect to each delivery, the aggregate value of the goods is \$1,000 or more at the time of delivery;

(C) the goods are not consumer goods immediately before delivery; and

(D) the transaction does not create a security interest that secures an obligation.

(21) "Consignor" means a person that delivers goods to a consignee in a consignment.

(22) "Consumer debtor" means a debtor in a consumer transaction.

(23) "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes.

(24) "Consumer-goods transaction" means a consumer transaction in which:

(A) an individual incurs an obligation primarily for personal, family, or household purposes; and

(B) a security interest in consumer goods secures the obligation.

(25) "Consumer obligor" means an obligor who is an individual and who incurred the obligation as part of a transaction entered into primarily for personal, family, or household purposes.

(26) "Consumer transaction" means a transaction in which (i) an individual incurs an obligation primarily for personal, family, or household purposes, (ii) a security interest secures the obligation, and (iii) the collateral is held or acquired primarily for personal, family, or household purposes. The term includes consumer-goods transactions.

(27) "Continuation statement" means an amendment of a financing statement which:

(A) identifies, by its file number, the initial financing statement to which it relates; and

(B) indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement.

(28) "Debtor" means:

(A) a person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;

(B) a seller of accounts, chattel paper, payment intangibles, or promissory notes; or

(C) a consignee.

(29) "Deposit account" means a demand, time, savings, passbook, or similar account maintained with a bank. The term does not include investment property or accounts evidenced by an instrument.

(30) "Document" means a document of title or a receipt of the type described in 12A:7-201b.

(31) "Electronic chattel paper" means chattel paper evidenced by a record or records consisting of information stored in an electronic medium.

(32) "Encumbrance" means a right, other than an ownership interest, in real property. The term includes mortgages and other liens on real property.

(33) "Equipment" means goods other than inventory, farm products, or consumer goods.

(34) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are:

(A) crops grown, growing, or to be grown, including:

(i) crops produced on trees, vines, and bushes; and

(ii) aquatic goods produced in aquacultural operations;

(B) livestock, born or unborn, including aquatic goods produced in aquacultural operations;

(C) supplies used or produced in a farming operation; or

(D) products of crops or livestock in their unmanufactured states.

(35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.

(36) "File number" means the number assigned to an initial financing statement pursuant to 12A:9-519 (a).

(37) "Filing office" means an office designated in 12A:9-501 as the place to file a financing statement.

(38) "Filing-office rule" means a rule adopted pursuant to 12A:9-526.

(39) "Financing statement" means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement.

(40) "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying 12A:9-502 (a) and (b). The term includes the filing of a financing statement covering goods of a transmitting utility which are or are to become fixtures.

(41) "Fixtures" means goods that have become so related to particular real property that an interest in them arises under real property law.

(42) "General intangible" means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or other minerals before extraction. The term includes payment intangibles and software.

(43) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(44) "Goods" means all things that are movable when a security interest attaches. The term includes (i) fixtures, (ii) standing timber that is to be cut and removed under a conveyance or contract for sale, (iii) the unborn young of animals, (iv) crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes, and (v) manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if (i) the program is associated with the goods in such a manner that it customarily is considered part of the goods, or (ii) by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction.

(45) "Governmental unit" means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a state, or a foreign country. The term includes an organization having a separate corporate existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States.

(46) "Health-care-insurance receivable" means an interest in or claim under a policy of insurance which is a right to payment of a monetary obligation for health-care goods or services provided or to be provided.

(47) "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself

a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary indorsement or assignment. The term does not include (i) investment property, (ii) letters of credit, or (iii) writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.

(48) "Inventory" means goods, other than farm products, which:

(A) are leased by a person as lessor;

(B) are held by a person for sale or lease or to be furnished under a contract of service;

(C) are furnished by a person under a contract of service; or

(D) consist of raw materials, work in process, or materials used or consumed in a business.

(49) "Investment property" means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account.

(50) "Jurisdiction of organization", with respect to a registered organization, means the jurisdiction under whose law the organization is formed or organized.

(51) "Letter-of-credit right" means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. The term does not include the right of a beneficiary to demand payment or performance under a letter of credit.

(52) "Lien creditor" means:

(A) a creditor that has acquired a lien on the property involved by attachment, levy, or the like;

(B) an assignee for benefit of creditors from the time of assignment;

(C) a trustee in bankruptcy from the date of the filing of the petition; or

(D) a receiver in equity from the time of appointment.

(53) "Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and

Urban Development and complies with the standards established under Title 42 of the United States Code.

(54) "Manufactured-home transaction" means a secured transaction:

(A) that creates a purchase-money security interest in a manufactured home, other than a manufactured home held as inventory; or

(B) in which a manufactured home, other than a manufactured home held as inventory, is the primary collateral.

(55) "Mortgage" means a consensual interest in real property, including fixtures, which secures payment or performance of an obligation.

(56) "New debtor" means a person that becomes bound as debtor under 12A:9-203(d) by a security agreement previously entered into by another person.

(57) "New value" means (i) money, (ii) money's worth in property, services, or new credit, or (iii) release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation.

(58) "Noncash proceeds" means proceeds other than cash proceeds.

(59) "Obligor" means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, (i) owes payment or other performance of the obligation, (ii) has provided property other than the collateral to secure payment or other performance of the obligation, or (iii) is otherwise accountable in whole or in part for payment or other performance of the obligation. The term does not include issuers or nominated persons under a letter of credit.

(60) "Original debtor", except as used in 12A:9-310(c), means a person that, as debtor, entered into a security agreement to which a new debtor has become bound under 12A:9-203 (d).

(61) "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation.

(62) "Person related to", with respect to an individual, means:

(A) the spouse of the individual;

(B) a brother, brother-in-law, sister, or sister-in-law of the individual;

(C) an ancestor or lineal descendant of the individual or the individual's spouse; or

(D) any other relative, by blood or marriage, of the individual or the individual's spouse who shares the same home with the individual.

(63) "Person related to", with respect to an organization, means:

(A) a person directly or indirectly controlling, controlled by, or under common control with the organization;

(B) an officer or director of, or a person performing similar functions with respect to, the organization;

(C) an officer or director of, or a person performing similar functions with respect to, a person described in subparagraph (A);

(D) the spouse of an individual described in subparagraph (A), (B) or (C); or

(E) an individual who is related by blood or marriage to an individual described in subparagraph (A), (B), (C) or (D) and shares the same home with the individual.

(64) "Proceeds", except as used in 12A:9-609(b), means the following property:

(A) whatever is acquired upon the sale, lease, license, exchange, or other disposition of collateral;

(B) whatever is collected on, or distributed on account of, collateral;

(C) rights arising out of collateral;

(D) to the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral; or

(E) to the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral.

(65) "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.

(66) "Proposal" means a record authenticated by a secured party which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to 12A:9-620, 12A:9-621, and 12A:9-622.

(67) "Public-finance transaction" means a secured transaction in connection with which:

(A) debt securities are issued;

(B) all or a portion of the securities issued have an initial stated maturity of at least 20 years; and

(C) the debtor, obligor, secured party, account debtor or other person obligated on collateral, assignor or assignee of a secured obligation, or assignor or assignee of a security interest is a state or a governmental unit of a state.

(67.1) "Public organic record" means a record that is available to the public for inspection and is:

(A) a record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States which amends or restates the initial record;

(B) an organic record of a business trust consisting of the record initially filed with a state and any record filed with the state which amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or

(C) a record consisting of legislation enacted by the legislature of a state or the Congress of the United States which forms or organizes an organization, any record amending the legislation, and any record filed with or issued by the state or the United States which amends or restates the name of the organization.

(68) "Pursuant to commitment", with respect to an advance made or other value given by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent event of default or other event not within the secured party's control has relieved or may relieve the secured party from its obligation.

(69) "Record", except as used in "for record", "of record", "record or legal title", and "record owner", means information that is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

(70) "Registered organization" means an organization formed or organized solely under the law of a single state or the United States by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by the state or the United States. The term includes a business trust that is formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust's organic record be filed with the state.

(71) "Secondary obligor" means an obligor to the extent that:

(A) the obligor's obligation is secondary; or

(B) the obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor, or property of either.

(72) "Secured party" means:

(A) a person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

(B) a person that holds an agricultural lien;

- (C) a consignor;
 - (D) a person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold;
 - (E) a trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for; or
 - (F) a person that holds a security interest arising under 12A:2-401, 12A:2-505, 12A:2-711(3), 12A:2A-508(5), 12A:4-210, or 12A:5-118.
- (73) "Security agreement" means an agreement that creates or provides for a security interest.
- (74) "Send", in connection with a record or notification, means:
- (A) to deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or
 - (B) to cause the record or notification to be received within the time that it would have been received if properly sent under subparagraph (A).
- (75) "Software" means a computer program and any supporting information provided in connection with a transaction relating to the program. The term does not include a computer program that is included in the definition of goods.
- (76) "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.
- (77) "Supporting obligation" means a letter-of-credit right or secondary obligation that supports the payment or performance of an account, chattel paper, a document, a general intangible, an instrument, or investment property.
- (78) "Tangible chattel paper" means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium.
- (79) "Termination statement" means an amendment of a financing statement which:
- (A) identifies, by its file number, the initial financing statement to which it relates; and
 - (B) indicates either that it is a termination statement or that the identified financing statement is no longer effective.
- (80) "Transmitting utility" means a person primarily engaged in the business of:
- (A) operating a railroad, subway, street railway, or trolley bus;

(B) transmitting communications electrically, electromagnetic-ally, or by light;

(C) transmitting goods by pipeline or sewer; or

(D) transmitting or producing and transmitting electricity, steam, gas, or water.

(b) Definitions in other chapters. The following definitions in other chapters apply to this chapter:

"Applicant"	12A:5-102.
"Beneficiary"	12A:5-102.
"Broker"	12A:8-102.
"Certificated security"	12A:8-102.
"Check"	12A:3-104.
"Clearing corporation"	12A:8-102.
"Contract for sale"	12A:2-106.
"Control"	12A:7-106.
"Customer"	12A:4-104.
"Entitlement holder"	12A:8-102.
"Financial asset"	12A:8-102.
"Holder in due course"	12A:3-302.
"Issuer" (with respect to a letter of credit or letter-of-credit right)	12A:5-102.
"Issuer" (with respect to a security)	12A:8-201.
"Issuer" (with respect to documents of title)	12A:7-102.
"Lease"	12A:2A-103.
"Lease agreement"	12A:2A-103.
"Lease contract"	12A:2A-103.
"Leasehold interest"	12A:2A-103.
"Lessee"	12A:2A-103.
"Lessee in ordinary course of business"	12A:2A-103.
"Lessor"	12A:2A-103.
"Lessor's residual interest"	12A:2A-103.
"Letter of credit"	12A:5-102.
"Merchant"	12A:2-104.
"Negotiable instrument"	12A:3-104.
"Nominated person"	12A:5-102.
"Note"	12A:3-104.
"Proceeds of a letter of credit"	12A:5-114.
"Prove"	12A:3-103.

"Sale"	12A:2-106.
"Securities account"	12A:8-501.
"Securities intermediary"	12A:8-102.
"Security"	12A:8-102.
"Security certificate"	12A:8-102.
"Security entitlement"	12A:8-102.
"Uncertificated security"	12A:8-102.

(c) Chapter 1 definitions and principles. Chapter 1 contains general definitions and principles of construction and interpretation applicable throughout this chapter.

4. N.J.S.12A:9-105 is amended to read as follows:

Control of electronic chattel paper.

12A:9-105. Control of Electronic Chattel Paper.

(a) A secured party has control of electronic chattel paper if a system employed for evidencing the transfer of interests in the chattel paper reliably establishes the secured party as the person to which the chattel paper was assigned.

(b) A system satisfies subsection (a) if the record or records comprising the chattel paper are created, stored, and assigned in such a manner that:

(1) a single authoritative copy of the record or records exists which is unique, identifiable and, except as otherwise provided in paragraphs (4), (5), and (6), unalterable;

(2) the authoritative copy identifies the secured party as the assignee of the record or records;

(3) the authoritative copy is communicated to and maintained by the secured party or its designated custodian;

(4) copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the secured party;

(5) each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(6) any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

5. N.J.S.12A:9-203 is amended to read as follows:

Attachment and enforceability of security interest; proceeds; supporting obligations; formal requisites.

12A:9-203. Attachment and Enforceability of Security Interest; Proceeds; Supporting Obligations; Formal Requisites.

(a) Attachment. A security interest attaches to collateral when it becomes enforceable against the debtor with respect to the collateral, unless an agreement expressly postpones the time of attachment.

(b) Enforceability. Except as otherwise provided in subsections (c) through (i), a security interest is enforceable against the debtor and third parties with respect to the collateral only if:

(1) value has been given;

(2) the debtor has rights in the collateral or the power to transfer rights in the collateral to a secured party; and

(3) one of the following conditions is met:

(A) the debtor has authenticated a security agreement that provides a description of the collateral and, if the security interest covers timber to be cut, a description of the land concerned;

(B) the collateral is not a certificated security and is in the possession of the secured party under 12A:9-313 pursuant to the debtor's security agreement;

(C) the collateral is a certificated security in registered form and the security certificate has been delivered to the secured party under 12A:8-301 pursuant to the debtor's security agreement; or

(D) the collateral is deposit accounts, electronic chattel paper, investment property, letter-of-credit rights, or electronic documents, and the secured party has control under 12A:7-106, 12A:9-104, 12A:9-105, 12A:9-106, or 12A:9-107 pursuant to the debtor's security agreement.

(c) Other Uniform Commercial Code provisions. Subsection (b) is subject to 12A:4-210 on the security interest of a collecting bank, 12A:5-118 on the security interest of a letter-of-credit issuer or nominated person, 12A:9-110 on a security interest arising under Chapter 2 or 2A, and 12A:9-206 on security interests in investment property.

(d) When a person becomes bound by another person's security agreement. A person becomes bound as debtor by a security agreement entered into by another person if, by operation of law other than this chapter or by contract:

(1) the security agreement becomes effective to create a security interest in the person's property; or

(2) the person becomes generally obligated for the obligations of the other person, including the obligation secured under the security agreement, and acquires or succeeds to all or substantially all of the assets of the other person.

(e) Effect of new debtor becoming bound. If a new debtor becomes bound as debtor by a security agreement entered into by another person:

(1) the agreement satisfies subsection (b) (3) with respect to existing or after-acquired property of the new debtor to the extent the property is described in the agreement; and

(2) another agreement is not necessary to make a security interest in the property enforceable.

(f) Proceeds and supporting obligations. The attachment of a security interest in collateral gives the secured party the rights to proceeds provided by 12A:9-315 and is also attachment of a security interest in a supporting obligation for the collateral.

(g) Lien securing right to payment. The attachment of a security interest in a right to payment or performance secured by a security interest or other lien on personal or real property is also attachment of a security interest in the security interest, mortgage, or other lien.

(h) Security entitlement carried in securities account. The attachment of a security interest in a securities account is also attachment of a security interest in the security entitlements carried in the securities account.

(i) Commodity contracts carried in commodity account. The attachment of a security interest in a commodity account is also attachment of a security interest in the commodity contracts carried in the commodity account.

(j) Bondable transition property. Bondable transition property is presently existing property for all purposes, including for purposes of subsection (b) (2), whether or not the revenues and proceeds arising under the property have accrued and notwithstanding that the value of the property may depend upon customer use of electricity or performance of service by electric public utilities, or both.

6. N.J.S.12A:9-207 is amended to read as follows:

Rights and duties of secured party having possession or control of collateral.

12A:9-207. Rights and Duties of Secured Party Having Possession or Control of Collateral.

(a) Duty of care when secured party in possession. Except as otherwise provided in subsection (d), a secured party shall use reasonable care in the custody and preservation of collateral in the secured party's possession. In the case of chattel paper or an instrument, reasonable care includes taking necessary steps to preserve rights against prior parties unless otherwise agreed.

(b) Expenses, risks, duties, and rights when secured party in possession. Except as otherwise provided in subsection (d), if a secured party has possession of collateral:

(1) reasonable expenses, including the cost of insurance and payment of taxes or other charges, incurred in the custody, preservation, use or operation of the collateral are chargeable to the debtor and are secured by the collateral;

(2) the risk of accidental loss or damage is on the debtor to the extent of a deficiency in any effective insurance coverage;

(3) the secured party shall keep the collateral identifiable, but fungible collateral may be commingled; and

(4) the secured party may use or operate the collateral:

(A) for the purpose of preserving the collateral or its value;

(B) as permitted by an order of a court having competent jurisdiction; or

(C) except in the case of consumer goods, in the manner and to the extent agreed by the debtor.

(c) Duties and rights when secured party in possession or control. Except as otherwise provided in subsection (d), a secured party having possession of collateral or control of collateral under 12A:7-106, 12A:9-104, 12A:9-105, 12A:9-106, or 12A:9-107:

(1) may hold as additional security any proceeds, except money or funds, received from the collateral;

(2) shall apply money or funds received from the collateral to reduce the secured obligation, unless remitted to the debtor; and

(3) may create a security interest in the collateral.

(d) Buyer of certain rights to payment. If the secured party is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor:

(1) subsection (a) does not apply unless the secured party is entitled under an agreement:

(A) to charge back uncollected collateral; or

(B) otherwise to full or limited recourse against the debtor or a secondary obligor based on the nonpayment or other default of an account debtor or other obligor on the collateral; and

(2) subsections (b) and (c) do not apply.

7. N.J.S.12A:9-208 is amended to read as follows:

Additional duties of secured party having control of collateral.

12A:9-208. Additional Duties of Secured Party Having Control of Collateral.

(a) Applicability of section. This section applies to cases in which there is no outstanding secured obligation and the secured party is not committed to make advances, incur obligations, or otherwise give value.

(b) Duties of secured party after receiving demand from debtor. Within 10 days after receiving an authenticated demand by the debtor:

(1) a secured party having control of a deposit account under 12A:9-104(a)(2) shall send to the bank with which the deposit account is maintained an authenticated statement that releases the bank from any further obligation to comply with instructions originated by the secured party;

(2) a secured party having control of a deposit account under 12A:9-104(a)(3) shall:

(A) pay the debtor the balance on deposit in the deposit account; or

(B) transfer the balance on deposit into a deposit account in the debtor's name;

(3) a secured party, other than a buyer, having control of electronic chattel paper under 12A:9-105 shall:

(A) communicate the authoritative copy of the electronic chattel paper to the debtor or its designated custodian;

(B) if the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic chattel paper is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and

(C) take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party;

(4) a secured party having control of investment property under 12A:8-106d.(2) or 12A:9-106(b) shall send to the securities intermediary or commodity intermediary with which the security entitlement or commodity contract is maintained an authenticated record that releases the securities intermediary or commodity intermediary from any further obligation to comply with entitlement orders or directions originated by the secured party;

(5) a secured party having control of a letter-of-credit right under 12A:9-107 shall send to each person having an unfulfilled obligation to pay or deliver proceeds of the letter of credit to the secured party an authenticated release from any further obligation to pay or deliver proceeds of the letter of credit to the secured party; and

(6) a secured party having control of an electronic document shall:

(A) give control of the electronic document to the debtor or its designated custodian;

(B) if the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic document is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and

(C) take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party.

8. N.J.S.12A:9-301 is amended to read as follows:

Law governing perfection and priority of security interests.

12A:9-301. Law Governing Perfection and Priority of Security Interests.

Except as otherwise provided in sections 12A:9-303 through 12A:9-306, the following rules determine the law governing perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral:

(1) Except as otherwise provided in this section, while a debtor is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral.

(2) While collateral is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a possessory security interest in that collateral.

(3) Except as otherwise provided in paragraph (4), while tangible negotiable documents, goods, instruments, money, or tangible chattel paper is located in a jurisdiction, the local law of that jurisdiction governs:

(A) perfection of a security interest in the goods by filing a fixture filing;

(B) perfection of a security interest in timber to be cut; and

(C) the effect of perfection or nonperfection and the priority of a non-possessory security interest in the collateral.

(4) The local law of the jurisdiction in which the wellhead or minehead is located governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in as-extracted collateral.

(5) Notwithstanding paragraph (1), the local law of this State shall govern the perfection, the effect of perfection or nonperfection, and the priority of a security interest in bondable transition property.

9. N.J.S.12A:9-307 is amended to read as follows:

Location of debtor.

12A:9-307. Location of Debtor.

(a) "Place of business." In this section, "place of business" means a place where a debtor conducts its affairs.

(b) Debtor's location: general rules. Except as otherwise provided in this section, the following rules determine a debtor's location:

(1) A debtor who is an individual is located at the individual's principal residence.

(2) A debtor that is an organization and has only one place of business is located at its place of business.

(3) A debtor that is an organization and has more than one place of business is located at its chief executive office.

(c) Limitation of applicability of subsection (b). Subsection (b) applies only if a debtor's residence, place of business, or chief executive office, as applicable, is located in a jurisdiction whose law generally requires information concerning the existence of a nonpossessory security interest to be made generally available in a filing, recording, or registration system as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. If subsection (b) does not apply, the debtor is located in the District of Columbia.

(d) Continuation of location: cessation of existence, etc. A person that ceases to exist, have a residence, or have a place of business continues to be located in the jurisdiction specified by subsections (b) and (c).

(e) Location of registered organization organized under state law. A registered organization that is organized under the law of a state is located in that state.

(f) Location of registered organization organized under federal law; bank branches and agencies. Except as otherwise provided in subsection (i), a registered organization that is organized under the law of the United States and a branch or agency of a bank that is not organized under the law of the United States or a state are located:

(1) in the state that the law of the United States designates, if the law designates a state of location;

(2) in the state that the registered organization, branch, or agency designates, if the law of the United States authorizes the registered organization, branch, or agency to designate its state of location, including by designating its main office, home office, or other comparable office; or

(3) in the District of Columbia, if neither paragraph (1) nor paragraph (2) applies.

(g) Continuation of location: change in status of registered organization. A registered organization continues to be located in the jurisdiction specified by subsection (e) or (f) notwithstanding:

(1) the suspension, revocation, forfeiture, or lapse of the registered organization's status as such in its jurisdiction of organization; or

(2) the dissolution, winding up, or cancellation of the existence of the registered organization.

(h) Location of United States. The United States is located in the District of Columbia.

(i) Location of foreign bank branch or agency if licensed in only one state. A branch or agency of a bank that is not organized under the law of the United States or a state is located in the state in which the branch or agency is licensed, if all branches and agencies of the bank are licensed in only one state.

(j) Location of foreign air carrier. A foreign air carrier under the Federal Aviation Act of 1958, as amended (49 U.S.C. s.1301 et seq.), is located at the designated office of the agent upon which service of process may be made on behalf of the carrier.

(k) Section applies only to this part. This section applies only for purposes of this part.

10. N.J.S.12A:9-310 is amended to read as follows:

When filing required to perfect security interest or agricultural lien; security interests and agricultural liens to which filing provisions do not apply.

12A:9-310. When Filing Required to Perfect Security Interest or Agricultural Lien; Security Interests and Agricultural Liens to Which Filing Provisions Do Not Apply.

(a) General rule: perfection by filing. Except as otherwise provided in subsection (b) and 12A:9-312 (b), a financing statement must be filed to perfect all security interests and agricultural liens.

(b) Exceptions: filing not necessary. The filing of a financing statement is not necessary to perfect a security interest:

(1) that is perfected under 12A:9-308(d), (e), (f) or (g);

- (2) that is perfected under 12A:9-309 when it attaches;
 - (3) in property subject to a statute, regulation, or treaty described in 12A:9-311(a);
 - (4) in goods in possession of a bailee which is perfected under 12A:9-312(d)(1) or (2);
 - (5) in certificated securities, documents, goods, or instruments which is perfected without filing, control, or possession under 12A:9-312(e), (f) or (g);
 - (6) in collateral in the secured party's possession under 12A:9-313;
 - (7) in a certificated security which is perfected by delivery of the security certificate to the secured party under 12A:9-313;
 - (8) in deposit accounts, electronic chattel paper, electronic documents, investment property, or letter-of-credit rights which is perfected by control under 12A:9-314;
 - (9) in proceeds which is perfected under 12A:9-315; or
 - (10) that is perfected under 12A:9-316.
- (c) Assignment of perfected security interest. If a secured party assigns a perfected security interest or agricultural lien, a filing under this chapter is not required to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

11. N.J.S.12A:9-311 is amended to read as follows:

Perfection of security interests in property subject to certain statutes, regulations, and treaties.

12A:9-311. Perfection of Security Interests in Property Subject to Certain Statutes, Regulations, and Treaties.

(a) Security interest subject to other law. Except as otherwise provided in subsection (d), the filing of a financing statement is not necessary or effective to perfect a security interest in property subject to:

- (1) a statute, regulation, or treaty of the United States whose requirements for a security interest's obtaining priority over the rights of a lien creditor with respect to the property preempt 12A:9-310(a);
- (2) the "motor vehicle certificate of ownership law," R.S.39:10-1 et seq. and the "Boat Ownership Certificate Act," P.L.1984, c.152 (C.12:7A-1 et seq.) or successor statutes or law or
- (3) a statute of another jurisdiction which provides for a security interest to be indicated on a certificate of title as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.

(b) Compliance with other law. Compliance with the requirements of a statute, regulation, or treaty described in subsection (a) for obtaining priority over the rights of a lien creditor is equivalent to the filing of a financing statement under this chapter. Except as otherwise provided in subsection (d), 12A:9-313 and 12A:9-316(d) and (e) for goods covered by a certificate of title, a security interest in property subject to a statute, regulation, or treaty described in subsection (a) may be perfected only by compliance with those requirements, and a security interest so perfected remains perfected notwithstanding a change in the use or transfer of possession of the collateral.

(c) Duration and renewal of perfection. Except as otherwise provided in subsection (d) and 12A:9-316(d) and (e), duration and renewal of perfection of a security interest perfected by compliance with the requirements prescribed by a statute, regulation, or treaty described in subsection (a) are governed by the statute, regulation, or treaty. In other respects, the security interest is subject to this chapter.

(d) Inapplicability to certain inventory. During any period in which collateral subject to a statute specified in subsection (a) (2) is inventory held for sale or lease by a person or leased by that person as lessor and that person is in the business of selling goods of that kind, this section does not apply to a security interest in that collateral created by that person.

12. N.J.S.12A:9-312 is amended to read as follows:

Perfection of security interests in chattel paper, deposit accounts, documents, goods covered by documents, instruments, investment property, letter-of-credit rights, and money; perfection by permissive filing; temporary perfection without filing or transfer of possession.

12A:9-312. Perfection of Security Interests in Chattel Paper, Deposit Accounts, Documents, Goods Covered by Documents, Instruments, Investment Property, Letter-of-credit Rights, and Money; Perfection by Permissive Filing; Temporary Perfection Without Filing or Transfer of Possession.

(a) Perfection by filing permitted. A security interest in chattel paper, negotiable documents, instruments, or investment property may be perfected by filing.

(b) Control or possession of certain collateral. Except as otherwise provided in 12A:9-315(c) and (d) for proceeds:

(1) a security interest in a deposit account may be perfected only by control under 12A:9-314;

(2) and except as otherwise provided in 12A:9-308(d), a security interest in a letter-of-credit right may be perfected only by control under 12A:9-314; and

(3) a security interest in money may be perfected only by the secured party's taking possession under 12A:9-313.

(c) Goods covered by negotiable document. While goods are in the possession of a bailee that has issued a negotiable document covering the goods:

(1) a security interest in the goods may be perfected by perfecting a security interest in the document; and

(2) a security interest perfected in the document has priority over any security interest that becomes perfected in the goods by another method during that time.

(d) Goods covered by nonnegotiable document. While goods are in the possession of a bailee that has issued a nonnegotiable document covering the goods, a security interest in the goods may be perfected by:

(1) issuance of a document in the name of the secured party;

(2) the bailee's receipt of notification of the secured party's interest; or

(3) filing as to the goods.

(e) Temporary perfection: new value. A security interest in certificated securities, negotiable documents, or instruments is perfected without filing or the taking of possession or control for a period of 20 days from the time it attaches to the extent that it arises for new value given under an authenticated security agreement.

(f) Temporary perfection: goods or documents made available to debtor. A perfected security interest in a negotiable document or goods in possession of a bailee, other than one that has issued a negotiable document for the goods, remains perfected for 20 days without filing if the secured party makes available to the debtor the goods or documents representing the goods for the purpose of:

(1) ultimate sale or exchange; or

(2) loading, unloading, storing, shipping, transshipping, manufacturing, processing, or otherwise dealing with them in a manner preliminary to their sale or exchange.

(g) Temporary perfection: delivery of security certificate or instrument to debtor. A perfected security interest in a certificated security or instrument remains perfected for 20 days without filing if the secured party delivers the security certificate or instrument to the debtor for the purpose of:

(1) ultimate sale or exchange; or

(2) presentation, collection, enforcement, renewal, or registration of transfer.

(h) Expiration of temporary perfection. After the 20-day period specified in subsection (e), (f) or (g) expires, perfection depends upon compliance with this chapter.

13. N.J.S.12A:9-313 is amended to read as follows:

When possession by or delivery to secured party perfects security interest without filing.

12A:9-313. When Possession by or Delivery to Secured Party Perfects Security Interest Without Filing.

(a) Perfection by possession or delivery. Except as otherwise provided in subsection (b), a secured party may perfect a security interest in tangible negotiable documents, goods, instruments, money, or tangible chattel paper by taking possession of the collateral. A secured party may perfect a security interest in certificated securities by taking delivery of the certificated securities under 12A:8-301.

(b) Goods covered by certificate of title. With respect to goods covered by a certificate of title issued by this State, a secured party may perfect a security interest in the goods by taking possession of the goods only in the circumstances described in 12A:9-316 (d).

(c) Collateral in possession of person other than debtor. With respect to collateral other than certificated securities and goods covered by a document, a secured party takes possession of collateral in the possession of a person other than the debtor, the secured party, or a lessee of the collateral from the debtor in the ordinary course of the debtor's business, when:

(1) the person in possession authenticates a record acknowledging that it holds possession of the collateral for the secured party's benefit; or

(2) the person takes possession of the collateral after having authenticated a record acknowledging that it will hold possession of collateral for the secured party's benefit.

(d) Time of perfection by possession; continuation of perfection. If perfection of a security interest depends upon possession of the collateral by a secured party, perfection occurs no earlier than the time the secured party takes possession and continues only while the secured party retains possession.

(e) Time of perfection by delivery; continuation of perfection. A security interest in a certificated security in registered form is perfected by delivery when delivery of the certificated security occurs under 12A:8-301

and remains perfected by delivery until the debtor obtains possession of the security certificate.

(f) Acknowledgment not required. A person in possession of collateral is not required to acknowledge that it holds possession for a secured party's benefit.

(g) Effectiveness of acknowledgment; no duties or confirmation. If a person acknowledges that it holds possession for the secured party's benefit:

(1) the acknowledgment is effective under subsection (c) or 12A:8-301 (a), even if the acknowledgment violates the rights of a debtor; and

(2) unless the person otherwise agrees or law other than this chapter otherwise provides, the person does not owe any duty to the secured party and is not required to confirm the acknowledgment to another person.

(h) Secured party's delivery to person other than debtor. A secured party having possession of collateral does not relinquish possession by delivering the collateral to a person other than the debtor or a lessee of the collateral from the debtor in the ordinary course of the debtor's business if the person was instructed before the delivery or is instructed contemporaneously with the delivery:

(1) to hold possession of the collateral for the secured party's benefit; or

(2) to redeliver the collateral to the secured party.

(i) Effect of delivery under subsection (h); no duties or confirmation. A secured party does not relinquish possession, even if a delivery under subsection (h) violates the rights of a debtor. A person to which collateral is delivered under subsection (h) does not owe any duty to the secured party and is not required to confirm the delivery to another person unless the person otherwise agrees or law other than this chapter otherwise provides.

14. N.J.S.12A:9-314 is amended to read as follows:

Perfection by control.

12A:9-314. Perfection by Control.

(a) Perfection by control. A security interest in investment property, deposit accounts, letter-of-credit rights, electronic chattel paper, or electronic documents may be perfected by control of the collateral under 12A:7-106, 12A:9-104, 12A:9-105, 12A:9-106 or 12A:9-107.

(b) Specified collateral: time of perfection by control; continuation of perfection. A security interest in deposit accounts, electronic chattel paper, letter-of-credit rights, or electronic documents is perfected by control under

12A:7-106, 12A:9-104, 12A:9-105 or 12A:9-107 when the secured party obtains control and remains perfected by control only while the secured party retains control.

(c) Investment property: time of perfection by control; continuation of perfection. A security interest in investment property is perfected by control under 12A:9-106 from the time the secured party obtains control and remains perfected by control until:

(1) the secured party does not have control; and

(2) one of the following occurs:

(A) if the collateral is a certificated security, the debtor has or acquires possession of the security certificate;

(B) if the collateral is an uncertificated security, the issuer has registered or registers the debtor as the registered owner; or

(C) if the collateral is a security entitlement, the debtor is or becomes the entitlement holder.

15. N.J.S.12A:9-316 is amended to read as follows:

Effect of change in governing law.

12A:9-316. Effect of Change in Governing Law.

(a) General rule: effect on perfection of change in governing law. A security interest perfected pursuant to the law of the jurisdiction designated in 12A:9-301(1) or 12A:9-305(c) remains perfected until the earliest of:

(1) the time perfection would have ceased under the law of that jurisdiction;

(2) the expiration of four months after a change of the debtor's location to another jurisdiction; or

(3) the expiration of one year after a transfer of collateral to a person that thereby becomes a debtor and is located in another jurisdiction.

(b) Security interest perfected or unperfected under law of new jurisdiction. If a security interest described in subsection (a) becomes perfected under the law of the other jurisdiction before the earliest time or event described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earliest time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(c) Possessory security interest in collateral moved to new jurisdiction. A possessory security interest in collateral, other than goods covered by a certificate of title and as-extracted collateral consisting of goods, remains continuously perfected if:

(1) the collateral is located in one jurisdiction and subject to a security interest perfected under the law of that jurisdiction;

(2) thereafter the collateral is brought into another jurisdiction; and

(3) upon entry into the other jurisdiction, the security interest is perfected under the law of the other jurisdiction.

(d) Goods covered by certificate of title from this State. Except as otherwise provided in subsection (e), a security interest in goods covered by a certificate of title which is perfected by any method under the law of another jurisdiction when the goods become covered by a certificate of title from this State remains perfected until the security interest would have become unperfected under the law of the other jurisdiction had the goods not become so covered.

(e) When subsection (d) security interest becomes unperfected against purchasers. A security interest described in subsection (d) becomes unperfected as against a purchaser of the goods for value and is deemed never to have been perfected as against a purchaser of the goods for value if the applicable requirements for perfection under 12A:9-311(b) or 12A:9-313 are not satisfied before the earlier of:

(1) the time the security interest would have become unperfected under the law of the other jurisdiction had the goods not become covered by a certificate of title from this State; or

(2) the expiration of four months after the goods had become so covered.

(f) Change in jurisdiction of bank, issuer, nominated person, securities intermediary, or commodity intermediary. A security interest in deposit accounts, letter-of-credit rights, or investment property which is perfected under the law of the bank's jurisdiction, the issuer's jurisdiction, a nominated person's jurisdiction, the securities intermediary's jurisdiction, or the commodity intermediary's jurisdiction, as applicable, remains perfected until the earlier of:

(1) the time the security interest would have become unperfected under the law of that jurisdiction; or

(2) the expiration of four months after a change of the applicable jurisdiction to another jurisdiction.

(g) Subsection (f) security interest perfected or unperfected under law of new jurisdiction. If a security interest described in subsection (f) becomes perfected under the law of the other jurisdiction before the earlier of the time or the end of the period described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier of that time or the end

of that period, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(h) Effect on filed financing statement of change in governing law. The following rules apply to collateral to which a security interest attaches within four months after the debtor changes its location to another jurisdiction:

(1) A financing statement filed before the change pursuant to the law of the jurisdiction designated in 12A:9-301(1) or 12A:9-305(c) is effective to perfect a security interest in the collateral if the financing statement would have been effective to perfect a security interest in the collateral had the debtor not changed its location.

(2) If a security interest perfected by a financing statement that is effective under paragraph (1) becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in 12A:9-301(1) or 12A:9-305(c) or the expiration of the four-month period, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(i) Effect of change in governing law on financing statement filed against original debtor. If a financing statement naming an original debtor is filed pursuant to the law of the jurisdiction designated in 12A:9-301(1) or 12A:9-305(c) and the new debtor is located in another jurisdiction, the following rules apply:

(1) The financing statement is effective to perfect a security interest in collateral acquired by the new debtor before, and within four months after, the new debtor becomes bound under 12A:9-203(d), if the financing statement would have been effective to perfect a security interest in the collateral had the collateral been acquired by the original debtor.

(2) A security interest perfected by the financing statement and which becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in 12A:9-301(1) or 12A:9-305(c) or the expiration of the four-month period remains perfected thereafter. A security interest that is perfected by the financing statement but which does not become perfected under the law of the other jurisdiction before the earlier time or event becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

16. N.J.S.12A:9-317 is amended to read as follows:

Interests that take priority over or take free of security interest or agricultural lien.

12A:9-317. Interests That Take Priority Over or Take Free of Security Interest or Agricultural Lien.

(a) Conflicting security interests and rights of lien creditors. A security interest or agricultural lien is subordinate to the rights of:

(1) a person entitled to priority under 12A:9-322; and

(2) except as otherwise provided in subsection (e), a person that becomes a lien creditor before the earlier of the time:

(A) the security interest or agricultural lien is perfected; or

(B) one of the conditions specified in 12A:9-203(b)(3) is met and a financing statement covering the collateral is filed.

(b) Buyers that receive delivery. Except as otherwise provided in subsection (e), a buyer, other than a secured party, of tangible chattel paper, tangible documents, goods, instruments, or a certificated security takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(c) Lessees that receive delivery. Except as otherwise provided in subsection (e), a lessee of goods takes free of a security interest or agricultural lien if the lessee gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(d) Licensees and buyers of certain collateral. A licensee of a general intangible or a buyer, other than a secured party, of accounts, electronic chattel paper, electronic documents, general intangibles, or investment property other than a certificated security takes free of a security interest if the licensee or buyer gives value without knowledge of the security interest and before it is perfected.

(e) Purchase-money security interest. Except as otherwise provided in 12A:9-320 and 12A:9-321, if a person files a financing statement with respect to a purchase-money security interest before or within 20 days after the debtor receives delivery of the collateral, the security interest takes priority over the rights of a buyer, lessee, or lien creditor which arise between the time the security interest attaches and the time of filing.

17. N.J.S.12A:9-326 is amended to read as follows:

Priority of security interests created by new debtor.

12A:9-326. Priority of Security Interests Created by New Debtor.

(a) Subordination of security interest created by new debtor. Subject to subsection (b), a security interest that is created by a new debtor in collateral in which the new debtor has or acquires rights and is perfected solely by a filed financing statement that would be ineffective to perfect the security interest but for the application of 12A:9-316(i)(1) and 12A:9-508 is subordinate to a security interest in the same collateral which is perfected other than by such a filed financing statement.

(b) Priority under other provisions; multiple original debtors. The other provisions of this part determine the priority among conflicting security interests in the same collateral perfected by filed financing statements described in subsection (a). However, if the security agreements to which a new debtor became bound as debtor were not entered into by the same original debtor, the conflicting security interests rank according to priority in time of the new debtor's having become bound.

18. N.J.S.12A:9-338 is amended to read as follows:

Priority of security interest or agricultural lien perfected by filed financing statement providing certain incorrect information.

12A:9-338. Priority of Security Interest or Agricultural Lien Perfected by Filed Financing Statement Providing Certain Incorrect Information.

If a security interest or agricultural lien is perfected by a filed financing statement providing information described in 12A:9-516(b)(5) which is incorrect at the time the financing statement is filed:

(1) the security interest or agricultural lien is subordinate to a conflicting perfected security interest in the collateral to the extent that the holder of the conflicting security interest gives value in reasonable reliance upon the incorrect information; and

(2) a purchaser, other than a secured party, of the collateral takes free of the security interest or agricultural lien to the extent that, in reasonable reliance upon the incorrect information, the purchaser gives value and, in the case of tangible chattel paper, tangible documents, goods, instruments, or a security certificate, receives delivery of the collateral.

19. N.J.S.12A:9-406 is amended to read as follows:

Discharge of account debtor; notification of assignment; identification and proof of assignment; restrictions on assignment of accounts, chattel paper, payment intangibles, and promissory notes ineffective.

12A:9-406. Discharge of Account Debtor; Notification of Assignment; Identification and Proof of Assignment; Restrictions on Assignment of Accounts, Chattel Paper, Payment Intangibles, and Promissory Notes Ineffective.

(a) Discharge of account debtor; effect of notification. Subject to subsections (b) through (i), an account debtor on an account, chattel paper, or a payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, authenticated by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

(b) When notification ineffective. Subject to subsection (h), notification is ineffective under subsection (a):

- (1) if it does not reasonably identify the rights assigned;
- (2) to the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this chapter; or
- (3) at the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:

(A) only a portion of the account, chattel paper, or payment intangible has been assigned to that assignee;

(B) a portion has been assigned to another assignee; or

(C) the account debtor knows that the assignment to that assignee is limited.

(c) Proof of assignment. Subject to subsection (h), if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection (a).

(d) Term restricting assignment generally ineffective. Except as otherwise provided in subsection (e), 12A:2A-303 and 12A:9-407, and subject to subsection (h), a term in an agreement between an account debtor and an assignor or in a promissory note is ineffective to the extent that it:

(1) prohibits, restricts, or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account, chattel paper, payment intangible, or promissory note; or

(2) provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termina-

tion, or remedy under the account, chattel paper, payment intangible, or promissory note.

(e) Inapplicability of subsection (d) to certain sales. Subsection (d) does not apply to the sale of a payment intangible or promissory note, other than a sale pursuant to a disposition under 12A:9-610 or an acceptance of collateral under 12A:9-620.

(f) Legal restrictions on assignment generally ineffective. Except as otherwise provided in 12A:2A-303 and 12A:9-407 and subject to subsections (h), (i) and (j), a rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, or account debtor to the assignment or transfer of, or creation of a security interest in, an account or chattel paper is ineffective to the extent that the rule of law, statute, or regulation:

(1) prohibits, restricts, or requires the consent of the government, governmental body or official, or account debtor to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in the account or chattel paper; or

(2) provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account or chattel paper.

(g) Subsection (b) (3) not waivable. Subject to subsection (h), an account debtor may not waive or vary its option under subsection (b) (3).

(h) Rule for individual under other law. This section is subject to law other than this chapter which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(i) Inapplicability. This section does not apply to an assignment of a health-care-insurance receivable. Subsection (f) does not apply to an assignment or transfer of, or the creation, attachment, perfection or enforcement of a security interest in, a right the transfer of which is prohibited or restricted by any of the following statutes to the extent that the statute is inconsistent with subsection (f): R.S.34:15-29 (workers' compensation claims); section 13 of P.L.1970, c.13 (C.5:9-13) (State lottery winnings); and P.L.2001, c.139 (C.2A:16-63 et seq.) (structured settlement agreements).

(j) Section prevails over specified inconsistent law. Except to the extent otherwise provided in subsection (i), this section prevails over any inconsistent provision of an existing or future statute, rule or regulation of this State, unless the provision is contained in a statute of this State, refers

expressly to this section and states that the provision prevails over this section.

20. N.J.S.12A:9-408 is amended to read as follows:

Restrictions on assignment of promissory notes, health-care-insurance receivables, and certain general intangibles ineffective.

12A:9-408. Restrictions on Assignment of Promissory Notes, Health-care-insurance Receivables, and Certain General Intangibles Ineffective.

(a) Term restricting assignment generally ineffective. Except as otherwise provided in subsection (b), a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or a general intangible, including a contract, permit, license, or franchise, and which term prohibits, restricts, or requires the consent of the person obligated on the promissory note or the account debtor to, the assignment or transfer of, or creation, attachment, or perfection of a security interest in, the promissory note, health-care-insurance receivable, or general intangible, is ineffective to the extent that the term:

(1) would impair the creation, attachment, or perfection of a security interest; or

(2) provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.

(b) Applicability of subsection (a) to sales of certain rights to payment. Subsection (a) applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or promissory note, other than a sale pursuant to a disposition under 12A:9-610 or an acceptance of collateral under 12A:9-620.

(c) Legal restrictions on assignment generally ineffective. Except as provided in subsection (e), a rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, person obligated on a promissory note, or account debtor to the assignment or transfer of, or creation of a security interest in, a promissory note, health-care-insurance receivable, or general intangible, including a contract, permit, license, or franchise between an account debtor and a debtor, is ineffective to the extent that the rule of law, statute, or regulation:

(1) would impair the creation, attachment, or perfection of a security interest; or

(2) provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.

(d) Limitation on ineffectiveness under subsections (a) and (c). To the extent that a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or general intangible or a rule of law, statute, or regulation described in subsection (c) would be effective under law other than this chapter but is ineffective under subsection (a) or (c), the creation, attachment, or perfection of a security interest in the promissory note, health-care-insurance receivable, or general intangible:

(1) is not enforceable against the person obligated on the promissory note or the account debtor;

(2) does not impose a duty or obligation on the person obligated on the promissory note or the account debtor;

(3) does not require the person obligated on the promissory note or the account debtor to recognize the security interest, pay or render performance to the secured party, or accept payment or performance from the secured party;

(4) does not entitle the secured party to use or assign the debtor's rights under the promissory note, health-care-insurance receivable, or general intangible, including any related information or materials furnished to the debtor in the transaction giving rise to the promissory note, health-care-insurance receivable, or general intangible;

(5) does not entitle the secured party to use, assign, possess, or have access to any trade secrets or confidential information of the person obligated on the promissory note or the account debtor; and

(6) does not entitle the secured party to enforce the security interest in the promissory note, health-care-insurance receivable, or general intangible.

(e) Section prevails over specified inconsistent law. Except to the extent otherwise provided in subsection (f), this section prevails over any inconsistent provision of an existing or future statute, rule or regulation of this State, unless the provision is contained in a statute of this State, refers expressly to this section and states that the provision prevails over this section.

(f) Inapplicability. Subsection (c) does not apply to an assignment or transfer of, or the creation, attachment, perfection or enforcement of a security interest in, a right the transfer of which is prohibited or restricted by any of the following statutes to the extent that the statute is inconsistent with subsection (c): R.S.34:15-29 (workers' compensation claims); section

13 of P.L.1970, c.13 (C.5:9-13) (State lottery winnings); and P.L.2001, c.139 (C.2A:16-63 et seq.) (structured settlement agreements).

21. N.J.S.12A:9-502 is amended to read as follows:

Contents of financing statement; record of mortgage as financing statement; time of filing financing statement.

12A:9-502. Contents of Financing Statement; Record of Mortgage as Financing Statement; Time of Filing Financing Statement.

(a) Sufficiency of financing statement. Subject to subsection (b), a financing statement is sufficient only if it:

- (1) provides the name of the debtor;
- (2) provides the name of the secured party or a representative of the secured party; and
- (3) indicates the collateral covered by the financing statement.

(b) Real-property-related financing statements. Except as otherwise provided in 12A:9-501(b), to be sufficient, a financing statement that covers as-extracted collateral or timber to be cut, or which is filed as a fixture filing and covers goods that are or are to become fixtures, must satisfy subsection (a) and also:

- (1) indicate that it covers this type of collateral;
- (2) indicate that it is to be filed in the real property records;
- (3) provide a description of the real property to which the collateral is related; and
- (4) if the debtor does not have an interest of record in the real property, provide the name of a record owner.

(c) Record of mortgage as financing statement. A record of a mortgage is effective, from the date of recording, as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut only if:

- (1) the record indicates the goods or accounts that it covers;
- (2) the goods are or are to become fixtures related to the real property described in the record or the collateral is related to the real property described in the record and is as-extracted collateral or timber to be cut;
- (3) the record satisfies the requirements for a financing statement in this section, but:

(A) the record need not indicate that it is to be filed in the real property records; and

(B) the record sufficiently provides the name of a debtor who is an individual if it provides the individual name of the debtor or the surname and

first personal name of the debtor, even if the debtor is an individual to whom 12A:9-503(a)(4) applies; and

(4) the record is recorded.

(d) Filing before security agreement or attachment. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches.

22. N.J.S.12A:9-503 is amended to read as follows:

Name of debtor and secured party.

12A:9-503. Name of Debtor and Secured Party.

(a) Sufficiency of debtor's name. A financing statement sufficiently provides the name of the debtor:

(1) except as otherwise provided in paragraph (3), if the debtor is a registered organization or the collateral is held in a trust that is a registered organization, only if the financing statement provides the name that is stated to be the registered organization's name on the public organic record most recently filed with or issued or enacted by the registered organization's jurisdiction of organization which purports to state, amend, or restate the registered organization's name;

(2) subject to subsection (f), if the collateral is being administered by the personal representative of a decedent, only if the financing statement provides, as the name of the debtor, the name of the decedent and, in a separate part of the financing statement, indicates that the collateral is being administered by a personal representative;

(3) if the collateral is held in a trust that is not a registered organization, only if the financing statement:

(A) provides, as the name of the debtor:

(i) if the organic record of the trust specifies a name for the trust, the name specified; or

(ii) if the organic record of the trust does not specify a name for the trust, the name of the settlor or testator; and

(B) in a separate part of the financing statement:

(i) if the name is provided in accordance with subparagraph (A)(i), indicates that the collateral is held in a trust; or

(ii) if the name is provided in accordance with subparagraph (A)(ii), provides additional information sufficient to distinguish the trust from other trusts having one or more of the same settlors or the same testator and indicates that the collateral is held in a trust, unless the additional information so indicates;

(4) subject to subsection (g), if the debtor is an individual to whom this State has issued a driver's license that has not expired, only if the financing statement provides the name of the individual which is indicated on the driver's license;

(5) if the debtor is an individual to whom paragraph (4) does not apply, only if the financing statement provides the individual name of the debtor or the surname and first personal name of the debtor; and

(6) in other cases:

(A) if the debtor has a name, only if the financing statement provides the organizational name of the debtor; and

(B) if the debtor does not have a name, only if it provides the names of the partners, members, associates, or other persons comprising the debtor, in a manner that each name provided would be sufficient if the person named were the debtor.

(b) Additional debtor-related information. A financing statement that provides the name of the debtor in accordance with subsection (a) is not rendered ineffective by the absence of:

(1) a trade name or other name of the debtor; or

(2) unless required under subsection (a)(6)(B), names of partners, members, associates, or other persons comprising the debtor.

(c) Debtor's trade name insufficient. A financing statement that provides only the debtor's trade name does not sufficiently provide the name of the debtor.

(d) Representative capacity. Failure to indicate the representative capacity of a secured party or representative of a secured party does not affect the sufficiency of a financing statement.

(e) Multiple debtors and secured parties. A financing statement may provide the name of more than one debtor and the name of more than one secured party.

(f) Name of decedent. The name of the decedent indicated on the order appointing the personal representative of the decedent issued by the court having jurisdiction over the collateral is sufficient as the "name of the decedent" under subsection (a)(2).

(g) Multiple driver's licenses. If this State has issued to an individual more than one driver's license of a kind described in subsection (a)(4), the one that was issued most recently is the one to which subsection (a)(4) refers.

(h) Definition. In this section, the "name of the settlor or testator" means:

(1) if the settlor is a registered organization, the name that is stated to be the settlor's name on the public organic record most recently filed with or issued or enacted by the settlor's jurisdiction of organization which purports to state, amend, or restate the settlor's name; or

(2) in other cases, the name of the settlor or testator indicated in the trust's organic record.

23. N.J.S.12A:9-507 is amended to read as follows:

Effect of certain events on effectiveness of financing statement.

12A:9-507. Effect of Certain Events on Effectiveness of Financing Statement.

(a) Disposition. A filed financing statement remains effective with respect to collateral that is sold, exchanged, leased, licensed, or otherwise disposed of and in which a security interest or agricultural lien continues, even if the secured party knows of or consents to the disposition.

(b) Information becoming seriously misleading. Except as otherwise provided in subsection (c) and 12A:9-508, a financing statement is not rendered ineffective if, after the financing statement is filed, the information provided in the financing statement becomes seriously misleading under 12A:9-506.

(c) Change in debtor's name. If the name that a filed financing statement provides for a debtor becomes insufficient as the name of the debtor under 12A:9-503(a) so that the financing statement becomes seriously misleading under 12A:9-506:

(1) the financing statement is effective to perfect a security interest in collateral acquired by the debtor before, or within four months after, the filed financing statement becomes seriously misleading; and

(2) the financing statement is not effective to perfect a security interest in collateral acquired by the debtor more than four months after the filed financing statement becomes seriously misleading, unless an amendment to the financing statement which renders the financing statement not seriously misleading is filed within four months after the filed financing statement becomes seriously misleading.

24. N.J.S.12A:9-515 is amended to read as follows:

Duration and Effectiveness of Financing Statement; Effect of Lapsed Financing Statement.

12A:9-515. Duration and effectiveness of financing statement; effect of lapsed financing statement.

(a) Five-year effectiveness. Except as otherwise provided in subsections (b), (e), (f) and (g), a filed financing statement is effective for a period of five years after the date of filing.

(b) Public-finance or manufactured-home transaction. Except as otherwise provided in subsections (e), (f) and (g), an initial financing statement filed in connection with a public-finance transaction or manufactured-home transaction is effective for a period of 30 years after the date of filing if it indicates that it is filed in connection with a public-finance transaction or manufactured-home transaction.

(c) Lapse and continuation of financing statement. The effectiveness of a filed financing statement lapses on the expiration of the period of its effectiveness unless before the lapse a continuation statement is filed pursuant to subsection (d). Upon lapse, a financing statement ceases to be effective and any security interest or agricultural lien that was perfected by the financing statement becomes unperfected, unless the security interest is perfected otherwise. If the security interest or agricultural lien becomes unperfected upon lapse, it is deemed never to have been perfected as against a purchaser of the collateral for value.

(d) When continuation statement may be filed. A continuation statement may be filed only within six months before the expiration of the five-year period specified in subsection (a) or the 30-year period specified in subsection (b), whichever is applicable.

(e) Effect of filing continuation statement. Except as otherwise provided in 12A:9-510, upon timely filing of a continuation statement, the effectiveness of the initial financing statement continues for a period of five years commencing on the day on which the financing statement would have become ineffective in the absence of the filing. Upon the expiration of the five-year period, the financing statement lapses in the same manner as provided in subsection (c), unless, before the lapse, another continuation statement is filed pursuant to subsection (d). Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the initial financing statement.

(f) Transmitting utility financing statement. If a debtor is a transmitting utility and a filed initial financing statement so indicates, the financing statement is effective until a termination statement is filed.

(g) Record of mortgage as financing statement. A record of mortgage that is effective as a financing statement filed as a fixture filing under 12A:9-502(c) remains effective as a financing statement filed as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real property.

(h) Bondable transition property. If a filed financing statement relates to a security interest in bondable transition property and the financing statement so states, it is effective until a termination statement is filed.

25. N.J.S.12A:9-516 is amended to read as follows:

What constitutes filing, effectiveness of filing.

12A:9-516. What Constitutes Filing; Effectiveness of Filing.

(a) What constitutes filing. Except as otherwise provided in subsection (b), communication of a record to a filing office and tender of the filing fee or acceptance of the record by the filing office constitutes filing.

(b) Refusal to accept record; filing does not occur. Filing does not occur with respect to a record that a filing office refuses to accept because:

(1) the record is not communicated by a method or medium of communication authorized by the filing office;

(2) an amount equal to or greater than the applicable filing fee is not tendered;

(3) the filing office is unable to index the record because:

(A) in the case of an initial financing statement, the record does not provide a name for the debtor;

(B) in the case of an amendment or information statement, the record:

(i) does not identify the initial financing statement as required by 12A:9-512 or 12A:9-518, as applicable; or

(ii) identifies an initial financing statement whose effectiveness has lapsed under 12A:9-515;

(C) in the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of a debtor identified as an individual which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor's surname; or

(D) in the case of a record filed or recorded in the filing office described in 12A:9-501(a) (1), the record does not provide a sufficient description of the real property to which it relates;

(4) in the case of an initial financing statement or an amendment that adds a secured party of record, the record does not provide a name and mailing address for the secured party of record;

(5) in the case of an initial financing statement or an amendment that provides a name of a debtor which was not previously provided in the financing statement to which the amendment relates, the record does not:

(A) provide a mailing address for the debtor; or

(B) indicate whether the name provided as the name of the debtor is the name of an individual or an organization;

(C) (Deleted by amendment, P.L.2013, c.65.)

(6) in the case of an assignment reflected in an initial financing statement under 12A:9-514 (a) or an amendment filed under 12A:9-514(b), the record does not provide a name and mailing address for the assignee; or

(7) in the case of a continuation statement, the record is not filed within the six-month period prescribed by 12A:9-515(d).

(c) Rules applicable to subsection (b). For purposes of subsection (b):

(1) a record does not provide information if the filing office is unable to read or decipher the information; and

(2) a record that does not indicate that it is an amendment or identify an initial financing statement to which it relates, as required by 12A:9-512, 12A:9-514, or 12A:9-518, is an initial financing statement.

(d) Refusal to accept record; record effective as filed record. A record that is communicated to the filing office with tender of the filing fee, but which the filing office refuses to accept for a reason other than one set forth in subsection (b), is effective as a filed record except as against a purchaser of the collateral which gives value in reasonable reliance upon the absence of the record from the files.

26. N.J.S.12A:9-518 is amended to read as follows:

Claim concerning inaccurate or wrongfully filed record.

12A:9-518. Claim Concerning Inaccurate or Wrongfully Filed Record.

(a) Statement with respect to record indexed under person's name. A person may file in the filing office an information statement with respect to a record indexed there under the person's name if the person believes that the record is inaccurate or was wrongfully filed.

(b) Contents of statement under subsection (a). An information statement under subsection (a) must:

(1) identify the record to which it relates by the file number assigned to the initial financing statement to which the record relates;

(2) indicate that it is an information statement; and

(3) provide the basis for the person's belief that the record is inaccurate and indicate the manner in which the person believes the record should be amended to cure any inaccuracy or provide the basis for the person's belief that the record was wrongfully filed.

(c) Statement by secured party of record. A person may file in the filing office an information statement with respect to a record filed there if the

person is a secured party of record with respect to the financing statement to which the record relates and believes that the person that filed the record was not entitled to do so under 12A:9-509(d).

(d) Contents of statement under subsection (c). An information statement under subsection (c) must:

(1) identify the record to which it relates by the file number assigned to the initial financing statement to which the record relates;

(2) indicate that it is an information statement; and

(3) provide the basis for the person's belief that the person that filed the record was not entitled to do so under 12A:9-509(d).

(e) Record not affected by information statement. The filing of an information statement does not affect the effectiveness of an initial financing statement or other filed record.

27. N.J.S.12A:9-601 is amended to read as follows:

Rights after default; judicial enforcement; consignor or buyer of accounts, chattel paper, payment intangibles, or promissory notes.

12A:9-601. Rights After Default; Judicial Enforcement; Consignor or Buyer of Accounts, Chattel Paper, Payment Intangibles, or Promissory Notes.

(a) Rights of secured party after default. After default, a secured party has the rights provided in this part and, except as otherwise provided in 12A:9-602, those provided by agreement of the parties. A secured party:

(1) may reduce a claim to judgment, foreclose, or otherwise enforce the claim, security interest, or agricultural lien by any available judicial procedure; and

(2) if the collateral is documents, may proceed either as to the documents or as to the goods they cover.

(b) Rights and duties of secured party in possession or control. A secured party in possession of collateral or control of collateral under 12A:7-106, 12A:9-104, 12A:9-105, 12A:9-106 or 12A:9-107 has the rights and duties provided in 12A:9-207.

(c) Rights cumulative; simultaneous exercise. The rights under subsections (a) and (b) are cumulative and may be exercised simultaneously.

(d) Rights of debtor and obligor. Except as otherwise provided in subsection (g) and 12A:9-605, after default, a debtor and an obligor have the rights provided in this part and by agreement of the parties.

(e) Lien of levy after judgment. If a secured party has reduced its claim to judgment, the lien of any levy that may be made upon the collat-

eral by virtue of an execution based upon the judgment relates back to the earliest of:

- (1) the date of perfection of the security interest or agricultural lien in the collateral;
- (2) the date of filing a financing statement covering the collateral; or
- (3) any date specified in a statute under which the agricultural lien was created.

(f) Execution sale. A sale pursuant to an execution is a foreclosure of the security interest or agricultural lien by judicial procedure within the meaning of this section. A secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this chapter.

(g) Consignor or buyer of certain rights to payment. Except as otherwise provided in 12A:9-607 (c), this part imposes no duties upon a secured party that is a consignor or is a buyer of accounts, chattel paper, payment intangibles, or promissory notes.

28. N.J.S.12A:9-607 is amended to read as follows:

Collection and enforcement by secured party.

12A:9-607. Collection and Enforcement by Secured Party.

(a) Collection and enforcement generally. If so agreed, and in any event after default, a secured party:

(1) may notify an account debtor or other person obligated on collateral to make payment or otherwise render performance to or for the benefit of the secured party;

(2) may take any proceeds to which the secured party is entitled under 12A:9-315;

(3) may enforce the obligations of an account debtor or other person obligated on collateral and exercise the rights of the debtor with respect to the obligation of the account debtor or other person obligated on collateral to make payment or otherwise render performance to the debtor, and with respect to any property that secures the obligation of the account debtor or other person obligated on the collateral;

(4) if it holds a security interest in a deposit account perfected by control under 12A:9-104 (a) (1), may apply the balance of the deposit account to the obligation secured by the deposit account; and

(5) if it holds a security interest in a deposit account perfected by control under 12A:9-104(a)(2) or (3), may instruct the bank to pay the balance of the deposit account to or for the benefit of the secured party.

(b) Nonjudicial enforcement of mortgage. If necessary to enable a secured party to exercise under subsection (a)(3) the right of a debtor to enforce a mortgage nonjudicially, the secured party may record in the office in which a record of the mortgage is recorded:

(1) a copy of the security agreement that creates or provides for a security interest in the obligation secured by the mortgage; and

(2) the secured party's sworn affidavit in recordable form stating that:

(A) a default has occurred with respect to the obligation secured by the mortgage; and

(B) the secured party is entitled to enforce the mortgage nonjudicially.

(c) Commercially reasonable collection and enforcement. A secured party shall proceed in a commercially reasonable manner if the secured party:

(1) undertakes to collect from or enforce an obligation of an account debtor or other person obligated on collateral; and

(2) is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor or a secondary obligor.

(d) Expenses of collection and enforcement. A secured party may deduct from the collections made pursuant to subsection (c), reasonable expenses of collection and enforcement, including reasonable attorney's fees and legal expenses incurred by the secured party.

(e) Duties to secured party not affected. This section does not determine whether an account debtor, bank, or other person obligated on collateral owes a duty to a secured party.

29. N.J.S.12A:9-625 is amended to read as follows:

Remedies for secured party's failure to comply with chapter.

12A:9-625. Remedies for Secured Party's Failure to Comply with Chapter.

(a) Judicial orders concerning noncompliance. If it is established that a secured party is not proceeding in accordance with this chapter, a court may order or restrain collection, enforcement, or disposition of collateral on appropriate terms and conditions.

(b) Damages for noncompliance. Subject to subsections (c), (d) and (f), a person is liable for damages in the amount of any loss caused by a failure to comply with this chapter. Loss caused by a failure to comply may include loss resulting from the debtor's inability to obtain, or increased costs of, alternative financing.

(c) Persons entitled to recover damages; statutory damages if collateral is consumer goods. Except as otherwise provided in 12A:9-628:

(1) a person that, at the time of the failure, was a debtor, was an obligor, or held a security interest in or other lien on the collateral may recover damages under subsection (b) for its loss; and

(2) if the collateral is consumer goods, a person that was a debtor or a secondary obligor at the time a secured party failed to comply with this part may recover for that failure in any event an amount not less than the credit service charge plus 10 percent of the principal amount of the obligation or the time-price differential plus 10 percent of the cash price.

(d) Recovery when deficiency eliminated or reduced. A debtor whose deficiency is eliminated under 12A:9-626 may recover damages for the loss of any surplus. However, a debtor or secondary obligor whose deficiency is eliminated or reduced under 12A:9-626 may not otherwise recover under subsection (b) for noncompliance with the provisions of this part relating to collection, enforcement, disposition, or acceptance.

(e) Statutory damages: noncompliance with specified provisions. In addition to any damages recoverable under subsection (b), the debtor, consumer obligor, or person named as a debtor in a filed record, as applicable, may recover \$500 in each case from a person that:

- (1) fails to comply with 12A:9-207;
- (2) fails to comply with 12A:9-208;
- (3) files a record that the person is not entitled to file under 12A:9-509 (a);
- (4) fails to cause the secured party of record to file or send a termination statement as required by 12A:9-513 (a) or (c);
- (5) fails to comply with 12A:9-616 (b) (1) and whose failure is part of a pattern, or consistent with a practice, of noncompliance; or
- (6) fails to comply with 12A:9-616 (b) (2).

(f) Statutory damages: noncompliance with 12A:9-210. A debtor or consumer obligor may recover damages under subsection (b) and, in addition, \$500 in each case from a person that, without reasonable cause, fails to comply with a request under 12A:9-210. A recipient of a request under 12A:9-210 which never claimed an interest in the collateral or obligations that are the subject of a request under that section has a reasonable excuse for failure to comply with the request within the meaning of this subsection.

(g) Limitation of security interest: noncompliance with 12A:9-210. If a secured party fails to comply with a request regarding a list of collateral or a statement of account under 12A:9-210, the secured party may claim a

security interest only as shown in the list or statement included in the request as against a person that is reasonably misled by the failure.

30. Title 12A, Chapter 9 is supplemented as follows:

TRANSITION PROVISIONS

12A:9-801. Effective date.

12A:9-801. Effective Date.

This act (P.L.2013, c.65), amends and supplements Chapter 9 of Title 12A of the New Jersey Statutes, and shall take effect on July 1, 2013.

12A:9-802. Savings clause.

12A:9-802. Savings Clause.

(a) Pre-effective date transactions or liens. Except as otherwise provided in this part, this act applies to a transaction or lien within its scope, even if the transaction or lien was entered into or created before this act takes effect.

(b) Pre-effective-date proceedings. This act does not affect an action, case, or proceeding commenced before this act takes effect.

12A:9-803. Security interest perfected before effective date.

12A:9-803. Security Interest Perfected Before Effective Date.

(a) Continuing perfection: perfection requirements satisfied. A security interest that is a perfected security interest immediately before this act takes effect is a perfected security interest under Chapter 9 as amended by this act if, when this act takes effect, the applicable requirements for attachment and perfection under Chapter 9 as amended by this act are satisfied without further action.

(b) Continuing perfection: perfection requirements not satisfied. Except as otherwise provided in 12A:9-805, if, immediately before this act takes effect, a security interest is a perfected security interest, but the applicable requirements for perfection under Chapter 9 as amended by this act are not satisfied when this act takes effect, the security interest remains perfected thereafter only if the applicable requirements for perfection under Chapter 9 as amended by this act are satisfied within one year after this act takes effect.

12A:9-804. Security interest unperfected before effective date.

12A:9-804. Security Interest Unperfected Before Effective Date.

A security interest that is an unperfected security interest immediately before this act takes effect becomes a perfected security interest:

(1) without further action, when this act takes effect if the applicable requirements for perfection under Chapter 9 as amended by this act are satisfied before or at that time; or

(2) when the applicable requirements for perfection are satisfied if the requirements are satisfied after that time.

12A:9-805. Effectiveness of action taken before effective date.

12A:9-805. Effectiveness of Action Taken Before Effective Date.

(a) Pre-effective-date filing effective. The filing of a financing statement before this act takes effect is effective to perfect a security interest to the extent the filing would satisfy the applicable requirements for perfection under Chapter 9 as amended by this act.

(b) When pre-effective-date filing becomes ineffective. This act does not render ineffective an effective financing statement that, before this act takes effect, is filed and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in Chapter 9 as it existed before amendment. However, except as otherwise provided in subsections (c) and (d) and 12A:9-806, the financing statement ceases to be effective:

(1) if the financing statement is filed in this State, at the time the financing statement would have ceased to be effective had this act not taken effect; or

(2) if the financing statement is filed in another jurisdiction, at the earlier of:

(A) the time the financing statement would have ceased to be effective under the law of that jurisdiction; or

(B) June 30, 2018.

(c) Continuation statement. The filing of a continuation statement after this act takes effect does not continue the effectiveness of a financing statement filed before this act takes effect. However, upon the timely filing of a continuation statement after this act takes effect and in accordance with the law of the jurisdiction governing perfection as provided in Chapter 9 as amended by this act, the effectiveness of a financing statement filed in the same office in that jurisdiction before this act takes effect continues for the period provided by the law of that jurisdiction.

(d) Application of subsection (b)(2)(B) to transmitting utility financing statement. Subsection (b)(2)(B) applies to a financing statement that, before this act takes effect, is filed against a transmitting utility and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in Chapter 9 as it existed before amend-

ment, only to the extent that Chapter 9 as amended by this act provides that the law of a jurisdiction other than the jurisdiction in which the financing statement is filed governs perfection of a security interest in collateral covered by the financing statement.

(e) Application of Subchapter 5. A financing statement that includes a financing statement filed before this act takes effect and a continuation statement filed after this act takes effect is effective only to the extent that it satisfies the requirements of Subchapter 5 as amended by this act for an initial financing statement. A financing statement that indicates that the debtor is a decedent's estate indicates that the collateral is being administered by a personal representative within the meaning of 12A:9-503(a)(2) as amended by this act. A financing statement that indicates that the debtor is a trust or is a trustee acting with respect to property held in trust indicates that the collateral is held in a trust within the meaning of 12A:9-503(a)(3) as amended by this act.

12A:9-806. When initial financing statement suffices to continue effectiveness of financing statement.

12A:9-806. When Initial Financing Statement Suffices to Continue Effectiveness of Financing Statement.

(a) Initial financing statement in lieu of continuation statement. The filing of an initial financing statement in the office specified in 12A:9-501 continues the effectiveness of a financing statement filed before this act takes effect if:

(1) the filing of an initial financing statement in that office would be effective to perfect a security interest under Chapter 9 as amended by this act;

(2) the pre-effective-date financing statement was filed in an office in another state; and

(3) the initial financing statement satisfies subsection (c).

(b) Period of continued effectiveness. The filing of an initial financing statement under subsection (a) continues the effectiveness of the pre-effective-date financing statement:

(1) if the initial financing statement is filed before this act takes effect, for the period provided in unamended 12A:9-515 with respect to an initial financing statement; and

(2) if the initial financing statement is filed after this act takes effect, for the period provided in 12A:9-515 as amended by this act with respect to an initial financing statement.

(c) Requirements for initial financing statement under subsection (a). To be effective for purposes of subsection (a), an initial financing statement must:

(1) satisfy the requirements of Subchapter 5 as amended by this act for an initial financing statement;

(2) identify the pre-effective-date financing statement by indicating the office in which the financing statement was filed and providing the dates of filing and file numbers, if any, of the financing statement and of the most recent continuation statement filed with respect to the financing statement; and

(3) indicate that the pre-effective-date financing statement remains effective.

12A:9-807. Amendment of pre-effective-date financing statement.

12A:9-807. Amendment of Pre-Effective-Date Financing Statement.

(a) “Pre-effective-date financing statement.” In this section, “pre-effective-date financing statement” means a financing statement filed before this act takes effect.

(b) Applicable law. After this act takes effect, a person may add or delete collateral covered by, continue or terminate the effectiveness of, or otherwise amend the information provided in, a pre-effective-date financing statement only in accordance with the law of the jurisdiction governing perfection as provided in Chapter 9 as amended by this act. However, the effectiveness of a pre-effective-date financing statement also may be terminated in accordance with the law of the jurisdiction in which the financing statement is filed.

(c) Method of amending: general rule. Except as otherwise provided in subsection (d), if the law of this State governs perfection of a security interest, the information in a pre-effective-date financing statement may be amended after this act takes effect only if:

(1) the pre-effective-date financing statement and an amendment are filed in the office specified in 12A:9-501;

(2) an amendment is filed in the office specified in 12A:9-501 concurrently with, or after the filing in that office of, an initial financing statement that satisfies 12A:9-806 (c); or

(3) an initial financing statement that provides the information as amended and satisfies 12A:9-806 (c) is filed in the office specified in 12A:9-501.

(d) Method of amending: continuation. If the law of this State governs perfection of a security interest, the effectiveness of a pre-effective-date financing statement may be continued only under 12A:9-805(c) and (e) or 12A:9-806.

(e) Method of amending: additional termination rule. Whether or not the law of this State governs perfection of a security interest, the effectiveness of a pre-effective-date financing statement filed in this State may be terminated after this act takes effect by filing a termination statement in the office in which the pre-effective-date financing statement is filed, unless an initial financing statement that satisfies 12A:9-806(c) has been filed in the office specified by the law of the jurisdiction governing perfection as provided in Chapter 9 as amended by this act as the office in which to file a financing statement.

12A:9-808. Person entitled to file initial financing statement or continuation statement.

12A:9-808. Person Entitled to File Initial Financing Statement or Continuation Statement. A person may file an initial financing statement or a continuation statement under this part if:

- (1) the secured party of record authorizes the filing; and
- (2) the filing is necessary under this part:
 - (A) to continue the effectiveness of a financing statement filed before this act takes effect; or
 - (B) to perfect or continue the perfection of a security interest.

12A:9-809. Priority.

12A:9-809. Priority. This act determines the priority of conflicting claims to collateral. However, if the relative priorities of the claims were established before this act takes effect, Chapter 9 as it existed before amendment determines priority.

31. N.J.S.12A:2-103 is amended to read as follows:

Definitions and index of definitions.

12A:2-103. Definitions and index of definitions.

- (1) In this chapter unless the context otherwise requires:
 - (a) "Buyer" means a person who buys or contracts to buy goods.
 - (b) "Good faith" in the case of a merchant means honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade.
 - (c) "Receipt" of goods means taking physical possession of them.
 - (d) "Seller" means a person who sells or contracts to sell goods.
- (2) Other definitions applying to this Chapter or to specified Subchapters thereof, and the sections in which they appear are:

"Acceptance"	12A:2-606.
"Banker's credit"	12A:2-325.
"Between merchants"	12A:2-104.

"Cancellation"	12A:2-106(4).
"Commercial unit"	12A:2-105.
"Confirmed credit"	12A:2-325.
"Conforming to contract"	12A:2-106.
"Contract for sale"	12A:2-106.
"Cover"	12A:2-712.
"Entrusting"	12A:2-403.
"Financing agency"	12A:2-104.
"Future goods"	12A:2-105.
"Goods"	12A:2-105.
"Identification"	12A:2-501.
"Installment contract"	12A:2-612.
"Letter of Credit"	12A:2-325.
"Lot"	12A:2-105.
"Merchant"	12A:2-104.
"Overseas"	12A:2-323.
"Person in position of seller"	12A:2-707.
"Present sale"	12A:2-106.
"Sale"	12A:2-106.
"Sale on approval"	12A:2-326.
"Sale or return"	12A:2-326.
"Termination"	12A:2-106.
(3) The following definitions in other Chapters apply to this Chapter:	
"Check"	12A:3-104.
"Consignee"	12A:7-102.
"Consignor"	12A:7-102.
"Consumer goods"	12A:9-102.
"Control"	12A:7-106.
"Dishonor"	12A:3-502.
"Draft"	12A:3-104.

(4) In addition Chapter 1 contains general definitions and principles of construction and interpretation applicable throughout this Chapter.

32. N.J.S.12A:2-104 is amended to read as follows:

Definitions: "merchant"; "between merchants"; "financing agency."

12A:2-104. Definitions: "merchant"; "between merchants"; "financing agency."

(1) "Merchant" means a person who deals in goods of the kind or otherwise by his occupation holds himself out as having knowledge or skill

peculiar to the practices or goods involved in the transaction or to whom such knowledge or skill may be attributed by his employment of an agent or broker or other intermediary who by his occupation holds himself out as having such knowledge or skill.

(2) "Financing agency" means a bank, finance company or other person who in the ordinary course of business makes advances against goods or documents of title or who by arrangement with either the seller or the buyer intervenes in ordinary course to make or collect payment due or claimed under the contract for sale, as by purchasing or paying the seller's draft or making advances against it or by merely taking it for collection whether or not documents of title accompany or are associated with the draft. "Financing agency" includes also a bank or other person who similarly intervenes between persons who are in the position of seller and buyer in respect to the goods (12A:2-707).

(3) "Between merchants" means in any transaction with respect to which both parties are chargeable with the knowledge or skill of merchants.

33. N.J.S.12A:2-310 is amended to read as follows:

Open time for payment or running of credit; authority to ship under reservation.

12A:2-310. Open time for payment or running of credit; authority to ship under reservation.

Unless otherwise agreed

(a) payment is due at the time and place at which the buyer is to receive the goods even though the place of shipment is the place of delivery; and

(b) if the seller is authorized to send the goods he may ship them under reservation, and may tender the documents of title, but the buyer may inspect the goods after their arrival before payment is due unless such inspection is inconsistent with the terms of the contract (12A:2-513); and

(c) if delivery is authorized and made by way of documents of title otherwise than by subsection (b) then payment is due regardless of where the goods are to be received: (i) at the time and place at which the buyer is to receive delivery of the tangible documents; or (ii) at the time the buyer is to receive delivery of the electronic documents and at the seller's place of business or if none, the seller's residence; and

(d) where the seller is required or authorized to ship the goods on credit the credit period runs from the time of shipment but post-dating the invoice or delaying its dispatch will correspondingly delay the starting of the credit period.

34. N.J.S.12A:2-323 is amended to read as follows:

Form of bill of lading required in overseas shipment; "overseas."

12A:2-323. Form of bill of lading required in overseas shipment; "overseas."

(1) Where the contract contemplates overseas shipment and contains a term C.I.F. or C. & F. or F.O.B. vessel, the seller unless otherwise agreed must obtain a negotiable bill of lading stating that the goods have been loaded on board or, in the case of a term C.I.F. or C. & F., received for shipment.

(2) Where in a case within subsection (1) a tangible bill of lading has been issued in a set of parts, unless otherwise agreed if the documents are not to be sent from abroad the buyer may demand tender of the full set; otherwise only one part of the bill of lading need be tendered. Even if the agreement expressly requires a full set

(a) due tender of a single part is acceptable within the provisions of this Chapter on cure of improper delivery (subsection (1) of 12A:2-508); and

(b) even though the full set is demanded, if the documents are sent from abroad the person tendering an incomplete set may nevertheless require payment upon furnishing an indemnity which the buyer in good faith deems adequate.

(3) A shipment by water or by air or a contract contemplating such shipment is "overseas" insofar as by usage of trade or agreement it is subject to the commercial, financing or shipping practices characteristic of international deep water commerce.

35. N.J.S.12A:2-401 is amended to read as follows:

Passing of title; reservation for security; limited application of this section.

12A:2-401. Passing of title; reservation for security; limited application of this section.

Each provision of this Chapter with regard to the rights, obligations and remedies of the seller, the buyer, purchasers or other third parties applies irrespective of title to the goods except where the provision refers to such title. Insofar as situations are not covered by the other provisions of this Chapter and matters concerning title become material the following rules apply:

(1) Title to goods cannot pass under a contract for sale prior to their identification to the contract (12A:2-501), and unless otherwise explicitly agreed the buyer acquires by their identification a special property as limited by this Act. Any retention or reservation by the seller of the title (prop-

erty) in goods shipped or delivered to the buyer is limited in effect to a reservation of a security interest. Subject to these provisions and to the provisions of the Chapter on Secured Transactions (Chapter 9), title to goods passes from the seller to the buyer in any manner and on any conditions explicitly agreed on by the parties.

(2) Unless otherwise explicitly agreed title passes to the buyer at the time and place at which the seller completes his performance with reference to the physical delivery of the goods, despite any reservation of a security interest and even though a document of title is to be delivered at a different time or place; and in particular and despite any reservation of a security interest by the bill of lading

(a) if the contract requires or authorizes the seller to send the goods to the buyer but does not require him to deliver them at destination, title passes to the buyer at the time and place of shipment; but

(b) if the contract requires delivery at destination, title passes on tender there.

(3) Unless otherwise explicitly agreed where delivery is to be made without moving the goods,

(a) if the seller is to deliver a tangible document of title, title passes at the time when and the place where he delivers such documents and if the seller is to deliver an electronic document of title, title passes when the seller delivers the document; or

(b) if the goods are at the time of contracting already identified and no documents are to be delivered, title passes at the time and place of contracting.

(4) A rejection or other refusal by the buyer to receive or retain the goods, whether or not justified, or a justified revocation of acceptance reverts title to the goods in the seller. Such reversion occurs by operation of law and is not a "sale".

36. N.J.S.12A:2-503 is amended to read as follows:

Manner of seller's tender of delivery.

12A:2-503. Manner of seller's tender of delivery.

(1) Tender of delivery requires that the seller put and hold conforming goods at the buyer's disposition and give the buyer any notification reasonably necessary to enable him to take delivery. The manner, time and place for tender are determined by the agreement and this Chapter, and in particular

(a) tender must be at a reasonable hour, and if it is of goods they must be kept available for the period reasonably necessary to enable the buyer to take possession; but

(b) unless otherwise agreed the buyer must furnish facilities reasonably suited to the receipt of the goods.

(2) Where the case is within the next section respecting shipment tender requires that the seller comply with its provisions.

(3) Where the seller is required to deliver at a particular destination tender requires that he comply with subsection (1) and also in any appropriate case tender documents as described in subsections (4) and (5) of this section.

(4) Where goods are in the possession of a bailee and are to be delivered without being moved

(a) tender requires that the seller either tender a negotiable document of title covering such goods or procure acknowledgment by the bailee of the buyer's right to possession of the goods; but

(b) tender to the buyer of a non-negotiable document of title or of a record directing the bailee to deliver is sufficient tender unless the buyer seasonably objects, and except as otherwise provided in Chapter 9 receipt by the bailee of notification of the buyer's rights fixes those rights as against the bailee and all third persons; but risk of loss of the goods and of any failure by the bailee to honor the non-negotiable document of title or to obey the direction remains on the seller until the buyer has had a reasonable time to present the document or direction, and a refusal by the bailee to honor the document or to obey the direction defeats the tender.

(5) Where the contract requires the seller to deliver documents

(a) he must tender all such documents in correct form, except as provided in this Chapter with respect to bills of lading in a set (subsection (2) of 12A:2-323); and

(b) tender through customary banking channels is sufficient and dishonor of a draft accompanying or associated with the documents constitutes non-acceptance or rejection.

37. N.J.S.12A:2-505 is amended to read as follows:

Seller's shipment under reservation.

12A:2-505. Seller's shipment under reservation.

(1) Where the seller has identified goods to the contract by or before shipment:

(a) his procurement of a negotiable bill of lading to his own order or otherwise reserves in him a security interest in the goods. His procurement of the bill to the order of a financing agency or of the buyer indicates in addition only the seller's expectation of transferring that interest to the person named.

(b) a non-negotiable bill of lading to himself or his nominee reserves possession of the goods as security but except in a case of conditional delivery (subsection (2) of 12A:2-507) a non-negotiable bill of lading naming the buyer as consignee reserves no security interest even though the seller retains possession or control of the bill of lading.

(2) When shipment by the seller with reservation of a security interest is in violation of the contract for sale it constitutes an improper contract for transportation within the preceding section but impairs neither the rights given to the buyer by shipment and identification of the goods to the contract nor the seller's powers as a holder of a negotiable document of title.

38. N.J.S.12A:2-506 is amended to read as follows:

Rights of financing agency.

12A:2-506. Rights of financing agency.

(1) A financing agency by paying or purchasing for value a draft which relates to a shipment of goods acquires to the extent of the payment or purchase and in addition to its own rights under the draft and any document of title securing it any rights of the shipper in the goods including the right to stop delivery and the shipper's right to have the draft honored by the buyer.

(2) The right to reimbursement of a financing agency which has in good faith honored or purchased the draft under commitment to or authority from the buyer is not impaired by subsequent discovery of defects with reference to any relevant document which was apparently regular.

39. N.J.S.12A:2-509 is amended to read as follows:

Risk of loss in the absence of breach.

12A:2-509. Risk of loss in the absence of breach.

(1) Where the contract requires or authorizes the seller to ship the goods by carrier

(a) if it does not require him to deliver them at a particular destination, the risk of loss passes to the buyer when the goods are duly delivered to the carrier even though the shipment is under reservation (12A:2-505); but

(b) if it does require him to deliver them at a particular destination and the goods are there duly tendered while in the possession of the carrier, the risk of loss passes to the buyer when the goods are there duly so tendered as to enable the buyer to take delivery.

(2) Where the goods are held by a bailee to be delivered without being moved, the risk of loss passes to the buyer

(a) on his receipt of possession or control of a negotiable document of title covering the goods; or

(b) on acknowledgement by the bailee of the buyer's right to possession of the goods; or

(c) after his receipt of possession or control of a non-negotiable document of title or other direction to deliver in a record, as provided in subsection (4)(b) of 12A:2-503.

(3) In any case not within subsection (1) or (2), the risk of loss passes to the buyer on his receipt of the goods if the seller is a merchant; otherwise the risk passes to the buyer on tender of delivery.

(4) The provisions of this section are subject to contrary agreement of the parties and to the provisions of this Chapter on sale on approval (12A:2-327) and on effect of breach on risk of loss (12A:2-510).

40. N.J.S.12A:2-605 is amended to read as follows:

Waiver of buyer's objections by failure to particularize.

12A:2-605. Waiver of buyer's objections by failure to particularize.

(1) The buyer's failure to state in connection with rejection a particular defect which is ascertainable by reasonable inspection precludes him from relying on the unstated defect to justify rejection or to establish breach

(a) where the seller could have cured it if stated seasonably; or

(b) between merchants when the seller has after rejection made a request in writing for a full and final written statement of all defects on which the buyer proposes to rely.

(2) Payment against documents made without reservation of rights precludes recovery of the payment for defects apparent in the documents.

41. N.J.S.12A:2-705 is amended to read as follows:

Seller's stoppage of delivery in transit or otherwise.

12A:2-705. Seller's stoppage of delivery in transit or otherwise.

(1) The seller may stop delivery of goods in the possession of a carrier or other bailee when he discovers the buyer to be insolvent (12A:2-702)

and may stop delivery of carload, truckload, planeload or larger shipments of express or freight when the buyer repudiates or fails to make a payment due before delivery or if for any other reason the seller has a right to withhold or reclaim the goods.

(2) As against such buyer the seller may stop delivery until

(a) receipt of the goods by the buyer; or

(b) acknowledgment to the buyer by any bailee of the goods except a carrier that the bailee holds the goods for the buyer; or

(c) such acknowledgment to the buyer by a carrier by reshipment or as a warehouse; or

(d) negotiation to the buyer of any negotiable document of title covering the goods.

(3) (a) To stop delivery the seller must so notify as to enable the bailee by reasonable diligence to prevent delivery of the goods.

(b) After such notification the bailee must hold and deliver the goods according to the directions of the seller but the seller is liable to the bailee for any ensuing charges or damages.

(c) If a negotiable document of title has been issued for goods the bailee is not obliged to obey a notification to stop until surrender of possession or control of the document.

(d) A carrier who has issued a non-negotiable bill of lading is not obliged to obey a notification to stop received from a person other than the consignor.

42. N.J.S.12A:2A-103 is amended to read as follows:

Definitions and index of definitions.

12A:2A-103. Definitions and index of definitions.

(1) In this chapter unless the context otherwise requires:

(a) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to the person is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes acquiring goods or documents of title under a pre-existing contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(b) "Cancellation" occurs when either party puts an end to the lease contract for default by the other party.

(c) "Commercial unit" means such a unit of goods as by commercial usage is a single whole for purposes of lease and division of which materially impairs its character or value on the market or in use. A commercial unit may be a single article, as a machine, or a set of articles, as a suite of furniture or a line of machinery, or a quantity, as a gross or carload, or any other unit treated in use or in the relevant market as a single whole.

(d) "Conforming" goods or performance under a lease contract means goods or performance that are in accordance with the obligations under the lease contract.

(e) "Consumer lease" means a lease that a lessor regularly engaged in the business of leasing or selling makes to a lessee who is a natural person and who takes under the lease primarily for a personal, family, or household purpose.

(f) "Fault" means wrongful act, omission, breach, or default.

(g) "Finance lease" means a lease with respect to which:

- (i) the lessor does not select, manufacture, or supply the goods;
- (ii) the lessor acquires the goods or the right to possession and use of the goods in connection with the lease; and
- (iii) one of the following occurs:

(A) the lessee receives a copy of the contract by which the lessor acquired the goods or the right to possession and use of the goods before signing the lease contract;

(B) the lessee's approval of the contract by which the lessor acquired the goods or the right to possession and use of the goods is a condition to effectiveness of the lease contract;

(C) the lessee, before signing the lease contract, receives an accurate and complete statement designating the promises and warranties, and any disclaimers of warranties, limitations or modifications of remedies, or liquidated damages, including those of a third party, such as the manufacturer of the goods, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods; or

(D) if the lease is not a consumer lease, the lessor, before the lessee signs the lease contract, informs the lessee in writing (a) of the identity of the person supplying the goods to the lessor, unless the lessee has selected that person and directed the lessor to acquire the goods or the right to possession and use of the goods from that person, (b) that the lessee is entitled under this chapter to the promises and warranties, including those of any third party, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the

goods or the right to possession and use of the goods, and (c) that the lessee may communicate with the person supplying the goods to the lessor and receive an accurate and complete statement of those promises and warranties, including any disclaimers and limitations of them or of remedies.

(h) "Goods" means all things that are movable at the time of identification to the lease contract, or are fixtures (12A:2A-309), but the term does not include money, documents, instruments, accounts, chattel paper, general intangibles, or minerals or the like, including oil and gas, before extraction. The term also includes the unborn young of animals.

(i) "Installment lease contract" means a lease contract that authorizes or requires the delivery of goods in separate lots to be separately accepted, even though the lease contract contains a clause "each delivery is a separate lease" or its equivalent.

(j) "Lease" means a transfer of the right to possession and use of goods for a term in return for consideration, but a sale, including a sale on approval or a sale or return, or retention or creation of a security interest is not a lease. Unless the context clearly indicates otherwise, the term includes a sublease.

(k) "Lease agreement" means the bargain, with respect to the lease, of the lessor and the lessee in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this chapter. Unless the context clearly indicates otherwise, the term includes a sublease agreement.

(l) "Lease contract" means the total legal obligation that results from the lease agreement as affected by this chapter and any other applicable rules of law. Unless the context clearly indicates otherwise, the term includes a sublease contract.

(m) "Leasehold interest" means the interest of the lessor or the lessee under a lease contract.

(n) "Lessee" means a person who acquires the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessee.

(o) "Lessee in ordinary course of business" means a person who in good faith and without knowledge that the lease to the person is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods leases in ordinary course from a person in the business of selling or leasing goods of that kind but does not include a pawnbroker. "Leasing" may be for cash or by exchange of other property or on secured or unsecured credit and includes acquiring goods or documents of title un-

der a pre-existing lease contract but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(p) "Lessor" means a person who transfers the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessor.

(q) "Lessor's residual interest" means the lessor's interest in the goods after expiration, termination, or cancellation of the lease contract.

(r) "Lien" means a charge against or interest in goods to secure payment of a debt or performance of an obligation, but the term does not include a security interest.

(s) "Lot" means a parcel or a single article that is the subject matter of a separate lease or delivery, whether or not it is sufficient to perform the lease contract.

(t) "Merchant lessee" means a lessee that is a merchant with respect to goods of the kind subject to the lease.

(u) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate was not manifestly unreasonable at the time the transaction was entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into.

(v) "Purchase" includes taking by sale, lease, mortgage, security interest, pledge, gift, or any other voluntary transaction creating an interest in goods.

(w) "Sublease" means a lease of goods the right to possession and use of which was acquired by the lessor as a lessee under an existing lease.

(x) "Supplier" means a person from whom a lessor buys or leases goods to be leased under a finance lease.

(y) "Supply contract" means a contract under which a lessor buys or leases goods to be leased.

(z) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the lease contract otherwise than for default.

(2) Other definitions applying to this chapter and the sections in which they appear are:

"Accessions"	12A:2A-310(1).
"Construction mortgage"	12A:2A-309(1)(d).
"Encumbrance"	12A:2A-309(1)(e).
"Fixtures"	12A:2A-309(1)(a).

"Fixture filing"	12A:2A-309(1)(b).
"Purchase money lease"	12A:2A-309(1)(c).
(3) The following definitions in other Chapters apply to this Chapter:	
"Account"	12A: 9-102(a)(2).
"Between merchants"	12A:2-104(3).
"Buyer"	12A:2-103(1)(a).
"Chattel paper"	12A:9-102(a)(11).
"Consumer goods"	12A:9-102(a)(23).
"Document"	12A:9-102(a)(30).
"Entrusting"	12A:2-403(3).
"General intangible"	12A:9-102(a)(42).
"Good faith"	2A:2-103(1)(b).
"Instrument"	12A:9-102(a)(47).
"Merchant"	12A:2-104(1).
"Mortgage"	12A:9-102(a)(55).
"Pursuant to commitment"	12A:9-102(a)(68).
"Receipt"	12A:2-103(1)(c).
"Sale"	12A:2-106(1).
"Sale on approval"	12A:2-326.
"Sale or return"	12A:2-326.
"Seller"	12A:2-103(1)(d).

(4) In addition chapter 1 contains general definitions and principles of construction and interpretation applicable throughout this chapter.

43. N.J.S.12A:2A-514 is amended to read as follows:

Waiver of lessee's objections.

12A:2A-514. Waiver of lessee's objections.

(1) In rejecting goods, a lessee's failure to state a particular defect that is ascertainable by reasonable inspection precludes the lessee from relying on the defect to justify rejection or to establish default:

(a) if, stated seasonably, the lessor or the supplier could have cured it (12A:2A-513); or

(b) between merchants if the lessor or the supplier after rejection has made a request in writing for a full and final written statement of all defects on which the lessee proposes to rely.

(2) A lessee's failure to reserve rights when paying rent or other consideration against documents precludes recovery of the payment for defects apparent in the documents.

44. N.J.S.12A:2A-526 is amended to read as follows:

Lessor's stoppage of delivery in transit or otherwise.

12A:2A-526. Lessor's stoppage of delivery in transit or otherwise.

(1) A lessor may stop delivery of goods in the possession of a carrier or other bailee if the lessor discovers the lessee to be insolvent and may stop delivery of carload, truckload, planeload, or larger shipments of express or freight if the lessee repudiates or fails to make a payment due before delivery, whether for rent, security or otherwise under the lease contract, or for any other reason the lessor has a right to withhold or take possession of the goods.

(2) In pursuing its remedies under subsection (1), the lessor may stop delivery until

(a) receipt of the goods by the lessee;

(b) acknowledgment to the lessee by any bailee of the goods, except a carrier, that the bailee holds the goods for the lessee; or

(c) such an acknowledgment to the lessee by a carrier via reshipment or as a warehouse.

(3) (a) To stop delivery, a lessor shall so notify as to enable the bailee by reasonable diligence to prevent delivery of the goods.

(b) After notification, the bailee shall hold and deliver the goods according to the directions of the lessor, but the lessor is liable to the bailee for any ensuing charges or damages.

(c) A carrier who has issued a nonnegotiable bill of lading is not obliged to obey a notification to stop received from a person other than the consignor.

45. N.J.S.12A:4-104 is amended to read as follows:

Definitions and index of definitions.

12A:4-104. Definitions and Index of Definitions.

a. In this chapter, unless the context otherwise requires:

(1) "Account" means any deposit or credit account with a bank, including a demand, time, savings, passbook, share draft, or like account, other than an account evidenced by a certificate of deposit;

(2) "Afternoon" means the period of a day between noon and midnight;

(3) "Banking day" means the part of a day on which a bank is open to the public for carrying on substantially all of its banking functions;

(4) "Clearing house" means an association of banks or other payors regularly clearing items;

(5) "Customer" means a person having an account with a bank or for whom a bank has agreed to collect items, including a bank that maintains an account at another bank;

(6) "Documentary draft" means a draft to be presented for acceptance or payment if specified documents, certificated securities (12A:8-102) or instructions for uncertificated securities (12A:8-102), or other certificates, statements, or the like are to be received by the drawee or other payor before acceptance or payment of the draft;

(7) "Draft" means a draft as defined in 12A:3-104 or an item, other than an instrument, that is an order;

(8) "Drawee" means a person ordered in a draft to make payment;

(9) "Item" means an instrument or a promise or order to pay money handled by a bank for collection or payment. The term does not include a payment order governed by chapter 4A or a credit or debit card slip;

(10) "Midnight deadline" with respect to a bank is midnight on its next banking day following the banking day on which it receives the relevant item or notice or from which the time for taking action commences to run, whichever is later;

(11) "Settle" means to pay in cash, by clearing-house settlement, in a charge or credit or by remittance, or otherwise as agreed. A settlement may be either provisional or final;

(12) "Suspends payments" with respect to a bank means that it has been closed by order of the supervisory authorities, that a public officer has been appointed to take it over or that it ceases or refuses to make payments in the ordinary course of business.

b. Other definitions applying to this chapter and the sections in which they appear are:

"Agreement for electronic presentment"	12A:4-110.
"Bank"	12A:4-105.
"Collecting bank"	12A:4-105.
"Depository bank"	12A:4-105.
"Intermediary bank"	12A:4-105.
"Payor bank"	12A:4-105.
"Presenting bank"	12A:4-105.
"Presentment notice"	12A:4-110.

c. The following definitions in other chapters apply to this chapter:

"Acceptance"	12A:3-409.
"Alteration"	12A:3-407.
"Cashier's check"	12A:3-104.
"Certificate of deposit"	12A:3-104.

"Certified check"	12A:3-409.
"Check"	12A:3-104.
"Control"	12A:7-106.
"Good faith"	12A:3-103.
"Holder in due course"	12A:3-302.
"Instrument"	12A:3-104.
"Notice of dishonor"	12A:3-503.
"Order"	12A:3-103.
"Ordinary care"	12A:3-103.
"Person entitled to enforce"	12A:3-301.
"Presentment"	12A:3-501.
"Promise"	12A:3-103.
"Prove"	12A:3-103.
"Teller's check"	12A:3-104.
"Unauthorized signature"	12A:3-403.

d. In addition chapter 1 contains general definitions and principles of construction and interpretation applicable throughout this chapter.

46. N.J.S.12A:4-210 is amended to read as follows:

Security interest of collecting bank in items, accompanying documents and proceeds.

12A:4-210. Security Interest of Collecting Bank in Items, Accompanying Documents and Proceeds.

a. A collecting bank has a security interest in an item and any accompanying documents or the proceeds of either:

(1) in case of an item deposited in an account, to the extent to which credit given for the item has been withdrawn or applied;

(2) in case of an item for which it has given credit available for withdrawal as of right, to the extent of the credit given, whether or not the credit is drawn upon or there is a right of charge-back; or

(3) if it makes an advance on or against the item.

b. If credit given for several items received at one time or pursuant to a single agreement is withdrawn or applied in part, the security interest remains upon all the items, any accompanying documents or the proceeds of either. For the purpose of this section, credits first given are first withdrawn.

c. Receipt by a collecting bank of a final settlement for an item is a realization on its security interest in the item, accompanying documents, and proceeds. As long as the bank does not receive final settlement for the item or give up possession of the item or possession or control of the ac-

accompanying documents for purposes other than collection, the security interest continues to that extent and is subject to chapter 9, but:

- (1) no security agreement is necessary to make the security interest enforceable (12A:9-203(b)(3)(A));
- (2) no filing is required to perfect the security interest; and
- (3) the security interest has priority over conflicting perfected security interests in the item, accompanying documents, or proceeds.

47. N.J.S.12A:8-103 is amended to read as follows:

Rule for determining whether certain obligations and interests are securities or financial assets.

12A:8-103. Rule for Determining whether Certain Obligations and Interests are Securities or Financial Assets.

a. A share or similar equity interest issued by a corporation, business trust, joint stock company, or similar entity is a security.

b. An "investment company security" is a security. "Investment company security" means a share or similar equity interest issued by an entity that is registered as an investment company under the federal investment company laws, an interest in a unit investment trust that is so registered, or a face-amount certificate issued by a face-amount certificate company that is so registered. Investment company security does not include an insurance policy or endowment policy or annuity contract issued by an insurance company.

c. An interest in a partnership or limited liability company is not a security unless it is dealt in or traded on securities exchanges or in securities markets, its terms expressly provide that it is a security governed by this chapter, or it is an investment company security. However, an interest in a partnership or limited liability company is a financial asset if it is held in a securities account.

d. A writing that is a security certificate is governed by this chapter and not by chapter 3, even though it also meets the requirements of that chapter. However, a negotiable instrument governed by chapter 3 is a financial asset if it is held in a securities account.

e. An option or similar obligation issued by a clearing corporation to its participants is not a security, but is a financial asset.

f. A commodity contract, as defined in 12A:9-102(a)(15), is not a security or a financial asset.

g. A document of title is not a financial asset unless 12A:8-102(a)(9)(c) applies.

48. N.J.S.12A:4A-108 is amended to read as follows:

Relationship to electronic fund transfer act.

12A:4A-108. Relationship to Electronic Fund Transfer Act.

a. Except as provided in subsection b. of this section, this chapter does not apply to a funds transfer any part of which is governed by the Electronic Fund Transfer Act (Title XX, Pub. Law 95-630, 92 Stat. 3728, 15U.S.C. s.1693 et seq.) as amended from time to time.

b. This chapter applies to a funds transfer that is a remittance transfer as defined in the Electronic Fund Transfer Act (15 U.S.C.1693o-1) unless the remittance transfer is an electronic fund transfer as defined in the Electronic Fund Transfer Act (15 U.S.C.1693a).

c. In a funds transfer to which this chapter applies, in the event of an inconsistency between an applicable provision of this chapter and an applicable provision of the Electronic Fund Transfer Act, the provision of the Electronic Fund Transfer Act governs to the extent of the inconsistency.

49. N.J.S. 12A:9-521 is amended to read as follows:

Uniform form of written financing statement and amendment.

12A:9-521. Uniform Form of Written Financing Statement and Amendment.

(a) Initial financing statement form. A filing office that accepts written records may not refuse to accept a written initial financing statement if filed in the form and format set forth in the official text of the 2010 amendments to Article 9 of the Uniform Commercial Code promulgated by the American Law Institute and the Uniform Law Commission, or in such form and format as may be subsequently adopted by the American Law Institute, the Uniform Law Commission, or the International Association of Commercial Administrators (IACA), except for a reason set forth in 12A:9-516(b).

(b) Amendment form. A filing office that accepts written records may not refuse to accept a written record if filed in the form and format set forth in the official text of the 2010 amendments to Article 9 of the Uniform Commercial Code promulgated by the American Law Institute and the Uniform Law Commission, or in such form and format as may be subsequently adopted by the American Law Institute, the Uniform Law Commission, or the International Association of Commercial Administrators (IACA), except for a reason set forth in 12A:9-516(b).

50. This act shall take effect on July 1, 2013.

Approved June 13, 2013.

CHAPTER 66

AN ACT concerning the New Jersey Epilepsy Task Force and amending P.L.2010, c.48.

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

1. Section 2 of P.L.2010, c.48 is amended to read as follows:

2. a. There is established the New Jersey Epilepsy Task Force in the Department of Health.

The purpose of the task force shall be to:

(1) develop recommendations to educate the public and health care professionals about screening, diagnosis, and treatment of epilepsy and its complications; and

(2) develop recommendations to address psychosocial issues faced by persons with epilepsy, such as, depression, stigmatization, and discrimination.

b. The task force shall consist of 14 members as follows:

(1) the Commissioners of Health and Human Services, or their designees, who shall serve ex officio; and

(2) 12 public members, who shall be appointed by the Governor as follows: two neurologists licensed to practice medicine in this State, one of whom specializes in pediatric neurology; one person upon the recommendation of the Epilepsy Foundation of New Jersey; two persons who represent agencies that provide services to persons with epilepsy in this State; one school nurse; two persons who have epilepsy; one parent of a person who has epilepsy; one member of the public with a demonstrated expertise in issues relating to the work of the task force; one member of the New Jersey State School Nurses Association; and one consultant pharmacist. No public member of the task force shall be associated, directly or indirectly, with any pharmaceutical manufacturer.

Vacancies in the membership of the task force shall be filled in the same manner provided for the original appointments.

c. The task force shall organize within 120 days following the appointment of a majority 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 task force.

d. 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 task force.

e. The task force shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes.

f. The task force may meet and hold hearings as it deems appropriate.

g. The Department of Health shall provide staff support to the task force.

2. Section 3 of P.L.2010, c.48 is amended to read as follows:

3. The task force 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), along with any legislative bills that it desires to recommend for adoption by the Legislature, as follows: an interim report no later than 12 months after the initial meeting of the task force; and a final report no later than 12 months after the initial report.

3. Section 4 of P.L.2010, c.48 is amended to read as follows:

4. This act shall take effect immediately and shall expire upon the issuance of the task force's final report.

Approved June 13, 2013.

CHAPTER 67

AN ACT concerning specialty care transportation units and supplementing Title 26 of the Revised Statutes.

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

C.26:2H-12.73 Protocols established by general hospitals relative to SCTUs.

1. a. A general hospital licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) shall establish protocols to request immediate dispatch, timely patient pick-up from the sending hospital, and transport to the receiving hospital by a specialty care transportation unit, or SCTU, used for patient inter-facility transfers.

b. A general hospital shall establish contingency SCTU transport protocols in the event that the hospital's designated SCTU is not immediately available for dispatch.

c. The Department of Health shall ensure, by means of its periodic inspection of a hospital and such other measures as it deems appropriate, that the hospital has established and implemented the protocols required pursuant to subsections a. and b. of this section.

d. A hospital that fails to comply with the provisions of this act shall be liable to a penalty in accordance with the provisions of sections 13 and 14 of P.L.1971, c.136 (C.26:2H-13 and C.26:2H-14).

C.26:2H-12.74 Rules, regulations.

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

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

Approved June 13, 2013.

CHAPTER 68

AN ACT concerning teacher certification for military spouses and supplementing chapter 26 of Title 18A of the New Jersey Statutes.

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

C.18A:26-2.14 Teaching certification for certain military spouses.

1. a. As used in this section, "nonresident military spouse" means a person (1) whose spouse is an active duty member of the Armed Forces of the United States who is the subject of a military transfer to New Jersey, and (2) who has left employment in another state to accompany such spouse to New Jersey.

b. Notwithstanding any other provision of law to the contrary, the State Board of Education shall establish a procedure for the issuance of a temporary instructional certificate to a nonresident military spouse that au-

thorizes a board of education to employ the nonresident military spouse as a teacher if, at the time of application, the nonresident military spouse:

(1) Holds a valid and current license or certificate to teach issued by another state for which there is an equivalent and currently-issued New Jersey grade level or subject endorsement;

(2) Demonstrates competency in teaching in a manner determined by the State Board of Examiners, such as having taught successfully under the out-of-State license or certificate for at least three years, as documented by a letter of experience from a past supervisor or authorized district representative; having met the New Jersey grade point average requirement for an instructional certificate under State Board of Education regulations; or having completed continuing education units; and

(3) Pays any applicable fees required by the State Board of Examiners.

c. A temporary instructional certificate issued under this section shall be valid for 180 days and may be extended at the discretion of the State Board of Examiners for another 180 days on application of the holder of the temporary instructional certificate. The temporary instructional certificate shall authorize the nonresident military spouse to be employed as a teacher by a board of education on a temporary basis while completing any specific additional requirements for an instructional certificate in New Jersey that were not required in the other state in which the nonresident military spouse holds a license or certificate to teach.

d. Nothing in this section shall be construed to prohibit a nonresident military spouse from obtaining a New Jersey certificate of eligibility, certificate of eligibility with advanced standing, or standard certificate under State Board of Education regulations, including the regulation for interstate reciprocity.

e. The State Board of Education shall promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this section.

2. This act shall take effect immediately.

Approved June 13, 2013.

CHAPTER 69

AN ACT concerning certain landfills, and supplementing Title 13 of the Revised Statutes.

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

C.13:1E-125.1 Definitions relative to certain landfills.

1. As used in this act:

"Closed sanitary landfill facility" means a sanitary landfill facility, or a portion of a sanitary landfill facility, for which performance is complete with respect to all activities associated with the design, installation, purchase, or construction of all measures, structures, or equipment required by the Department of Environmental Protection, pursuant to law, in order to prevent, minimize, or monitor pollution or health hazards resulting from a sanitary landfill facility subsequent to the termination of operations at any portion thereof, including, but not necessarily limited to, the placement of earthen or vegetative cover, and the installation of methane gas vents, monitors, and air pollution control devices and leachate monitoring wells or collection systems at the site of any sanitary landfill facility.

"Closure" or "closure costs" means activities and costs associated with the design, purchase, reuse, construction, or maintenance of all measures deemed necessary by the Department of Environmental Protection, pursuant to law, in order to prevent, minimize, or monitor pollution or health hazards resulting from a legacy landfill or any other landfill subsequent to the termination of operations at any portion thereof, including, but not necessarily limited to, the costs of general liability insurance, the placement or regrading of fill material, the placement of final earthen or vegetative cover, the installation of methane gas vents or monitors and leachate monitoring wells or collection systems, and long-term operations and maintenance, at the site of a legacy landfill or any other landfill that is not listed on the National Priorities List pursuant to the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 42 U.S.C. s.9605.

"Commissioner" means the Commissioner of Environmental Protection.

"Department" means the Department of Environmental Protection.

"Legacy landfill" means a landfill that ceased operations prior to January 1, 1982, and received for disposal: (1) solid waste; or (2) waste material that was received for disposal prior to October 21, 1976 and that is included within the definition of hazardous waste adopted by the federal government pursuant to the "Resource Conservation and Recovery Act," 42 U.S.C. s.6921 et seq.

"Owner or operator" means and includes, in addition to the usual meanings thereof, each owner of record or any interest in land whereon a legacy landfill or sanitary landfill facility is or has been located, and any person or

corporation which owns a majority interest in any other corporation which is the owner or operator of any legacy landfill or sanitary landfill facility.

"Person" means an individual, trust, firm, joint stock company, business concern, and corporation, including, but not limited to, a partnership, limited liability company, or association. "Person" shall also mean any responsible corporate official.

"Sanitary landfill facility" means a solid waste facility at which solid waste is deposited on or in the land as fill for the purpose of permanent disposal or storage for a period exceeding six months, except that it shall not include any waste facility approved for disposal of hazardous waste.

"Solid waste" means garbage, refuse, and other discarded materials resulting from industrial, commercial, and agricultural operations, and from domestic and community activities, and shall include all other waste materials including liquids.

C.13:1E-125.2 Voidable causes; closure.

2. a. (1) An administrative consent order, agreement, closure or post-closure plan, or other permit or approval entered into before or after the effective date of this act by the Department of Environmental Protection and any person for the closure of a legacy landfill or for the authorization to place additional waste or material on a closed sanitary landfill facility shall be voidable for any of the following causes:

(a) if the owner or operator does not satisfy the financial assurance requirements of P.L.2013, c.69 (C.13:1E-125.1 et seq.) or any material financial plan requirements in any administrative consent order, agreement, closure or post-closure plan, or other permit or approval;

(b) if the owner or operator, or any person entering into the administrative consent order, agreement, closure or post-closure plan, or other permit or approval, made or submitted to any government entity or official any material misrepresentation, false statement, false report, false filing, misleading statement, or evasion or suppression of a material fact, including making a false financial disclosure, related to the subject of the administrative consent order, the closure or post-closure plans of the legacy landfill or closed sanitary landfill facility, the property ownership of the legacy landfill site or closed sanitary landfill facility, or the qualifications of the person responsible for the closure or post-closure plans for the legacy landfill or closed sanitary landfill facility; or

(c) for fraud, deceit, or material misrepresentation in securing a license issued pursuant to P.L.1983, c.392 (C.13:1E-126 et seq.) related to the clo-

sure of a legacy landfill or the placement of waste or material at a closed sanitary landfill facility.

(2) The commissioner may institute a summary action in the Superior Court to terminate an administrative consent order, agreement, closure or post-closure plan, or other permit or approval entered into by the department and a person for the closure of a legacy landfill or the placement of waste or material at a closed sanitary landfill facility. In any such proceeding, if an administrative consent order, agreement, closure or post-closure plan, or other permit or approval is voidable as provided in paragraph (1) of this subsection, the Superior Court shall issue an order terminating the administrative consent order, agreement, plan, permit, or approval.

b. If an administrative consent order, agreement, closure or post-closure plan, or other permit or approval, entered into by the department and any person for the closure of a legacy landfill or the placement of waste or material at a closed sanitary landfill facility is terminated pursuant to the provisions of subsection a. of this section, the department shall take such measures deemed necessary by the department to protect the public, which may include closing the legacy landfill or sanitary landfill facility, consistent with the provisions of P.L.2013, c.69 (C.13:1E-125.1 et seq.).

c. Any closure costs and costs incurred by the department in a proceeding resulting in termination pursuant to subsection a. of this section, including attorney's fees and court costs, may be recovered by the State from the owner or operator of the legacy landfill or closed sanitary landfill facility and shall constitute a debt of the owner or operator to the State. All owners or operators shall be jointly and severally liable for all recoverable costs. The debt shall constitute a lien on all property owned by the owner or operator when a notice of lien, incorporating a description of the property of the owner or operator subject to the closure and an identification of the amount of closure and related costs expended by the State, is duly filed with the clerk of the Superior Court. The clerk shall promptly enter upon the civil judgment or order docket the name and address of the owner or operator and the amount of the lien as set forth in the notice of lien. Upon entry by the clerk, the lien, to the amount committed by the State for closure and related costs, shall attach to the revenues and all real and personal property of the owner or operator, whether or not the owner or operator is insolvent.

d. The notice of lien filed pursuant to subsection c. of this section which affects the property of an owner or operator subject to the closure shall create a lien with priority over all other claims or liens which are or have been filed against the property. The notice of lien filed pursuant to subsection c. of this section which affects any property of an owner or op-

erator, other than the property subject to the closure, shall have priority from the day of the filing of the notice of the lien over all other claims and liens filed against the property, but shall not affect any valid lien, right, or interest in the property filed in accordance with established procedure prior to the filing of a notice of lien pursuant to this subsection.

C.13:1E-125.3 Site plan approval required.

3. Notwithstanding the provisions of any other law to the contrary, any person who undertakes the closure of a legacy landfill, or the owner or operator of a closed sanitary landfill facility, who accepts for any reason, solid waste, recyclable material, contaminated soil, cover material, wastewater treatment residual material, dredge material, construction debris, or any other waste or material shall apply for and obtain site plan approval pursuant to the provisions of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

C.13:1E-125.4 Hydrogen sulfide levels, odors; violations; adoption of standards.

4. a. Hydrogen sulfide levels emanating from a legacy landfill or closed sanitary landfill facility shall not exceed 30 parts per billion averaged over a period of any 30 minutes to be measured at the property line of a legacy landfill or closed sanitary landfill facility.

b. Upon verification by the department of complaints about hydrogen sulfide odors and a determination by the department that the legacy landfill or closed sanitary landfill facility is the source of those odors, the department may order the person who is undertaking the closure of a legacy landfill or placement of materials at a closed sanitary landfill facility, or the owner or operator of the legacy landfill or closed sanitary landfill facility to:

(1) develop a hydrogen sulfide monitoring plan to be approved by the department;

(2) purchase and install devices in accordance with this plan to monitor hydrogen sulfide levels at the property boundary of the legacy landfill or closed sanitary landfill facility;

(3) operate and maintain these devices to record hydrogen sulfide levels in accordance with the plan; and

(4) provide periodic reports to the department on a schedule determined by the department on the levels of hydrogen sulfide emitted from the legacy landfill or closed sanitary landfill facility.

c. The Department of Environmental Protection, a county, or a municipality in which a violation of subsection a. of this section occurs, or any person who resides or owns property within two miles of the boundary of the

legacy landfill or closed sanitary landfill facility, may institute an action or proceeding in the Superior Court for injunctive and other relief, for any violation of the air quality standard established in subsection a. of this section that is measured at the legacy landfill or the closed sanitary landfill facility, or within two miles of the property boundary of a legacy landfill or closed sanitary landfill facility, and the court may proceed in the action in a summary manner. In any such proceeding the court may grant temporary or interlocutory relief. Upon a finding of a violation, the court shall require the owner or operator of the legacy landfill or closed sanitary landfill facility to abate the violation immediately and may require that wastes or materials be mixed, rolled, or covered, or that odor shields be installed to abate the violation.

Such relief may also include, singly or in combination:

- (1) a temporary or permanent injunction that requires that the wastes or materials that are the source of the violation be mixed, covered, or removed;
- (2) assessment of the violator for the costs of any investigation, inspection, or monitoring survey that led to the establishment of the violation, and for the reasonable costs of preparing and litigating the case under this section;
- (3) assessment of the violator for any cost incurred by the State, county, or municipality in removing, correcting, or terminating the adverse effects upon environmental quality or public health resulting from any violation for which the action under this subsection may have been brought;
- (4) assessment against the violator of compensatory damages for any damages to health or property, loss or destruction of wildlife, fish or aquatic life, and for any other actual damages caused by any violation of subsection a. of this section; and
- (5) assessment against the violator of the amount of any economic benefits accruing to the violator from a violation. Economic benefits may include the amount of any fees or charges paid for the placement of the waste or material that is the source of the violation; savings realized from avoided capital or noncapital costs resulting from the violation; any return earned or that may be earned on the amount of fees or charges or of the avoided costs; any benefits accruing to the violator as a result of a competitive market advantage enjoyed by reason of the violation; or any other benefits resulting from the violation.

Assessments under this subsection shall be paid to the party bringing the action, except that compensatory damages shall be paid by specific order of the court to any persons who have been aggrieved by the violation.

Recourse to any remedy available under this section shall not preclude recourse to any other remedies authorized in this act or by any other applicable law.

d. The department may adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), standards for hydrogen sulfide emanating from a legacy landfill or closed sanitary landfill facility that, upon adoption, shall supersede the standard set forth in subsection a. of this section.

C.13:1E-125.5 Financial assurance to pay for closure costs.

5. a. The owner or operator of any legacy landfill or closed sanitary landfill facility who accepts recyclable material, contaminated soil, wastewater treatment residual material, or construction debris shall establish and maintain financial assurance in an amount necessary to pay for all closure costs, and shall maintain a general liability insurance policy in an amount determined in advance by the department to pay for damages or claims resulting from operations or closure of the legacy landfill or closed sanitary landfill facility, as required pursuant to subsection b. of this section. Financial assurance shall be certified by a New Jersey licensed professional engineer prior to the acceptance of any solid waste or any other materials at the legacy landfill or closed sanitary landfill facility. General liability insurance coverage shall be maintained through the entirety of closure and post-closure activities.

b. Financial assurance shall be established in an amount equal to or greater than the cost estimate of the closure costs (1) as certified by the New Jersey licensed professional engineer retained pursuant to section 7 of P.L.2013, c.69 (C.13:1E-125.7), (2) as provided in an administrative consent order, (3) as stated in a departmental order or directive, or (4) as approved by a court, and shall be in effect for a term not less than the actual time necessary to complete all activities at the legacy landfill or closed sanitary landfill facility including all closure activities. Closure cost estimates shall be revised and re-certified by a New Jersey licensed professional engineer every two years after commencement of approved activities on the legacy landfill or closed sanitary landfill facility. In the event of an increase, the owner or operator shall cause the amount of the financial assurance to be increased to an amount at least equal to the new estimate. If the closure cost estimate decreases as a result of a periodic review, the owner or operator may file a written request with the department to decrease the amount of the financial assurance, supported by a certification by a New Jersey licensed professional engineer of the details of the decrease in the cost estimate, as applicable. The financial assurance may be decreased to the amount of the new estimate upon written approval by the department.

c. Financial assurance shall be established pursuant to this section by any of the following, individually or in combination, surety bond, a letter of

credit or a line of credit upon which the department may draw directly to fund closure in the event of a termination.

d. Any person who fails to establish financial assurance, deposits or places any waste or material prior to the establishment of financial assurance, or uses those funds for any purpose other than closure costs as approved by the department, or to pay damages or claims as approved by the department or by a court, shall be guilty of a crime of the third degree.

C.13:1E-125.6 Monthly deposit of costs of post-closure monitoring.

6. a. The owner or operator of every legacy landfill and every closed sanitary landfill facility that accepts any recyclable material, contaminated soil, wastewater treatment residual material, or construction debris shall deposit, on a monthly basis in an interest-bearing account with an accredited financial institution, an amount determined by the department after review of the estimated costs of post-closure monitoring and operational costs, but not less than \$1.00 per ton of all waste or material accepted during the preceding month at the legacy landfill or closed sanitary landfill facility. In the event that any waste or material is measured, upon acceptance, by a metric other than tons, the amount to be deposited shall be calculated by using the equivalents thereof as shall be determined by the department.

The account established pursuant to this subsection shall constitute an escrow account for the post-closure monitoring and operating costs of the legacy landfill or closed sanitary landfill facility, and no withdrawals therefrom may be made without written approval of the department, except as otherwise authorized by the department.

b. Any owner or operator of a legacy landfill or closed sanitary landfill facility who fails to deposit funds into an escrow account, as provided herein, or uses those funds for any purpose other than closure costs, as approved by the department, shall be guilty of a crime of the third degree.

C.13:1E-125.7 New Jersey licensed professional engineer to perform closure.

7. a. The owner or operator of a legacy landfill or a closed sanitary landfill facility that undertakes any activity that includes the placement or disposal of any material, regrading, compression, venting, construction, or installation of monitors or wells at a legacy landfill or a closed sanitary landfill shall hire a New Jersey licensed professional engineer to perform the closure and to oversee any other activities performed at the legacy landfill or closed sanitary landfill facility.

b. The New Jersey licensed professional engineer shall certify on a quarterly basis that all wastes and materials accepted at the site for any purpose are

weighed, sampled, and tested according to a protocol approved in advance by the department, and that all provisions and prohibitions of the administrative consent order, closure or post-closure plans, permits, or approvals are complied with at the legacy landfill or closed sanitary landfill facility.

C.13:1E-125.8 Violations, penalties.

8. a. Whenever the commissioner finds that a person has violated any provision of P.L.2013, c.69 (C.13:1E-125.1 et seq.), the commissioner may institute an action or proceeding in the Superior Court for injunctive and other relief, and for a civil penalty for each violation in an amount not to exceed \$25,000 per day provided that each day during which the violation continues shall constitute an additional, separate and distinct offense.

In any such proceeding the court may grant temporary or interlocutory relief. Such relief may include, singly or in combination:

(1) a temporary or permanent injunction that requires that the wastes or materials that are the source of the violation be mixed, covered, or removed;

(2) assessment of the violator for the costs of any investigation, inspection, or monitoring survey that led to the establishment of the violation, and for the reasonable costs of preparing and litigating the case under this section;

(3) assessment of the violator for any cost incurred by the State, county, or municipality in removing, correcting, or terminating the adverse effects upon environmental quality or public health resulting from any violation for which the action under this subsection may have been brought;

(4) assessment against the violator of compensatory damages for any damages, loss, or destruction of wildlife, fish or aquatic life, and for any other actual damages to the public caused by any violation of P.L.2013, c.69 (C.13:1E-125.1 et seq.); and

(5) assessment against the violator of the amount of any economic benefits accruing to the violator from a violation. Economic benefits may include the amount of any fees or charges paid for the placement of the waste or material that is the source of the violation; savings realized from avoided capital or noncapital costs resulting from the violation; any return earned or that may be earned on the amount of fees or charges or of the avoided costs; any benefits accruing to the violator as a result of a competitive market advantage enjoyed by reason of the violation; or any other benefits resulting from the violation.

b. Assessments under this section shall be paid to the State Treasurer. Recourse to any remedy available under this section shall not preclude recourse to any other remedies authorized by P.L.2013, c.69 (C.13:1E-125.1 et seq.) or by any other applicable law.

C.13:1E-125.9 Emergency orders.

9. If the commissioner determines that any activity or activities occurring at a legacy landfill or closed sanitary landfill facility present an imminent threat to the environment or public health and safety, the provisions of section 2 of P.L.1990, c.70 (C.13:1E-9.5) shall govern the issuance of and any challenge to, any emergency order issued by the commissioner to the owner or operator of a legacy landfill or closed sanitary landfill facility.

10. This act shall take effect immediately.

Approved June 26, 2013.

CHAPTER 70

AN ACT concerning the use of wireless telephones and electronic communication devices in motor vehicles and amending P.L.2003, c.310.

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

1. Section 1 of P.L.2003, c.310 (C.39:4-97.3) is amended to read as follows:

C.39:4-97.3 Use of wireless telephone, electronic communication device in moving vehicles; definitions; enforcement.

1. a. The use of a wireless telephone or electronic communication device by an operator of a moving motor vehicle on a public road or highway shall be unlawful except when the telephone is a hands-free wireless telephone or the electronic communication device is used hands-free, provided that its placement does not interfere with the operation of federally required safety equipment and the operator exercises a high degree of caution in the operation of the motor vehicle. For the purposes of this section, an "electronic communication device" shall not include an amateur radio.

Nothing in P.L.2003, c.310 (C.39:4-97.3 et seq.) shall apply to the use of a citizen's band radio or two-way radio by an operator of a moving commercial motor vehicle or authorized emergency vehicle on a public road or highway.

b. The operator of a motor vehicle may use a hand-held wireless telephone while driving with one hand on the steering wheel only if:

(1) The operator has reason to fear for his life or safety, or believes that a criminal act may be perpetrated against himself or another person; or

(2) The operator is using the telephone to report to appropriate authorities a fire, a traffic accident, a serious road hazard or medical or hazardous materials emergency, or to report the operator of another motor vehicle who is driving in a reckless, careless or otherwise unsafe manner or who appears to be driving under the influence of alcohol or drugs. A hand-held wireless telephone user's telephone records or the testimony or written statements from appropriate authorities receiving such calls shall be deemed sufficient evidence of the existence of all lawful calls made under this paragraph.

As used in this act:

"Citizen's band radio" means a mobile communication device designed to allow for the transmission and receipt of radio communications on frequencies allocated for citizen's band radio service use.

"Hands-free wireless telephone" means a mobile telephone that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such mobile telephone, by which a user engages in a conversation without the use of either hand; provided, however, this definition shall not preclude the use of either hand to activate, deactivate, or initiate a function of the telephone.

"Two-way radio" means two-way communications equipment that uses VHF frequencies approved by the Federal Communications Commission.

"Use" of a wireless telephone or electronic communication device shall include, but not be limited to, talking or listening to another person on the telephone, text messaging, or sending an electronic message via the wireless telephone or electronic communication device.

c. (Deleted by amendment, P.L.2007, c.198).

d. A person who violates this section shall be fined as follows:

(1) for a first offense, not less than \$200 or more than \$400;

(2) for a second offense, not less than \$400 or more than \$600; and

(3) for a third or subsequent offense, not less than \$600 or more than \$800.

For a third or subsequent violation, the court, in its discretion, may order the person to forfeit the right to operate a motor vehicle over the highways of this State for a period of 90 days. In addition, a person convicted of a third or subsequent violation shall be assessed three motor vehicle penalty points pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).

A person who has been convicted of a previous violation of this section need not be charged as a second or subsequent offender in the complaint made against him in order to render him liable to the punishment imposed by this section on a second or subsequent offender, but if the second offense occurs more than 10 years after the first offense, the court shall treat the

second conviction as a first offense for sentencing purposes and if a third offense occurs more than 10 years after the second offense, the court shall treat the third conviction as a second offense for sentencing purposes.

e. Except as provided in subsection d. of this section, no motor vehicle penalty points or automobile insurance eligibility points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) shall be assessed for this offense.

f. The Chief Administrator of the New Jersey Motor Vehicle Commission shall develop and undertake a program to notify and inform the public as to the provisions of this act. Notwithstanding the provisions of R.S.39:5-41, the fines assessed pursuant to subsection d. of this section shall be collected by the court and distributed as follows: 50 percent of the fine imposed shall be paid to the county and municipality wherein the violation occurred, to be divided equally, and 50 percent of the fine imposed shall be paid to the State Treasurer, who shall allocate the fine monies to the chief administrator to be used for this public education program, which shall include informing motorists of the dangers of texting while driving.

g. Whenever this section is used as an alternative offense in a plea agreement to any other offense in Title 39 of the Revised Statutes that would result in the assessment of motor vehicle points, the penalty shall be the same as the penalty for a violation of section 1 of P.L.2000, c.75 (C.39:4-97.2), including the surcharge imposed pursuant to subsection f. of that section, and a conviction under this section shall be considered a conviction under section 1 of P.L.2000, c.75 (C.39:4-97.2) for the purpose of determining subsequent enhanced penalties under that section.

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

Approved June 27, 2013.

CHAPTER 71

AN ACT concerning the health of student-athletes, amending P.L.2007, c.125, 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:40-41.6 Short title.

1. Sections 2 through 4 of this act shall be known and may be cited as the “Scholastic Student-Athlete Safety Act.”

C.18A:40-41.7 Preparticipation Physical Evaluation Form required for student-athletes; certification statement.

2. a. The board of education of a public school district and the governing board or chief school administrator of a nonpublic school shall require that prior to the participation of any student enrolled in grades six to 12 on a school-sponsored interscholastic or intramural athletic team or squad, the student shall have a physical examination using the “Preparticipation Physical Evaluation” form developed jointly by the American Academy of Family Physicians, American Academy of Pediatrics, American College of Sports Medicine, American Medical Society for Sports Medicine, American Orthopaedic Society for Sports Medicine, and American Osteopathic Academy of Sports Medicine. The Preparticipation Physical Evaluation form shall include the History and Physical Examination components. The Preparticipation Physical Evaluation form shall also include a certification statement, to be signed by the licensed physician, advanced practice nurse, or physician assistant who performed the physical examination, attesting to the completion of the current professional development module developed pursuant to subsection a. of section 3 of P.L.2013, c.71 (C.18A:40-41d).

b. The physical examination required by subsection a. of this section shall be conducted within 365 days prior to the first day of official practice in an athletic season and shall be conducted by a licensed physician, advanced practice nurse, or physician assistant. Each student whose physical examination was completed more than 90 days prior to the first day of official practice in an athletic season shall provide a health history update questionnaire, completed and signed by the student’s parent or guardian. The completed health history update questionnaire shall be reviewed by the school nurse and, if applicable, the school athletic trainer and shall include information as to whether, in the time period since the date of the student’s last preparticipation physical examination, the student has:

- (1) been advised by a licensed physician, advanced practice nurse, or physician assistant not to participate in a sport;
- (2) sustained a concussion, been unconscious or lost memory from a blow to the head;
- (3) broken a bone or sprained, strained, or dislocated any muscles or joints;
- (4) fainted or blacked out;

- (5) experienced chest pains, shortness of breath, or heart racing;
- (6) had a recent history of fatigue and unusual tiredness;
- (7) been hospitalized, visited an emergency room, or had a significant medical illness;
- (8) started or stopped taking any over the counter or prescribed medications; or
- (9) had a sudden death in the family, or whether any member of the student's family under the age of 50 has had a heart attack or heart trouble.

c. A board of education of a public school district and the governing board or chief school administrator of a nonpublic school shall not permit a student enrolled in grades six to 12 to participate on a school-sponsored interscholastic or intramural athletic team or squad unless the student has completed a Preparticipation Physical Evaluation form and, if applicable, a completed health history update questionnaire as required by subsections a. and b. of this section.

C.18A:40-41d Student-Athlete Cardiac Screening professional development module.

3. a. The Commissioners of Education and Health, in consultation with the New Jersey Chapter of the American Academy of Pediatrics, the New Jersey Academy of Family Physicians, the American Heart Association, and the New Jersey Chapter of the American College of Cardiology, shall develop, by the 2013-2014 school year, a Student-Athlete Cardiac Screening professional development module to increase the assessment skills of those health care practitioners who perform student-athlete physical examinations and screenings. The module shall include, but need not be limited to, the following:

- (1) how to complete and review a detailed medical history with an emphasis on cardiovascular family history and personal reports of symptoms;
- (2) identifying symptoms of sudden cardiac arrest that may require follow up with a cardiologist;
- (3) recognizing normal structural changes of the athletic heart;
- (4) recognizing prodromal symptoms that precede sudden cardiac arrest;
- (5) performing the cardiovascular physical examination;
- (6) reviewing the major etiologies of sudden unexplained cardiac death with an emphasis on structural abnormalities and acquired conditions; and
- (7) when to refer a student to a cardiologist for further assessment.

b. The module developed pursuant to subsection a. of this section and the pamphlet developed pursuant to section 1 of P.L.2007, c.125 (C.18A:40-41) shall be posted on the websites of the Department of Education, the American Academy of Pediatrics, the New Jersey Academy of

Family Physicians, the American Heart Association, the American College of Cardiology, the Athletic Trainers' Society of New Jersey, the State Board of Medical Examiners, the New Jersey State Board of Nursing, and the New Jersey State Society of Physician Assistants.

c. A physician, advanced practice nurse, or physician assistant who performs a student-athlete's annual physical examination prior to the student's participation in a school-sponsored interscholastic or intramural athletic team or squad as required pursuant to subsection a. of section 2 of P.L.2013, c.71 (C.18A:40-41.7) shall complete the Student-Athlete Cardiac Screening professional development module developed pursuant to subsection a. of this section. Upon performing a physical examination required by subsection a. of section 2 of P.L.2013, c.71 (C.18A:40-41.7), the physician, advanced practice nurse, or physician assistant shall sign the certification statement on the Preparticipation Physical Evaluation form required pursuant to subsection a. of section 2 of P.L.2013, c.71 (C.18A:40-41.7) attesting to the completion of the module. The board of education of a public school district and the governing board or chief school administrator of a nonpublic school shall retain the original signed statement to attest to the qualification of the health care practitioner to perform the physical examination required by subsection a. of section 2 of P.L.2013, c.71 (C.18A:40-41.7).

C.18A:40-1.1 School physician to complete Student-Athlete Cardiac Screening professional development module.

4. A contract between a school district and a school physician appointed pursuant to N.J.S.18A:40-1 shall include a statement of assurance that the school physician has completed the Student-Athlete Cardiac Screening professional development module developed pursuant to section 3 of P.L.2013, c.71 (C.18A:40-41d) and has read the pamphlet developed pursuant to section 1 of P.L.2007, c.125 (C.18A:40-41).

5. Section 1 of P.L.2007, c.125 (C.18A:40-41) is amended to read as follows:

C.18A:40-41 Sudden cardiac arrest pamphlet; development, distribution.

1. a. The Commissioner of Education, in consultation with the Commissioner of Health, the American Heart Association, and the American Academy of Pediatrics, shall develop a pamphlet that provides information about sudden cardiac arrest to student-athletes and the parents or guardians of student athletes. The pamphlet shall include an explanation of sudden cardiac arrest, its incidence among student athletes, a description of early

warning signs, and an overview of the options that are privately available to screen for cardiac conditions that may lead to sudden cardiac arrest, including a statement about the limitations of these options.

b. The commissioner shall distribute the pamphlet, at no charge, to all school districts in the State. The commissioner shall update the pamphlet as necessary, and shall make additional copies available to nonpublic schools upon request.

c. In the 2007-2008 through the 2012-2013 school years, each school district shall distribute the pamphlet to the parents or guardians of students participating in school sports.

d. In the 2013-2014 school year and in each subsequent school year, a school district shall distribute the pamphlet to each student-athlete and to the parents or guardians of student-athletes, as part of the student's participation physical examination and completion of athletic permission forms. A student-athlete and the parent or guardian of the student-athlete shall certify in writing that they received and reviewed the pamphlet.

C.18A:40-1.2 Regulations.

6. The State Board of Education shall promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this act.

7. This act shall take effect on the first day of the fourth month next following the date of enactment, but the State Board of Education may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved June 27, 2013.

CHAPTER 72

AN ACT concerning premarital and pre-civil union agreements and amending R.S.37:2-32 and R.S.37:2-38.

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

1. R.S.37:2-32 is amended to read as follows:

Definitions.

37:2-32. As used in this article:

- a. "Premarital or pre-civil union agreement" means an agreement between prospective spouses or partners in a civil union couple made in contemplation of marriage or a civil union and to be effective upon marriage or upon the parties establishing a civil union;
- b. "Property" means an interest, present or future, legal or equitable, vested or contingent, in real or personal property, including income and earnings;
- c. (Deleted by amendment, P.L.2013, c.72).

2. R.S.37:2-38 is amended to read as follows:

Enforcement of premarital or pre-civil union agreement; generally.

37:2-38. Enforcement of premarital or pre-civil union agreement; generally.

The burden of proof to set aside a premarital or pre-civil union agreement shall be upon the party alleging the agreement to be unenforceable. A premarital or pre-civil union agreement shall not be enforceable if the party seeking to set aside the agreement proves, by clear and convincing evidence, that:

- a. The party executed the agreement involuntarily; or
- b. (Deleted by amendment, P.L.2013, c.72)
- c. The agreement was unconscionable when it was executed because that party, before execution of the agreement:
 - (1) Was not provided full and fair disclosure of the earnings, property and financial obligations of the other party;
 - (2) Did not voluntarily and expressly waive, in writing, any right to disclosure of the property or financial obligations of the other party beyond the disclosure provided;
 - (3) Did not have, or reasonably could not have had, an adequate knowledge of the property or financial obligations of the other party; or
 - (4) Did not consult with independent legal counsel and did not voluntarily and expressly waive, in writing, the opportunity to consult with independent legal counsel.
- d. The issue of unconscionability of a premarital or pre-civil union agreement shall be determined by the court as a matter of law. An agreement shall not be deemed unconscionable unless the circumstances set out in subsection c. of this section are applicable.

3. This act shall take effect immediately and shall apply to all pre-marital and pre-civil union agreements entered into on or after the effective date, or entered into before that effective date but voluntarily revised by the parties on or after the effective date in accordance with the procedures for amending agreements set forth in R.S.37:2-37.

Approved June 27, 2013.

CHAPTER 73

AN ACT clarifying that charitable contributions are not a factor in determining where a person is domiciled under the New Jersey gross income tax, supplementing Title 54A of the New Jersey Statutes.

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

C.54A:1-2.1 Charitable contributions not a factor in determination of domicile.

1. For purposes of determining whether a person is domiciled in this State or not domiciled in this State under subsections m., n. o. and p. of N.J.S.54A:1-2, the making of a financial contribution, gift, bequest, donation or any other financial instrument or pledge in any amount or the donation or loan of any object of any value qualifying for deduction as a charitable contribution under subsection (a) of section 170 of the federal Internal Revenue Code of 1986 (26 U.S.C.s.170(a)), or the volunteering, giving or donation of uncompensated time, or any combination of the foregoing, to any corporation, foundation, organization or institution, which is exempt from federal income tax under paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code of 1986 (26 U.S.C.s.501(c)(3)), shall not be considered as a factor in any manner to determine a person's state of domicile.

2. This act shall take effect immediately.

Approved June 27, 2013.

CHAPTER 74

AN ACT concerning the taking of menhaden for bait and human food, amending P.L.1979, c.199, R.S.23:3-51, and R.S.23:3-52, and supplementing Title 23 of the Revised Statutes.

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

1. Section 73 of P.L.1979, c.199 (C.23:2B-14) is amended to read as follows:

C.23:2B-14 "Act" defined, penalties; enforcement.

73. For purposes of this section, the "act" means and includes all the new sections and amended sections contained herein, all the remaining sections of Title 50 of the Revised Statutes, sections 23:3-41, 23:3-46, 23:3-47, 23:3-48, 23:3-51, 23:3-52, 23:5-9, 23:5-16, 23:9-114, 23:9-115 and 23:9-120 of Title 23 of the Revised Statutes, sections 1, 2, and 3 of P.L.1941, c.211 (C.23:5-24.1 to 23:5-24.3), and sections 4 through 17 of P.L.2013, c.74 (C.23:3-51.2 through C.23:3-51.15).

The commissioner may utilize any or all of the following remedies for any violation of this act:

a. (1) A person who violates the provisions of this act or of any rule, regulation, license or permit adopted or issued pursuant to this act shall be liable to a penalty of not less than \$300 or more than \$3,000 for the first offense and not less than \$500 or more than \$5,000 for any subsequent offense, unless the commissioner has established an alternate penalty for a specific offense pursuant to paragraph (2) of this subsection.

(2) The Commissioner of Environmental Protection, with the approval of the Marine Fisheries Council, may, by regulation, establish a penalty schedule for any specific violation of this act or of any rule or regulation adopted pursuant to this act. No such penalty may be less than \$30 or more than \$100 for the first offense or less than \$50 or more than \$200 for any subsequent offense. Any penalty provided for by this act or by the fee schedule adopted by the commissioner shall be collected in a civil action by a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court or any municipal court shall have jurisdiction to enforce the "Penalty Enforcement Law of 1999." If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.

b. (1) A person who violates the provisions of this act or any rule or regulation or any license or permit adopted or issued pursuant to this act shall be liable to the revocation or suspension of any license or permit held by the violator pursuant to this act for such period of time as the court may choose, except when the rule or regulation violated includes a mandatory

revocation or suspension schedule in which case that schedule shall determine the period of time of the revocation or suspension.

(2) In the case of a person who knowingly violates the provisions of R.S.50:2-11, R.S.50:3-13, R.S.50:4-2 or R.S.50:4-3, or any rule or regulation or any license or permit adopted or issued pursuant thereto, the violator shall be subject to a mandatory revocation or suspension of the license or permit or privilege for the taking of oysters, clams or other shellfish held by the violator, or in the case of a violator without the necessary license or permit the loss of the privilege to take oysters, clams or other shellfish, for a period of three years for a first offense, five years for a second offense, and 10 years for the third and any subsequent offense. For purposes of this paragraph, a knowing violator shall include, but need not be limited to: (a) a person who is the holder of a commercial shellfish license or permit; (b) a person who is the holder of a recreational shellfish license or permit who is in possession of more than the daily recreational shellfish limit; (c) a person without any shellfish license or permit who is in possession of more than the daily recreational shellfish limit; (d) a person who is the holder of a recreational shellfish license or permit who is engaging in shellfish activities with the holder of a commercial shellfish license or permit; or (e) a person without the necessary shellfish license or permit who is engaging in shellfish activities with the holder of a commercial shellfish license or permit.

c. If a person violates any of the provisions of this act, or any rule or regulation or any license or permit adopted or issued pursuant to this act, the department may institute a civil action in a court of competent jurisdiction for injunctive relief to prohibit and prevent the violation or violations and the court may proceed in the action in a summary manner.

The department is hereby authorized and empowered to compromise and settle any claim for a penalty under this section in such amount in the discretion of the department as may appear appropriate and equitable under all of the circumstances.

d. In addition to the penalties prescribed by this section, a person who violates the provisions of R.S.50:2-11, R.S.50:3-13, R.S.50:4-2 or R.S.50:4-3, or any rule or regulation or any license or permit adopted or issued pursuant thereto, shall be subject to the forfeiture of any vessel, vehicle, or equipment used in the commission of the violation. A designated conservation officer of the Department of Environmental Protection, a member of the State Police, or any other law enforcement officer may seize and secure any vessel, vehicle, or equipment used in the commission of such a violation. Upon the seizure of the vessel, vehicle, or equipment, the conservation officer, member of the State Police, or other law enforcement officer shall im-

mediately thereafter institute a civil action to determine if the forfeiture is warranted in the court in which the penalty action was filed pursuant to this section, which court shall have jurisdiction to adjudicate the forfeiture action. The owner or any person having a security interest in the vessel, vehicle, or equipment may secure its release by depositing with the clerk of the court in which the action is pending a bond with good and sufficient sureties in an amount to be fixed by the court, conditioned upon the return of the vessel, vehicle, or equipment to the Department of Environmental Protection upon demand after completion of the court proceeding. The court may proceed in a summary manner and may direct the confiscation of the vessel, vehicle, or equipment by the department for its use or for disposal by sale or public auction. Moneys collected by the department through the sale or public auction of the vessel, vehicle, or equipment shall be used by the Division of Fish and Wildlife for the enforcement of the provisions of this act.

2. R.S.23:3-51 is amended to read as follows:

License to take menhaden, prohibited takings.

23:3-51. a. Any person who intends to take menhaden with a purse seine or shirred net from any State waters, including the waters of the Atlantic ocean within three nautical miles of the State coast line, shall apply to the commissioner for a Menhaden Purse Seine Fishing Vessel License or a Menhaden Purse Seine Fishing Vessel Operator's License, as appropriate, in accordance with the provisions of this section. Upon receipt of the application and payment of the fee required pursuant to R.S.23:3-52, the commissioner may, in the commissioner's discretion and as prescribed pursuant to sections 2 and 3 of P.L.2010, c.72, issue to the applicant a Menhaden Purse Seine Fishing Vessel License or a Menhaden Purse Seine Fishing Vessel Operator's License, as appropriate, except as prohibited by subsection b. of this section. A license issued pursuant to this section shall be valid only for the calendar year for which it is issued, and shall be renewed on an annual basis.

b. Notwithstanding the provisions of subsection a. of this section, the provisions of P.L.2013, c.74 (C.23:3-51.2 et al.), or the provisions of any other law, or any rule or regulation adopted pursuant thereto, to the contrary, the commissioner shall not issue a license for the taking of menhaden, and no person shall take menhaden, from State coastal waters, including the Delaware, Great, Raritan, and Sandy Hook bays, for the purpose of reduction, including the conversion of menhaden to fish meal, oil, or other components.

This subsection shall not be understood to prohibit the taking of menhaden in State coastal waters for the use as bait for commercial or recreational purposes or in whole frozen form for use as human food.

c. (1) The following types of vessels, and their owners or operators, are subject to licensure pursuant to this section:

(a) Any purse seine catch vessel that takes menhaden from State waters on an individual trip basis; and

(b) Any purse seine carry vessel that works in conjunction with the purse seine catch vessel identified in subparagraph (a) of this paragraph.

(2) A menhaden set vessel that participates only in the setting of a purse seine or shirred net in conjunction with a purse seine catch vessel is exempt from licensure pursuant to this section.

(3) A license issued pursuant to this section shall remain on board the licensed vessel at all times.

(4) The holder of a license issued pursuant to this section shall not use, have on board the licensed vessel, or work in conjunction with any other vessel that uses any type of fishing gear other than a purse seine or shirred net.

d. A Menhaden Purse Seine Fishing Vessel License shall be issued in the name of the vessel and the vessel's owner or owner/operator. If the vessel owner is not the operator of the vessel, a Menhaden Purse Seine Fishing Vessel License shall be issued to the vessel owner, as provided in this paragraph, and a separate Menhaden Purse Seine Fishing Vessel Operator's License shall be issued to, and in the name of, the vessel operator, in accordance with the provisions of this section and subsection c. of R.S.23:3-52.

e. (1) No vessel licensed pursuant to this section shall be greater than 90 feet in overall length.

(2) Whenever a Menhaden Purse Seine Fishing Vessel License is issued for a menhaden purse seine catch vessel pursuant to this section, the licensee shall provide the commissioner with certified baseline data indicating the overall length and horsepower of the vessel. Any upgrade or replacement of a licensed purse seine catch vessel shall be limited to a 10 percent increase in overall vessel length, and a 20 percent increase in horsepower.

f. The possession of any fish other than menhaden on a vessel licensed under this section is limited to no more than 500 pounds. The simultaneous possession aboard a vessel of a purse seine or shirred net, menhaden, and any other fish in an amount greater than 500 pounds shall be prima facie evidence of a violation of this subsection.

g. (1) Before commencing menhaden fishing activities on any given day, a person licensed under this section shall notify the department, by phone or, if applicable and offered by the department, by electronic means,

of the intention to fish under this section, and the vessel's intended fishing location. The licensee shall also notify the department, by phone or, if applicable and offered by the department, by electronic means, of any anticipated change in the vessel's fishing location. After a licensee has provided notice to the department of their intention to fish for menhaden pursuant to this section on any particular day, the licensee shall be limited, on that day, to the use of a purse seine or shirred net.

(2) Fishing for menhaden pursuant to this section shall be restricted to those areas in the Raritan, Sandy Hook, and Delaware Bays, and in the Atlantic Ocean, which are located at a distance of 0.6 nautical miles or more from the New Jersey coastline and the jetties and fishing piers extending therefrom.

(3) Fishing for menhaden in the Delaware Bay shall be further restricted to those areas of the Bay that lie south and east of LORAN C line 42850, or to any other area of the Bay, as may be designated by the commissioner.

(4) It shall be incumbent upon the vessel operator to determine whether a purse seine or shirred net is likely to drift, during fishing, beyond the fishing boundaries established by this subsection. The drifting of a purse seine or shirred net into any restricted area along the shore or around a jetty or pier while fishing shall constitute a violation of this subsection.

h. No person engaged in the act of fishing pursuant to this section shall disturb any: (a) channel designating stakes, markers, or buoys; (b) crab pots, lobster pots, fish pots, or traps; or (c) staked and leased shellfish grounds.

3. R.S.23:3-52 is amended to read as follows:

Fee.

23:3-52. a. Except as provided by subsection b. of this section, the fees for a Menhaden Purse Seine Fishing Vessel License, issued pursuant to R.S.23:3-51, shall be as follows:

(1) For vessels owned by a resident of New Jersey:

(a) \$125 for each vessel not less than 30 nor more than 100 tons in gross tonnage;

(b) \$250 for each vessel not less than 100 nor more than 150 tons in gross tonnage;

(c) \$400 for each vessel not less than 150 nor more than 175 tons in gross tonnage;

(d) \$550 for each vessel not less than 175 nor more than 200 tons in gross tonnage;

(e) \$900 for each vessel more than 200 tons in gross tonnage; and

(f) \$20 for each vessel up to 30 tons in gross tonnage, which is used to take menhaden for bait purposes only;

(2) For vessels owned by non-residents of New Jersey:

(a) \$450 for each vessel not less than 30 nor more than 100 tons in gross tonnage;

(b) \$700 for each vessel not less than 100 nor more than 150 tons in gross tonnage;

(c) \$1,000 for each vessel not less than 150 nor more than 175 tons in gross tonnage;

(d) \$1,150 for each vessel not less than 175 nor more than 200 tons in gross tonnage; and

(e) \$1,500 for each vessel more than 200 tons in gross tonnage.

b. Notwithstanding the provisions of subsection a. of this section to the contrary, if a resident of New Jersey leases a vessel from out of State, the vessel licensing fee shall be the same as the fee that is applicable to a vessel owned or leased by a nonresident, as provided by paragraph (2) of subsection a. of this section.

c. The fee for a Menhaden Purse Seine Fishing Vessel Operator's License, issued pursuant to R.S.23:3-51, shall be \$50 for a resident of New Jersey and \$75 for a non-resident of New Jersey.

d. Gross tonnage determinations under this section shall be made using Custom House measurements.

e. Any license fees collected pursuant to this section shall be deposited in the "Marine Fisheries Management Account," established pursuant to section 14 of P.L.2013, c.74 (C.23:3-51.12).

C.23:3-51.2 Definitions relative to taking of menhaden.

4. As used in R.S.23:3-51, section 3 of P.L.2010, c.72 (C.23:3-51.1) and sections 4 through 17 of P.L.2013, c.74(C.23:3-51.2 through C.23:3-51.15):

"Bait net" means a net, including but not limited to a bait seine, cast net, dip net, lift or umbrella net, or kill pot, deployed for the purpose of taking menhaden to be landed or sold in the State.

"Commissioner" means the Commissioner of Environmental Protection.

"Dealer" means a person who is authorized, by a license issued pursuant to section 9 of P.L.2013, c.74 (C.23:3-51.7), to purchase or barter for menhaden landed in the State, and who is considered a primary buyer of menhaden.

"Fishing" means the taking of menhaden from State or federal waters.

“Gill net vessel” means a vessel that is used in the deployment of a gill net for the purpose of taking menhaden to be landed or sold in the State.

“Menhaden” means a marine fish of the herring family (*Brevoortia tyrannus*).

“Menhaden set vessel” means the smaller of two vessels, often employed in conjunction with a purse seine catch vessel, and used as a replacement for the weight of a purse seine to assist in setting the net.

“Pound net vessel” means a vessel that is used in the deployment of a pound net for the purpose of taking menhaden to be landed or sold in the State.

“Purse seine catch vessel” means a vessel that is used in the deployment of a purse seine or shirred net for the purpose of taking menhaden to be landed or sold in the State, and which may work in conjunction with a purse seine carry vessel or menhaden set vessel in the taking of menhaden by purse seine or shirred net.

“Purse seine carry vessel” means a vessel that is used to carry and land or sell menhaden that has been taken from State or federal waters, and which works in conjunction with a purse seine catch vessel or menhaden set vessel in the taking of menhaden by purse seine.

“Trawl vessel” means a vessel that is used in the deployment of a trawl for the purpose of taking menhaden to be landed or sold in the State.

C.23:3-51.3 Menhaden Landing License.

5. a. No person shall land for the purposes of sale or barter, or otherwise sell or barter, 100 pounds or more of menhaden at any time in the State, unless the person is in possession of a Menhaden Landing License which authorizes the person to participate in the directed bait and whole frozen human food fishery for menhaden.

b. (1) Any person who intends to land for the purposes of sale or barter, or otherwise sell or barter, 100 pounds or more of menhaden at any time shall submit to the commissioner an application for a Menhaden Landing License. Any license application for a Menhaden Landing License shall be filed with the commissioner prior to the annual deadline established thereby for application submission, and any application received by the commissioner after this deadline shall be denied.

(2) A Menhaden Landing License issued pursuant to this subsection shall be valid only for the calendar year for which it is issued, and shall be renewed on an annual basis. The failure of a licensee to annually renew a Menhaden Landing License in accordance with established deadlines shall result in forfeiture of the right to obtain a Menhaden Landing License in

future years, except as provided by section 6 of P.L.2013, c.74 (C.23:3-51.4).

c. (1) The following types of vessels, and their owners or operators, are subject to licensure pursuant to this section:

(a) a gill net vessel that is used or is intended to be used to land 100 pounds or more of menhaden on an individual trip basis, for the purposes of sale or barter;

(b) a pound net vessel that is used or is intended to be used to land 100 pounds or more of menhaden on an individual trip basis, for the purposes of sale or barter;

(c) a trawl vessel that is used or is intended to be used to land 100 pounds or more of menhaden on an individual trip basis, for the purposes of sale or barter;

(d) a vessel that is used or is intended to be used to land, on an individual trip basis, and for the purposes of sale or barter, 100 pounds or more of menhaden taken by bait net;

(e) a purse seine carry vessel that is used or is intended to be used to land, on an individual trip basis, and for the purposes of sale or barter, 100 pounds or more of menhaden taken from State or federal waters; and

(f) a purse seine catch vessel that functions as a purse seine carry vessel and satisfies the requirements of subparagraph (e) of this paragraph.

(2) A purse seine catch vessel that does not function as a purse seine carry vessel is exempt from licensure pursuant to this section. However, the owner or operator of a purse seine carry vessel that works in conjunction with a purse seine catch vessel shall identify the purse seine catch vessel on the landing report prepared thereby.

(3) (a) No purse seine carry vessel or purse seine catch vessel functioning as a purse seine carry vessel shall be licensed pursuant to this subsection to land menhaden taken from State waters, unless the vessel is 90 feet or less in overall length.

(b) Nothing in subparagraph (a) of this paragraph shall prohibit the licensure of a purse seine carry vessel or purse seine catch vessel that is greater than 90 feet in overall length, so long as the vessel lands menhaden taken only from federal waters.

(4) A Menhaden Landing License shall be issued by the commissioner in the name of: (a) the vessel and the vessel's owner or operator; or (b) if no vessel will be used in the landing or sale of menhaden, the person applying for the license. If a purse seine carry vessel or a purse seine catch vessel functioning as a purse seine carry vessel is operated by a person who is not

the owner of the vessel, the vessel operator shall be licensed separately and apart from the vessel owner.

(5) Any license issued pursuant to this section shall specify the types of gear that may be used by the licensee in the taking of menhaden to be landed thereby.

d. The holder of a Menhaden Landing License shall not use, have on board the licensed vessel, or work in conjunction with any other vessel that uses any type of fishing gear other than the type of gear specifically identified in the license.

e. A Menhaden Landing License issued pursuant to this section shall remain on board the licensed vessel, or, if no vessel is used, in the possession of the licensee, at all times.

f. A person applying for a Menhaden Landing License shall meet the following criteria:

(1) In order to obtain a license to land menhaden taken by purse seine, the vessel shall have landed in the State at least 500,000 pounds of menhaden during one year between 2009 and 2012, inclusive;

(2) In order to obtain a license to land menhaden taken by pound net, the vessel shall have landed in the State at least 100,000 pounds of menhaden during one year between 2009 and 2012, inclusive;

(3) In order to obtain a license to land menhaden taken by gill net, the vessel shall have landed in the State at least 10,000 pounds of menhaden during one year between 2009 and 2012, inclusive;

(4) In order to obtain a license to land menhaden taken by trawl, the vessel shall have landed in the State at least 200 pounds of menhaden during one year between 2009 and 2012, inclusive; and

(5) In order to obtain a license to land menhaden taken by bait net, the person shall have possessed a New Jersey Bait Net License during one year between 2009 and 2012, inclusive. If a person's application for a license to land menhaden taken by bait net is submitted in the year 2014 or thereafter, the commissioner may require the applicant to prove landings and sale of menhaden during the respective years commencing in 2013.

g. (1) A resident of the State who is licensed under this section to land menhaden taken by purse seine shall be required to pay an annual fee of \$150. A resident of the State who is licensed under this section to land menhaden taken using any other type of gear shall be required to pay an annual fee of \$50.

(2) A non-resident of the State who is licensed under this section to land menhaden taken by purse seine shall be required to pay an annual fee of \$750, or an amount equal to the non-resident fee charged for the landing

of menhaden in the non-resident's state, whichever is greater. A non-resident of the State who is licensed under this section to land menhaden taken with any other type of gear shall be required to pay an annual fee of \$250, or an amount equal to the non-resident fee charged for the landing of menhaden in the non-resident's state, whichever is greater.

(3) Any license fees collected pursuant to this subsection shall be deposited in the Marine Fisheries Management Account, established pursuant to section 14 of P.L.2013, c.74 (C.23:3-51.12), and shall be dedicated for the purposes of menhaden quota management, menhaden biological monitoring, and menhaden fisheries law enforcement.

h. Nothing in this section, in R.S.23:3-51, or in any other law, or rule or regulation adopted pursuant thereto, shall prohibit a person who does not possess a Menhaden Landing License from landing 100 pounds or less of menhaden, at any time, and on any trip or day, provided that the amount of landed menhaden does not exceed 10 percent, by weight, of the total weight of all species landed, sold, or bartered.

C.23:3-51.4 Extension of time to renew Menhaden Landing License.

6. a. A licensee who is eligible for renewal of their Menhaden Landing License may request an extension of time to renew their license in accordance with this section.

b. A licensee seeking a license renewal extension shall submit a written application therefor to the commissioner, on a form developed by the commissioner. The application shall include, at a minimum:

- (1) the name of the licensee and licensed vessel, if any;
- (2) the licensee's Menhaden Landing License number;
- (3) a detailed explanation as to why the extension is needed, including a statement specifying the type and degree of hardship that prevented the timely renewal of the license, and the hardship that will result to the licensee if the license is not renewed; and
- (4) any other appropriate documentation as may be necessary to support the application.

c. An application for license renewal extension shall be approved if the commissioner determines that:

- (1) by reason of extraordinary hardship or exceptional situation or condition, the licensee was precluded from complying with the renewal requirements;
- (2) strict compliance with the renewal requirements provided by law would result in exceptional and undue hardship to the licensee;

(3) the circumstances supporting the conclusions made in paragraphs (1) and (2) of this subsection were not created by the licensee or persons under the licensee's control; and

(4) approval of the extension will not unreasonably interfere with the orderly administration of the directed bait or whole frozen human food fishery for menhaden.

d. Within 30 days after receipt of an application for license renewal extension, the commissioner shall approve or deny the application, and shall provide written notice of this determination to the licensee. A licensee whose application for extension is denied may appeal the decision in accordance with the procedure for contested cases under the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.23:3-51.5 Transfer of license.

7. a. Upon application to, and approval by, the department, the holder of a Menhaden Purse Seine Fishing Vessel License, issued pursuant to R.S.23:3-51, or the holder of a Menhaden Landing License, issued pursuant to section 5 of P.L.2013, c.74 (C.23:3-51.3), may transfer their license as follows:

(1) To a replacement vessel when the vessel named in the license is replaced by the licensee; or

(2) To a new owner of the vessel named in the license when the vessel is sold or otherwise transferred to another person.

b. The following limitations shall apply to any license transfer undertaken pursuant to paragraph (1) of subsection a. of this section:

(1) a license shall only be transferrable to a replacement vessel that employs the same type of fishing gear identified in the original license;

(2) a license that is applicable to a purse seine catch vessel shall only be transferrable to a replacement purse seine catch vessel, and a license that is applicable to a purse seine carry vessel shall only be transferrable to a replacement purse seine carry vessel;

(3) a license that is applicable to a purse seine catch vessel or a purse seine carry vessel shall be transferrable to a replacement vessel only if the replacement vessel is not more than 10 percent larger in overall length than the originally licensed purse seine catch vessel or 10 percent larger in the hold capacity of the originally licensed purse seine carry vessel, as measured in cubic feet, and not more than 20 percent more powerful in terms of horsepower, than either originally licensed vessel.

c. A person who transfers a license pursuant to paragraph (2) of subsection a. of this section shall no longer be eligible to obtain a Menhaden Landing License based upon the landing history of the vessel being sold.

d. An applicant for a license transfer shall submit an application to the commissioner, on a form developed by the commissioner, and no license shall be transferred pursuant to this section without the prior approval of the commissioner.

e. A person shall not be eligible for transfer of their license pursuant to this section if: (1) their license is pending suspension or has been suspended pursuant to section 15 of P.L.2013, c.74 (C.23:3-51.13); or (2) the licensee is subject to court action for a violation of R.S.23:3-51 or P.L.2013, c.74 (C.23:3-51.2 et al.).

C.23:3-51.6 Monthly report by licensee to commissioner.

8. a. The holder of a Menhaden Landing License shall submit a monthly report to the commissioner, on a form developed by the commissioner. The licensee shall attest to the validity of the information contained in the monthly report, and shall electronically submit the report to the department using a method approved by the commissioner. If no landing, sale, or barter of menhaden occurred during the month, the licensee shall submit a report to that effect.

b. The monthly report shall include, at a minimum, the following information, which shall be reported on an individual trip basis:

- (1) the name of the licensee and licensed vessel, if any;
- (2) the licensee's Menhaden Landing License number;
- (3) the name of the purse seine catch vessel, if any, which was used in conjunction with the licensed vessel;
- (4) the total amount, in pounds, of menhaden landed by the licensee or licensed vessel;
- (5) the total amount, in pounds, of menhaden discarded by the licensee or licensed vessel;
- (6) the location of harvest;
- (7) the type of gear used for harvest;
- (8) the ports used for the landing of menhaden;
- (9) the date on which, and the dealer to whom, any landed menhaden was sold or bartered by the licensee; and
- (10) any other information required by the department.

c. (1) In addition to any other penalties provided by section 73 of P.L.1979, c.199 (C.23:2B-14), by P.L.2013, c.74 (C.23:3-51.2 et al.), or by any other law, any licensee who fails to submit a monthly report on or before the 10th day of the month following the month of record shall be subject to a fine of \$50 for a first offense, \$100 for a second offense, and \$200 for any subsequent offense.

(2) Any fines collected pursuant to this subsection shall be deposited in the Marine Fisheries Management Account, established pursuant to section 14 of P.L.2013, c.74 (C.23:3-51.12), and shall be dedicated for the purposes of menhaden quota management, menhaden biological monitoring, and menhaden fisheries law enforcement.

C.23:3-51.7 Menhaden Dealer License.

9. a. No person shall purchase or barter for menhaden landed in the State, as the first point of sale, unless the person is in possession of a Menhaden Dealer License. No menhaden landed in the State shall be sold or traded to any person who is not licensed under this section.

b. (1) Any person who intends to purchase or barter for menhaden landed in the State shall submit to the commissioner an application for a Menhaden Dealer License.

(2) A Menhaden Dealer License issued pursuant to this subsection shall be valid only for the calendar year for which it is issued, and shall be renewed on an annual basis.

c. No person shall act as the point of sale for menhaden landed in the State unless the person is in possession of both a Menhaden Landing License, issued pursuant to section 5 of this act, and a Menhaden Dealer License, issued pursuant to this section. Any person in possession of a Menhaden Landing License and not selling menhaden to a licensed Menhaden dealer shall also possess a Menhaden Dealer License, and shall report any sales on a weekly basis, in accordance with the provisions of section 10 of this act.

d. The holder of a Menhaden Dealer License, issued pursuant to this section, shall not accept 100 pounds or more of menhaden per day from any person unless that person is in possession of a Menhaden Landing License issued pursuant to section 5 of P.L.2013, c.74 (C.23:3-51.3).

e. (1) A State resident who is licensed as a menhaden dealer pursuant to this section shall be required to pay an annual fee of \$100.

(2) A non-resident of the State who is licensed as a menhaden dealer pursuant to this section shall be required to pay an annual fee of \$500, or an amount equal to the non-resident fee charged to a menhaden dealer in the non-resident's state, whichever is greater.

(3) Any license fees collected pursuant to this subsection shall be deposited in the Marine Fisheries Management Account, established pursuant to section 14 of P.L.2013, c.74 (C.23:3-51.12), and shall be dedicated for the purposes of menhaden quota management, menhaden biological monitoring, and menhaden fisheries law enforcement.

C.23:3-51.8 Weekly report by holders of Menhaden Dealer License.

10. a. The holder of a Menhaden Dealer License shall submit a weekly report to the commissioner, on forms developed by the commissioner. The licensee shall attest to the validity of the information contained in the weekly report, and shall electronically submit the report to the department. If no purchase or trade of menhaden occurred during the week, the licensee shall submit a report to that effect. For the purposes of this section, a week shall begin on Sunday and end on Saturday.

b. The weekly report shall include, at a minimum, the following information:

- (1) the name of the licensee;
- (2) the licensee's Menhaden Dealer License number;
- (3) the Menhaden Landing License number of each person selling or trading menhaden to the dealer during the preceding week;
- (4) the total amount, in pounds, of menhaden purchased or traded during the preceding week;
- (5) the location of harvest for menhaden purchased or traded during the preceding week;
- (6) the type of gear used for the harvest of menhaden purchased or traded during the preceding week;
- (7) the date of purchase or trade; and
- (8) any other information required by the department.

c. (1) In addition to any other penalties provided by section 73 of P.L.1979, c.199 (C.23:2B-14), by P.L.2013, c.74 (C.23:3-51.2 et al.), or by any other law, if a licensed menhaden dealer fails to submit a weekly report, as required by this section, either on or before 12:00 p.m. on the Tuesday following the week of record, the licensee shall be subject to a fine of \$50 for a first offense, \$100 for a second offense, and \$200 for any subsequent offense.

(2) Any fines collected pursuant to this subsection shall be deposited in the Marine Fisheries Management Account, established pursuant to section 14 of P.L.2013, c.74 (C.23:3-51.12), and shall be dedicated for the purposes of menhaden quota management, menhaden biological monitoring, and menhaden fisheries law enforcement.

C.23:3-51.9 Permitted removal of fish harvested.

11. Removal, from a purse seine, of fish harvested from the waters of the State shall be by brailing or dip net only. No fish pump shall be on board any vessel operating under a license, for the purpose of taking menhaden for bait or human food purposes, unless the pump is completely cov-

ered and securely fastened with a brightly colored tarp or other material, and the pump intake or hose is disconnected from the pump and is securely stowed away from the pump so that it is not readily available for use when the vessel is fishing in State waters.

C.23:3-51.10 Requirements for licensees relative to littering, cleanup.

12. a. The holder of a Menhaden Purse Seine Fishing Vessel License or a Menhaden Purse Seine Fishing Vessel Operator's License, issued pursuant to R.S.23:3-51, and the holder of a Menhaden Landing License, issued pursuant to section 5 of P.L.2013, c.74 (C.23:3-51.3) shall not throw overboard, or otherwise release from a vessel or its nets into the waters of the State: (1) any quantity of dead fish, except during the course of normal fishing operations; or (2) any refuse, litter, or garbage of any kind.

b. Whenever any fish, fish parts, refuse, litter, or garbage of any kind is released during, or as a result of, a menhaden fishing or landing operation, in violation of the provisions of subsection a. of this section, the holder of a Menhaden Purse Seine License or a Menhaden Landing License, as the case may be, shall report the release to the department as soon as possible and initiate a cleanup of the release within 24 hours thereof, at the licensee's expense, if the release is likely to impact the shoreline.

c. In the event that a licensee fails to initiate a cleanup, in accordance with the provisions of subsection b. of this section, within 24 hours after a release begins, the department may conduct or arrange for the cleanup of the release. However, the licensee shall be liable to pay all costs associated with the cleanup, including any administrative costs incurred by the department. Costs imposed pursuant to this subsection may include the costs associated with damages to, or the cleanup of, marine and estuarine waters of the State, or the State's beaches, shorelines, and marshes.

C.23:3-51.11 Annual State menhaden catch quota.

13. a. (1) The annual State menhaden catch quota shall be established by the Atlantic States Marine Fisheries Commission. The commissioner may request a quota transfer from other states or regions, in accordance with the administrative procedure outlined by the Atlantic States Marine Fisheries Commission.

(2) The commissioner shall divide and allocate the annual State menhaden catch quota as provided in this paragraph. The annual New Jersey menhaden bait quota shall be divided among the various gear types, with the purse seine fishery being allocated 95 percent of the quota, and pound nets, gill nets, trawls, and bait nets being allocated the remaining five per-

cent, combined. If the quota for any gear type is exceeded, the overharvested amount shall be deducted from the following year's quota.

b. The season for fishing and landing menhaden in the State shall be:

(1) January 1 to December 31 for licensees taking menhaden, or landing menhaden taken, by purse seine;

(2) January 1 to December 31 for licensees taking menhaden, or landing menhaden taken, by gill net;

(3) January 1 to December 31 for licensees taking menhaden, or landing menhaden taken, by pound net;

(4) January 1 to December 31 for licensees taking menhaden, or landing menhaden taken, by trawl; and

(5) January 1 to December 31 for licensees taking menhaden, or landing menhaden taken, by bait net.

c. No person who intends to take menhaden with a purse seine or shirred net shall fish for menhaden in the State:

(1) on a Saturday or Sunday;

(2) on the days on which a public holiday is officially observed by the State, as declared pursuant to R.S.36:1-1; or

(3) at any time, except during the hours from sunrise to sunset.

d. (1) The commissioner shall close the menhaden season in the State, for each respective gear type, by giving not less than two days' notice of the projected date that the year's quota for that gear type will be landed.

(2) If the menhaden season is closed prematurely, the commissioner may reopen the season for a specified period of time, upon no less than two days' notice.

(3) Any notice required pursuant to this subsection shall be made available for public viewing on the department's Internet website, and shall be issued electronically, via e-mail, to all the holders of a Menhaden Purse Seine Fishing Vessel License, a Menhaden Purse Seine Fishing Vessel Operator's License, a Menhaden Landing License, and a Menhaden Dealer License. Each such licensee shall be required, at the time of licensure, to provide the commissioner with their e-mail address, in order to facilitate the provision of notice pursuant to this section.

e. If the season for a particular gear type is closed because the quota amount allocated to that gear type has been harvested and landed: (1) the holder of a Menhaden Landing License for that gear type may continue to land an incidental catch of up to 6,000 pounds of menhaden per day; and (2) the holder of a Menhaden Dealer License may continue to accept from a Menhaden Landing License holder an incidental catch of not more than 6,000 pounds of menhaden per day. The incidental catch allowance author-

ized by this subsection shall not be applied to the annual menhaden catch quota established by the Atlantic States Marine Fisheries Commission.

C.23:3-51.12 “Marine Fisheries Management Account.”

14. There is established within the General Fund, a separate, dedicated, and non-lapsing account to be known as the “Marine Fisheries Management Account.” This account shall be credited with all revenues received from the issuance of Menhaden Purse Seine Fishing Vessel Licenses and Menhaden Purse Seine Fishing Vessel Operator’s Licenses pursuant to R.S.23:3-51 and R.S.23:3-52, and all revenues received from the issuance of Menhaden Landing Licenses and Menhaden Dealer Licenses pursuant to sections 5 and 9 of P.L.2013, c.74 (C.23:3-51.3 and C.23:3-51.7). The moneys in the Marine Fisheries Management Account shall be allocated to the Division of Fish and Wildlife, Marine Fisheries Administration within the Department of Environmental Protection, and shall be dedicated for quota management, biological monitoring, and fisheries law enforcement in connection with marine fisheries.

C.23:3-51.13 Violations, penalties.

15. a. A person who violates any provision of R.S.23:3-51, R.S.23:3-52, or P.L.2013, c.74 (C.23:3-51.2 et al.) shall be subject to the penalties prescribed in section 73 of P.L.1979, c.199 (C.23:2B-14). In addition to those penalties, if a licensee: (1) falsifies or misrepresents any information contained in a report submitted pursuant to section 8 of P.L.2013, c.74 (C.23:3-51.6) or section 10 of P.L.2013, c.74 (C.23:3-51.8); (2) fails to report a release as required by section 12 of P.L.2013, c.74 (C.23:3-51.10); or (3) fishes in, or allows a purse seine or shirred net to drift into, any restricted fishing area, as prohibited by subsection g. of R.S.23:3-51, the licensee shall be subject to the following periods of license suspension:

- (1) a 30-day suspension of their license for a first offense;
- (2) a 60-day suspension of their license for a second offense; and
- (3) a 180-day suspension of their license for a third or subsequent offense.

b. (1) If a license is suspended pursuant to subsection a. of this section, and, for three years thereafter, the licensee does not commit another offense warranting suspension of their license, the initial offense warranting license suspension shall be removed from consideration in determining an applicable term of license suspension for any offense committed by the licensee after that three-year period.

(2) The forgiveness of prior offenses provided for by this subsection shall apply only to those determinations that pertain to the calculation of applicable license suspension periods. All prior offenses shall be taken into account in the calculation of any monetary penalties provided for by P.L.2013, c.74 (C.23:3-51.2 et al.).

c. A license suspension imposed pursuant to this section shall be applicable to both the licensee and the licensed vessel, if any, and shall be carried out during the normal season of fishing operations, which extends from May 15 through October 15 of each year. If the duration of a license suspension period is not completed during the current year's normal season of fishing operations, the balance of the license suspension shall be made up during the following year's normal season of fishing operations.

C.23:3-51.14 Compliance with instructions, signals of law enforcement officer.

16. In order to facilitate enforcement of R.S.23:3-51 and P.L.2013, c.74 (C.23:3-51.2 et al.) the operator of, or any other person on board, a vessel that is subject to the provisions of R.S.23:3-51 or P.L.2013, c.74 (C.23:3-51.2 et al.), shall immediately comply with the instructions and signals of a law enforcement officer, and shall facilitate the officer's safe boarding, and the inspection by such officer of the vessel, its gear, equipment, catch, and any area where fish may be stored.

C.23:3-51.15 Modifications of requirements by commissioner.

17. The commissioner may, with the approval of the New Jersey Marine Fisheries Council, modify the requirements of R.S.23:3-51, R.S.23:3-52, and P.L.2013, c.74 (C.23:3-51.2 et al.) if such modifications are determined to be necessary either to provide for the optimal utilization of any quotas established for menhaden fishing, or to maintain consistency or State compliance with any menhaden fisheries management plan that has been approved by the Atlantic States Marine Fisheries Commission or any federal fishery management council and adopted by the National Marine Fisheries Service. In particular, upon authorization of the New Jersey Marine Fisheries Council, and in accordance with the provisions of this section, the commissioner may modify the following provisions of law:

- a. the qualifications for licensure under R.S.23:3-51, or under section 5 or 9 of P.L.2013, c.74 (C.23:3-51.3 or C.23:3-51.7), including any fee amounts required for licensure under those sections;
- b. the qualifications for the transfer of a license under section 7 of P.L.2013, c.74 (C.23:3-51.5);

- c. the license suspension schedule established by section 15 of P.L.2013, c.74 (C.23:3-51.13);
- d. the specifications applicable to vessel upgrades and replacements, as provided by R.S.23:3-51 or section 7 of P.L.2013, c.74 (C.23:3-51.5);
- e. the reporting requirements established by section 8 or section 10 of P.L.2013, c.74 (C.23:3-51.6 or C.23:3-51.8);
- f. the quota allocation formula established by subsection a. of section 13 of P.L.2013, c.74 (C.23:3-51.11);
- g. the season for menhaden fishing established by subsection b. of section 13 of P.L.2013, c.74 (C.23:3-51.11); or
- h. the incidental catch allowance provided by subsection e. of section 13 of P.L.2013, c.74 (C.23:3-51.11), or the allocation of that incidental catch allowance to the State's annual quota.

18. This act shall take effect immediately.

Approved June 27, 2013.

CHAPTER 75

AN ACT concerning unemployment compensation contributions paid by certain employers and amending R.S.43:21-7.

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

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

Contributions.

43:21-7. 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 Internal Revenue Code of 1986 (26 U.S.C. s.3306(b)), the wages as determined in this paragraph in any calendar year shall be raised to equal the amount established under the "Federal Unemployment Tax Act," chapter 23 of the Internal Revenue Code of 1986 (26 U.S.C. s.3301 et seq.), for that calendar year.

(c) Future rates based on benefit experience.

(1) A separate account for each employer shall be maintained and this shall be credited with all the contributions which he has paid on his own behalf on or before January 31 of any calendar year with respect to employment occurring in the preceding calendar year; provided, however, that if January 31 of any calendar year falls on a Saturday or Sunday, an employer's account shall be credited as of January 31 of such calendar year with all the contributions which he has paid on or before the next succeeding day which is not a Saturday or Sunday. But nothing in this chapter (R.S.43:21-1 et seq.) shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Benefits paid with respect to benefit years commencing on and after January 1, 1953, to any individual on or before December 31 of any calendar year with respect to unemployment in such calendar year and in preceding calendar years shall be charged against the account or accounts of the employer or employers in whose employment such individual established base weeks constituting the basis of such benefits, except that, with respect to benefit years commencing after January 4, 1998, an employer's account shall not be charged for benefits paid to a claimant if the claimant's employment by that employer was ended in any way which, pursuant to subsection (a), (b), (c), (f), (g) or (h) of R.S.43:21-5, would have disqualified the claimant for benefits if the claimant had applied for benefits at the time when that employment ended. Benefits paid under a given benefit determination shall be charged against the account of the employer to whom such determination relates. When each benefit payment is made, notification shall be promptly provided to each employer included in the unemployment insurance monetary calculation of benefits. Such notification shall identify the employer against whose 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 benefit payment applies.

An annual summary statement of unemployment benefits charged to the employer's account shall be provided.

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

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

(4) Employer Reserve Ratio. (A) Each employer's rate shall be $2\frac{8}{10}\%$, 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 $2\frac{8}{10}\%$, 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) $2\frac{5}{10}\%$, 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) $2\frac{2}{10}\%$, if such excess equals or exceeds 5%, but is less than 6%, of his average annual payroll;

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

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

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

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

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

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

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

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

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

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

(C) Specially assigned rates.

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

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

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

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

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

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

(5) (A) Unemployment Trust Fund Reserve Ratio. If on March 31 of any calendar year the balance in the unemployment trust fund equals or exceeds 4% but is less than 7% of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience,

shall be increased by 3/10 of 1% over the contribution rate otherwise established under the provisions of paragraph (3) or (4) of this subsection. If on March 31 of any calendar year the balance of the unemployment trust fund exceeds 2 1/2% but is less than 4% of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be increased by 6/10 of 1% over the contribution rate otherwise established under the provisions of paragraph (3) or (4) of this subsection.

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

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

shall be reduced by 6/10 of 1% if his account for all past periods reflects an excess of contributions paid over total benefits charged of 3% or more of his average annual payroll, otherwise by 3/10 of 1% under the contribution rate otherwise established under the provisions of paragraphs (3) and (4) of this subsection; provided that in no event shall the contribution rate of any employer be reduced to less than 4/10 of 1%.

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

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

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

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

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

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

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

(vi) (Deleted by amendment, P.L.2013, c.75).

(vii) With respect to experience rating years beginning on or after July 1, 2011, the new employer rate or the unemployment experience rate of an employer under this section shall be the rate which appears in the column headed by the Unemployment Trust Fund Reserve Ratio as of the applicable calculation date and on the line with the Employer Reserve Ratio, as defined in paragraph (4) of this subsection (R.S.43:21-7 (c)(4)), as set forth in the following table:

EXPERIENCE RATING TAX TABLE

Fund Reserve Ratio¹

Employer Reserve Ratio²	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

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

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

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

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

(iii) (Deleted by amendment, P.L.2013, c.75).

(iv) With respect to experience rating years beginning on or after July 1, 2011 and before July 1, 2013, if the fund reserve ratio, based on the fund balance as of the prior March 31, is less than 1.0%, the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be increased by a factor of 10% computed to the nearest multiple of 1/10% if not already a multiple thereof.

(v) With respect to experience rating years beginning on or after July 1, 2014, if the fund reserve ratio, based on the fund balance as of the prior March 31, is less than 1.0%, the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be increased by a factor of 10% computed to the nearest multiple of 1/10% if not already a multiple thereof.

(G) On or after January 1, 1993, notwithstanding any other provisions of this paragraph (5), the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be decreased by 0.1%, except that, during any experience rating year starting before January 1, 1998 in which the fund reserve ratio is equal to or greater than 7.00% or during any experience rating year starting on or after January 1, 1998, in which the fund reserve ratio is equal to or greater than 3.5%, there shall be no decrease pursuant to this subparagraph (G) in the contribution of any employer who has a deficit reserve ratio of negative 35.00% or under.

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

From January 1, 1998 until December 31, 1998, a factor of 12%;

From January 1, 1999 until December 31, 1999, a factor of 10%;

From January 1, 2000 until December 31, 2000, a factor of 7%;

From January 1, 2002 until March 31, 2002, a factor of 36%;

From April 1, 2002 until June 30, 2002, a factor of 85%;

From July 1, 2002 until June 30, 2003, a factor of 15%;

From July 1, 2003 until June 30, 2004, a factor of 15%;

From July 1, 2004 until June 30, 2005, a factor of 7%;

From July 1, 2005 until December 31, 2005, a factor of 16%; and

From January 1, 2006 until June 30, 2006, a factor of 34%.

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

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

(J) On or after July 1, 2001, notwithstanding any other provisions of this paragraph (5), the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be decreased by 0.0175%, except that, during any experience rating year starting on or after July 1, 2001, in which the fund reserve ratio is equal to or greater than 3.5%, there shall be no decrease pursuant to this subparagraph (J) in the contribution of any employer who has a deficit reserve ratio of negative 35.00% or under. The amount of the reduction in the employer contributions stipulated by this subparagraph (J) shall be in addition to the amount of the reduction in the employer contributions stipulated by subparagraphs (G) and (H) of this paragraph (5), except that the rate of contribution of an employer who has a deficit reserve ratio of negative 35.0% or under shall not be reduced pursuant to this subparagraph (J) to less than 5.4% and the rate of contribution of any other employer shall not be reduced to less than 0.0%.

(K) With respect to experience rating years beginning on or after July 1, 2009, if the fund reserve ratio, based on the fund balance as of the prior March 31, is:

(i) Equal to or greater than 5.00% but less than 7.5%, the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be reduced by a factor of 25% computed to the nearest multiple of 1/10% if not already a multiple thereof except that there shall be no decrease pursuant to this subparagraph (K) in the contribution of any employer who has a deficit reserve ratio of 35.00% or under;

(ii) Equal to or greater than 7.5%, the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be reduced by a factor of 50% computed to the nearest multiple of 1/10% if not already a multiple thereof except that there shall be no decrease pursuant to this subparagraph (K) in the contribution of any employer who has a deficit reserve ratio of 35.00% or under.

(L) Notwithstanding any other provision of this paragraph (5) and notwithstanding the actual fund reserve ratio, the contribution rate for employers liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be, for fiscal year 2011, the rates set by column "C" of the table in that subparagraph.

(M) Notwithstanding any other provision of this paragraph (5) and notwithstanding the actual fund reserve ratio, the contribution rate for employers liable to pay contributions, as computed under subparagraph (E) of

this paragraph (5), shall be, for fiscal year 2012, the rates set by column "D" of the table in that subparagraph.

(N) Notwithstanding any other provision of this paragraph (5) and notwithstanding the actual fund reserve ratio, the contribution rate for employers liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be, for fiscal year 2013, the rates set by column "E" of the table in that subparagraph.

(6) Additional contributions.

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

(7) Transfers.

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

ture employment experience of the successor in interest. The successor in interest may, within four months of the date of such transfer of the organization, trade, assets or business, or thereafter upon good cause shown, request a reconsideration of the transfer of employment experience of the predecessor employer. The request for reconsideration shall demonstrate, to the satisfaction of the controller, that the employment experience of the predecessor is not indicative of the future employment experience of the successor.

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

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

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

(E) The transfer of part of an employer's employment experience to a successor in interest shall become effective as of the first day of the calendar quarter following the acquisition by the successor in interest. As of the effective date, the successor in interest shall have its employer rate recalculated by merging its existing employment experience, if any, with the employment experience acquired. If the successor in interest is not an employer as of the date of acquisition, it shall be assigned the new employer rate until the effective date of the transfer of employment experience.

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

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

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

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

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

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

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

with respect to becoming an employer, provided that the contributions shall be at the rate of 0.10% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions.

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

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

Each worker shall, starting on and after July 1, 2004, contribute to the unemployment compensation fund 0.3825% of wages paid with respect to the worker's employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a 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 and ending on December 31, 2011, contribute to the State disability benefits fund an amount equal to 0.50% of wages paid with respect to the worker's employment with a government employer electing or required to pay contributions to the State disability benefits fund or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, unless the employer is covered by an approved private disability plan or is exempt from the provisions of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.) under section 7 of that law (C.43:21-31) or any other provision of that law. Each worker, with respect to the worker's employment with a government employer electing or required to pay contributions to the State disability benefits fund or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, unless the employer is covered by an approved private disability plan or is exempt from the provisions of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.) under section 7 of that law (C.43:21-31) or any other provision of that law, shall, for calendar year 2012 and each subsequent calendar year, make contributions to the State disability benefits fund at the annual rate of contribution necessary to obtain a total amount of contributions, which, when added to employer contributions made to the State disability benefits fund pursuant to subsection (e) of this section, is

equal to 120% of the benefits paid for periods of disability, excluding periods of family temporary disability, during the immediately preceding calendar year plus an amount equal to 100% of the cost of administration of the payment of those benefits during the immediately preceding calendar year, less the amount of net assets remaining in the State disability benefits fund, excluding net assets remaining in the "Family Temporary Disability Leave Account" of that fund, as of December 31 of the immediately preceding year. The rates of employer contributions determined pursuant to subsection (e) of this section for any year shall be determined prior to the determination of the rate of employee contributions pursuant to this subparagraph (i) and any consideration of employee contributions in determining employer rates for any year shall be based on amounts of employee contributions made prior to the year to which the rate of employee contributions applies and shall not be based on any projection or estimate of the amount of employee contributions for the year to which that rate applies.

(ii) Each worker shall contribute to the State disability benefits fund, in addition to any amount contributed pursuant to subparagraph (i) of this paragraph (1)(G), an amount equal to, during calendar year 2009, 0.09%, and during calendar year 2010 0.12%, of wages paid with respect to the worker's employment with any covered employer, including a governmental employer which is an employer as defined under R.S.43:21-19(h)(5), unless the employer is covered by an approved private disability plan for benefits during periods of family temporary disability leave. The contributions made pursuant to this subparagraph (ii) to the State disability benefits fund shall be deposited into an account of that fund reserved for the payment of benefits during periods of family temporary disability leave as defined in section 3 of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-27) and for the administration of those payments and shall not be used for any other purpose. This account shall be known as the "Family Temporary Disability Leave Account." For calendar year 2011 and each subsequent calendar year, the annual rate of contribution to be paid by workers pursuant to this subparagraph (ii) shall be the rate necessary to obtain a total amount of contributions equal to 125% of the benefits paid for periods of family temporary disability leave during the immediately preceding calendar year plus an amount equal to 100% of the cost of administration of the payment of those benefits during the immediately preceding calendar year, less the amount of net assets remaining in the account as of December 31 of the immediately preceding year. Necessary administrative costs shall include the cost of an outreach program to inform employees of the availability of the benefits and the cost of issuing the reports required or permitted pursuant to

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

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

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

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

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

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

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

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

(3) (A) If an employee receives wages from more than one employer during any calendar year, and either the sum of his contributions deposited in and credited to the State disability benefits fund plus the amount of his contributions, if any, required towards the costs of benefits under one or more approved private plans under the provisions of section 9 of the "Temporary Disability Benefits Law" (C.43:21-33) and deducted from his wages, or the sum of such latter contributions, if the employee is covered during such calendar year only by two or more private plans, exceeds an amount equal to 1/2 of 1% of the "wages" determined in accordance with the provisions of R.S.43:21-7(b)(3) during the calendar years beginning on or after January 1, 1976 or, during calendar year 2012 or any subsequent calendar year, the total amount of his contributions for the year exceeds the amount set by the annual rate of contribution determined by the Commissioner of Labor and Workforce Development pursuant to subparagraph (i) of paragraph (1)(G) of this subsection (d), the employee shall be entitled to a refund

of the excess if he makes a claim to the controller within two years after the end of the calendar year in which the wages are received with respect to which the refund is claimed and establishes his right to such refund. Such refund shall be made by the controller from the State disability benefits fund. No interest shall be allowed or paid with respect to any such refund. The controller shall, in accordance with prescribed regulations, determine the portion of the aggregate amount of such refunds made during any calendar year which is applicable to private plans for which deductions were made under section 9 of the "Temporary Disability Benefits Law" (C.43:21-33) such determination to be based upon the ratio of the amount of such wages exempt from contributions to such fund, as provided in subparagraph (B) of paragraph (1) of this subsection with respect to coverage under private plans, to the total wages so exempt plus the amount of such wages 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.

(B) If an employee receives wages from more than one employer during any calendar year, and the sum of his contributions deposited in the "Family Temporary Disability Leave Account" of the State disability benefits fund plus the amount of his contributions, if any, required towards the costs of family temporary disability leave benefits under one or more approved private plans under the provisions of the "Temporary Disability Benefits Law" (C.43:21-25 et al.) and deducted from his wages, exceeds an amount equal to, during calendar year 2009, 0.09% of the "wages" determined in accordance with the provisions of R.S.43:21-7(b)(3), or during calendar year 2010, 0.12% of those wages, or, during calendar year 2011 or any subsequent calendar year, the percentage of those wages set by the annual rate of contribution determined by the Commissioner of Labor and Workforce Development pursuant to subparagraph (ii) of paragraph (1)(G) of this subsection (d), the employee shall be entitled to a refund of the excess if he makes a claim to the controller within two years after the end of the calendar year in which the wages are received with respect to which the refund is claimed and establishes his right to the refund. The refund shall be

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

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

(5) Every employer who has elected to become an employer subject to this chapter (R.S.43:21-1 et seq.), or to cease to be an employer subject to this chapter (R.S.43:21-1 et seq.), pursuant to the provisions of R.S.43:21-8, shall post and maintain printed notices of such election on his premises,

of such design, in such numbers, and at such places as the director may determine to be necessary to give notice thereof to persons in his service.

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

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

(1) Except as hereinafter provided, each employer shall, in addition to the contributions required by subsections (a), (b), and (c) of this section, contribute $\frac{1}{2}$ of 1% of the wages paid by such employer to workers with respect to employment unless he is not a covered employer as defined in subsection (a) of section 3 of the "Temporary Disability Benefits Law" (C.43:21-27 (a)), except that the rate for the State of New Jersey shall be $\frac{1}{10}$ 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 $\frac{1}{10}$ of 1%. Such contributions shall become due and be paid by the employer to the controller for the State disability benefits fund as established by law, in accordance with such regulations as may be prescribed, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ. In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to \$0.005 or more, in which case it shall be increased to \$0.01.

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

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

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

endar 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 $\frac{1}{2}$ of 1% unless on the preceding January 31 of such year such employer shall have been a covered employer who has paid contributions to the State disability benefits fund with respect to employment in the three calendar years immediately preceding such year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) If the percentage determined in accordance with subparagraph (E)(1) of this paragraph equals or exceeds 1 1/4%, the final employer rates shall be the preliminary rates determined as provided in subparagraph (D)

hereof, except that if the employer's preliminary rate is determined as provided in subparagraph (D)(2) or subparagraph (D)(3) hereof, the final employer rate shall be the preliminary employer rate decreased by such percentage of excess taken to the nearest 5/100 of 1%, but in no case shall such final rate be less than 1/10 of 1%.

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

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

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

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

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

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

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

2. This act shall take effect immediately.

Approved June 28, 2013.

CHAPTER 76

AN ACT amending and supplementing the Fiscal Year 2013 annual appropriations act, P.L.2012, c.18.

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

1. Notwithstanding the provisions of P.L.2012, c.18, the fiscal year 2013 appropriations act to the contrary, the following amounts of appropriations made in section 1 of P.L.2012, c.18 are deappropriated:

10 DEPARTMENT OF AGRICULTURE

06	Direct State Services	Promotion/Market Development	\$50,000
08	State Aid	Payments in Lieu of Taxes	7,000

16 DEPARTMENT OF CHILDREN AND FAMILIES

01	Direct State Services	Services Other Than Personal.....	\$172,000
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22 DEPARTMENT OF COMMUNITY AFFAIRS

02	Grants-In-Aid	Prevention of Homelessness.....	\$2,500,000
04	State Aid	Transitional Aid to Localities.....	11,881,000
05	Grants-in-Aid	Special Olympics.....	155,000

26 DEPARTMENT OF CORRECTIONS

99	Direct State Services	DOC State Match Account.....	\$50,000
03	Grants-in-Aid	Re-Entry Substance Abuse Program.....	800,000
03	Grants-in-Aid	Stages to Enhance Parolee Success Program (STEPS)	200,000
13	Grants-in-Aid	Purchase of Service for Inmates Incarcerated in County Penal Facilities.....	2,100,000
08	Direct State Services	State Match - Social Services Block Grant.....	1,000

34 DEPARTMENT OF EDUCATION

30	Direct State Services	Statewide Assessment Program	\$2,000,000
40	Grants-in-Aid	Grants for After School and Summer Activities for At-Risk Children.....	1,000,000
01	State Aid	Equalization Aid (PTRF).....	615,000
03	State Aid	Bridge Loan Interest and Approved Borrowing Cost.....	25,000
03	State Aid	Charter School Aid (PTRF).....	4,385,000
03	State Aid	Payments for Institutionalized Children - Unknown District of Residence (PTRF)	1,210,000
07	State Aid	Extraordinary Special Education Costs Aid (PTRF)	77,000
38	State Aid	School Construction and Renovation Fund (PTRF)	14,143,000
39	State Aid	Teachers' Pension and Annuity Fund - Post Retirement Medical (PTRF).....	14,557,000

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

29	Direct State Services	Cleanup Projects Administrative Costs - Constitutional Dedication.....	\$2,397,000
29	Capital Construction	Hazardous Substance Discharge Remediation - Constitutional Dedication	5,058,000
29	Direct State Services	Water Resources Monitoring and Planning - Constitutional Dedication	3,993,000
08	State Aid	County Environmental Health Act.....	1,725,000
29	Capital Construction	Recreational Land Development and Conservation - Constitutional Dedication	3,993,000
29	Capital Construction	Hazardous Substance Discharge Remediation Loans & Grants - Constitutional Dedication.....	2,885,000
29	Grants-in-Aid	Diesel Risk Mitigation Fund - Constitutional Dedication.....	4,525,000

46 DEPARTMENT OF HEALTH

02	Grants-in-Aid	Maternal, Child and Chronic Health Services	\$1,695,000
02	Grants-in-Aid	Early Childhood Intervention Program ..	11,600,000
02	Grants-in-Aid	Early Intervention Contracts.....	892,000
12	Grants-in-Aid	AIDS Drug Distribution Program	6,509,000
07	Grants-in-Aid	Health Care Subsidy Fund Payments	9,374,000
08	Direct State Services	Additions, Improvements and Equipment ...	500,000

54 DEPARTMENT OF HUMAN SERVICES

99	Direct State Services	Health Care Billing System	\$27,000
99	Grants-in-Aid	Consulting Pharmacy Services	288,000
21	Direct State Services	Payments to Fiscal Agents	3,000,000
15	Direct State Services	Work First New Jersey - Technology Investment	7,375,000
15	Grants-in-Aid	Work First New Jersey Child Care	16,565,000
15	Grants-in-Aid	Substance Abuse Initiatives.....	3,000,000
15	State Aid	Work First New Jersey - Client Benefits.....	204,000
15	State Aid	General Assistance County Administration.....	6,166,000
11	Direct State Services	Technology for the Visually Impaired	348,000
11	Grants-in-Aid	Educational Services for Children	165,000
23	Direct State Services	Services to Deaf Clients.....	102,000
02	Grants-in-Aid	Essex ARC - Expanded Respite Care Services for Families with Autistic Children.....	75,000
99	Direct State Services	Salaries and Wages (Division of Mental Health and Addiction Services).....	1,106,000
08	Grants-in-Aid	Olmstead Support Services	5,656,000
08	Grants-in-Aid	Community Care.....	2,322,000
08	State Aid	Support of Patients in County Psychiatric Hospitals.....	2,142,000
10	Direct State Services	Salaries and Wages	1,069,000
99	Direct State Services	Salaries and Wages (Mental Health Services).....	418,000

62 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

12	Direct State Services	Salaries and Wages	\$562,000
16	Direct State Services	Salaries and Wages	69,000

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

99	Direct State Services	Atlantic City Tourism District.....	\$106,000
20	Direct State Services	Salaries and Wages	604,000
20	Direct State Services	Materials and Supplies	4,000
20	Direct State Services	Services Other Than Personal.....	17,000
34	Grants-in-Aid	Alternatives to Juvenile Incarceration Programs	1,000,000

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

70	Direct State Services	Materials and Supplies	\$17,000
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74 DEPARTMENT OF STATE

45	Grants-in-Aid	Veterinary Medicine Education Program	\$51,000
45	Grants-in-Aid	New Jersey Student Tuition Assistance Reward Scholarship (NJSTARS I & II)	4,176,000

78 DEPARTMENT OF TRANSPORTATION

04	Grants-in-Aid	Public Transportation	\$5,000,000
06	Direct State Services	Salaries and Wages	292,000
08	Direct State Services	Materials and Supplies	380,000
60	Capital Construction	Transportation Trust Fund - Subaccount for Debt Service for Prior Bonds.....	54,919,000
60	Capital Construction	Transportation Trust Fund - Subaccount for Debt Service for Transportation Program Bonds	55,611,000

82 DEPARTMENT OF THE TREASURY

45	Direct State Services	Maintenance and Fixed Charges	\$12,000
38	Grants-in-Aid	Business Employment Incentive Program, EDA	6,118,000
08	Direct State Services	Additions, Improvements and Equipment ...	100,000
34	State Aid	Senior and Disabled Citizens' Property Tax Deductions (PTRF)	1,609,000
51	Direct State Services	Salaries and Wages	100,000
51	Direct State Services	Services Other Than Personal.....	25,000
49	Grants-in-Aid	Higher Education Capital Improvement Program - Debt Service	20,501,000
49	Grants-in-Aid	Dormitory Safety Trust Fund - Debt Service.....	5,653,000
48	State Aid	Employer Contributions - FICA for County College Members of TPAF.....	50,000

94 INTERDEPARTMENTAL ACCOUNTS

02	Direct State Services	Workers' Compensation Self-Insurance Fund	\$14,600,000
03	Direct State Services	Pension Adjustment Program	109,000
03	Direct State Services	Veterans Act Pensions.....	17,000
03	Direct State Services	Volunteer Emergency Survivor Benefit	8,000
03	Direct State Services	Other Pension Systems - Post Retirement Medical	2,737,000
03	Grants-in-Aid	State Employees' Prescription Drug Program	9,863,000
03	Grants-in-Aid	Other Pension Systems - Post Retirement Medical	843,000

05	Direct State Services	Salary Increases and Other Benefits	15,526,000
05	Direct State Services	Unused Accumulated Sick Leave Payments	1,900,000

DEBT SERVICE**82 DEPARTMENT OF THE TREASURY**

99	Debt Service	Interest: Refunding Bonds (P.L.1985, c.74, as amended by P.L.1992, c.182)	\$1,332,000
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Total Appropriation, All State Funds.....\$31,289,941,000

2. Section 15 of P.L.2012, c.18, the annual appropriations act for State fiscal year 2013, is amended to read as follows:

15. Notwithstanding any provisions in this act or the provisions of any law or regulation to the contrary, no unexpended balances at the end of the preceding fiscal year are appropriated without the approval of the Director of the Division of Budget and Accounting, except that the Legislative Branch of State government shall be exempt from this provision; provided, however, that the director may deappropriate any such unexpended balances at any time during the fiscal year. The Director of the Division of Budget and Accounting shall notify the Legislative Budget and Finance Officer of those instances in which unexpended balances are not appropriated pursuant to this section.

3. In addition to the amounts appropriated under P.L.2012, c.18, the annual appropriations act for fiscal year 2013, there are appropriated out of the General Fund the following sums for the purposes specified:

16 DEPARTMENT OF CHILDREN AND FAMILIES**50 Economic Planning, Development, and Security****55 Social Services Programs****DIRECT STATE SERVICES**

01-1610	Child Protection and Permanency Services	<u>\$14,365,000</u>
	Total Direct State Services Appropriation, Social Services Programs	<u>\$14,365,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages (\$14,365,000)

GRANTS-IN-AID

01-1610 Child Protection and Permanency Services	\$16,520,000
02-1620 Child Integrated System of Care Services	<u>6,000,000</u>
Total Grants-in-Aid Appropriation, Social Services Programs ...	<u>\$22,520,000</u>

Grants-in-Aid:

01 Out-of-Home Placements	(\$3,871,000)
01 Family Support Services	(3,320,000)
01 Foster Care	(7,152,000)
01 Subsidized Adoption	(2,177,000)
02 Out-of-Home Treatment Services	(6,000,000)

Department of Children and Families,

Total State Appropriation \$36,885,000

26 DEPARTMENT OF CORRECTIONS***10 Public Safety and Criminal Justice******16 Detention and Rehabilitation******7025 System-Wide Program Support*****DIRECT STATE SERVICES**

13-7025 Institutional Program Support	<u>\$4,000,000</u>
Total Direct State Services Appropriation,	
System-Wide Program Support	<u>\$4,000,000</u>

Direct State Services:

Services Other Than Personal (\$4,000,000)

Department of Corrections, Total State Appropriation \$4,000,000

54 DEPARTMENT OF HUMAN SERVICES***20 Physical and Mental Health******24 Special Health Services******7540 Division of Medical Assistance and Health Services*****GRANTS-IN-AID**

22-7540 General Medical Services	<u>\$175,507,000</u>
Total Grants-in-Aid Appropriation,	
Division of Medical Assistance and Health Services	<u>\$175,507,000</u>

Grants-in-Aid:

22 Managed Care Initiative	(\$110,628,000)
22 Payments for Medical Assistance Recipients -	
Inpatient Hospital	(43,741,000)
22 NJ FamilyCare - Affordable and Accessible Health	
Coverage Benefits	(21,138,000)

27 Disability Services
7545 Division of Disability Services
GRANTS-IN-AID

27-7545 Disability Services \$4,345,000
 Total Grants-in-Aid Appropriation, Division of
 Disability Services \$4,345,000

Grants-in-Aid:

27 Payments for Medical Assistance Recipients -
 Personal Care (\$4,345,000)

Department of Human Services, Total State Appropriation..... \$179,852,000

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

12 Law Enforcement

DIRECT STATE SERVICES

06-1200 State Police Operations \$1,000,000
 Total Direct State Services Appropriation,
 Law Enforcement..... \$1,000,000

Direct State Services:

Personal Services:
 Salaries and Wages (\$1,000,000)

18 Juvenile Services

DIRECT STATE SERVICES

99-1500 Administration and Support Services..... \$1,000,000
 Total Direct State Services Appropriation,
 Juvenile Services \$1,000,000

Direct State Services:

Additions, Improvements and Equipment (\$1,000,000)

Department of Law and Public Safety,
 Total State Appropriation..... \$2,000,000

94 INTERDEPARTMENTAL ACCOUNTS

70 Government Direction, Management, and Control

74 General Government Services

DIRECT STATE SERVICES

01-9400 Property Rentals..... \$2,100,000
 Total Direct State Services Appropriation,
 General Government Services \$2,100,000

Direct State Services:

Property Rentals:

01 Existing and Anticipated Leases	(\$2,100,000)
Interdepartmental Accounts, Total State Appropriation.....	<u>\$2,100,000</u>
Total Appropriation, General Fund.....	<u>\$224,837,000</u>
Total Appropriation, All State Funds.....	<u>\$224,837,000</u>

4. Notwithstanding any provision of law or regulation to the contrary, there may be transferred from the various accounts established pursuant to section 4 of P.L. 2008, c.22 in the Long Term Obligation and Capital Expenditure Fund to the General Fund as State revenue an amount not in excess of \$120,008, subject to the approval of the Director of the Division of Budget and Accounting.

5. Notwithstanding any provision of law or P.L.2012, c.18, the fiscal year 2013 appropriations act to the contrary, the following appropriations in the amounts specified are deappropriated and the amounts so deappropriated shall be considered as part of the General Fund balance and are available for appropriation for any other purpose: 1) Organic Certification Program, \$25,000; 2) Agro-Terrorism Program, \$43,000; 3) Reduced Cigarette Ignition Propensity and Firefighter Protection Act Enforcement Fund, \$313,000; 4) New Jersey Low-Level Radioactive Waste Disposal Facility Siting Board - Operations, \$105,000; 5) Federally Qualified Health Centers, \$1,893,000; 6) Alcohol Treatment Programs Fund, \$2,000,000; 7) New Jersey Builders' Utilization for Labor Diversity, \$2,500,000; 8) Public Works Contractor Registration Program, \$1,130,000; 9) Consumer Fraud Education Fund Program, \$3,000,000; 10) Medical Malpractice Liability Insurance Premium Assistance Fund, \$3,000; 11) Division of Alcoholic Beverage Control, \$1,000,000; 12) Professional Campaign Fund Raiser Register, \$20,000; 13) Highway Safety Fund, \$2,000,000; 14) Motor Vehicle Services, \$11,500,000; 15) Drug Abuse Education Fund, \$600,000; 16) New Jersey Small Business Registration Program, \$50,000; 17) Economic Recovery Fund, \$3,000; 18) Retail Margin Fund - Administration, \$28,000; 19) Institutional Conservation Program - Schools and Hospitals, \$78,000; 20) Judicial Hearing Receipts, \$388,000; 21) Fort Monmouth Economic Revitalization Authority, \$5,000; 22) State Cafeterias, \$29,000; 23) Real Property Leasing Out Program, \$650,000; 24) Management of Department of Environmental Protection Properties, \$100,000; 25) Domestic Security Account, \$2,000,000; 26) New Home Owner's Warranty Program, \$19,000; 27) Residential Warranty Corporation, \$9,000; 28) New Jersey Home Owner - All Other Warranties, \$2,000; and 29) Utilities and Other Services, \$3,500,000.

6. This act shall take effect immediately.

Approved June 28, 2013.

CHAPTER 77

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 2014 and regulating the disbursement thereof.

**ANTICIPATED RESOURCES
FOR THE FISCAL YEAR 2013-2014
GENERAL FUND**

Undesignated Fund Balance, July 1, 2013\$465,119,000

Major Taxes

Sales.....	\$8,910,000,000
Less: Sales Tax Dedication.....	(662,000,000)
Corporation Business.....	2,461,000,000
Transfer Inheritance.....	715,000,000
Insurance Premium.....	608,000,000
Motor Fuels.....	547,000,000
Motor Vehicle Fees.....	437,100,000
Realty Transfer.....	297,000,000
Cigarette.....	237,000,000
Petroleum Products Gross Receipts.....	228,000,000
Corporation Banks and Financial Institutions.....	202,000,000
Alcoholic Beverage Excise.....	118,500,000
Tobacco Products Wholesale Sales.....	21,400,000
Public Utility Excise (Reform).....	14,000,000
Total - Major Taxes.....	\$14,134,000,000

Miscellaneous Taxes, Fees, and Revenues

Executive Branch

Department of Agriculture:

Fertilizer Inspection Fees.....	\$366,000
Miscellaneous Revenue.....	3,000
Subtotal, Department of Agriculture.....	\$369,000

Department of Banking and Insurance:

Actuarial Services.....	\$50,000
Banking - Assessments.....	11,200,000
Banking - Licenses and Other Fees.....	1,900,000
Fraud Fines.....	1,100,000
HMO Covered Lives.....	935,000
Insurance - Examination Billings.....	2,200,000

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.....	40,786,000
Insurance - Special Purpose Assessment.....	34,425,000
Insurance Fraud Prevention.....	25,541,000
Real Estate Commission	<u>3,670,000</u>
Subtotal, Department of Banking and Insurance.....	<u>\$121,807,000</u>
Department of Children and Families:	
Child Care Licensing/Adoption Law	\$328,000
Contract Recoveries.....	19,169,000
Divorce Filing Fees.....	1,395,000
Marriage License/Civil Union Fees.....	<u>1,150,000</u>
Subtotal, Department of Children and Families	<u>\$22,042,000</u>
Department of Community Affairs:	
Affordable Housing and Neighborhood Preservation -	
Fair Housing	\$28,159,000
Construction Fees	15,789,000
Fire Safety.....	16,983,000
Housing Inspection Fees	10,160,000
Planned Real Estate Development Fees	<u>750,000</u>
Subtotal, Department of Community Affairs	<u>\$71,841,000</u>
Department of Education:	
Audit Recoveries	\$500,000
Audit of Enrollments	1,300,000
Local School District Loan Recoveries - NJEDA.....	5,862,000
Nonpublic Schools Handicapped and Auxiliary Recoveries	5,000,000
Nonpublic Schools Textbook Recoveries	750,000
School Construction Inspection Fees.....	350,000
State Board of Examiners.....	<u>4,591,000</u>
Subtotal, Department of Education	<u>\$18,353,000</u>
Department of Environmental Protection:	
Air Pollution Fees - Minor Sources	\$6,300,000
Air Pollution Fees - Title V Operating Permits	5,010,000
Air Pollution Fines.....	2,250,000
Clean Water Enforcement Act.....	1,840,000
Coastal Area Facility Review Act.....	1,913,000
Endangered Species Tax Check-off.....	158,000
Environmental Infrastructure Financing Program Administrative	
Fee.....	5,000,000
Excess Diversion	180,000
Freshwater Wetlands Fees.....	3,404,000
Freshwater Wetlands Fines	300,000
Hazardous Waste Fees	3,561,000
Hazardous Waste Fines.....	450,000
Hunters' and Anglers' Licenses.....	11,740,000
Industrial Site Recovery Act	25,000

Laboratory Certification Fees	2,700,000
Laboratory Certification Fines.....	50,000
Marina Rentals.....	885,000
Marine Lands - Preparation and Filing Fees.....	145,000
Medical Waste.....	4,600,000
New Jersey Pollutant Discharge Elimination System/ Stormwater Permits	17,800,000
Parks Management Fees and Permits.....	4,300,000
Parks Management Fines.....	79,000
Passaic River Settlement	40,000,000
Pesticide Control Fees.....	4,400,000
Pesticide Control Fines	80,000
Radiation Protection Fees.....	3,050,000
Radiation Protection Fines	120,000
Radon Testers Certification.....	225,000
Shellfish and Marine Fisheries	6,000
Solid Waste - Utility Regulation Assessments	3,700,000
Solid Waste Fines	1,000,000
Solid Waste Management Fees.....	6,915,000
Solid and Hazardous Waste Disclosure.....	150,000
Stream Encroachment	3,573,000
Toxic Catastrophe Prevention Fees.....	1,600,000
Toxic Catastrophe Prevention Fines	100,000
Treatment Works Approval.....	1,900,000
Underground Storage Tanks Fees	500,000
Water Allocation.....	2,423,000
Water Supply Management Regulations	1,300,000
Water/Wastewater Operators Licenses.....	210,000
Waterfront Development Fees.....	3,600,000
Waterfront Development Fines.....	20,000
Well Permits/Well Drillers/Pump Installers Licenses	1,100,000
Wetlands.....	59,000
Worker Community Right to Know - Fines	35,000
Subtotal, Department of Environmental Protection.....	<u>\$148,756,000</u>
Department of Health:	
Admission Charge Hospital Assessment.....	\$6,000,000
Health Care Reform	1,200,000
Licenses, Fines, Permits, Penalties and Fees	2,540,000
Miscellaneous Revenue.....	150,000
Subtotal, Department of Health.....	<u>\$9,890,000</u>
Department of Human Services:	
Early Periodic Screening, Diagnosis and Treatment.....	\$1,420,000
Medicaid Uncompensated Care - Acute.....	190,523,000
Medicaid Uncompensated Care - Mental Health	34,679,000

Medicaid Uncompensated Care - Psychiatric	178,863,000
Medical Assistance - Federal Match on PAAD/Medicaid Dual Eligibles	350,000
Miscellaneous Revenue	26,450,000
Patients' and Residents' Cost Recovery - Developmental Disabilities	18,684,000
Patients' and Residents' Cost Recovery - Psychiatric Hospitals	74,236,000
School Based Medicaid	31,818,000
Subtotal, Department of Human Services	<u>\$557,023,000</u>
Department of Labor and Workforce Development:	
Miscellaneous Revenue	\$155,000
Special Compensation Fund	1,883,000
Workers' Compensation Assessment	13,311,000
Workplace Standards - Licenses, Permits and Fines	<u>4,351,000</u>
Subtotal, Department of Labor and Workforce Development	<u>\$19,700,000</u>
Department of Law and Public Safety:	
Beverage Licenses	\$3,960,000
Charities Registration Section	695,000
Controlled Dangerous Substances	100,000
Forfeiture Funds	1,000,000
Legalized Games of Chance Control	1,200,000
Miscellaneous Revenue	20,000
New Jersey Cemetery Board	54,000
Pleasure Boat Licenses	2,280,000
Private Employment Agencies	258,000
Securities Enforcement	13,394,000
Settlements	60,000,000
State Board of Architects	564,000
State Board of Audiology and Speech-Language Pathology Advisory	435,000
State Board of Certified Public Accountants	33,000
State Board of Chiropractors	305,000
State Board of Cosmetology and Hairstyling	750,000
State Board of Court Reporting	121,000
State Board of Dentistry	1,365,000
State Board of Electrical Contractors	165,000
State Board of HVAC Contractors	223,000
State Board of Marriage Counselor Examiners	110,000
State Board of Massage and Bodyworks	14,000
State Board of Master Plumbers	50,000
State Board of Medical Examiners	2,761,000
State Board of Mortuary Science	204,000
State Board of Nursing	6,697,000
State Board of Occupational Therapists and Assistants	451,000

State Board of Ophthalmic Dispensers and Ophthalmic Technicians	358,000
State Board of Optometrists	22,000
State Board of Orthotics and Prosthetics	3,000
State Board of Pharmacy	375,000
State Board of Physical Therapy	500,000
State Board of Polysomnography	3,000
State Board of Professional Engineers and Land Surveyors	825,000
State Board of Professional Planners	143,000
State Board of Psychological Examiners	55,000
State Board of Real Estate Appraisers	28,000
State Board of Respiratory Care	297,000
State Board of Social Workers	88,000
State Board of Veterinary Medical Examiners	42,000
State Police - Fingerprint Fees	3,694,000
State Police - Other Licenses	348,000
State Police - Private Detective Licenses	200,000
Victims of Violent Crime Compensation	3,372,000
Weights and Measures - General	2,612,000
Subtotal, Department of Law and Public Safety	<u>\$110,174,000</u>
Department of Military and Veterans' Affairs:	
Soldiers' Homes	\$47,000,000
Subtotal, Department of Military and Veterans' Affairs	<u>\$47,000,000</u>
Department of State:	
Governor's Teaching Scholars Program Loan Repayment	\$5,000
Subtotal, Department of State	<u>\$5,000</u>
Department of Transportation:	
Air Safety Fund	\$965,000
Applications and Highway Permits	1,300,000
Autonomous Transportation Authorities	53,500,000
Drunk Driving Fines	400,000
Good Driver	75,800,000
Interest on Purchase of Right of Way	5,000
Logo Sign Program Fees	300,000
Maritime Program Receipts	2,200,000
Miscellaneous Revenue	10,000
Outdoor Advertising	740,000
Subtotal, Department of Transportation	<u>\$135,220,000</u>
Department of the Treasury:	
Assessment on Real Property Greater Than \$1 Million	\$112,000,000
Assessments - Cable TV	5,296,000
Assessments - Public Utility	31,362,000
CATV Universal Access	7,500,000
Coin-Operated Telephones	1,900,000

Commercial Recording - Expedited.....	1,150,000
Commissions (Notary)	1,300,000
Domestic Security.....	32,000,000
Dormitory Safety Trust Fund - Debt Service Recovery	5,649,000
General Revenue - Fees (Commercial Recording and UCC)	56,500,000
Higher Education Capital Improvement Fund - Debt Service Recovery.....	15,295,000
Hotel/Motel Occupancy Tax	102,000,000
Miscellaneous Revenue.....	950,000
NJ Public Records Preservation.....	37,000,000
Nuclear Emergency Response Assessment	4,415,000
Office of Dispute Settlement Mediation	50,000
Public Defender Client Receipts.....	3,200,000
Public Utility Fines	250,000
Public Utility Gross Receipts and Franchise Taxes (Water/Sewer).....	115,000,000
Railroad Tax - Class II.....	4,650,000
Railroad Tax - Franchise.....	7,100,000
Rate Counsel	7,264,000
Surplus Property	1,900,000
Tax Referral Cost Recovery Fee.....	5,000,000
Telephone Assessment.....	123,000,000
Tire Clean-Up Surcharge	9,000,000
Subtotal, Department of the Treasury.....	<u>\$690,731,000</u>
Other Sources:	
Miscellaneous Revenue.....	<u>\$10,200,000</u>
Subtotal, Other Sources	<u>\$10,200,000</u>
Interdepartmental Accounts:	
Administration and Investment of Pension and Health Benefit Funds - Recoveries	\$2,754,000
Employee Maintenance Deductions.....	300,000
Fringe Benefit Recoveries from Colleges and Universities.....	226,612,000
Fringe Benefit Recoveries from Federal and Other Funds	389,656,000
Fringe Benefit Recoveries from School Districts	51,900,000
Indirect Cost Recoveries - DEP Other Funds	11,100,000
MTF Revenue Fund.....	13,100,000
Rent of State Building Space.....	3,470,000
Social Security Recoveries from Federal and Other Funds.....	64,988,000
Subtotal, Interdepartmental Accounts	<u>\$763,880,000</u>
Judicial Branch	
The Judiciary:	
Court Fees	<u>\$54,549,000</u>
Subtotal, The Judiciary	<u>\$54,549,000</u>
Total - Miscellaneous Taxes, Fees, and Revenues	<u>\$2,781,540,000</u>

Interfund Transfers

Beaches and Harbor Fund	\$1,000
Building Our Future Fund	100,000
Clean Energy Fund	152,185,000
Correctional Facilities Construction Fund.....	1,000
Correctional Facilities Construction Fund of 1987	2,000
Dam, Lake, Stream and Flood Control Project Fund - 2003.....	21,000
Developmental Disabilities Waiting List Reduction Fund	4,000
Dredging and Containment Facility Fund	437,000
Energy Conservation Fund.....	1,000
Enterprise Zone Assistance Fund.....	94,779,000
Fund for the Support of Free Public Schools.....	4,537,000
Garden State Farmland Preservation Trust Fund	2,040,000
Garden State Green Acres Preservation Trust Fund.....	5,547,000
Garden State Historic Preservation Trust Fund	668,000
Hazardous Discharge Site Cleanup Fund	18,368,000
Housing Assistance Fund	7,000
Human Services Facilities Construction Fund.....	1,000
Judiciary Bail Fund.....	60,000
Judiciary Child Support and Paternity Fund.....	25,000
Judiciary Probation Fund.....	30,000
Judiciary Special Civil Fund.....	20,000
Judiciary Superior Court Miscellaneous Fund.....	20,000
Legal Services Fund.....	11,000,000
Mortgage Assistance Fund	891,000
Motor Vehicle Security Responsibility Fund	1,000
NJ Bridge Rehabilitation and Improvement and R.R. Right-of-Way Preservation Fund.....	5,000
Natural Resources Fund	2,000
New Jersey Spill Compensation Fund.....	16,316,000
New Jersey Workforce Development Partnership Fund.....	26,945,000
Pollution Prevention Fund.....	989,000
Public Purpose Buildings and Community-Based Facilities Construction Fund	1,000
Safe Drinking Water Fund.....	2,503,000
Sanitary Landfill Facility Contingency Fund	5,000,000
Shore Protection Fund.....	13,000
State Disability Benefit Fund.....	38,157,000
State Land Acquisition and Development Fund	1,000
State Lottery Fund	1,020,000,000
State Lottery Fund - Administration	23,072,000
State Recycling Fund	21,600,000
State of New Jersey Cash Management Fund.....	1,880,000

Statewide Transportation and Local Bridge Fund	16,000
Supplemental Workforce Fund for Basic Skills	2,000,000
Tobacco Settlement Fund.....	49,213,000
Unclaimed Insurance Payments on Deposit Accounts Trust Fund	8,000
Unclaimed Personal Property Trust Fund	150,230,000
Unclaimed Utility Deposits Trust Fund	7,000
Unemployment Compensation Auxiliary Fund	18,057,000
Universal Service Fund.....	65,705,000
Wage and Hour Trust Fund.....	2,000
Water Conservation Fund.....	1,000
Water Supply Fund.....	4,243,000
Worker and Community Right to Know Fund	2,698,000
Total - Interfund Transfers.....	<u>\$1,739,410,000</u>
Total State Revenues, General Fund	<u>\$18,654,950,000</u>
Total Resources, General Fund	<u>\$19,120,069,000</u>

Property Tax Relief Fund

Gross Income Tax.....	\$13,039,000,000
Sales Tax Dedication	681,000,000
Total Resources, Property Tax Relief Fund.....	<u>\$13,720,000,000</u>

Surplus Revenue Fund

Undesignated Fund Balance, July 1, 2013	\$0
Total Resources, Surplus Revenue Fund	<u>\$0</u>

Casino Control Fund

Undesignated Fund Balance, July 1, 2013	\$1,545,000
Investment Earnings	11,000
License Fees	<u>53,788,000</u>
Total Resources, Casino Control Fund.....	<u>\$55,344,000</u>

Casino Revenue Fund

Casino Simulcasting Fund.....	\$350,000
Gross Revenue Tax.....	369,116,000
Other Casino Taxes and Fees	<u>14,134,000</u>
Total Resources, Casino Revenue Fund	<u>\$383,600,000</u>

Gubernatorial Elections Fund

Taxpayers' Designations.....	\$700,000
Total Resources, Gubernatorial Elections Fund.....	<u>\$700,000</u>

Total Resources, All State Funds \$33,279,713,000

Federal Revenue

Executive Branch
Department of Agriculture:

Asian Longhorned Beetle Monitoring.....	\$100,000
Child Care	76,130,000
Child Nutrition - School Breakfast	70,000,000
Child Nutrition - School Lunch	260,000,000
Child Nutrition - Special Milk.....	1,300,000
Child Nutrition - Summer Programs	9,647,000
Child Nutrition Administration.....	6,600,000
Cooperative Gypsy Moth Suppression.....	125,000
Farm Risk Management Education Program.....	282,000
Farmland Preservation	4,500,000
Food Stamp - The Emergency Food Assistance Program (TEFAP)	2,350,000
Fresh Fruit and Vegetable Program	4,383,000
Indemnities - Avian Influenza	499,000
Specialty Crop Block Grant Program.....	1,600,000
Various Federal Programs and Accruals	<u>1,325,000</u>
Subtotal, Department of Agriculture	<u>\$438,841,000</u>
Department of Children and Families:	
Restricted Federal Grants.....	\$11,933,000
Title IV-B Child Welfare Services.....	10,553,000
Title IV-E Foster Care.....	<u>147,301,000</u>
Subtotal, Department of Children and Families	<u>\$169,787,000</u>
Department of Community Affairs:	
Community Services Block Grant	\$20,000,000
Emergency Shelter Grants Program.....	3,250,000
Low Income Home Energy Assistance Program	150,000,000
Moderate Rehabilitation Housing Assistance.....	13,291,000
National Affordable Housing - HOME Investment Partnerships.....	7,905,000
Section 8 Housing Voucher Program.....	214,910,000
Shelter Plus Care Program.....	4,655,000
Small Cities Block Grant Program.....	8,023,000
Super Storm Sandy CDBG.....	7,375,000
Transitional Housing - Homeless.....	70,000
Weatherization Assistance Program.....	<u>4,625,000</u>
Subtotal, Department of Community Affairs	<u>\$434,104,000</u>
Department of Corrections:	
Central Communications Upgrade - US Department of Commerce.....	\$1,000,000
Central Communications Upgrade - US Department of Homeland Security	1,000,000
Engaging the Family - Community Centered	1,039,000
Federal Re-Entry Initiative.....	500,000
Inmate Vocational Certifications	173,000

National Institute of Justice Operations Research	200,000
Responsible Parenting Program - Temporary Assistance for Needy Families	529,000
Second Chance Act - Re-Entry Demonstration	400,000
State Criminal Alien Assistance Program	3,792,000
Technology Enhancements.....	<u>500,000</u>
Subtotal, Department of Corrections	<u>\$9,133,000</u>
Department of Education:	
21st Century Schools	\$22,400,000
AIDS Prevention Education	700,000
Bilingual and Compensatory Education - Homeless Children and Youth.....	1,350,000
Head Start Collaboration.....	305,000
Improving America's Schools Act - Consolidated Administration	4,556,000
Improving Teacher Quality - Higher Education	1,415,000
Individuals with Disabilities Education Act Basic State Grant.....	360,950,000
Individuals with Disabilities Education Act Preschool Grants	11,160,000
Language Acquisition Discretionary Administration.....	21,095,000
Mathematics and Science Partnerships Grants	2,550,000
Migrant Education - Administration/Discretionary	2,022,000
Public Charter Schools.....	5,210,000
School Improvement Grants.....	10,810,000
State Assessments.....	9,150,000
State Grants for Improving Teacher Quality	53,337,000
Statewide Longitudinal Data Systems Research Grant.....	1,688,000
Title I - Grants to Local Educational Agencies	300,644,000
Title I - Part D, Neglected and Delinquent.....	2,157,000
Various Federal Programs and Accruals	1,261,000
Vocational Education - Basic Grants - Administration	<u>22,576,000</u>
Subtotal, Department of Education	<u>\$835,336,000</u>
Department of Environmental Protection:	
Air Pollution Maintenance Program	\$10,500,000
Archery and Shooting Facility.....	2,750,000
Artificial Reef Program - PSE&G/NJPDES Permit Fees	1,000,000
Asian Longhorned Beetle Project	2,300,000
Assistance to Firefighters - Wildfire and Arson Prevention	200,000
Atlantic Coastal Fisheries.....	300,000
Beach Monitoring and Notification	700,000
BioWatch Monitoring	750,000
Boat Access (Fish and Wildlife).....	1,000,000
Brownfields.....	1,500,000
Chronic Wasting Disease	150,000
Clean Diesel Retrofit	400,000
Clean Vessels	1,000,000

Clean Water State Revolving Fund.....	58,700,000
Coastal Estuarine Land Program	2,000,000
Coastal Zone Management Implementation	3,400,000
Community Assistance Program.....	250,000
Consolidated Forest Management.....	1,080,000
Cooperative Technical Partnership	2,500,000
Defensible Space	400,000
Drinking Water State Revolving Fund.....	20,550,000
Endangered Species	375,000
Endangered and Nongame Species Program State Wildlife Grants...	1,000,000
Firewise in the Pines	200,000
Fish and Wildlife Action Plan	125,000
Fish and Wildlife Health	810,000
Fish and Wildlife Technical Guidance	200,000
Forest Legacy	7,040,000
Forest Resource Management - Cooperative Forest Fire Control.....	1,765,000
Green Energy.....	1,000,000
Gypsy Moth Suppression	420,000
Hazardous Waste - Resource Conservation Recovery Act	4,750,000
Historic Preservation Survey and Planning	1,000,000
Hudson River Walkway	4,000,000
Hunters' and Anglers' License Fund	9,284,000
Land and Water Conservation Fund.....	3,000,000
Marine Fisheries Investigation and Management	1,500,000
Multimedia	750,000
NJ Atlantic and Shortnose Sturgeon	300,000
NJ Landowner Incentive	200,000
National Coastal Wetlands Conservation	3,000,000
National Dam Safety Program (FEMA).....	120,000
National Geologic Mapping Program	295,000
National Recreational Trails.....	1,900,000
New Jersey's Landscape Project.....	400,000
Nonpoint Source Implementation (319H)	4,010,000
Northeast Wildlife Teamwork Strategy.....	60,000
Particulate Monitoring Grant.....	1,000,000
Pesticide Technology	550,000
Preliminary Assessments/Site Inspections	1,900,000
Radon Program.....	500,000
Recovery Land Acquisition	1,000,000
Remedial Planning Support Agency Assistance	1,000,000
Scenic Byways.....	3,500,000
Shellfish Management - U.S. Department of Homeland Security.....	310,000
Southern Pine Beetle.....	300,000

Species of Greater Conservation Need - Mammal Research and Management	300,000
State Recreational Trails	4,975,000
State Wetlands Conservation Plan	550,000
State Wildlife Grant Projects	1,000,000
State and EPA Data Management Grant	2,300,000
Superfund Grants	5,450,000
Underground Storage Tank Program Standard Compliance	
Inspections	1,250,000
Underground Storage Tanks	2,500,000
Urban Community Air Toxics Program	800,000
Various Federal Programs and Accruals	875,000
Water Monitoring and Planning	1,000,000
Water Pollution Control Program	4,275,000
Water Pollution S106 Enhancements	300,000
Wildland and Urban Interface II	<u>100,000</u>
Subtotal, Department of Environmental Protection	<u>\$194,669,000</u>
Department of Health:	
AIDS Drug Distribution Program	\$4,000,000
Abstinence Education - Family Health Services (FHS)	914,000
Adult Viral Hepatitis Prevention	200,000
Asthma Surveillance and Coalition Building	769,000
Bioterrorism Hospital Emergency Preparedness	14,786,000
Birth Defects Surveillance Program	508,000
Breastfeeding Peer Counseling	300,000
CDC Nutrition - Physical Activity and Obesity (NPAO)	900,000
Childhood Lead Poisoning	1,400,000
Chronic Disease Prevention and Health Promotion Programs -	
Public Health	3,350,000
Clinical Laboratory Improvement Amendments Program	490,000
Comprehensive AIDS Resources Grant	49,550,000
Core Injury Prevention and Control Program	300,000
Demonstration Program to Conduct Health Assessments	627,000
Early Hearing Detection and Intervention (EHDI) Tracking,	
Research	210,000
Early Intervention 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	226,000
Emergency Preparedness for Bioterrorism	29,581,000
Enhanced HIV/AIDS Surveillance - Perinatal	213,000
Enhancing and Making Programs and Outcomes Work to End Rape	96,000
Federal Lead Abatement Program	440,000

Food Emergency Response Network - E. Coli in Ground Beef.....	165,000
Food Inspection	556,000
Fundamental and Expanded Occupational Health	985,000
H1N1 Public Health Emergency Response	18,404,000
HIV/AIDS Events Without Care in New Jersey	373,000
HIV/AIDS Prevention and Education Grant.....	16,100,000
HIV/AIDS Surveillance Grant.....	3,318,000
Healthy Homes and Lead Poisoning Prevention Program.....	594,000
Heart Disease and Stroke Prevention	450,000
Housing Opportunities For Persons With AIDS	2,264,000
Housing Opportunities for Incarcerated Persons with AIDS	2,101,000
Immunization Project.....	8,774,000
Maternal and Child Health (MCH) Early Childhood Comprehensive System	140,000
Maternal and Child Health Block Grant.....	13,000,000
Maternal, Infant and Early Childhood Home Visiting Program	9,546,000
Medicare/Medicaid Inspections of Nursing Facilities.....	16,672,000
Morbidity and Risk Behavior Surveillance	725,000
National Cancer Prevention and Control - Public Health.....	6,889,000
National HIV/AIDS Behavioral Surveillance.....	512,000
National Program of Cancer Registries.....	842,000
New Jersey Cancer Education and Early Detection (NJ CEED).....	219,000
New Jersey Personal Responsibility Education Program	1,410,000
New Jersey's Reducing Health Disparities Initiative	160,000
Nurse Aide Certification Program	1,000,000
Pandemic Influenza Healthcare Preparedness	1,935,000
Pediatric AIDS Health Care Demonstration Project	2,850,000
Pregnancy Risk Assessment Monitoring System.....	750,000
Preventative Health and Health Services Block Grant	4,056,000
Public Employees Occupational Safety and Health - State Plan.....	900,000
Public Health Laboratory Biomonitoring Planning.....	2,156,000
Rape Prevention and Education Program	2,060,000
Ryan White Part B - Emergency Relief.....	5,800,000
Ryan White Part B - Supplemental	1,500,000
Senior Farmers' Market Nutrition Program.....	1,000,000
Supplemental Food Program - Women, Infants, and Children (WIC)	152,000,000
Surveillance, Epidemiology and End Results (SEER)	1,319,000
Tobacco Age of Sale Enforcement (TASE).....	825,000
Tuberculosis Control Program.....	6,095,000
Universal Newborn Hearing Screening.....	250,000
Various Federal Programs and Accruals	12,165,000
Venereal Disease Project.....	3,882,000
Vital Statistics Component.....	1,100,000

West Nile Virus - Laboratory	200,000
West Nile Virus - Public Health	1,942,000
Women, Infants, and Children (WIC) Farmers' Market Nutrition Program	2,600,000
Subtotal, Department of Health.....	<u>\$432,944,000</u>
Department of Human Services:	
Block Grant Mental Health Services.....	\$12,251,000
Child Care Block Grant.....	112,289,000
Child Support Enforcement Program.....	208,154,000
Developmental Disabilities Council	1,636,000
Electronic Health Records Provider Incentive Payments	125,645,000
Food Stamp Program	135,733,000
General Assistance Medicaid Waiver - Childless Adult Demonstration.....	15,000,000
Health Information Technology (HIT).....	5,661,000
Hospital Mental Health Offset Payments	12,327,000
National Family Caregiver Program	5,200,000
New Jersey Money Follows the Person	8,636,000
Older Americans Act - Title III	34,065,000
Projects for Assistance in Transition from Homelessness (PATH)	2,339,000
Refugee Resettlement Program	3,515,000
Social Services Block Grant.....	49,591,000
Substance Abuse Block Grant	46,560,000
Supplemental Nutrition Assistance Program - Education	7,000,000
Temporary Assistance to Needy Families Block Grant	439,378,000
Title XIX Child Residential	92,891,000
Title XIX Community Care Waiver.....	422,076,000
Title XIX ICF/MR.....	337,326,000
Title XIX Medical Assistance	5,611,355,000
Title XXI Children's Health Insurance Program	827,351,000
United States Department of Agriculture Older Americans	4,350,000
Various Federal Programs and Accruals	19,021,000
Vocational Rehabilitation Act, Section 120	<u>11,524,000</u>
Subtotal, Department of Human Services.....	<u>\$8,550,874,000</u>
Department of Labor and Workforce Development:	
Comprehensive Services for Independent Living.....	\$600,000
Current Employment Statistics.....	2,913,000
Disability Determination Services	66,771,000
Disabled Veterans' Outreach Program.....	3,000,000
Employment Services	27,209,000
Employment Services Grants - Alien Labor Certification.....	2,221,000
Local Veterans' Employment Representatives	1,600,000
National Council on Aging - Senior Community Services Employment Project.....	5,000,000

Occupational Safety Health Act - On-Site Consultation	2,600,000
One Stop Labor Market Information.....	1,037,000
Public Employees Occupational Safety and Health Act.....	2,250,000
Redesigned Occupational Safety and Health (ROSH)	300,000
Rehabilitation of Supplemental Security Income Beneficiaries.....	2,000,000
Supported Employment.....	975,000
Technology Related Assistance Project	550,000
Trade Adjustment Assistance Project.....	4,200,000
Unemployment Insurance.....	194,065,000
Various Federal Programs and Accruals	1,890,000
Vocational Rehabilitation Act of 1973.....	50,325,000
Work Opportunity Tax Credit	750,000
Workforce Investment Act	102,143,000
Workforce Investment Act - Adult and Continuing Education.....	<u>21,113,000</u>
Subtotal, Department of Labor and Workforce Development...	<u>\$493,512,000</u>
Department of Law and Public Safety:	
Anti Trafficking Task Force	\$300,000
Bulletproof Vest Partnership	14,000
Byrne Criminal Justice Innovation Program.....	1,000,000
Byrne Discretionary Grant - Statewide Response to Violent Crime	
Reduction	600,000
Child Safety/Child Booster Seats.....	750,000
Collaborative Model - Combat Human Trafficking.....	500,000
Domestic Marijuana Eradication Suppression Program	75,000
Drunk Driver Prevention	4,000,000
Emergency Management Performance Grant - Non-Terrorism.....	8,500,000
Enhancement of Data Analysis Center.....	50,000
Equal Employment Opportunity Commission.....	350,000
Fatality Analysis Reporting System (FARS).....	240,000
Flood Mitigation Assistance.....	9,000,000
Forensic Casework DNA Backlog Reduction	1,400,000
Hazardous Materials Transportation	510,000
Highway Traffic Safety	20,702,000
Homeland Security Grant Program.....	5,993,000
Incident Command.....	1,500,000
Internet Crimes Against Children	400,000
Justice Assistance Grant (JAG)	4,622,000
Justice Information Sharing Solution	500,000
Juvenile Accountability Incentive Block Grant (JAIBG).....	1,000,000
Juvenile Justice Delinquency Prevention	1,524,000
Medicaid Fraud Unit	4,330,000
Motorcycle Safety.....	300,000
National Criminal History Program - Office of the	
Attorney General	4,000,000

Paul Coverdell National Forensic Science Improvement.....	500,000
Pre-Disaster Mitigation Grant (Competitive)	5,000,000
Prescription Drug Monitoring Program	100,000
Project Safe Neighborhoods	500,000
Recreational Boating Safety	4,000,000
Repetitive Flood Claim Program - FEMA	2,000,000
Residential Treatment for Substance Abuse	154,000
Safety Belt Performance Grants	3,705,000
Severe Repetitive Loss - FEMA	10,000,000
Sex Offender Registration and Notification Act (SORNA)	400,000
Solving Cold Cases	340,000
Title V Funding	50,000
UASI Nonprofit Security Grant Program (NSGP).....	800,000
Urban Area Security Initiative (UASI)	21,663,000
Using DNA Technology to Identify the Missing.....	500,000
Various Federal Programs and Accruals	440,000
Victim Assistance Grants	10,351,000
Victim Compensation Award.....	5,000,000
Violence Against Women Act - Criminal Justice.....	<u>3,401,000</u>
Subtotal, Department of Law and Public Safety	<u>\$141,064,000</u>
Department of Military and Veterans' Affairs:	
Antiterrorism Program Manager.....	\$120,000
Armory Renovations and Improvements.....	4,500,000
Army Facilities Service Contracts	2,500,000
Army National Guard Electronic Security System	60,000
Army National Guard Statewide Security Agreement	700,000
Army National Guard Sustainable Range Program	80,000
Army Training and Technology Lab.....	600,000
Atlantic City Air Base - Service Contracts.....	2,650,000
Atlantic City Environmental.....	90,000
Atlantic City Operations and Maintenance	168,000
Atlantic City Sustainment, Restoration and Modernization	750,000
Brigadier General Doyle Memorial Cemetery Building Project.....	7,000,000
Coyle Field Atlantic City	35,000
Dining Facility Operations	150,000
Facilities Support Contract.....	9,000,000
Federal Distance Learning Program	80,000
Fire Fighter/Crash Rescue Service Cooperative Funding Agreement	2,000,000
Hazardous Waste Environmental Protection Program	1,600,000
McGuire Air Force Base - Service Contracts	2,200,000
McGuire Air Force Base Environmental.....	90,000
McGuire Operations and Maintenance	165,000

Medicare Part A Receipts for Resident Care and Operational Costs	10,668,000
National Guard Communications Agreement.....	700,000
Natural and Cultural Resources Management	5,000
New Jersey National Guard Challenge Youth Program	3,200,000
Sea Girt Regional Training Institute - Construction.....	36,000,000
Training Site Facilities Maintenance Agreements	80,000
Training and Equipment - Pool Sites	597,000
Transitional Housing.....	164,000
Various Federal Programs and Accruals	4,000,000
Veterans' Education Monitoring.....	600,000
Warren Grove Sustainment, Restoration and Modernization	10,000
Warren Grove/Coyle Field	<u>60,000</u>
Subtotal, Department of Military and Veterans' Affairs.....	<u>\$90,622,000</u>
Department of State:	
AmeriCorps Grants	\$4,375,000
College Access Challenge Grant Program.....	2,229,000
Foster Grandparent Program	850,000
Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)	3,978,000
National Endowment for the Arts Partnership.....	900,000
State Trade and Export Promotion Pilot Grant Program	300,000
Statewide Longitudinal Data Systems Grant	242,000
Student Loan Administrative Cost Deduction and Allowance	<u>14,738,000</u>
Subtotal, Department of State	<u>\$27,612,000</u>
Department of Transportation:	
Airport Fund.....	\$1,500,000
Boating Infrastructure Program (New Jersey Maritime Program)	1,600,000
Commercial Drivers' License Program.....	1,200,000
Motor Carrier Safety Assistance Program.....	10,500,000
New Jersey Maritime Program - Ferry Boat.....	<u>5,000,000</u>
Subtotal, Department of Transportation	<u>\$19,800,000</u>
Department of the Treasury:	
Division of Gas Expansion	\$826,000
Money Follows the Person Program - Elder Advocacy	702,000
State Energy Conservation Program	<u>3,783,000</u>
Subtotal, Department of the Treasury.....	<u>\$5,311,000</u>
Judicial Branch	
The Judiciary:	
Improving the Completeness of Firearms.....	\$450,000
SJI - eFiling Project	50,000
SMART Probation	800,000
Various Federal Programs and Accruals	<u>1,325,000</u>
Subtotal, The Judiciary	<u>\$2,625,000</u>

Special Transportation Trust Fund

Department of Transportation:

Federal Highway Administration.....	\$1,113,475,762
Federal Transit Administration.....	467,450,000
Subtotal, Special Transportation Fund - Federal.....	<u>\$1,580,925,762</u>
Total - Federal Revenue	<u>\$13,427,159,762</u>
Grand Total Resources, All Funds	<u>\$46,706,872,762</u>

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

1. The appropriations herein or so much thereof as may be necessary are hereby appropriated out of the General Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and spending agencies and for the several purposes herein specified for the fiscal year ending on June 30, 2014. 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, 2014 with the Director of the Division of Budget and Accounting or held by pre-encumbrances on file as of June 30, 2014 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, 2014 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, 2013 are available for payments applicable to fiscal year 2013 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, 2013 together with an explanation of their status. On or before December 1, 2013, 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, 2013, depicting the financial condition of the State and the results of operation for the fiscal year ending June 30, 2013.

01 LEGISLATURE**70 Government Direction, Management, and Control****71 Legislative Activities****0001 Senate****DIRECT STATE SERVICES**

01-0001 Senate	<u>\$11,700,000</u>
Total Direct State Services Appropriation, Senate	<u>\$11,700,000</u>

Direct State Services:**Personal Services:**

Senators (40)	(\$1,990,000)
Salaries and Wages	(4,590,000)
Members' Staff Services	(4,400,000)
Materials and Supplies	(135,000)
Services Other Than Personal	(486,000)
Maintenance and Fixed Charges	(72,000)
Additions, Improvements and Equipment	(27,000)

The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

0002 General Assembly**DIRECT STATE SERVICES**

02-0002 General Assembly	<u>\$18,217,000</u>
Total Direct State Services Appropriation,	
General Assembly	<u>\$18,217,000</u>

Direct State Services:**Personal Services:**

Assemblypersons (80)	(\$3,937,000)
Salaries and Wages	(4,702,000)
Members' Staff Services	(8,800,000)
Materials and Supplies	(108,000)
Services Other Than Personal	(576,000)
Maintenance and Fixed Charges	(90,000)
Additions, Improvements and Equipment	(4,000)

The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

0003 Office of Legislative Services**DIRECT STATE SERVICES**

03-0003 Legislative Support Services	<u>\$30,700,000</u>
Total Direct State Services Appropriation,	
Office of Legislative Services	<u>\$30,700,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$23,443,000)
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)
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- 03 Affirmative Action and Equal Employment
Opportunity(29,000)
- 03 Senator Wynona Lipman Chair in Women's Political
Leadership, Eagleton Institute(100,000)
- 03 Henry J. Raimondo Legislative Fellows Program.....(69,000)
- Additions, Improvements and Equipment(256,000)

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.

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.

Receipts 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	4,643,000
09-0053 New Jersey Law Revision Commission	321,000
09-0058 State Capitol Joint Management Commission	<u>9,838,000</u>
Total Direct State Services Appropriation, Legislative Commissions and Committees.....	<u>\$15,537,000</u>

Direct State Services:

Intergovernmental Relations Commission:

- 09 The Council of State Governments(\$155,000)

09 National Conference of State Legislatures.....	(184,000)
09 Eastern Trade Council - The Council of State Governments.....	(36,000)
09 Northeast States Association for Agriculture Stewardship - The Council of State.....	(25,000)
Joint Committee on Public Schools:	
09 Expenses of Commission.....	(335,000)
State Commission of Investigation:	
09 Expenses of Commission.....	(4,643,000)
New Jersey Law Revision Commission:	
09 Expenses of Commission.....	(321,000)
State Capitol Joint Management Commission:	
09 Expenses of Commission.....	(9,838,000)
The unexpended balances at the end of the preceding fiscal year in these accounts are appropriated.	
Receipts from the rental of the Cafeteria and the Welcome Center and any other facility under the jurisdiction of the State Capitol Joint Management Commis- sion are appropriated to defray custodial, security, maintenance and other related costs of these facilities.	
Such sums as are required for the establishment and operation of the Apportion- ment Commission and the Legislative Redistricting Commission are appropri- ated, subject to the approval of the Director of the Division of Budget and Ac- counting and the Legislative Budget and Finance Officer.	
Legislature, Total State Appropriation	<u>\$76,154,000</u>

Summary of Legislature Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services \$76,154,000

Appropriations by Fund:

General Fund..... \$76,154,000

06 OFFICE OF THE CHIEF EXECUTIVE
70 Government Direction, Management, and Control
76 Management and Administration
DIRECT STATE SERVICES

01-0300 Executive Management	<u>\$6,035,000</u>
Total Direct State Services Appropriation, Management and Administration.....	<u>\$6,035,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....(\$5,208,000)

Special Purpose:

01 National Governors' Association	(158,000)
01 Education Commission of the States	(108,000)
01 National Conference of Commissioners On Uniform State Laws	(42,000)
01 Brian Stack Intern Program	(10,000)
01 Allowance to the Governor of Funds Not Otherwise Appropriated, For Official Reception on Behalf of the State, Operation of an Official Residence, and Other Expenses	(95,000)
Materials and Supplies	(89,000)
Services Other Than Personal	(284,000)
Maintenance and Fixed Charges	(41,000)
The unexpended balance at the end of the preceding fiscal year in this account is appropriated.	
Office of the Chief Executive, Total State Appropriation	<u>\$6,035,000</u>

Summary of The Office of the Chief Executive Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services..... \$6,035,000

Appropriations by Fund:

General Fund..... \$6,035,000

10 DEPARTMENT OF AGRICULTURE***40 Community Development and Environmental Management******49 Agricultural Resources, Planning, and Regulation*****DIRECT STATE SERVICES**

01-3310 Animal Disease Control	\$1,134,000
02-3320 Plant Pest and Disease Control	1,648,000
03-3330 Agriculture and Natural Resources	538,000
05-3350 Food and Nutrition Services	343,000
06-3360 Marketing and Development Services	702,000
08-3380 Farmland Preservation	2,006,000
99-3370 Administration and Support Services	<u>761,000</u>
Total Direct State Services Appropriation, Agricultural Resources, Planning, and Regulation	<u>\$7,132,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$4,327,000)
Materials and Supplies	(88,000)
Services Other Than Personal	(156,000)

Maintenance and Fixed Charges.....(162,000)

Special Purpose:

05 The Emergency Food Assistance Program(343,000)

06 Promotion/Market Development..... (50,000)

08 Agricultural Right-to-Farm Program..... (85,000)

08 Open Space Administrative Costs(1,921,000)

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 the distribution of commodities, sale of containers, and salvage of commodities, in accordance with applicable federal regulations, are appropriated for Commodity Distribution expenses.

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 dairy licenses 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 from fruit, vegetable, fish, red meat, and poultry inspections are appropriated for the cost of those inspections.

An amount equal to receipts generated at the rate of \$0.47 per gallon of wine, vermouth, and sparkling wine sold by plenary winery and farm winery licensees licensed pursuant to R.S.33:1-10, and certified by the Director of the Division of Taxation, are appropriated to the Department of Agriculture from the alcoholic beverage excise tax for expenses of the Wine Promotion Program.

Receipts from the surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed \$278,000, are appropriated to support the Agro-Terrorism program within the Department of Agriculture.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Open Space Administrative Costs account is transferred from the Garden State Farmland Preservation Trust Fund and the 2007 Farmland Preservation Fund to the General Fund, together with an amount not to exceed \$1,029,000, and is appropriated to the Department of Agriculture for the State Agriculture Development Committee's administration of the Farmland Preservation program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, an amount not to exceed \$200,000 shall be transferred from the appropriate funds established in the "Open Space Preservation Bond Act of 1989," P.L.1989, c.183, to the State Transfer of Development Rights Bank account and is appropriated to the State Agriculture Development Committee for Transfer of Development Rights administrative costs.

GRANTS-IN-AID

05-3350 Food and Nutrition Services	<u>\$6,818,000</u>
Total Grants-in-Aid Appropriation, Agricultural	
Resources, Planning, and Regulation	<u>\$6,818,000</u>

Grants-in-Aid:

05 Hunger Initiative/Food Assistance Program (\$6,818,000)

Notwithstanding the provisions of any law or regulation to the contrary, \$540,000 shall be transferred from the Department of Environmental Protection's Water Resources Monitoring and Planning - Constitutional Dedication special purpose account and is appropriated to support nonpoint source pollution control programs in the Department of Agriculture on or before September 1, 2013. Further additional amounts may be transferred pursuant to a Memorandum of Understanding between the Department of Environmental Protection and the Department of Agriculture from the Department of Environmental Protection's Water Resources Monitoring and Planning - Constitutional Dedication special purpose account to support nonpoint source pollution control programs in the Department of Agriculture, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance of this program at the end of the preceding fiscal year is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The expenditure of funds for the Conservation Cost Share program hereinabove appropriated shall be based upon an expenditure plan, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Conservation Assistance Program is appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, \$250,000 shall be transferred from the Department of Environmental Protection's Water Resources Monitoring and Planning - Constitutional Dedication special purpose account and is appropriated for the Animal Waste Management portion of the Conservation Assistance Program in the Division of Agricultural and Natural Resources in the Department of Agriculture.

STATE AID

05-3350 Food and Nutrition Services	\$5,613,000
08-3380 Farmland Preservation.....	<u>10,000</u>
Total State Aid Appropriation, Agricultural Resources, Planning, and Regulation	<u>\$5,623,000</u>

State Aid:

05 School Lunch Aid - State Aid Grants	(\$5,613,000)
08 Payments in Lieu of Taxes.....	(10,000)

The unexpended balance at the end of the preceding fiscal year in the School Lunch Aid - State Aid Grants account is appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, the amount necessary to reimburse State and local government entities for participating in the School Lunch Program shall be paid from the School Lunch Aid - State Aid Grants account, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for the Department of Agriculture, such amounts 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.

Department of Agriculture, Total State Appropriation.....	<u>\$19,573,000</u>
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Summary of Department of Agriculture Appropriations (For Display Purposes Only)

Appropriations by Category:

Direct State Services	\$7,132,000
Grants-in-Aid.....	6,818,000
State Aid	5,623,000

Appropriations by Fund:

General Fund.....	\$6,035,000
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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	\$21,236,000
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02-3120 Actuarial Services	5,685,000
03-3130 Regulation of the Real Estate Industry	3,157,000
04-3110 Public Affairs, Legislative and Regulatory Services	2,256,000
06-3110 Bureau of Fraud Deterrence.....	22,868,000
07-3170 Supervision and Examination of Financial Institutions	4,018,000
99-3150 Administration and Support Services	4,230,000
Total Direct State Services Appropriation, Economic Regulation	<u>\$63,450,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$42,157,000)
Materials and Supplies.....	(392,000)
Services Other Than Personal	(7,245,000)
Maintenance and Fixed Charges.....	(213,000)

Special Purpose:

01 Rate Counsel - Insurance	(149,000)
02 Actuarial Services	(398,000)
06 Insurance Fraud Prosecution Services	(12,896,000)

The unexpended balance at the end of the preceding fiscal year in the Public Adjusters' Licensing account, together with receipts 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 licensing fees, bank assessments, fines and penalties, and the unexpended balances at the end of the preceding fiscal year, not to exceed \$400,000, are appropriated to the Division of Banking, subject to the approval of the Director of the Division of Budget and Accounting.

Proceeds from the sale of credits by the Pinelands Development Credit Bank pursuant to P.L.1985, c.310 (C.13:18A-30 et seq.) are appropriated to the Pinelands Development Credit Bank to administer the "Pinelands Development Credit Bank Act." The unexpended balance at the end of the preceding fiscal year in the Pinelands Development Credit Bank is appropriated to administer the operations of the bank.

In addition to the amounts hereinabove appropriated, such other sums, as the Director of the Division of Budget and Accounting shall determine, are appropriated from the assessments of the insurance industry pursuant to P.L.1995, c.156 (C.17:1C-19 et seq.) and from the assessments of the banking and consumer finance industries pursuant to P.L.2005, c.199 (C.17:1C-33 et seq.) for the purpose of implementing the requirements of those statutes.

The amount hereinabove appropriated for the Division of Insurance accounts is payable from receipts 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.

Department of Banking and Insurance,

Total State Appropriation\$63,450,000

Summary of Department of Banking and Insurance Appropriations

(For Display Purposes Only)

Appropriations by Category:

Direct State Services \$63,450,000

Appropriations by Fund:

General Fund..... \$63,450,000

16 DEPARTMENT OF CHILDREN AND FAMILIES

50 Economic Planning, Development, and Security

55 Social Services Programs

DIRECT STATE SERVICES

01-1610 Child Protection and Permanency\$433,923,000

(From General Fund \$199,413,000)

(From Federal Funds 234,098,000)

(From All Other Funds 412,000)

02-1620 Children's System of Care..... 2,217,000

(From General Fund 1,919,000)

(From Federal Funds 298,000)

03-1630 Family and Community Partnership Services 1,989,000

(From General Fund 1,889,000)

(From Federal Funds 100,000)

04-1600 Education Services27,514,000

(From General Fund 8,201,000)

(From Federal Funds 1,232,000)

(From All Other Funds 18,081,000)

05-1600 Child Welfare Training Academy Services and Operations 8,240,000

(From General Fund..... 6,181,000)
 (From Federal Funds..... 2,059,000)
 06-1600 Safety and Security Services.....3,775,000
 99-1600 Administration and Support Services.....63,497,000
 (From General Fund..... 46,674,000)
 (From Federal Funds..... 16,823,000)
 Total Appropriation, State Federal and All Other Funds.....\$541,155,000
 (From General Fund..... \$268,052,000)
 (From Federal Funds..... 254,610,000)
 (From All Other Funds..... 18,493,000)

Less:

Federal Funds..... \$254,610,000
All Other Funds 18,493,000
Total Deductions \$273,103,000
 Total Direct State Services Appropriation,
 Social Services Programs \$268,052,000

Direct State Services:**Personal Services:**

Salaries and Wages (\$451,144,000)
 Materials and Supplies.....(4,372,000)
 Services Other Than Personal(18,307,000)
 Maintenance and Fixed Charges.....(36,792,000)

Special Purpose:

05 NJ Partnership for Public Child Welfare(3,500,000)
 06 Safety and Security Services.....(3,775,000)
 99 Information Technology(1,524,000)
 99 Safety and Permanency in the Courts.....(15,545,000)
 Additions, Improvements and Equipment.....(6,196,000)

Less:

Federal Funds..... 254,610,000
All Other Funds 18,493,000

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 competency. The Department of Children and Families shall also offer training opportunities in cultural competency to staff of community-based organizations serving children and families under contract to the Department of Children and Families.

Of the amount hereinabove appropriated for Safety and Permanency in the Courts, an amount not to exceed \$15,045,000 shall be reimbursed to the Department of Law and Public Safety and is appropriated for legal services implementing the approved child welfare settlement with the federal court, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

01-1610 Child Protection and Permanency	\$473,748,000
<i>(From General Fund.....</i>	<i>\$424,651,000)</i>
<i>(From Federal Funds.....</i>	<i>42,243,000)</i>
<i>(From All Other Funds.....</i>	<i>6,854,000)</i>
02-1620 Children's System of Care.....	470,373,000
<i>(From General Fund.....</i>	<i>296,106,000)</i>
<i>(From Federal Funds.....</i>	<i>174,267,000)</i>
03-1630 Family and Community Partnership Services.....	89,066,000
<i>(From General Fund.....</i>	<i>61,162,000)</i>
<i>(From Federal Funds.....</i>	<i>27,036,000)</i>
<i>(From All Other Funds.....</i>	<i>868,000)</i>
04-1600 Education Services.....	27,848,000
<i>(From Federal Funds.....</i>	<i>912,000)</i>
<i>(From All Other Funds.....</i>	<i>26,936,000)</i>
99-1610 Administration and Support Services	699,000
<i>(From Federal Funds.....</i>	<i>699,000)</i>
Total Appropriation, State, Federal and All Other Funds	<u>\$1,061,734,000</u>
<i>(From General Fund.....</i>	<i>\$781,919,000)</i>
<i>(From Federal Funds.....</i>	<i>245,157,000)</i>
<i>(From All Other Funds.....</i>	<i>34,658,000)</i>

Less:

Federal Funds.....	\$245,157,000
All Other Funds.....	34,658,000
Total Deductions	<u>\$279,815,000</u>
Total Grants-in-Aid Appropriation, Social Services	
Programs	<u>\$781,919,000</u>

Grants-in-Aid:

01 Substance Abuse Services.....	(\$10,024,000)
01 Court Appointed Special Advocates.....	(1,150,000)
01 Independent Living and Shelter Care	(13,815,000)
01 Out-of-Home Placements.....	(16,644,000)
01 Family Support Services.....	(81,591,000)
01 Child Abuse Prevention	(12,324,000)
01 Foster Care.....	(97,088,000)
01 Subsidized Adoption	(131,639,000)
01 Foster Care and Permanency Initiative	(7,558,000)
01 New Jersey Homeless Youth Act.....	(1,556,000)
01 Wynona M. Lipman Child Advocacy Center,	
Essex County	(537,000)
01 Purchase of Social Services	(62,463,000)
01 Child Health Units.....	(31,516,000)
01 Restricted Federal Grants.....	(5,843,000)
02 Care Management Organizations	(69,278,000)

02	Out-of-Home Treatment Services	(263,207,000)
02	Family Support Services	(30,480,000)
02	Mobile Response	(22,757,000)
02	Intensive In-Home Behavioral Assistance	(49,553,000)
02	Youth Incentive Program	(3,709,000)
02	Outpatient	(14,137,000)
02	Contracted Systems Administrator	(13,552,000)
02	State Children's Health Insurance Program Administration	(3,700,000)
03	Early Childhood Services	(12,917,000)
03	School Linked Services Program	(31,253,000)
03	Family Support Services	(17,351,000)
03	Women's Services	(19,499,000)
03	Children's Trust Fund	(180,000)
03	Restricted Federal Grants	(7,821,000)
03	Project S.A.R.A.H	(45,000)
04	Educational Program Services	(27,848,000)
99	National Center for Child Abuse and Neglect	(699,000)

Less:

Federal Funds..... 245,157,000

All Other Funds 34,658,000

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated in the Out-of-Home 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 Protection and Permanency Services 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, the amounts hereinabove appropriated for the Out-of-Home Placements, Independent Living and Shelter Care, Foster Care, Subsidized Adoption, and Family Support Services accounts are available for the payment of obligations applicable to prior fiscal years.

The amounts hereinabove appropriated for Foster Care and Subsidized Adoption are subject to the following condition: any change by the Department of Children and Families in the rates paid for foster care and adoption subsidy programs 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 for Domestic Violence Prevention Services. Funds recovered under P.L.1951, c.138 (C.30:4C-1 et seq.) during the current fiscal year are appropriated for resource families and other out-of-home placements.

Receipts from counties for persons under the care and supervision of the Division of Child Protection and Permanency 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 Child Protection and Permanency 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 Out-of-Home Treatment Services, Care Management Organizations, Youth Incentive Program, Behavioral Assistance and In-Home Community Services, Family Support Services and Mobile Response shall be expended for any individual served by the Division of Children's System of Care, 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.

Of the amount hereinabove appropriated for the Domestic Violence Prevention Services, \$1,100,000 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.

Of the amounts hereinabove appropriated for Substance Abuse Services, an amount not to exceed \$10,024,000 shall be transferred to the Department of Human Services Division of Mental Health and Addiction Services to fund the Division of Child Protection and Permanency Child Welfare Substance Abuse Treatment Services contracts as specified in the Memorandum of Agreement between the Department of Children and Families and the Department of Human Services Division of Mental Health and Addiction Services, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for the Purchase of Social Services, an amount as specified in the Memorandum of Agreement between the Department of Children and Families and the Department of Human Services Division of Family Development shall be transferred to the Department of Human Services Division of Family Development to fund the Post Adoption Child Care Program,

subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for Early Childhood Services, an amount as specified in the Memorandum of Agreement between the Department of Children and Families and the Department of Human Services Division of Family Development shall be transferred to the Department of Human Services Division of Family Development to fund the Strengthening Families Initiative Training Program, subject to the approval of the Director of the Division of Budget and Accounting.

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 among accounts in the Children's System of Care program classification. 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 Children's System of Care program classification in the Department of Children and Families. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice of the Director of the Division of Budget and Accounting's approval shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Of the amounts hereinabove appropriated for Out-of-Home Placements and Independent Living and Shelter Care, such amounts as determined by the Department of Children and Families may be transferred between such accounts to properly align expenditures based upon changes in client placements, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for Foster Care and Subsidized Adoption, such amounts as determined by the Department of Children and Families may be transferred between such accounts to address the movement of children from foster care to a permanent adoption setting, 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 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.

Department of Children and Families,

Total State Appropriation \$1,049,971,000

Summary of Department of Children and Families Appropriations

(For Display Purposes Only)

Appropriations by Category:

Direct State Services.....\$268,052,000

Grants-in-Aid	781,919,000
<i>Appropriations by Fund:</i>	
General Fund	\$1,049,971,000

22 DEPARTMENT OF COMMUNITY AFFAIRS
40 Community Development and Environmental Management
41 Community Development Management
DIRECT STATE SERVICES

01-8010 Housing Code Enforcement	\$8,061,000
02-8020 Housing Services	3,061,000
06-8015 Uniform Construction Code	11,856,000
13-8027 Codes and Standards	389,000
18-8017 Uniform Fire Code	<u>7,262,000</u>
Total Direct State Services Appropriation, Community Development Management	<u>\$30,629,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$26,181,000)
Employee Benefits	(318,000)
Materials and Supplies	(86,000)
Services Other Than Personal	(563,000)
Maintenance and Fixed Charges	(102,000)

Special Purpose:

02 Affordable Housing	(1,725,000)
02 Local Planning Services	(1,279,000)
18 Local Fire Fighters' Training	(375,000)

The amount hereinabove appropriated for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. The unexpended balance at the end of the preceding fiscal year, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from the additional fee established by section 10 of P.L.2003, c.311 (C.52:27D-437.10) are appropriated to the Housing Code Enforcement program classification for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Uniform Construction Code program classification is payable out of the fees and penalties derived from code enforcement activities. The unexpended balance at the end of the preceding fiscal year, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of

the Director of the Division of Budget and Accounting. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance at the end of the preceding fiscal year in "The Planned Real Estate Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et seq.) fees account, together with any receipts in excess of the amount anticipated, is appropriated for code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts received by the Uniform Construction Code Revolving Fund attributable to that portion of the surcharge fee in excess of \$0.0006, and to surcharges on other construction, shall be dedicated to the general support of the Uniform Construction Code program and, notwithstanding the provisions of section 2 of P.L.1979, c.121 (C.52:27D-124.1), shall be available for training and non-training purposes. Notwithstanding the provisions of any law or regulation to the contrary, unexpended balances at the end of the preceding fiscal year in the Uniform Construction Code Revolving Fund are appropriated for expenses of code enforcement activities.

Such amounts as may be required for the registration of builders and reviewing and paying claims under "The New Home Warranty and Builders' Registration Act," P.L.1977, c.467 (C.46:3B-1 et seq.), are appropriated from the New Home Warranty Security Fund in accordance with section 7 of P.L.1977, c.467 (C.46:3B-7), subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Uniform Fire Code program classification is payable out of the fees and penalties derived from code enforcement activities. The unexpended balance at the end of the preceding fiscal year, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of any law or regulation to the contrary, receipts 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 amounts as are necessary to operate the program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the Division of Fire Safety may transfer within its own division between a Direct State Services appropriations account and a Grants-In-Aid appropriations account, such amounts as are necessary for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Local Planning Services and Affordable Housing accounts shall be payable from the receipts of the portion of the realty transfer fee directed to be credited to the New Jersey Affordable Housing Trust Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts

of the portion of the realty transfer fee directed to be credited to the New Jersey Affordable Housing Trust Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). Any receipts in excess of the amount anticipated, and any unexpended balance at the end of the preceding fiscal year are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the Division of Housing and Community Resources may transfer between the Affordable Housing State Aid appropriations account, the Local Planning Services Direct State Services appropriations account and the Affordable Housing Direct State Services appropriations account, such amounts as are necessary, subject to the approval of the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide written notice of such a transfer to the Joint Budget Oversight Committee within 10 working days of making such a transfer.

Pursuant to section 15 of P.L.1983, c.530 (C.55:14K-15), the Commissioner of Community Affairs shall determine, at least annually, the eligibility of each boarding house resident for rental assistance payments; and notwithstanding the provisions of P.L.1983, c.530 (C.55:14K-1 et seq.) to the contrary, moneys held in the Boarding House Rental Assistance Fund that were originally appropriated from the General Fund may be used by the Commissioner for the purpose of providing life safety improvement loans, and any moneys held in the Boarding House Rental Assistance Fund may be used for the purpose of providing rental assistance for repayment of such loans. Notwithstanding any provision of P.L.1983, c.530 (C.55:14K-1 et seq.), the Commissioner shall have authority to disburse funds from the Boarding House Rental Assistance Fund established pursuant to section 14 of P.L.1983, c.530 (C.55:14K-14) for the purpose of repaying, through rental assistance or otherwise, loans made to the boarding house owners for the purpose of rehabilitating boarding houses.

The unexpended balance at the end of the preceding fiscal year in the Truth in Renting account, and receipts from the sale of truth in renting statements, including fees, fines, and penalties, are appropriated for the Truth in Renting program, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from the Petroleum Overcharge Reimbursement Fund the amount of \$300,000 for the expenses of the Green Homes Office, subject to the approval of the Director of the Division of Budget and Accounting.

Any receipts from the Boarding Home Regulation and Assistance program, including fees, fines, and penalties, are appropriated for the Boarding Home Regulation and Assistance program.

Notwithstanding the provisions of any law or regulation to the contrary, receipts appropriated from the Department of Community Affairs' code enforcement activities in excess of the amount anticipated and in excess of the amounts required to support the code enforcement activity for which they were collected may be transferred as necessary to cover shortfalls in other Department of

Community Affairs' code enforcement accounts, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

01-8010 Housing Code Enforcement.....	\$919,000
02-8020 Housing Services	25,160,000
18-8017 Uniform Fire Code.....	8,571,000
20-8035 New Jersey Meadowlands Commission	<u>6,000,000</u>
Total Grants-in-Aid Appropriation,	
Community Development Management.....	<u>\$40,650,000</u>

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.....	(18,500,000)
18 Uniform Fire Code - Local Enforcement	
Agency Rebates	(8,425,000)
18 Uniform Fire Code - Continuing Education.....	(146,000)
20 Meadowlands Adjustment Payments Aid.....	(6,000,000)

The amount hereinabove appropriated for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. The unexpended balance at the end of the preceding fiscal year, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove appropriated for the Uniform Fire Code program classification is payable out of the fees and penalties derived from code enforcement activities. The unexpended balance at the end of the preceding fiscal year, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

In addition to the amount hereinabove appropriated for the State Rental Assistance Program (SRAP), an amount not less than \$20,000,000 is appropriated from the New Jersey Affordable Housing Trust Fund to SRAP for the purposes of subsections a. and c. of section 1 of P.L.2004, c.140 (C.52:27D-287.1).

The unexpended balance at the end of the preceding fiscal year in the State Rental Assistance Program account is appropriated for the expenses of the State Rental Assistance Program.

Notwithstanding the provisions of any law or regulation to the contrary, such amounts as may be received from the New Jersey Housing and Mortgage Finance Agency for the State Rental Assistance Program are appropriated to the

Department of Community Affairs for the purposes of providing rental assistance.

The amount hereinabove appropriated for the Shelter Assistance program, the Prevention of Homelessness program, and the State Rental Assistance Program shall be payable from the receipts of the portion of the realty transfer fee directed to be credited to the New Jersey Affordable Housing Trust Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer fee directed to be credited to the New Jersey Affordable Housing Trust Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Upon determination by the Commissioner of Community Affairs that all eligible shelter assistance projects have received funding from the amount appropriated for Shelter Assistance from receipts of the portions of the realty transfer fee dedicated to the New Jersey Affordable Housing Trust Fund, any available balance in the Shelter Assistance account may be transferred to the Affordable Housing account, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Revolving Housing Development and Demonstration Grant Fund an amount not to exceed 50% of the penalties derived from bureau activities in the Housing Code Enforcement program classification, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from repayment of loans from the Downtown Business Improvement Loan Fund, together with the unexpended balance at the end of the preceding fiscal year of such loan fund and any interest thereon, are appropriated for the purposes of P.L.1998, c.115 (C.40:56-71.1 et seq.).

Notwithstanding the provisions of section 35 of P.L.1975, c.326 (C.13:17-10.1), sections 10 and 11 of P.L.1981, c.306 (C.13:1E-109 and C.13:1E-110), section 8 of P.L.1985, c.368 (C.13:1E-176), or any rules and regulations adopted pursuant thereto, or any order issued by the Board of Public Utilities to the contrary, an amount equal to \$100,000 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 amounts as are necessary shall be available from the Prevention of Homelessness Grants-In-Aid appropriation for program administrative expenses, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Meadowlands Adjustment Payments Aid shall be paid in two equal installments on August 15, 2013 and November 15, 2013 to the New Jersey Meadowlands Commission for deposit in the inter-municipal account established pursuant to section 64 of P.L.1968, c.404 (C.13:17-66) and shall be credited to the amount payable by each constituent municipality to that account for adjustment year 2013, in proportion to the amount certified by the commission for payment pursuant to subsection (a) of section 72 of P.L.1968, c.404 (C.13:17-74). To the extent that the amount paid to the intermunicipal account by any constituent municipality for adjustment year 2013 exceeds the amount required after application of credits pursuant to this provision, the commission shall refund the amount of overpayment.

STATE AID

Notwithstanding the provisions of any law or regulation to the contrary, such amounts as may be required to fund relocation costs of boarding home residents are appropriated from the Boarding House Rental Assistance Fund.

The unexpended balance at the end of the preceding fiscal year in the Relocation Assistance account, not to exceed \$250,000, is appropriated for the expenses of the Relocation Assistance program, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Affordable Housing program, an amount not to exceed \$400,000 may be used for matching, on a 50/50 basis, for the federal share of the administrative costs of the federal Community Development Block Grant.

Of the amount hereinabove appropriated for the New Jersey Affordable Housing Trust Fund, such amounts as are necessary may be pledged as a match for the HOME Investment Partnership Program to ensure adherence to the federal matching requirements for affordable housing production.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Affordable Housing program 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.

Notwithstanding the provisions of any law or regulation to the contrary, funds appropriated for the Affordable Housing program may be provided directly to the housing project being assisted; provided, however, that any such project has the support by resolution of the governing body of the municipality in which it is located.

50 Economic Planning, Development, and Security

55 Social Services Programs

DIRECT STATE SERVICES

05-8050 Community Resources\$100,000

Total Direct State Services Appropriation, Social Services

Programs	<u>\$100,000</u>
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Direct State Services:

Personal Services:

Salaries and Wages.....	(\$76,000)
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Services Other Than Personal.....	(24,000)
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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.....	<u>\$990,000</u>
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Total Grants-in-Aid Appropriation,

Social Services Programs	<u>\$990,000</u>
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Grants-in-Aid:

05 Recreation for the Handicapped.....	(\$585,000)
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05 Special Olympics.....	(405,000)
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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 amounts 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.

Of the amount hereinabove appropriated for the Special Olympics program, an amount not to exceed \$75,000 may be allocated for the administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

70 Government Direction, Management, and Control**75 State Subsidies and Financial Aid****DIRECT STATE SERVICES**

04-8030 Local Government Services.....	<u>\$4,262,000</u>
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Total Direct State Services Appropriation,

State Subsidies and Financial Aid.....	<u>\$4,262,000</u>
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Direct State Services:

Personal Services:

Local Finance Board Members	(\$84,000)
Salaries and Wages	(3,896,000)
Materials and Supplies	(40,000)
Services Other Than Personal	(227,000)
Maintenance and Fixed Charges	(15,000)

Receipts received by the Division of Local Government Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

04-8030 Local Government Services	<u>\$676,002,000</u>
<i>(From General Fund</i>	<i>\$100,114,000)</i>
<i>(From Property Tax Relief Fund</i>	<i>575,888,000)</i>
Total State Aid Appropriation, State Subsidies and Financial Aid	<u>\$676,002,000</u>
<i>(From General Fund</i>	<i>\$100,114,000)</i>
<i>(From Property Tax Relief Fund</i>	<i>575,888,000)</i>

State Aid:

04 Consolidated Municipal Property Tax Relief Aid (PTRF)	(\$575,852,000)
04 County Prosecutors and Officials Salary Increase (P.L.2007, c.350)	(1,600,000)
04 County Prosecutor Funding Initiative Pilot Program	(4,000,000)
04 Transitional Aid to Localities	(94,514,000)
04 Open Space Payments in Lieu of Taxes (PTRF)	(36,000)

Notwithstanding the provisions of any law or regulation to the contrary, no appropriation shall be made for municipal aid from the amounts credited to the Extraordinary Aid account from receipts of the supplemental fee established pursuant to section 2 of P.L.2003, c.113 (C.46:15-7.1).

The amount hereinabove appropriated for the County Prosecutor Funding Initiative Pilot Program shall be distributed as follows: Camden County, \$895,000; Essex County, \$1,811,000; Hudson County, \$802,500; and Mercer County, \$491,500.

In addition to the amounts hereinabove appropriated for the Department of Community Affairs, in the case of municipalities that consolidate pursuant to any law, including but not limited to P.L.2007, c.63 (C.40A:65-1 et seq.) or a municipality that is wholly annexed by another municipality pursuant to N.J.S.40A:7-1 et seq., there is appropriated such additional sums for non-recurring costs that the Director of the Division of Local Government Services determines necessary to implement such consolidation or annexation, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Transitional Aid to Localities shall be al-

located to provide short-term financial assistance where needed to help a municipality which is in serious fiscal distress to meet immediate budgetary needs and regain financial stability. A municipality shall be deemed to be eligible for transitional aid if the municipality is identified by the Director of the Division of Local Government Services (Director) as experiencing serious fiscal distress where the Director determines that, despite local officials having implemented substantive cost reduction strategies, there continues to exist conditions of serious fiscal distress, which may include but not be limited to, substantial structural or accumulated deficits, ongoing reliance on non-recurring revenues, limited ability to raise supplemental non-property tax revenues, extraordinary demands for public safety appropriations, and other factors indicating a constrained ability to raise sufficient revenues to meet budgetary requirements that substantially jeopardizes the fiscal integrity of the municipality. Municipalities seeking transitional aid shall file an application on a form prescribed by the Director which application, among other things, shall set forth the minimum criteria which must be met in order for an application to be considered by the Director for a determination of eligibility. The Director shall determine whether a municipality which files an application meeting such minimum criteria is in serious fiscal distress, and, if so, what amount of transitional aid should be provided to address the municipality's serious fiscal distress. The transitional aid shall be provided to the municipality subject to the provisions of subsection a. of section 1 of P.L.2011, c.144 (C.52:27D-118.42a); provided, however, that an amount of Transitional Aid to Localities as determined by the Director of the Division of Local Government Services for a municipality may be deemed to constitute Consolidated Municipal Property Tax Relief Aid in an amount not in excess of the amount of Transitional Aid to Localities such municipality received in the previous fiscal year and shall not reduce the amount of Consolidated Municipal Property Tax Relief Aid such municipality shall receive for the current fiscal year. Provided, however, if the Director of the Division of Local Government Services deems an amount of Transitional Aid to Localities for a municipality as constituting Consolidated Municipal Property Tax Relief Aid pursuant to this provision that municipality is not relieved from compliance with the requirements for transitional aid.

The amount hereinabove appropriated for Transitional Aid to Localities is subject to the following condition: notwithstanding the provisions of R.S.43:21-14, or any other law or regulation to the contrary, the Commissioner of Labor and Workforce Development, in consultation with the Commissioner of Community Affairs, is authorized to enter into individualized payment plan agreements with municipalities that receive Transitional Aid for the reimbursement of unemployment benefits paid to former employees of such municipal government units, at reasonable interest rates based on current market conditions, and on such other terms and conditions as may be determined to be appropriate by the Commissioner of Labor and Workforce Development. Any municipality that enters into an individualized payment plan agreement pursuant to this section

shall be required to expend all funds budgeted for this activity remaining as of the last day of its budget year for the repayment of outstanding obligations under the plan.

Notwithstanding the provisions of any law or regulation to the contrary, any qualified municipality, as defined in section 1 of P.L.1978, c.14 (C.52:27D-178) for the previous fiscal year, shall continue to be a qualified municipality thereunder during the current fiscal year.

The amount hereinabove appropriated for Consolidated Municipal Property Tax Relief Aid shall be distributed on the following schedule: on or before August 1, 45% of the total amount due; September 1, 30% of the total amount due; October 1, 15% of the total amount due; November 1, 5% of the total amount due; December 1 for municipalities operating under a calendar fiscal year, 5% of the total amount due; and June 1 for municipalities operating under the State fiscal year, 5% of the total amount due.

Notwithstanding the provisions of any law or regulation to the contrary, from the amounts received from the appropriation to the Consolidated Municipal Property Tax Relief Aid program and received from amounts transferred from Consolidated Municipal Property Tax Relief Aid to the Energy Tax Receipts Property Tax Relief Fund account, each municipality shall be required to distribute to each fire district within its boundaries the amount received by the fire district from the Supplementary Aid for Fire Services program pursuant to the provisions of the fiscal year 1995 annual appropriations act, P.L.1994, c.67, less an amount proportional to reductions in the combined total amount received by the municipality from Consolidated Municipal Property Tax Relief Aid and from the Energy Tax Receipts Property Tax Relief Fund since fiscal year 2008.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Consolidated Municipal Property Tax Relief Aid shall be distributed in the same amounts, and to the same municipalities which received funding pursuant to the previous fiscal year's annual appropriations act, provided further, however, that from the amount hereinabove appropriated there is transferred to the Energy Tax Receipts Property Tax Relief Fund account such sums as were determined for fiscal year 2003, fiscal year 2006, fiscal year 2007, fiscal year 2008, fiscal year 2009, fiscal year 2010, fiscal year 2012, fiscal year 2013, and fiscal year 2014 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, the amount of Consolidated Municipal Property Tax Relief Aid received by a municipality shall be increased by such amounts of Transitional Aid to Localities deemed to constitute Consolidated Municipal Property Tax Relief Aid by the Director of the Division of Local Government Services in the previous fiscal year.

Notwithstanding the provisions of any law or regulation to the contrary, the Director of the Division of Local Government Services shall take such actions as may be necessary to ensure that proportional amounts of the Consolidated Municipal Property Tax Relief Aid and the amounts transferred from Consolidated Mu-

municipal Property Tax Relief Aid to the Energy Tax Receipts Property Tax Relief Fund account appropriated to offset losses from business personal property tax that would have otherwise been used for the support of public schools will be used to reduce the school property tax levy for those affected school districts with the remaining State Aid used as municipal property tax relief. The chief financial officer of the municipality shall pay to the school districts such amounts as may be due by December 31.

Notwithstanding the provisions of any law or regulation to the contrary, the release of the final 5% or \$500, whichever is greater, of the total annual amount due for the current fiscal year from Consolidated Municipal Property Tax Relief Aid to municipalities is subject to the following condition: the municipality shall submit to the Director of the Division of Local Government Services a report describing the municipality's compliance with the "Best Practices Inventory" established by the Director of the Division of Local Government Services and shall receive at least a minimum score on such inventory as determined by the Director of the Division of Local Government Services; provided, however, that the Director may take into account the particular circumstances of a municipality in computing such score. In preparing the Best Practices Inventory, the Director shall identify best municipal practices in the areas of general administration, fiscal management, and operational activities, as well as the particular circumstances of a municipality, in determining the minimum score acceptable for the release of the final 5% or \$500, whichever is greater, of the total annual amount due for the current fiscal year, but in no event shall amounts be withheld with respect to municipal practices occurring prior to the issuance of the Best Practices Inventory unless related to a municipal practice identified in the Best Practices Inventory established in the previous fiscal year.

The Director of the Division of Local Government Services may permit any municipality that received Regional Efficiency Aid Program funds pursuant to the annual appropriations act for fiscal year 2010, P.L.2009, c.68, to use a portion of Consolidated Municipal Property Tax Relief Aid to provide Regional Efficiency Aid Program benefits pursuant to P.L.1999, c.61 (C.54:4-8.76 et seq.).

Notwithstanding the provisions of any law or regulation to the contrary, payments to municipalities in lieu of taxes for lands acquired by the State and non-profit organizations for recreation and conservation purposes shall be provided only to municipalities operating under the State fiscal year in the amount provided in the previous fiscal year. Municipalities operating under a calendar fiscal year are authorized to continue to anticipate the State's fiscal year 2013 payments in their calendar year 2013 budgets and shall be permitted to anticipate an identical amount in their calendar year 2014 budgets.

In addition to the amounts hereinabove appropriated for the Department of Community Affairs, an amount not to exceed \$1,100,000 is appropriated to the Open Space Payments in Lieu of Taxes account to provide aid to municipalities in such amounts as the Director of the Division of Local Government Services determines to be necessary to ensure that each municipality receives funding in

support of its calendar year 2013 budget not to exceed the amount received in support of its calendar year 2012 budget, 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 and non-profit organizations for recreation and conservation purposes shall be retained by the municipality and not apportioned in the same manner as the general tax rate of the municipality.

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 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.).

70 Government Direction, Management, and Control

76 Management and Administration

DIRECT STATE SERVICES

49-8049 Historic Trust.....	\$630,000
99-8070 Administration and Support Services.....	<u>2,730,000</u>
Total Direct State Services Appropriation, Management and Administration	<u>\$3,360,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$2,020,000)
Materials and Supplies.....	(8,000)
Services Other Than Personal	(74,000)

Maintenance and Fixed Charges..... (16,000)

Special Purpose:

49 Historic Trust/Open Space Administrative Costs(630,000)

99 Government Records Council(612,000)

The amount hereinabove appropriated for the Historic Trust/Open Space Administrative Costs program is appropriated for all administrative costs and expenses pursuant to the "New Jersey Cultural Trust Act," P.L.2000, c.76 (C.52:16A-72 et seq.); the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.); the "Historic Preservation Revolving Loan Fund," P.L.1991, c.41 (C.13:1B-15.115a et seq.); the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88; the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204; the "Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007," P.L.2007, c.119, and the "Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009," P.L.2009, c.117, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove for the Historic Trust/Open Space Administrative Costs account is transferred from the Garden State Historic Preservation Trust Fund, the 2007 Historic Preservation Fund, and the 2009 Historic Preservation Fund to the General Fund and is appropriated to the Department of Community Affairs for Historic Trust/Open Space Administrative Costs, subject to the approval of the Director of the Division of Budget and Accounting.

Department of Community Affairs,

Total State Appropriation\$755,993,000

All moneys comprising original bond proceeds or the repayment of loans or advances from the Mortgage Assistance Fund established under the "New Jersey Mortgage Assistance Bond Act of 1976," P.L.1976, c.94, are appropriated in accordance with the purposes set forth in section 5 of that act.

Notwithstanding the provisions of any law or regulation to the contrary, deposits of any funds into the Revolving Housing Development and Demonstration Grant Fund are subject to prior approval of the Director of the Division of Budget and Accounting.

Summary of Department of Community Affairs Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services \$38,351,000

Grants-in-Aid..... 41,640,000

State Aid 676,002,000

Appropriations by Fund:

General Fund..... \$180,105,000

Property Tax Relief Fund 575,888,000

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

16 Detention and Rehabilitation

DIRECT STATE SERVICES

07-7040 Institutional Control and Supervision..... \$489,671,000
 08-7040 Institutional Care and Treatment..... 243,966,000
 99-7040 Administration and Support Services..... 77,924,000
 Total Direct State Services Appropriation, Detention and
 Rehabilitation \$811,561,000

Direct State Services:

Personal Services:

Salaries and Wages (\$542,401,000)
 Food In Lieu of Cash..... (2,393,000)
 Materials and Supplies..... (70,266,000)
 Services Other Than Personal (154,993,000)
 Maintenance and Fixed Charges..... (11,882,000)

Special Purpose:

07 Civilly Committed Sexual Offender Program..... (28,551,000)
 Additions, Improvements and Equipment..... (1,075,000)

The unexpended balances at the end of the preceding fiscal year in the Civilly Committed Sexual Offender Program account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts 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.

Of the amount hereinabove appropriated in the Detention and Rehabilitation various institutional accounts, an amount may be transferred to the Purchase of Community Services account or to other programs that reduce the number of inmates housed in State facilities, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for payment of inmate health care are available for the payment of obligations applicable to prior fiscal years.

7025 System-Wide Program Support

DIRECT STATE SERVICES

07-7025 Institutional Control and Supervision..... \$27,391,000
 13-7025 Institutional Program Support..... 37,300,000

Total Direct State Services Appropriation, System-Wide

Program Support.....	<u>\$64,691,000</u>
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Direct State Services:

Personal Services:

Salaries and Wages.....	(\$38,788,000)
Materials and Supplies.....	(1,169,000)
Services Other Than Personal.....	(13,160,000)

Special Purpose:

13 Integrated Information Systems	(8,058,000)
13 Offender Re-entry Program.....	(1,000,000)
13 Mutual Agreement Program.....	(1,162,000)
13 DOC/DOT Work Details	(537,000)
Additions, Improvements and Equipment.....	(817,000)

GRANTS-IN-AID

13-7025 Institutional Program Support.....	<u>\$68,759,000</u>
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Total Grants-in-Aid Appropriation, System-Wide Program

Support.....	<u>\$68,759,000</u>
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Grants-in-Aid:

13 Purchase of Service for Inmates Incarcerated	
In County Penal Facilities.....	(\$4,125,000)
13 Purchase of Service for Inmates Incarcerated	
In Out-Of-State Facilities	(80,000)
13 Purchase of Community Services.....	(64,554,000)

Of the amount hereinabove appropriated for Purchase of Service for Inmates Incarcerated in County Penal Facilities, an amount may be transferred for operational costs of 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.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Purchase of Community Services shall be subject to the following condition: in order to permit flexibility and efficiency in the housing of State inmates, the operational capacity of the Residential Community Release Program, as a place of confinement, shall be determined by the Commissioner of Corrections as authorized by section 2 of P.L.1969, c.22 (C.30:4-91.2), subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Purchase of Community Services is conditioned upon the following: the Commissioner of Corrections shall report to the Presiding Officers of the Legislature in accordance with section 2 of

P.L.1991, c.164 (C.52:14-19.1) on the operation of each Community Based Residential Placement. The report shall include, but not be limited to, the following: (a) the total reimbursement provided, (b) the rate of reimbursement received per client, (c) the number of clients for which reimbursement was received, (d) the number of clients imprisoned for violent crimes and the total number of days such clients were imprisoned, (e) the number of clients imprisoned for non-violent crimes and the total number of days such clients were imprisoned, (f) the number of escapes by clients imprisoned for violent crimes and the number of escapes by clients imprisoned for non-violent crimes, and (g) the number of incidents involving physical violence documented.

STATE AID

13-7025 Institutional Program Support.....	<u>\$20,500,000</u>
Total State Aid Appropriation, System-Wide Program	
Support.....	<u>\$20,500,000</u>

State Aid:

13 Essex County - County Jail Substance Abuse	
Programs	(\$18,000,000)
13 Union County Inmate Rehabilitation Services	(2,500,000)

10 Public Safety and Criminal Justice

17 Parole

DIRECT STATE SERVICES

03-7010 Parole	\$45,398,000
05-7280 State Parole Board.....	14,380,000
99-7280 Administration and Support Services	<u>4,233,000</u>
Total Direct State Services Appropriation, Parole.....	<u>\$64,011,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$38,271,000)
Materials and Supplies.....	(535,000)
Services Other Than Personal	(2,010,000)
Maintenance and Fixed Charges.....	(1,029,000)

Special Purpose:

03 Parolee Electronic Monitoring Program	(4,460,000)
03 Supervision, Surveillance, and Gang Suppression	
Program.....	(1,515,000)
03 Sex Offender Management Unit	(10,167,000)
03 Satellite-based Monitoring of Sex Offenders.....	(2,786,000)
03 Parole Violator Assessment and Treatment	
Program.....	(3,188,000)
Additions, Improvements and Equipment.....	(50,000)

GRANTS-IN-AID

03-7010 Parole	\$36,082,000
Total Grants-in-Aid Appropriation, Parole	<u>\$36,082,000</u>

Grants-in-Aid:

03 Re-Entry Substance Abuse Program.....	(\$7,889,000)
03 Mutual Agreement Program (MAP).....	(4,618,000)
03 Community Resource Center Program (CRC).....	(11,581,000)
03 Stages to Enhance Parolee Success Program (STEPS).....	(11,994,000)

Any change by the Division of Parole in the per diem rates affecting Special Caseload accounts first shall be approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the New Jersey State Parole Board is authorized to expend the amounts appropriated for Re-Entry Substance Abuse Program, Stages to Enhance Parolee Success Program (STEPS), Mutual Agreement Program (MAP), and Community Resource Center Program (CRC) to provide services to ex-offenders who are age 18 or older and under juvenile or adult parole supervision, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for the Mutual Agreement Program (MAP), the amount of \$175,000 shall be transferred to the Department of Human Services, Division of Mental Health and Addiction Services for the reimbursement of salaries and to fund other related administrative costs for the Mutual Agreement Program (MAP), subject to the approval of the Director of the Division of Budget and Accounting.

To permit flexibility and ensure the appropriate levels of services are provided, appropriated amounts may be transferred between the following accounts: Parole Violator Assessment and Treatment Program, Re-Entry Substance Abuse Program, Mutual Agreement Program (MAP), Community Resource Center Program (CRC), and Stages to Enhance Parolee Success Program (STEPS), subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for the Community Resource Center Program (CRC), an amount not to exceed \$3,000,000 may be transferred to the Department of Labor and Workforce Development, Employment and Training Services Program, for parolee employment services from contracted providers, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for Grants-In-Aid, an amount not to exceed \$3,000,000 may be transferred to other state departments or agencies as directed by the Chairman of the State Parole Board to provide services to parolees as requested by the Governor's Task Force on Recidivism Reduction, subject to the approval of the Director of the Division of Budget and Accounting.

10 Public Safety and Criminal Justice
19 Central Planning, Direction, and Management
DIRECT STATE SERVICES

99-7000 Administration and Support Services \$18,872,000
 Total Direct State Services Appropriation, Central
 Planning, Direction, and Management \$18,872,000

Direct State Services:

Personal Services:

Salaries and Wages (\$14,948,000)
 Materials and Supplies (583,000)
 Services Other Than Personal (539,000)
 Maintenance and Fixed Charges (676,000)
 Additions, Improvements and Equipment (2,126,000)
 Receipts from the Culinary Arts Vocational Program, and any unexpended balance
 at the end of the preceding fiscal year in that account, are appropriated for the
 operation of the program, subject to the approval of the Director of the Division
 of Budget and Accounting.

Department of Corrections, Total State Appropriation \$1,084,476,000
 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 re-
 ceived, 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 section 4 of 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 \$959,135,000
 Grants-in-Aid 104,841,000
 State Aid 20,500,000

Appropriations by Fund:

General Fund \$1,084,476,000

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural, and Intellectual Development
31 Direct Educational Services and Assistance
GRANTS-IN-AID

03-5120 Miscellaneous Grants-In-Aid \$30,000
 Total Grants-in-Aid Appropriation, Direct
 Educational Services and Assistance \$30,000

Grants-in-Aid:

03 Community Relations Committee of the United
Jewish Federation of Metrowest(\$30,000)

STATE AID

01-5120 General Formula Aid.....\$7,632,739,000
 (From General Fund..... \$37,819,000)
 (From Property Tax Relief Fund..... 7,594,920,000)
 02-5120 Nonpublic School Aid.....83,503,000
 03-5120 Miscellaneous Grants-In-Aid.....55,200,000
 (From General Fund..... 200,000)
 (From Property Tax Relief Fund..... 55,000,000)
 07-5120 Special Education.....926,035,000
 (From General Fund..... 3,978,000)
 (From Property Tax Relief Fund..... 922,057,000)
 Total State Aid Appropriation, Direct Educational
 Services and Assistance.....\$8,697,477,000
 (From General Fund..... \$125,500,000)
 (From Property Tax Relief Fund..... 8,571,977,000)

Less:

Assessment of EDA Debt Service \$26,529,000
 Growth Savings - Payment Changes..... 11,481,000
Total Deductions\$38,010,000
 Total State Aid Appropriation, Direct Educational
 Services and Assistance.....\$8,659,467,000
 (From General Fund..... \$125,500,000)
 (From Property Tax Relief Fund..... 8,533,967,000)

State Aid:

01 Equalization Aid.....(\$37,819,000)
 01 Equalization Aid (PTRF) (6,032,185,000)
 01 Supplemental Enrollment Growth Aid (PTRF)(4,141,000)
 01 Educational Adequacy Aid (PTRF).....(82,397,000)
 01 Security Aid (PTRF).....(195,491,000)
 01 Adjustment Aid (PTRF).....(566,808,000)
 01 Preschool Education Aid (PTRF)(648,070,000)
 01 Under Adequacy Aid (PTRF)(16,763,000)
 01 School Choice (PTRF).....(49,065,000)
 02 Nonpublic Textbook Aid(7,993,000)
 02 Nonpublic Handicapped Aid.....(26,240,000)
 02 Nonpublic Auxiliary Services Aid.....(31,649,000)
 02 Nonpublic Auxiliary/Handicapped Transportation
 Aid(2,469,000)
 02 Nonpublic Nursing Services Aid.....(12,152,000)
 02 Nonpublic Technology Initiative.....(3,000,000)

03	Charter School Aid (PTRF)	(16,000,000)
03	Bridge Loan Interest and Approved Borrowing Cost.....	(200,000)
03	Payments for Institutionalized Children - Unknown District of Residence (PTRF)	(39,000,000)
07	Special Education Categorical Aid (PTRF)	(763,304,000)
07	Extraordinary Special Education Costs Aid.....	(3,978,000)
07	Extraordinary Special Education Costs Aid (PTRF).....	(158,753,000)

Less:

Deductions 38,010,000

Of the amount hereinabove appropriated for Equalization Aid, an amount equal to the total earnings of investments of the Fund for the Support of Free Public Schools first shall be charged to such fund.

Receipts from nonpublic schools handicapped and auxiliary recoveries are appropriated for the payment of additional aid in accordance with section 17 of P.L.1977, c.192 (C.18A:46A-14) and section 14 of P.L.1977, c.193 (C.18A:46-19.8).

Notwithstanding the provisions of section 14 of P.L.1977, c.193 (C.18A:46-19.8), for the purpose of computing Nonpublic Handicapped Aid for pupils requiring the following services, the per pupil amounts for the 2013-2014 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 2013-2014 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, 2012 and the rate per pupil shall be \$77.20.

Items purchased for the use of nonpublic school students with Nonpublic Technology Initiative funds in previous budget cycles shall remain the property of the local education agency; provided, however, that they shall remain on permanent loan for the use of nonpublic school students for the balance of the technologies' useful life.

Notwithstanding the provisions of any law or regulation to the contrary, Nonpublic Technology Initiative Aid shall be paid to school districts and allocated for non-public school pupils at the rate of \$20 per pupil in a manner that is consistent with the provisions of the federal and State constitutions.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated to the Emergency Fund account such additional sums as may be required, not to exceed \$650,000, to fund approved applications for emergency aid in accordance with the provisions of N.J.S.18A:58-11, subject to the approval of the Director of the Division of Budget and Accounting.

Such sums received in the "School District Deficit Relief Account," established pursuant to section 5 of P.L.2006, c.15 (C.18A:7A-58), including loan repayments, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1999, c.12 (C.54A:9-25.12 et seq.), there is appropriated from the Drug Abuse Education Fund, the sum of \$50,000, to be used for the NJSIAA Steroid Testing program.

The amount hereinabove appropriated for Extraordinary Special Education Costs Aid shall be charged first to receipts of the supplemental fee established pursuant to section 2 of P.L.2003, c.113 (C.46:15-7.1) credited to the Extraordinary Aid Account. Notwithstanding the provisions of that law to the contrary, the amount appropriated for Extraordinary Special Education Costs Aid from receipts deposited into the Extraordinary Aid Account shall not exceed the amount hereinabove appropriated. Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Extraordinary Special Education Costs Aid, such sums as the Director of the Division of Budget and Accounting may determine shall be charged first to the Property Tax Relief Fund instead of receipts deposited into the Extraordinary Aid Account.

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 section 5 of P.L.2007, c.260 (C.18A:7F-47), or any other law or regulation to the contrary, the prebudget year spending categories used for the purposes of determining: whether a school district or county vocational school district is spending above or below adequacy; its applicable State Aid growth limit in the determination of district spending; and prebudget year total stabilized aid used in the calculation of 2013-2014 district allocations of the amounts hereinabove appropriated for Equalization Aid, Special Education Categorical Aid, and Security Aid, shall also include Adjustment Aid and Supplemental Enrollment Growth Aid. Prebudget year total stabilized aid is de-

defined as 2009-2010 State Aid allocations for “non-SDA” districts and 2011-2012 allocations for “SDA” districts.

Notwithstanding the provisions of any law or regulation to the contrary, a district’s allocation of the amount hereinabove appropriated for Supplemental Enrollment Growth Aid shall equal the district’s 2012-2013 allocation of Supplemental Enrollment Growth Aid.

Notwithstanding the provisions of any law or regulation to the contrary, the preschool per pupil aid amounts set forth in subsection d. of section 12 of P.L.2007, c.260 (C.18A:7F-54) shall be adjusted by the geographic cost adjustment developed by the commissioner pursuant to P.L.2007, c.260.

Notwithstanding the provisions of any law or regulation to the contrary, amounts hereinabove appropriated for Preschool Education Aid shall be used for such sums as are necessary: 1) in the case of a district that received Early Launch to Learning Initiative aid in the 2007-2008 school year, an amount equal to the district’s 2007-2008 allocation of Early Launch to Learning Initiative aid; 2) in the case of a school district that received a 2008-2009 allocation of Preschool Education Aid based on its 2007-2008 Early Childhood Program Aid allocation, an aid amount equal to the district’s 2012-2013 per pupil allocation of Preschool Education Aid, inflated by CPI and multiplied by the district’s projected preschool enrollment; and 3) in the case of any other district with an allocation of Preschool Education Aid in the 2012-2013 school year calculated using the provisions of section 12 of P.L.2007, c.260 (C.18A:7F-54), an amount calculated in accordance with those provisions based upon 2013-2014 projected enrollments.

Notwithstanding the provisions of any law or regulation to the contrary, the allocation of the amount hereinabove appropriated for Under Adequacy Aid for a district, other than a county vocational school district, shall equal the lesser of: \$500,000 or the product of the amount a district is spending under adequacy and the district’s Under Adequacy Rate, as set forth in the February 2013 State Aid notice issued by the Commissioner of Education.

Notwithstanding the provisions of section 20 of P.L.2007, c.260 (C.18A:7F-62), or any other law or regulation to the contrary, a district allocation of the amount hereinabove appropriated for School Choice Aid shall be determined based on stabilized Equalization Aid.

Notwithstanding the provisions of section 20 of P.L.2007, c.260 (C.18A:7F-62), or any other law or regulation to the contrary, a district allocation of the amount hereinabove appropriated for School Choice Aid shall be based on choice enrollment, which is defined as the choice enrollment as reported in the October 2012 Application for State School Aid, reduced by the projected number of students graduating from or otherwise exiting the district program at the end of the 2012-2013 school year, plus the additional new enrollments for the 2013-2014 school year as reported to the commissioner as of February 11, 2013.

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) in the case of a charter school with higher enrollment in the

2013-2014 school year than in the 2007-2008 school year, to provide that in the 2013-2014 school year, the 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 2013-2014 per pupil amount that is no less than the 2007-2008 per pupil amount based on average daily enrollment; 2) in the case of a charter school with lower enrollment in the 2013-2014 school year than in the 2007-2008 school year, to ensure that such total payments provide a 2013-2014 per pupil amount that is no less than the 2007-2008 per pupil amount based on average daily enrollment; and 3) to provide amounts pursuant to section 12 of P.L.1995, c.426 (C.18A:36A-12).

Notwithstanding the provisions of section 3 of P.L.1971, c.271 (C.18A:46-31), a portion of the district tuition amounts payable to a county special services school district operating an extended school year program may be transferred to the county special services school district prior to the first of September in the event the board shall file a written request with the Commissioner of Education stating the need for the funds. The commissioner shall review the board's request and determine whether to grant the request after an assessment of whether the district needs to spend the funds prior to September and after considering the availability of district surplus. The commissioner shall transfer the payment for the portion of the tuition payable for which need has been demonstrated.

32 Operation and Support of Educational Institutions

DIRECT STATE SERVICES

12-5011 Marie H. Katzenbach School for the Deaf.....	\$12,695,000
(From General Fund.....)	\$3,590,000)
(From All Other Funds.....)	9,105,000)
13-5011 Behavioral Support Program.....	<u>847,000</u>
(From All Other Funds.....)	847,000)
Total Appropriation, State and All Other Funds.....	<u>\$13,542,000</u>
(From General Fund.....)	\$3,590,000)
(From All Other Funds.....)	9,952,000)
Less:	
All Other Funds.....	\$9,952,000
Total Deductions.....	<u>\$9,952,000</u>
Total Direct State Services Appropriation, Operation and Support of Educational Institutions	<u>\$3,590,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$11,106,000)
Materials and Supplies.....	(1,332,000)
Services Other Than Personal.....	(439,000)
Maintenance and Fixed Charges.....	(494,000)

Special Purpose:

12 Transportation Expenses for Students(40,000)
 Additions, Improvements and Equipment.....(131,000)

Less:

All Other Funds 9,952,000

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 current 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 Behavioral Support Program (BSP) 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 ten 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\$761,000
 Total Direct State Services Appropriation, Supplemental
 Education and Training Programs.....\$761,000

Direct State Services:**Personal Services:**

Salaries and Wages(\$711,000)
 Materials and Supplies.....(26,000)
 Services Other Than Personal(24,000)

STATE AID

20-5062 General Vocational Education	<u>\$4,860,000</u>
Total State Aid Appropriation, Supplemental Education and Training Programs.....	<u>\$4,860,000</u>

State Aid:

20 Vocational Education (\$4,860,000)

Of the amount hereinabove appropriated for General Vocational Education, an amount not to exceed \$367,000 is available for transfer to Direct State Services for the administration of vocational education programs, subject to the approval of the Director of the Division of Budget and Accounting.

34 Educational Support Services**DIRECT STATE SERVICES**

30-5063 Standards, Assessments and Curriculum	\$22,439,000
31-5060 Grants Management	543,000
32-5061 Teacher and Leader Effectiveness.....	4,883,000
33-5067 Service to Local Districts.....	5,376,000
34-5068 Innovation.....	1,658,000
35-5069 Early Childhood Education.....	1,707,000
36-5120 Student Transportation	424,000
37-5069 School Improvement	4,115,000
38-5120 Facilities Planning and School Building Aid.....	1,662,000
40-5064 Student Services.....	<u>1,175,000</u>
Total Direct State Services Appropriation, Educational Support Services	<u>\$43,982,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages.....	(\$21,409,000)
Materials and Supplies	(240,000)
Services Other Than Personal.....	(1,987,000)
Maintenance and Fixed Charges.....	(37,000)

Special Purpose:

30 Statewide Assessment Program.....	(19,794,000)
30 General Education Development.....	(351,000)
40 New Jersey Commission on Holocaust Education	(159,000)
40 Military Interstate Children's Compact Commission	(5,000)

Receipts from the State Board of Examiners' fees in excess of those anticipated, not to exceed \$1,200,000, 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 Standards, Assessments and Curriculum	\$1,620,000
40-5064 Student Services.....	<u>1,750,000</u>

Total Grants-in-Aid Appropriation, Educational

Support Services \$3,370,000**Grants-in-Aid:**

30 Liberty Science Center - Educational Services (\$1,350,000)

30 Governor's Literacy Initiative..... (270,000)

40 New Jersey After 3..... (750,000)

40 Grants for After School and Summer Activities
for At-Risk Children (1,000,000)

The amount hereinabove appropriated for the Liberty Science Center - Educational Services shall be used to provide educational services to districts with high concentrations of at-risk students in the science education component of the core curriculum content standards as established by law.

The amount hereinabove appropriated for the Governor's Literacy Initiative shall be used for a grant for the Learning Through Listening program at the New Jersey Unit of Learning Ally.

STATE AID36-5120 Student Transportation \$186,859,000*(From Property Tax Relief Fund..... \$186,859,000)*

38-5120 Facilities Planning and School Building Aid..... 647,285,000

*(From General Fund..... 50,000,000)**(From Property Tax Relief Fund..... 597,285,000)*

39-5095 Teachers' Pension and Annuity Assistance 2,910,982,000

*(From Property Tax Relief Fund..... 2,910,982,000)*40-5064 Student Services..... 1,000,000

Total State Aid Appropriation, Educational

Support Services \$3,746,126,000*(From General Fund..... \$51,000,000)**(From Property Tax Relief Fund..... 3,695,126,000)***State Aid:**

36 Transportation Aid (PTRF)..... (\$186,859,000)

38 School Building Aid (PTRF) (67,352,000)

38 School Construction Debt Service Aid (PTRF) (57,417,000)

38 School Construction and Renovation Fund..... (50,000,000)

38 School Construction and Renovation
Fund (PTRF)..... (472,516,000)39 Teachers' Pension and Annuity Fund -
Post Retirement Medical (PTRF)..... (782,016,000)

39 Teachers' Pension and Annuity Fund (PTRF) (985,948,000)

39 Social Security Tax (PTRF)..... (754,800,000)

39 Teachers' Pension and Annuity Fund -
Non-contributory Insurance (PTRF) (33,255,000)39 Post Retirement Medical Other Than
TPAF (PTRF)..... (187,032,000)

39 Debt Service on Pension Obligation

Bonds (PTRF).....(167,931,000)

40 Bullying Prevention Fund.....(1,000,000)

In addition to the amount 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 amounts 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 Transportation Aid, and notwithstanding the provisions of any law or regulation to the contrary, if the school district is located in a county of the third class or a county of the second class with a population of less than 235,000, according to the 1990 federal decennial census, transportation shall be provided to school pupils residing in this school district in going to and from any remote school other than a public school, not operated for profit in whole or in part, located within the State not more than 30 miles from the residence of the pupil.

Notwithstanding the provisions of any law or regulation to the contrary, a district's 2013-2014 allocation of the amount hereinabove appropriated for Transportation Aid shall initially be calculated pursuant to the provisions of P.L.2007, c.260, as modified by the Governor's Budget Message and Recommendation, and as set forth in the February 2013 State Aid notice issued by the Commissioner of Education. A district's 2013-2014 allocation shall be the sum of the district's 2011-2012 allocation of Transportation Aid adjusted by 20% of the change between that amount and the amount initially calculated.

Notwithstanding the provisions of section 5 of P.L.2007, c.260 (C.18A:7F-47), or any other law or regulation to the contrary, the prebudget year spending categories used for the purposes of determining: whether a school district or county vocational school district is spending above or below adequacy; its applicable State Aid growth limit in the determination of district spending; and prebudget year total stabilized aid used in the calculation of 2013-2014 district allocations of the amount hereinabove appropriated for Transportation Aid, shall also include Adjustment Aid and Supplemental Enrollment Growth Aid. Prebudget year total stabilized aid is defined as 2009-2010 State Aid allocations for "non-SDA" districts and 2011-2012 allocations for "SDA" districts.

Notwithstanding the provisions of section 2 of P.L.1981, c.57 (C.18A:39-1a) or any other law or regulation to the contrary, the maximum amount of nonpublic school transportation costs per pupil provided for in N.J.S.18A:39-1 shall equal \$884.00.

Of the amounts hereinabove appropriated for School Building Aid and School Construction Debt Service Aid, the calculation of each eligible district's allocation shall include the amount based on school bond and lease purchase agreement payments for interest and principal payable during the 2013-2014 school year pursuant to sections 9 and 10 of P.L.2000, c.72 (C.18A:7G-9 and C.18A:7G-10) and the adjustments required for prior years based on the difference between the amounts calculated using actual principal and interest amounts in a prior year and the amounts allocated and paid in that prior year.

Notwithstanding the provisions of any law or regulation to the contrary, an eligible district's allocation of the amounts hereinabove appropriated for School Construction Debt Service Aid and School Building Aid shall be 85% of the district's approved November 1, 2012 application amount.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated for School Building Aid, a district's district aid percentage calculated for purposes of the provisions of section 10 of P.L.2000, c.72 (C.18A:7G-10) shall equal the percentage calculated for the 2001-2002 school year.

Notwithstanding the provisions of any law or regulation to the contrary, when calculating a district's allocation of the amount hereinabove appropriated for School Construction Debt Service Aid, the provisions of subsection d. of section 9 of P.L.2000, c.72 (C.18A:7G-9) shall also be applicable for a school facilities project approved by the commissioner and by the voters in a referendum after the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) and prior to the effective date of P.L.2008, c.39 (C.18A:7G-14.1 et al.).

Notwithstanding the provisions of section 9 of P.L.2000, c.72 (C.18A:7G-9) or any other law or regulation to the contrary, for the purpose of calculating a district's State Debt Service Aid, "M", the maintenance factor, shall equal 1.

In addition to the amount 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.

Such additional sums as may be required for Teachers' Pension and Annuity Fund - Post Retirement Medical are appropriated, as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Social Security Tax, there is appropriated such amounts, as determined by the Director of the Division of Budget and Accounting, to make payments on behalf of school districts that do not receive sufficient State formula aid payments under this act, for amounts due and owing to

the State including out-of-district placements and such amounts shall be recognized by the school district as State revenue.

In addition to the amounts hereinabove appropriated for Social Security Tax, there are appropriated such sums as are required for payment of Social Security Tax on behalf of members of the Teachers' Pension and Annuity Fund.

Such additional sums as may be required for the Teachers' Pension and Annuity Fund - Non-contributory Insurance and Post Retirement Medical Other Than TPAF are appropriated, as the Director of the Division of Budget and Accounting shall determine.

35 Education Administration and Management

DIRECT STATE SERVICES

41-5092 Data, Research Evaluation and Reporting	\$911,000
42-5120 School Finance.....	3,363,000
43-5092 Office of Fiscal Accountability and Compliance	2,774,000
99-5095 Administration and Support Services	<u>12,519,000</u>
Total Direct State Services Appropriation, Education	
Administration and Management.....	<u>\$19,567,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$17,180,000)
Materials and Supplies.....	(200,000)
Services Other Than Personal.....	(1,556,000)
Maintenance and Fixed Charges.....	(66,000)

Special Purpose:

43 Internal Auditing.....	(500,000)
99 State Board of Education Expenses.....	(65,000)

Receipts from fees for school district personnel background checks and unexpended balances at the end of the preceding fiscal year of such receipts are appropriated for the operation of the criminal history review program.

The unexpended balance at the end of the preceding fiscal year in the Student Registration and Record System account is appropriated for the same purpose.

Costs attributable to EdSmart and EasyIEP, as well as required enhancements to the Statewide longitudinal data system, shall be paid from revenue received from the Special Education Medicaid Initiative (SEMI) program and are appropriated for these purposes to the Student Registration and Record System account upon recommendation from the Commissioner of Education, subject to the approval of the Director of the Division of Budget and Accounting.

In the event that revenues received from the Special Education Medicaid Initiative (SEMI) program are insufficient to satisfy costs attributable to EdSmart and EasyIEP, as well as required enhancements to the Statewide longitudinal data system, there are appropriated to the Student Registration and Record System account such amounts as may be required as the Director of the Division of Budget and Accounting shall determine.

Department of Education, Total State Appropriation..... \$12,481,753,000

Of the amounts hereinabove appropriated from the General Fund for the Department of Education, or otherwise available from federal resources, there are appropriated funds to establish the Office of School Preparedness and Emergency Planning within the Department of Education, to plan, coordinate, and conduct comprehensive school safety and preparedness assessments for schools and districts Statewide, in collaboration with law enforcement, the Office of Homeland Security and Preparedness, and the Governor's School Security Task Force, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Message and Recommendations first shall be charged to the State Lottery Fund.

In the event that sufficient funds are not appropriated to fully fund any State Aid item, the Commissioner of Education shall apportion such appropriation among the districts in proportion to the State Aid each district would have been apportioned had the full amount of State Aid been appropriated.

Notwithstanding the provisions of any law or regulation to the contrary, should appropriations in the Property Tax Relief Fund exceed available revenues, the Director of the Division of Budget and Accounting is authorized to transfer General Fund revenues into the Property Tax Relief Fund, provided that unrestricted balances are available from the General Fund, as determined by the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting may transfer from one State Aid appropriations account for the Department of Education in the General Fund to another appropriations account in the same department in the Property Tax Relief Fund such funds as are necessary to effect the intent of the provisions of the appropriations act governing the allocation of State Aid to local school districts and to effect the intent of legislation enacted subsequent to the enactment of the appropriations act, provided that sufficient funds are available in the appropriations for that department.

Notwithstanding the provisions of section 8 of P.L.1996, c.138 (C.18A:7F-8), the June school aid payments are subject to the approval of the State Treasurer.

From the amounts hereinabove appropriated, such amounts as are required to satisfy delayed June 2013 school aid payments are appropriated and the State Treasurer is hereby authorized to make such payment in July 2013, as adjusted for any amounts due and owing to the State as of June 30, 2013.

Notwithstanding the provisions of any law or regulation to the contrary, payments from amounts hereinabove appropriated for State Aid may be made directly to the district bank account for the repayment of principal and interest and other costs, when authorized under the terms of a promissory note entered into under the provisions of section 1 of P.L.2003, c.97 (C.18A:22-44.2).

Notwithstanding the provisions of any law or regulation to the contrary, "non-SDA" districts that received their State support for approved project costs

through the New Jersey Schools Development Authority shall be assessed an amount that represents 15% of their proportionate share of the required interest and principal payments in fiscal 2014 on the bonds issued as of December 31, 2012 by the New Jersey Economic Development Authority for the program. The district's assessment shall be determined by the commissioner based on the district's proportionate share of the amounts expended by the New Jersey Schools Development Authority from the inception of the program through December 31, 2012, less reimbursements for those costs funded by school districts; provided, however, that no district's total formula aid payments net of the assessment in fiscal year 2014 shall be less than the district's total formula aid payments net of the assessment in fiscal year 2013. District allocations shall be withheld from 2013-2014 formula aid payments and the assessment cannot exceed the total of those payments.

Notwithstanding the provisions of any law or regulation to the contrary, a district's 2013-2014 allocation of the amounts hereinabove appropriated for Equalization Aid, Special Education Categorical Aid, Security Aid, Preschool Education Aid, Transportation Aid, Adjustment Aid, School Choice Aid, Supplemental Enrollment Growth Aid, and Under Adequacy Aid shall be as set forth in the February 2013 State Aid notice issued by the Commissioner of Education.

Notwithstanding the provisions of subsection a. of section 5 of P.L.1996, c.138 (C.18A:7F-5) or any law or regulation to the contrary, no adjustments shall be made to State Aid amounts payable during the 2013-2014 school year based on adjustments to the 2012-2013 allocations using actual pupil counts.

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 2013-2014 school year for a district in which an independent audit of the 2012-2013 school year conducted pursuant to N.J.S.18A:23-1 identifies any deviation from the Uniform Minimum Chart of Accounts after the recalculation of the district's actual Total Administrative Costs pursuant to N.J.A.C.6A:23A-8.3.

Notwithstanding the provisions of any law or regulation to the contrary, the Commissioner of Education may withhold State Aid payments to a school district that has not submitted in final form the data elements requested for inclusion in a Statewide data warehouse within 60 days of the department's initial request or its request for additional information, whichever is later.

In the event that sufficient balances are not available in the "School District Deficit Relief Account" for amounts recommended by the Commissioner of Education to the State Treasurer for advance State Aid payments in accordance with P.L.2006, c.15 (C.18A:7A-54 et seq.), the Director of the Division of Budget

and Accounting is authorized to transfer such amounts as required from available balances in State Aid accounts.

Notwithstanding the provisions of “The State Facilities Education Act of 1979,” P.L.1979, c.207 (C.18A:7B-1 et al.) and section 24 of P.L.1996, c.138 (C.18A:7F-24), or any law or regulation to the contrary, the amount of the Department of Education State Aid appropriations made available to the 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 “The State Facilities Education Act of 1979,” P.L.1979, c.207 (C.18A:7B-1 et al.) or any law or regulation to the contrary, funding forwarded to the Juvenile Justice Commission pursuant to subsection c. of section 6 of P.L.1979, c.207 (C.18A:7B-2) may be used to support the costs of any student enrolled in a vocational education program or a General Educational Development Program.

The Director of the Division of Budget and Accounting may transfer from one appropriations account for the Department of Education in the Property Tax Relief Fund to another account in the same department and fund such funds as are necessary to effect the intent of the provisions of the appropriations act governing the allocation of State Aid to local school districts, provided that sufficient funds are available in the appropriations for that department.

Summary of Department of Education Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services.....	\$67,900,000
Grants-in-Aid.....	3,400,000
State Aid.....	12,410,453,000

Appropriations by Fund:

General Fund.....	\$252,660,000
Property Tax Relief Fund	12,229,093,000

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION**40 Community Development and Environmental Management****42 Natural Resource Management****DIRECT STATE SERVICES**

11-4870 Forest Resource Management.....	\$8,691,000
12-4875 Parks Management.....	32,524,000
13-4880 Hunters' and Anglers' License Fund.....	13,772,000
14-4885 Shellfish and Marine Fisheries Management.....	954,000
20-4880 Wildlife Management.....	364,000
21-4895 Natural Resources Engineering.....	1,218,000
24-4876 Palisades Interstate Park Commission.....	<u>2,707,000</u>
Total Direct State Services Appropriation, Natural Resource Management.....	<u>\$60,230,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages.....	(\$38,804,000)
Employee Benefits	(3,236,000)
Materials and Supplies.....	(4,491,000)
Services Other Than Personal.....	(2,986,000)
Maintenance and Fixed Charges.....	(1,644,000)

Special Purpose:

11 Fire Fighting Costs	(2,259,000)
12 Green Acres/Open Space Administration	(5,228,000)
20 Endangered Species Tax Check-Off Donations	(364,000)
21 Dam Safety	(1,218,000)

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Green Acres/Open Space Administration account is transferred from the Garden State Preservation Trust Fund Account to the General Fund, together with an amount not to exceed \$272,000, 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 for the same purpose.

Of the amount hereinabove appropriated for the Hunters' and Anglers' License Fund, the first \$11,740,000 is appropriated from 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 for the same purpose. 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 amounts 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 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 appropriated for the Endangered Species Tax Check-Off Donations account is payable from 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 for the same purpose. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

In addition to the amount hereinabove appropriated for Shellfish and Marine Fisheries Management, an amount not to exceed \$1,100,000 is appropriated from balances in the Nuclear Emergency Response account for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$4,442,000 is appropriated 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 appropriated 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 appropriated 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 for the same purpose, 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 amounts 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 amounts as may be necessary to remove dams that may be abandoned, have disputed ownership, or are not in compliance with current inspection requirements or repair. The unexpended balance at the end of the preceding fiscal year of such receipts are appropriated to the Department of Environmental Protection for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Forest Resource Management, there is appropriated \$800,000 from the New Jersey Motor Vehicle Commission.

There is appropriated to the Department of Environmental Protection \$200,000 from the "Drug Enforcement and Demand Reduction Fund" for the cost of implementing and administering the Hooked on Fishing-Not on Drugs Program established pursuant to P.L.2012, c.46, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

12-4875 Parks Management	<u>\$2,125,000</u>
Total Grants-in-Aid Appropriation, Natural Resource	
Management	<u>\$2,125,000</u>

Grants-in-Aid:

12 Public Facility Programming (\$2,125,000)

Loan repayments received from dam rehabilitation projects pursuant to P.L.1999, c.347, and any unexpended balance at the end of the preceding fiscal year are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

21-4895 Natural Resources Engineering	\$31,500,000
29-4875 Environmental Management - CBT Dedication	<u>16,008,000</u>
Total Capital Construction Appropriation, Natural	
Resource Management	<u>\$47,508,000</u>

Capital Projects:

Bureau of Parks:

- 29 Recreational Land Development and
Conservation - Constitutional Dedication (\$16,008,000)

Natural Resources Engineering:

- 21 Shore Protection Fund Projects (25,000,000)
- 21 HR-6 Flood Control (6,500,000)

The amount hereinabove appropriated for Shore Protection Fund Projects is payable from the receipts of the portion of the realty transfer fee directed to be credited to the Shore Protection Fund pursuant to section 1 of P.L.1992, c.148 (C.13:19-16.1).

An amount not to exceed \$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.

Of the amount hereinabove appropriated for the Recreational Land Development and Conservation - Constitutional Dedication account, an amount not to exceed \$525,000 is appropriated to the Palisades Interstate Park Commission for costs associated with the capital improvement of recreational land, subject to the approval of the Director of the Division of Budget and Accounting.

40 Community Development and Environmental Management**43 Science and Technical Programs****DIRECT STATE SERVICES**

05-4840 Water Supply	\$7,928,000
15-4890 Land Use Regulation.....	12,108,000
18-4810 Office of Science Support.....	250,000
29-4850 Environmental Management - CBT Dedication.....	<u>16,008,000</u>
Total Direct State Services Appropriation, Science and Technical Programs	<u>\$36,294,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$7,900,000)
Materials and Supplies.....	(22,000)
Services Other Than Personal	(2,037,000)
Maintenance and Fixed Charges.....	(68,000)

Special Purpose:

- 05 Administrative Costs Water Supply Bond Act of
1981 - Management (2,433,000)
- 05 Administrative Costs Water Supply Bond Act of
1981 - Watershed and Aquifer..... (1,810,000)

05	Water/Wastewater Operators Licenses	(43,000)
05	Safe Drinking Water Fund	(2,503,000)
15	Tidelands Peak Demands	(3,220,000)
18	Hazardous Waste Research	(250,000)
29	Water Resources Monitoring and Planning - Constitutional Dedication	(16,008,000)

The amounts hereinabove appropriated for the Administrative Costs Water Supply Bond Act of 1981 - Management and Watershed and Aquifer accounts are appropriated from the "Water Supply Bond Act of 1981," P.L.1981, c.261, together with an amount not to exceed \$55,000, 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 \$467,000, 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.

Notwithstanding the provisions of the "Spill Compensation and Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.), or any law or regulation to the contrary, the amount hereinabove appropriated for the Hazardous Waste Research account is appropriated from the available balance in 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, \$1,007,000 for New Jersey Geological Survey, \$542,000 for Watershed Management, \$500,000 for Forest Resource Management, and \$790,000 for the Department of Agricul-

ture to support nonpoint source pollution control programs, at a level of \$540,000, and the Conservation Assistance Program, at a level of \$250,000, on or before September 1, 2013.

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 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 for the same purpose.

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," P.L.1973, c.185 (C.13:19-1), 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.

Receipts in excess of the amounts anticipated for Well Permits, Well Drillers, Pump Installers Licenses, and the unexpended balances at the end of the preceding year of such receipts, are appropriated to the Department of Environmental Protection for the Water Supply program and for the Private Well Testing program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from fees from the Water and Wastewater Operators Licensing program, and the unexpended balances at the end of the preceding year of such receipts, are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Office of Science Support, an amount not to exceed \$2,382,000 is appropriated from the Hazardous Discharge Site Cleanup Fund 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, an amount not greater than \$2,032,000 is appropriated from the State Recycling Fund to support the Office of Sustainability and Green Energy, 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 Stormwater Management Grants account is appropriated for the same purpose.

The unexpended balance at the end of the preceding fiscal year in the Watershed Restoration Projects account is appropriated for the same purpose.

There is appropriated to the Lake Hopatcong Commission such sums as may be collected from a boat registration surcharge, or other fee as may be authorized pursuant to separate legislation, for the purposes of continuing operations of the commission.

Of the amount hereinabove appropriated for the Stormwater Management Grants and Watershed Restoration Projects programs, such sums as are necessary or required may be transferred to the Water Resources Monitoring and Planning - Constitutional Dedication special purpose account, subject to the approval of the Director of the Division of Budget and Accounting.

40 Community Development and Environmental Management**44 Site Remediation and Waste Management****DIRECT STATE SERVICES**

23-4910 Solid and Hazardous Waste Management	\$5,387,000
27-4815 Remediation Management and Response	32,468,000
29-4815 Environmental Management - CBT Dedication.....	<u>9,606,000</u>
Total Direct State Services Appropriation, Site Remediation and Waste Management.....	<u>\$47,461,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages.....	(\$15,017,000)
Materials and Supplies.....	(162,000)
Services Other Than Personal.....	(3,472,000)
Maintenance and Fixed Charges.....	(399,000)

Special Purpose:

23 Office of Dredging and Sediment Technology.....	(437,000)
27 Hazardous Discharge Site Cleanup Fund - Responsible Party.....	(18,368,000)
29 Cleanup Projects Administrative Costs - Constitutional Dedication.....	(9,606,000)

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 \$397,000 for the administration of the Dredging and Sediment Technology program, subject to the approval of the Director of the Division of Budget and Accounting.

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 \$9,530,000 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 into the Hazardous Discharge Site Cleanup Fund, together with an amount not to exceed \$15,149,000 for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove, there is appropriated to the Hazardous Discharge Site Cleanup Fund - Responsible Party account such additional amounts, as necessary, received from cost recoveries and from the Licensed Site Remediation Professionals fees and deposited into the Hazardous Discharge Site Cleanup Fund, for the cleanup of hazardous waste sites and the costs associated with the "Site Remediation Reform Act," P.L.2009, c.60 (C.58:10C-1 et seq.), 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 amounts that may be received from the federal government for the Superfund Grants program are hereby appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, from the amounts hereinabove appropriated from the Hazardous Discharge Site Cleanup Fund and from the New Jersey Spill Compensation Fund, such amounts as are necessary are appropriated for costs associated with the Administration and Support Services program, 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 Cleanup Projects Administrative Costs - Constitutional Dedication account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from Solid Waste Utility Regulation, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Solid and Hazardous Waste Management program

classification and "County Environmental Health Act," P.L.1977, c.443 (C.26:3A2-21) agencies for costs incurred to oversee the State's recycling efforts and other solid waste program activities.

Receipts from the sale of salvaged materials are appropriated to offset costs incurred in the cleanup and removal of hazardous substances.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any other law to the contrary, monies appropriated to the Department of Environmental Protection from the Clean Communities Program Fund shall be provided by the department to the New Jersey Clean Communities Council pursuant to a contract between the department and the New Jersey 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 Storage Tank Administrative Costs - 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, an amount not to exceed \$12,000,000 of cost recoveries from litigation related to the Passaic River cleanup are appropriated to the New Jersey Spill Compensation Fund and any remaining recoveries, not to exceed \$40,000,000, shall be deposited into the General Fund as State revenue, 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 in order to carry out the terms of the Third-Party Consent Judgment entered into with respect to the Passaic River Litigation, upon the entry of the Third-Party Consent Judgment, any amount owed by a Municipal Settling Third-Party Defendant pursuant to the Third-Party Consent Judgment may be deducted from the two payments immediately following court approval of the Third-Party Consent Judgment in the amount of \$50,000 of the first payment and \$45,000 of the second payment from the appropriation to the Municipal Settling Third-Party Defendant for Consolidated Municipal Property Tax Relief Aid (CMPTRA). Such deductions shall constitute partial or full satisfaction of the obligation of such Settling Third-Party Defendant; provided that in the event that the deductions are not sufficient to satisfy the full obligation of the Municipal Settling Third-Party Defendant under the Third-Party Consent Judgment, the Municipal Settling Third-Party Defendant shall be liable for the remainder.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the Hazardous Discharge Site Cleanup Fund an amount of

\$6,000,000 for the direct and indirect costs of legal and consulting services associated with litigation related to the Passaic River cleanup, subject to the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

29-4815 Environmental Management - CBT Dedication.....	<u>\$43,429,000</u>
Total Capital Construction Appropriation, Site Remediation and Waste Management.....	<u>\$43,429,000</u>

Capital Projects:

- 29 Hazardous Substance Discharge Remediation -
 Constitutional Dedication..... (\$20,277,000)
- 29 Private Underground Storage Tank Remediation -
 Constitutional Dedication..... (11,146,000)
- 29 Hazardous Substance Discharge Remediation -
 Loans & Grants - Constitutional Dedication (12,006,000)

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 amounts as necessary, as determined by the Director of the Division of Budget and Accounting, are appropriated 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 into 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 appropriated to the New Jersey 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.

40 Community Development and Environmental Management

45 Environmental Regulation

DIRECT STATE SERVICES

01-4820 Radiation Protection.....	\$5,888,000
02-4892 Air Pollution Control.....	13,994,000
08-4891 Water Pollution Control.....	7,631,000
09-4860 Public Wastewater Facilities.....	<u>2,572,000</u>

Total Direct State Services Appropriation, Environmental

Regulation\$30,085,000

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$17,486,000)
Materials and Supplies.....	(212,000)
Services Other Than Personal.....	(3,515,000)
Maintenance and Fixed Charges.....	(194,000)

Special Purpose:

01 Nuclear Emergency Response.....	(2,559,000)
01 Quality Assurance - Lab Certification Programs.....	(1,646,000)
02 Pollution Prevention.....	(989,000)
02 Toxic Catastrophe Prevention	(784,000)
02 Worker and Community Right to Know Act	(734,000)
02 Oil Spill Prevention	(1,966,000)

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 \$991,000 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 \$504,000, 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 \$502,000, 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 \$959,000, 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 for the same purpose.

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," P.L.1977, c.443 (C.26:3A2-21) agencies to inspect non-major source facilities, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of subsection b. of section 1 of P.L.2005, c.202 (C.58:11B-10.2) or any law or regulation to the contrary, in addition to the amount anticipated to the General Fund from the New Jersey Environmental Infrastructure Financing Program Administrative Fee, there is appropriated \$2,600,000 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.

There are appropriated from the Nuclear Regulatory Commission - Agreement State account, such amounts as may be necessary to fund the costs of the Radiation Protection program, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

29-4892 Environmental Management - CBT Dedication.....\$18,142,000

Total Grants-in-Aid Appropriation, Environmental

Regulation.....\$18,142,000

Grants-in-Aid:

29 Diesel Risk Mitigation Fund -

Constitutional Dedication.....(\$18,142,000)

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.

40 Community Development and Environmental Management**46 Environmental Planning and Administration****DIRECT STATE SERVICES**

26-4805 Regulatory and Governmental Affairs.....\$1,691,000

99-4800 Administration and Support Services14,825,000

Total Direct State Services Appropriation, Environmental

Planning and Administration\$16,516,000

Direct State Services:

Personal Services:

Salaries and Wages.....(\$14,819,000)

Materials and Supplies.....(112,000)

Services Other Than Personal.....(183,000)

Maintenance and Fixed Charges..... (2,000)

Special Purpose:

99 New Jersey Environmental Management

System.....(1,400,000)

The unexpended balance at the end of the preceding fiscal year in the Office of the Records Custodian - Open Public Records Act account is appropriated for the

same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

99-4800 Administration and Support Services	<u>\$6,130,000</u>
Total State Aid Appropriation, Environmental Planning and Administration	<u>\$6,130,000</u>

State Aid:

99 Mosquito Control, Research, Administration and Operations	(\$1,346,000)
99 Administration and Operations of the Highlands Council	(2,315,000)
99 Administration, Planning and Development Activities of the Pinelands Commission	(2,469,000)
Receipts from permit fees imposed by the Pinelands Commission on behalf of the Department of Environmental Protection, pursuant to a memorandum of agree- ment 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 for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.	

40 Community Development and Environmental Management

47 Compliance and Enforcement

DIRECT STATE SERVICES

02-4855 Air Pollution Control	\$4,127,000
04-4835 Pesticide Control	2,121,000
08-4855 Water Pollution Control	5,867,000
15-4855 Land Use Regulation	2,453,000
23-4855 Solid and Hazardous Waste Management	<u>5,859,000</u>
Total Direct State Services Appropriation, Compliance and Enforcement	<u>\$20,427,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$15,424,000)
Materials and Supplies	(110,000)
Services Other Than Personal	(3,154,000)
Maintenance and Fixed Charges	(672,000)

Special Purpose:

15 Tidelands Peak Demands	(1,067,000)
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Notwithstanding the provisions of any law or regulation to the contrary, receipts deposited into the Coastal Protection Trust Fund pursuant to P.L.1993, c.168

(C.39:3-27.47 et seq.) shall be allocated in the following priority order and are appropriated in the amount of \$485,000 for the cleanup or maintenance of beaches or shores, the amount of \$90,000 for a program of grants for the operation of a sewage pump-out boat and the construction of sewage pump-out devices for marine sanitation devices and portable toilet emptying receptacles at public and private marinas and boatyards in furtherance of the provisions of P.L.1988, c.117 (C.58:10A-56 et seq.), the amount of \$65,000 for the cost of providing monitoring, surveillance and enforcement activities for the Cooperative Coastal Monitoring Program, and the amount of \$10,000 for the implementation of the "New Jersey Adopt a Beach Act," P.L.1992, c.213 (C.13:19-22 et seq.). Receipts deposited into the Coastal Protection Trust Fund in excess of \$650,000, but not to exceed \$1,000,000, will be distributed proportionately among the programs listed above in accordance with P.L.1993, c.168 (C.39:3-27.47 et seq.).

Receipts deposited into the Coastal Protection Trust Fund in excess of \$1,000,000 are appropriated to finance emergency shore protection projects and the cleanup of discharges into the ocean, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for Pesticide fees, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Department of Environmental Protection, pursuant to P.L.2007, c.246 (C.12:5-6 et al.) all penalties, fines, recoveries of costs, and interest deposited into the Cooperative Coastal Monitoring, Restoration and Enforcement Fund, established pursuant to subsection h. of section 18 of P.L.1973, c.185 (C.13:19-18), for the costs of coastal restoration projects, providing aircraft overflights for coastal monitoring and surveillance, and enforcement activities conducted by the department, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

08-4855 Water Pollution Control.....	<u>\$2,700,000</u>
Total State Aid Appropriation, Compliance and	
Enforcement	<u>\$2,700,000</u>

State Aid:

08 County Environmental Health Act	(\$2,700,000)
Department of Environmental Protection,	
Total State Appropriation	<u>\$331,047,000</u>

The amounts hereinabove appropriated for the Tidelands Peak Demands accounts are payable from receipts 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 \$3,707,000 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 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 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 for the same purpose, 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 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 projects.

In the event that revenues are received in excess of the amount of revenues anticipated from Solid Waste Utility Regulation, Water Allocation, New Jersey Pollutant Discharge Elimination System/Stormwater Permits, Coastal Area Facility Review Act, Freshwater Wetlands, Stream Encroachment, Waterfront Development, Wetlands, Well Permits/Well Drillers/Pump Installers Licenses, Water and Wastewater Operators Licensing program, Air Permitting Minor Source, and Pesticide fees, if the amounts of such unanticipated revenues exceed \$8,346,000, the amounts of such unanticipated revenues in excess of \$8,346,000 are appropriated for information technology enhancements in the Department of Environmental Protection, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Department of Environmental Protection from the "Shore Protection Fund" established pursuant to the "Shore Protection Bond Act of 1983," P.L.1983, c.356 (Act) an amount not to exceed \$5,000,000 from unappropriated balances for the cost, as defined by the Act, of State Projects, including State Projects to restore coastal protection systems and removal of sand from State waterways resulting from Superstorm Sandy, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Department of Environmental Protection from the "1996 Dredging, and Containment Facility Fund," established pursuant to section 18 of the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996," an amount not to exceed \$12,478,000 for the cost of Projects, as defined in the Act, including the removal of wet debris, resulting from Superstorm Sandy, in various State navigation channels not located in the port region, subject to the approval of the Director of the Division of Budget and Accounting.

There are reappropriated to the Department of Environmental Protection unexpended balances in the "1996 Dredging and Containment Facility Fund," established pursuant to section 18 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, appropriated pursuant to P.L.2000, c.171, for the cost of Projects, as defined in the Act, including the removal of wet debris, resulting from Superstorm Sandy, in various State navigation channels not located in the port region, subject to the approval of the Director of the Division of Budget and Accounting.

Summary of Department of Environmental Protection Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services.....	\$211,013,000
Grants-in-Aid.....	20,267,000
State Aid.....	8,830,000
Capital Construction.....	90,937,000

Appropriations by Fund:

General Fund.....	\$331,047,000
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46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services

DIRECT STATE SERVICES

01-4215 Vital Statistics.....	\$1,323,000
02-4220 Family Health Services	5,668,000
03-4230 Public Health Protection Services.....	11,857,000
08-4280 Laboratory Services	15,213,000
12-4245 AIDS Services	<u>1,338,000</u>
Total Direct State Services Appropriation, Health Services	<u>\$35,399,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$15,436,000)
Materials and Supplies.....	(2,229,000)
Services Other Than Personal	(4,576,000)
Maintenance and Fixed Charges.....	(1,330,000)

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 Governor's Council for Medical Research and Treatment of Autism	(500,000)
02 Public Awareness Campaign for Black Infant Mortality.....	(500,000)
02 Cancer Screening - Early Detection and Education Program.....	(3,500,000)
03 Cancer Registry.....	(400,000)
03 Cancer Investigation and Education	(500,000)
03 Emergency Medical Services for Children	(50,000)
03 Animal Welfare.....	(150,000)
03 Worker and Community Right to Know	(1,678,000)
03 New Jersey Compassionate Use Medical Marijuana Act.....	(1,607,000)
08 West Nile Virus - Laboratory.....	(640,000)
Additions, Improvements and Equipment.....	(1,826,000)
The unexpended balance at the end of the preceding fiscal year in the New Jersey Emergency Medical Service Helicopter Response Program account is appropriated.	
In addition to the amounts hereinabove appropriated, notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$150,000 from the "Emergency Medical Technician Training Fund" to fund the Emergency Medical Services for Children Program.	
Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$500,000 from the Autism Medical Research and Treatment Fund for the operations of New Jersey's Autism Registry.	
Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the "Emergency Medical Technician Training Fund" \$79,000 for Emergency Medical Services and \$125,000 for the First Response EMT Cardiac Training Program.	
Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$500,000 from the Autism Medical Research and Treatment Fund for the operations of the Governor's Council for Medical Research and Treatment of Autism.	
Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from the Pilot Clinic Fund such amounts as are necessary to pay the reasonable and necessary expenses of the Animal Population Control Fund, subject to the approval of the Director of the Division of Budget and Accounting.	
Receipts deposited into the Autism Medical Research and Treatment Fund are appropriated for the Governor's Council for Medical Research and Treatment of Autism, subject to the approval of the Director of the Division of Budget and Accounting.	
Amounts deposited into 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.”

Receipts from the agency surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed \$4,722,000, are appropriated for the Medical Emergency Disaster Preparedness for Bioterrorism program and shall be deposited into a dedicated account, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to the Department of Health 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 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 in Health Services, in excess of those anticipated, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, \$1,000,000 from the Cancer Research Fund established pursuant to section 5 of P.L.1982, c.40 (C.54:40A-37.1) is transferred to the General Fund.

Notwithstanding the provisions of subsection c. of section 6 of P.L.1983, c.6 (C.52:9U-6), subsection c. of section 5 of P.L.2003, c.200 (C.52:9EE-5), subsection c. of section 5 of P.L.1999, c.201 (C.52:9E-5) and section 4 of P.L.1999, c.105 (C.30:6D-59) or any other law or regulation to the contrary, the amounts hereinabove appropriated to the New Jersey State Commission on Cancer Research, New Jersey State Commission on Brain Injury Research, New Jersey Commission on Spinal Cord Research, and the Governor’s Council for Medical Research and Treatment of Autism are subject to the following condition: an amount from each appropriation, subject to the approval of the Director of the Division of Budget and Accounting, may be used to pay the salary and other benefits of one person who shall serve as Executive Director for all four entities, with the services of such person allocated to the four entities as shall be determined by the four entities.

In the event that amounts available in the “Emergency Medical Technician Training Fund” are insufficient to support increased reimbursement levels, from \$550 to \$750, for initial EMT Training, while at the same time continuing to ensure

funding for continuing EMT education at current levels, there are appropriated such amounts as the Director of the Division of Budget and Accounting shall determine to be necessary to maintain these increased levels for initial and continuing EMT training and education.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$250,000 from the Autism Medical Research and Treatment Fund for the Autism New Jersey Helpline.

GRANTS-IN-AID

02-4220 Family Health Services.....	\$115,845,000
(From General Fund.....	\$115,316,000)
(From Casino Revenue Fund.....	529,000)
03-4230 Public Health Protection Services	53,264,000
12-4245 AIDS Services.....	21,651,000
Total Grants-in-Aid Appropriation, Health Services	\$190,760,000
(From General Fund.....	\$190,231,000)
(From Casino Revenue Fund.....	529,000)

Grants-in-Aid:

02 Maternal, Child and Chronic Health Services	(\$26,756,000)
02 Statewide Birth Defects Registry (CRF).....	(529,000)
02 Poison Control Center	(587,000)
02 Early Childhood Intervention Program.....	(85,973,000)
02 Surveillance, Epidemiology, and End Results Expansion Program - CINJ.....	(2,000,000)
03 Implementation of Comprehensive Cancer Control Program	(1,200,000)
03 Cancer Institute of New Jersey.....	(28,000,000)
03 South Jersey Cancer Program - Camden.....	(23,783,000)
03 Worker and Community Right to Know.....	(281,000)
12 AIDS Grants	(21,651,000)

Receipts from the federal Medicaid (Title XIX) program for handicapped infants are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated \$570,000 from the Alcohol Education, Rehabilitation and Enforcement Fund to fund the Fetal Alcohol Syndrome Program.

Of the amount hereinabove appropriated for Maternal, Child and Chronic Health Services, an amount may be transferred to Direct State Services in the Department of Health to cover administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount hereinabove appropriated for the Cancer Institute of New Jersey, \$250,000 is appropriated to the Ovarian Cancer Research Fund.

There are appropriated from the New Jersey Emergency Medical Service Helicopter Response Program Fund, established pursuant to section 2 of P.L.1992, c.87

(C.26:2K-36.1), such sums as are necessary to pay the reasonable and necessary expenses of the operation of the New Jersey Emergency Medical Service Helicopter Response Program, established pursuant to P.L.1986, c.106 (C.26:2K-35 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in order to maximize prescription drug coverage under the Medicare Part D program established pursuant to the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," the amounts hereinabove appropriated for the AIDS Drug Distribution Program (ADDP) shall not be spent unless the ADDP is designated as the authorized representative for the purposes of coordinating benefits with the Medicare Part D program, including enrollment and appeals of coverage determinations. ADDP is authorized to represent program beneficiaries in the pursuit of such coverage. ADDP representation shall not result in any additional financial liability on behalf of such program beneficiaries and shall include, but need not be limited to, the following actions: application for the premium and cost-sharing subsidies on behalf of eligible program beneficiaries; pursuit of appeals, grievances, or coverage determinations; and facilitated enrollment in a prescription drug plan or Medicare Advantage Prescription Drug plan. If any beneficiary declines enrollment in any Medicare Part D plan, that beneficiary shall be barred from all benefits of the ADDP Program.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated to the AIDS Drug Distribution Program (ADDP) is conditioned upon the Department of Health 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, associated with enrollment in Medicare Part D for ADDP beneficiaries, and for Medicare Part D premium costs for ADDP beneficiaries.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the AIDS Drug Distribution Program (ADDP) account shall be available as payment as an ADDP benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under the Medicare Part D program established pursuant to the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003."

Commencing with the start of the fiscal year, and consistent with the requirements of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" (MMA), no funds hereinabove appropriated from the AIDS Drug Distribution Program (ADDP) account shall be expended for any individual enrolled in the ADDP program unless the individual provides all data necessary to enroll the individual in the Medicare Part D program established pursuant to the

MMA, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.

In order to permit flexibility in the handling of appropriations, amounts may be transferred to and from the various items of appropriation within the AIDS Services program classification in the Department of Health, 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 July 2012 or the next most recent published edition of the New Jersey Early Intervention System Family Cost Participation Handbook.

No funds hereinabove appropriated to the Department of Health shall be used for the Medical Waste Management Program. The Department of Health 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.

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.

Of the amount hereinabove appropriated for the Surveillance, Epidemiology and End Results Expansion Program-CINJ account, an amount may be transferred to Direct State Services in the Department of Health to cover administrative costs of the 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 South Jersey Cancer Program - Camden account are appropriated to the program for cancer-related capital equipment, design, engineering, and construction expenses. In addition to the amount hereinabove appropriated for the Early Childhood Intervention Program, such additional sums as may be necessary are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for AIDS Grants, savings realized from reduced transportation costs may be transferred to the AIDS Drug Distribution Program account, subject to the approval of the Director of the Division of Budget and Accounting.

Upon a determination by the Commissioner of Health, made in consultation with the State Treasurer, that additional State funding is necessary to reimburse cen-

ters for services to uninsured clients, the Director of the Division of Budget and Accounting shall authorize the appropriation of such sums as the commissioner determines are necessary for grants to federally qualified health centers.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the AIDS Drug Distribution Program shall be expended for drugs used for the treatment of erectile dysfunction, or cosmetic drugs, including but not limited to drugs used for baldness and weight loss.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Early Childhood Intervention Program shall be conditioned on adherence to the requirements of the "Individuals with Disabilities Education Improvement Act of 2004," Pub.L. 108-446 (20 U.S.C. s.1400 et seq.), and part 303 of Title 34, Code of Federal Regulations, as set forth in the State Plan filed by the Early Childhood Intervention Program with the U.S. Department of Education, Office of Special Education Programs.

STATE AID

Notwithstanding the provisions of any law or regulation to the contrary, none of the monies appropriated to the Department of Health are appropriated to public health priority programs under P.L.1966, c.36 (C.26:2F-1 et seq.) as amended.

20 Physical and Mental Health

22 Health Planning and Evaluation

DIRECT STATE SERVICES

06-4260 Long Term Care Services	\$4,598,000
07-4270 Health Care Systems Analysis	<u>1,456,000</u>
Total Direct State Services Appropriation, Health Planning and Evaluation	<u>\$6,054,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$3,948,000)
Materials and Supplies	(73,000)
Services Other Than Personal	(441,000)
Maintenance and Fixed Charges	(176,000)

Special Purpose:

06 Nursing Home Background Checks/ Nursing Aide Certification Program	(979,000)
06 Implement Patient Safety Act	(400,000)
Additions, Improvements and Equipment	(37,000)

There are appropriated such sums as are required to the "Health Care Facilities Improvement Fund" to provide available resources in an emergency situation at a health care facility, as defined by the Commissioner of Health, or for closure

of a health care facility, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts 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\$134,590,000
 Total Grants-in-Aid Appropriation, Health Planning and
 Evaluation.....\$134,590,000

Grants-in-Aid:

07 Health Care Subsidy Fund Payments.....(\$20,404,000)
 07 Hospital Asset Transformation Program.....(1,541,000)
 07 Hospital Delivery System Reform Incentive
 Payments - DSRIP(62,645,000)
 07 Graduate Medical Education.....(50,000,000)

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 into the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58) for the support of payments to federally qualified health centers.

Notwithstanding the provisions of any law or regulation to the contrary, as a condition of the receipt of any monies hereunder by an acute care hospital that is requesting an advance of charity care/Medicaid or payments from the "Health Care Facilities Improvement Fund" or any payments over and above this act, the hospital shall comply with a request by the Commissioner of Health 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 purposes. The cost of such review shall 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 section 3 of P.L.2004, c.113 (C.26:2H-18.59i) or any law or regulation to the contrary, the appropriation for Health Care Subsidy Fund Payments in State Fiscal Year (SFY) 2014 shall be calculated in the following manner: (a) source data used shall be from calendar years 2011 and 2010 for documented charity care claims data and hospital-specific gross revenue for charity care patients and shall include all adjustments and void claims related to calendar years (CY) 2011, 2010 and any prior year submitted claims, as submitted by each acute care hospital or determined by the Department of Health (DOH); (b) source data used for CY 2011 documented charity care for each hospital's total gross revenue for all patients shall be from the CY 2011 Acute Care Hospital Cost Report as defined by Form E4, Line 1, Column E data and shall be according to the DOH advance submission request dated February

13, 2012, as submitted by each acute care hospital by March 16, 2012, and source data used for Medicare Cost Report data shall be from CY 2010; (c) in the event that an eligible hospital failed to submit by March 16, 2012, its total gross revenue for all patients from the CY 2011 Acute Care Hospital Cost Report as defined by Form E4, Line 1, Column E data according to the DOH advance submission request dated February 13, 2012, source data from calendar year 2010 shall be used for hospital-specific gross revenue for charity care patients and for hospital total gross revenue for all patients as defined by Form E4, Line 1, Column E; (d) source data used for CY 2010 documented charity care for each hospital's total gross revenue for all patients shall be from the CY 2010 Acute Care Hospital Cost Report as defined by Form E4, Line 1, Column E data and shall be according to the DOH advance submission request dated February 10, 2011, as submitted by each acute care hospital by March 10, 2011, and source data used for Medicare Cost Report data shall be from calendar year 2009; (e) in the event that an eligible hospital failed to submit by March 10, 2011, its total gross revenue for all patients from the CY 2010 Acute Care Hospital Cost Report as defined by Form E4, Line 1, Column E data according to the DOH advance submission request dated February 10, 2011, source data from calendar year 2009 shall be used for hospital-specific gross revenue for charity care patients and for hospital total gross revenue for all patients as defined by Form E4, Line 1, Column E; (f) each eligible hospital's charity care subsidy allocation for SFY 2013 as announced by DOH in July 2012, for this calculation purpose only, shall be initially split into two pools, one that equals 80% of its SFY 2013 allocation and another that equals 20% of its SFY 2013 allocation; (g) for each eligible hospital the difference between its CY 2011 documented charity care and its CY 2010 documented charity care shall be calculated, then the percentage change in documented charity care for each eligible hospital shall be obtained by dividing this difference by its CY 2010 documented charity care; (h) for each eligible hospital the ratio of its CY 2011 documented charity care divided by the total CY 2011 documented charity care for all hospitals shall be calculated; (i) for each eligible hospital the percentage change in documented charity care as calculated in accordance with subsection g. above shall be multiplied by the CY 2011 documented charity care ratio calculated in subsection h. above; (j) for each eligible hospital the value calculated in accordance with subsection i. above shall be multiplied by the total of the 20% pool for all eligible hospitals as calculated in subsection f. above; (k) for each eligible hospital the value calculated in accordance with subsection j. above shall be added to its initial 20% pool value as calculated in subsection f. above; (l) for each eligible hospital the amount calculated in subsection f. above for its 80% pool and subsection k. above for its adjusted 20% pool shall be added together producing the SFY 2014 charity care subsidy allocation for each eligible hospital; (m) notwithstanding the provisions above, an eligible hospital shall not receive a lower SFY 2014 charity care subsidy allocation than its SFY 2013 charity care subsidy allocation if it had increased documented charity care as calculated in subsection g.

above, and an eligible hospital shall not receive a greater SFY 2014 charity care subsidy allocation than its SFY 2013 charity care subsidy allocation if it had decreased documented charity care as calculated in subsection g. above; (n) if necessary, a proportionate increase or decrease shall be applied to the 20% pool value as calculated in subsection k. for each eligible hospital based on its percentage of total CY 2011 documented charity care such that the total calculated SFY 2014 charity care subsidy allocation for all hospitals shall equal \$675,000,000, except that the proration applied to the subsidy for any eligible hospital shall be modified as necessary to comply with subsection m. above; and (o) the resulting number will constitute each eligible hospital's SFY 2014 charity care subsidy allocation.

Notwithstanding the provisions of any law or regulation to the contrary, any funds remaining as the result of a closure of a hospital eligible to receive Disproportionate Share Hospital (DSH) funds shall be redistributed at the discretion of the Commissioner of Health. Factors the commissioner will consider shall include, but not be limited to, maintenance of continued timely access to essential health services for persons eligible to participate in charity care, and continued operation in the same or adjoining municipality as the closed hospital of an acute care hospital, eligible to receive DSH funds, and serving substantially the same eligible population. Notice of such redistribution shall be provided to the Joint Budget Oversight Committee within five business days of each redistribution.

The amounts hereinabove appropriated for Health Care Subsidy Fund Payments are conditioned upon the following provision: the Department of Health shall review, examine and/or audit any and all financial information maintained by an acute care hospital to ensure appropriate use of public funds.

The amounts hereinabove appropriated for charity care or other funding to a health care facility is conditioned upon the following requirement: such health care facility shall participate in planning meetings supervised by the Department of Health for the planning of the provision of hospital, medical or health programs and services, and shall, to the extent permitted by State and federal law, share patient-level data as needed to facilitate such purposes.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated from the Health Care Subsidy Fund for charity care payments are subject to the following condition: In a manner determined by the Commissioner of Health and subject to the approval of the Director of the Division of Budget and Accounting, eligible hospitals shall receive (1) their charity care subsidy payments beginning in July 2013, (2) their September 2013 payments in October 2013, and (3) their January 2014 payments in December 2013.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Graduate Medical Education (GME) are conditioned upon the following: except as otherwise provided and subject to such modifications as may be required by the Centers for Medicare and Medicaid Services in order to achieve any required federal approval, a hospital's

GME distribution shall be calculated based on data from the hospital's 2011 Medicaid cost report and shall be comprised of two components calculated as described below. The first component shall be defined as an amount equal to 75% of each facility's aggregate State Fiscal Year (SFY) 2013 GME distribution. The sum of these first components for all hospitals shall be totaled and subtracted from the full appropriated GME subsidy amount of \$100,000,000 for SFY 2014, with the resulting amount representing the aggregate amount available for distribution as the second component. The aggregate amount of the second component shall be split into a Direct Medical Education (DME) allocation, which is calculated by multiplying the second component amount by the ratio of 2011 total Medicaid managed care DME costs-to-2011 total Medicaid managed care GME costs; and an Indirect Medical Education (IME) allocation, which is calculated by multiplying the second component amount by the ratio of 2011 total Medicaid managed care IME costs-to-2011 Medicaid managed care GME costs. Each hospital's percentage of total 2011 Medicaid managed care DME costs shall be multiplied by the DME allocation to calculate its DME payment. Each hospital's percentage of total 2011 Medicaid managed care IME costs shall be multiplied by the IME allocation to calculate its IME payment. The sum of a hospital's DME and IME payments equal its second component payment. The sum of the first and second components shall comprise the hospital's total SFY 2014 GME allocation, to be distributed in twelve monthly payments. The total amount of these payments shall not exceed \$100,000,000. In the event that a hospital reported less than twelve months of 2011 Medicaid costs, the number of reported months of data regarding days, costs, or payments shall be annualized. In the event that a hospital did not report its Medicaid managed care days on the cost report utilized in this calculation, the Department of Health (DOH) shall ascertain Medicaid Managed Care encounter days for Medicaid and NJ FamilyCare clients as reported by insurers to the State for the following reporting period: services dates between January 1, 2011 and December 31, 2011; payment dates between January 1, 2011 and December 31, 2012; and a run-date of January 17, 2013. Medicaid managed care DME cost is defined as the approved intern and residency program costs multiplied by the quotient of Medicaid managed care days divided by the quantity of total days less nursery days. Medicaid managed care IME cost is defined as the Medicare IME factor multiplied by Medicaid Managed Care encounter payments for Medicaid and NJ FamilyCare clients as reported by insurers to the State for the following reporting period: services dates between January 1, 2011 and December 31, 2011; payment dates between January 1, 2011 and December 31, 2012; and a run-date of January 17, 2013. The IME factor is calculated using the Medicare IME formula as follows: $1.35 * [(1 + x)0.405 - 1]$, in which "x" is the quotient of submitted IME resident full-time equivalencies divided by the quantity of total available beds less nursery beds. In the event that a hospital believes that there are mathematical errors in the calculations, or data not matching the actual source documents used to calculate the subsidy as defined above, hospitals shall

be permitted to file calculation appeals within 15 working days of receipt of the subsidy allocation letter. If upon review it is determined by the DOH that the error has occurred and would constitute at least a five percent change in the hospital's allocation amount, a revised industry-wide allocation shall be issued.

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.

In addition to the amount hereinabove appropriated for Health Care Systems Analysis, an amount not to exceed \$1,000,000 is appropriated from amounts assessed and collected by the Department of Banking and Insurance pursuant to section 9 of P.L.2007, c.330 (C.17:1D-2), for the purpose of funding costs associated with the development and maintenance of the New Jersey Health Information Network, subject to a plan prepared by the Department of Health and approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the Hospital Delivery System Reform Incentive Payments Program are conditioned upon the following: a hospital's payment shall be calculated and distributed as set forth in the final approved version of New Jersey's Delivery System Reform Incentive Payments (DSRIP) funding and mechanics protocol filed on December 28, 2012 with the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, in connection with the New Jersey Comprehensive Medicaid 1115 Waiver, consistent with the Special Terms and Conditions of the approved Waiver, including but not limited to Section XIII, paragraphs 91 through 97 thereof. Until such time as such federal approval is obtained, monthly DSRIP payments to hospitals shall be calculated and distributed in the same manner as the Hospital Relief Subsidy Fund payments distributed in fiscal year 2013.

The amount hereinabove appropriated for the Hospital Delivery System Reform Incentive Payments (DSRIP) program is subject to the following condition: the Department of Human Services shall periodically file with the Presiding Officers of the Legislature a report that includes the status of each applicant hospital's plans for delivery system reform, including but not limited to whether or not a hospital has filed a DSRIP plan and whether approval of that plan has been granted or denied by the State and the federal Centers for Medicare and Medicaid Services (CMS). The department also shall provide copies of any reports or other determinations regarding DSRIP eligibility or plan performance, including but not limited to whether or not a hospital has satisfied any eligibility benchmarks required for receipt of DSRIP funding, which are made by the State or received from CMS.

DIRECT STATE SERVICES

99-4210 Administration and Support Services.....	<u>\$4,087,000</u>
Total Direct State Services Appropriation, Health Administration.....	<u>\$4,087,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$2,312,000)
Materials and Supplies.....	(49,000)
Services Other Than Personal	(226,000)

Special Purpose:

99 Office of Minority and Multicultural Health.....	(1,500,000)
Department of Health, Total State Appropriation.....	<u>\$370,890,000</u>

Consistent with the provisions of P.L.2005, c.237, \$40,000,000 from the surcharge on each general hospital and each specialty heart hospital is appropriated to fund federally qualified health centers. Any unexpended balance at the end of the preceding fiscal year in the Health Care Subsidy Fund received through the hospital and other health care initiatives account during the preceding fiscal year is appropriated for payments to federally qualified health centers.

Receipts from licenses, permits, fines, penalties, and fees collected by the Department of Health, 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 per adjusted admission charge assessments made by the Department of Health, shall be anticipated as revenue in the General Fund available for health-related purposes. Furthermore, 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 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.

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, not mandated by federal law, first shall 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 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 are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Summary of Department of Health Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services	\$45,540,000
Grants-in-Aid	325,350,000

Appropriations by Fund:

General Fund	\$370,361,000
Casino Revenue Fund	529,000

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health and Addiction Services

DIRECT STATE SERVICES

10-7710 Patient Care and Health Services	\$224,250,000
99-7710 Administration and Support Services	<u>54,924,000</u>
Total Direct State Services Appropriation, Mental Health and Addiction Services	<u>\$279,174,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$246,712,000)
Materials and Supplies	(15,987,000)
Services Other Than Personal	(9,520,000)
Maintenance and Fixed Charges	(4,884,000)

Special Purpose:

10 Interim Assistance	(809,000)
Additions, Improvements and Equipment	(1,262,000)

Receipts recovered from advances made under the Interim Assistance program in the mental health institutions are appropriated for the same purpose.

The unexpended balances at the end of the preceding fiscal year in the Interim Assistance program accounts in the mental health institutions are appropriated for the same purpose.

The amount hereinabove appropriated for the Division of Mental Health and Addiction Services for State facility operations and the amount appropriated as State Aid for the costs of county facility operations are first charged to the fed-

eral disproportionate share hospital (DSH) reimbursements anticipated as Medicaid uncompensated care. As such, DSH revenues earned by the State related to services provided by county psychiatric hospitals which are supported through this State Aid appropriation, shall be considered as the first source supporting the State Aid appropriation.

7700 Division of Mental Health and Addiction Services

DIRECT STATE SERVICES

99-7700 Administration and Support Services.....	<u>\$17,547,000</u>
Total Direct State Services Appropriation, Division of Mental Health and Addiction Services.....	<u>\$17,547,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$15,079,000)
Materials and Supplies.....	(91,000)
Services Other Than Personal	(1,875,000)
Maintenance and Fixed Charges.....	(186,000)
Additions, Improvements and Equipment.....	(316,000)

There are appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund such sums as may be necessary to carry out the provisions of P.L.1983, c.531 (C.26:2B-32 et seq.).

There is appropriated 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

08-7700 Community Services	\$371,737,000
09-7700 Addiction Services	<u>34,861,000</u>
Total Grants-in-Aid Appropriation, Division of Mental Health and Addiction Services	<u>\$406,598,000</u>

Grants-in-Aid:

08 Olmstead Support Services	(\$88,817,000)
08 Community Care.....	(264,975,000)
08 Univ. Behavioral Healthcare Centers - Univ. of Medicine and Dentistry - Newark.....	(6,165,000)
08 Univ. Behavioral Healthcare Centers - Univ. of Medicine and Dentistry - Piscataway.....	(11,780,000)
09 Substance Abuse Treatment for DCP&P/ WorkFirst Mothers.....	(1,421,000)
09 Community Based Substance Abuse Treatment and Prevention - State Share.....	(22,665,000)

- 09 Medication Assisted Treatment Initiative(9,232,000)
- 09 Compulsive Gambling.....(650,000)
- 09 Mutual Agreement Parolee Rehabilitation
 Project for Substance Abusers(893,000)

An amount not to exceed \$2,490,000 may be transferred from the Olmstead Support Services account to the Health Care Subsidy Fund Payments account in the Department of Health, to increase the Mental Health Subsidy Fund portion of this account in order to maintain an amount not to exceed the fiscal 2008 per bed allocation for Short-Term Care Facility (STCF) beds, for new STCF beds which opened after January 1, 2008, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year of appropriations made to the Department of Human Services by section 20 of P.L.1989, c.51 for State-licensed or approved drug abuse prevention and treatment programs is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$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 \$1,500,000 from the “Drug Enforcement and Demand Reduction Fund” for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$500,000 to the Department of Human Services from the “Drug Enforcement and Demand Reduction Fund” for the Sub-Acute Residential Detoxification Program.

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 program.

Notwithstanding the provisions of any law or regulation to the contrary, monies in the “Alcohol Treatment Programs Fund” established pursuant to section 2 of P.L.2001, c.48 (C.26:2B-9.2), not to exceed \$12,500,000, and the amounts hereinabove appropriated for Community Based Substance Abuse Treatment and Prevention - State Share, not to exceed \$2,200,000, are hereby appropriated, as determined by the Assistant Commissioner or designee of the Department of Human Services, 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 Assistant Commissioner of the Division of Mental Health and Addiction Services 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 Assistant Commissioner of the Division of Mental Health and Addiction Services 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 Assistant Commissioner of the Division of Mental Health and Addiction Services 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 the Division of Mental Health and Addiction Services 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 2013 and again prior to the end of the fiscal year, the Commissioner of Human Services shall notify the Joint Budget Oversight Committee of each grant awarded, the amount of each grant, and the recipients of the grants.

Notwithstanding the provisions of P.L.1983, c.531 (C.26:2B-32 et seq.) or any law or regulation to the contrary, the unexpended balance at the end of the preceding fiscal year in the Alcohol Education, Rehabilitation and Enforcement Fund is appropriated and shall be distributed to counties for the treatment of alcohol and drug abusers and for education purposes.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for Community Based Substance Abuse Treatment and Prevention - State Share, an amount not to exceed \$1,600,000 is appropriated from the unexpended balances of fees paid into the Alcohol Education, Rehabilitation and Enforcement Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding 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), 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 the Division of Mental Health and Addiction Services to enable DPMC to determine the best facility layout at the lowest possible cost, to monitor the capital projects during design and construction, to provide assistance to the grantee with respect to the undertaking of the capital projects and to advise the Assistant Commissioner or designee of the Department of Human Services as may be required.

There is appropriated \$1,000,000 from the "Drug Enforcement and Demand Reduction Fund" to the Department of Human Services for a grant to Partnership for a Drug-Free New Jersey.

In addition to the amount hereinabove appropriated for Compulsive Gambling, an amount equal to one-half of forfeited winnings collected by the Division of Gaming Enforcement, not to exceed \$50,000 annually, shall be deposited into the State General Fund for appropriation to the Department of Human Services to provide funds for compulsive gambling treatment and prevention programs, pursuant to section 2 of P.L.2001, c.39 (C.5:12-71.3), subject to the approval of the Director of the Division of Budget and Accounting.

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 Mental Health and Addiction Services, in a cumulative amount not to exceed \$2,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1998, c.149 or any law or regulation to the contrary, \$400,000 is appropriated from the Body Armor Replacement Fund to the Division of Mental Health and Addiction Services for the purposes of the "Law Enforcement Officer Crisis Intervention Services" Hotline and the reporting and operations of the Cop 2 Cop program.

The unexpended balance at the end of the preceding fiscal year in the Community Care account, not to exceed \$2,400,000, is appropriated for the Involuntary Outpatient Commitment Program. Not later than December 31, 2013, the Commissioner shall provide to the Joint Budget Oversight Committee a plan for the Statewide implementation of the program by June 30, 2014. Such additional sum as is required to achieve implementation of the plan is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

08-7700 Community Services	<u>\$130,165,000</u>
<i>(From Property Tax Relief Fund..... \$130,165,000)</i>	
Total State Aid Appropriation, Division of Mental Health and Addiction Services.....	<u>\$130,165,000</u>
<i>(From Property Tax Relief Fund..... \$130,165,000)</i>	

State Aid:

08 Support of Patients in County Psychiatric

Hospitals (PTRF) (\$130,165,000)

The unexpended balance at the end of the preceding fiscal year in the Support of Patients in County Psychiatric Hospitals account is appropriated for the same purpose.

Notwithstanding the provisions of R.S.30:4-78, or any law or regulation to the contrary, the State share of payments from the Support of Patients in County Psychiatric Hospitals account to the several county psychiatric facilities on behalf of the reasonable cost of maintenance of patients deemed to be county indigents shall be at the rate of 125% of the rate established by the Commissioner of Human Services for the period July 1 to December 31 and at the rate of 45% of the rate established by the Commissioner of Human Services for the period January 1 to June 30 such that the total amount to be paid by the State on behalf of county indigent patients for the calendar year shall not exceed 85% of the total reasonable per capita cost; and further provided that the rate at which the State will reimburse the county psychiatric hospitals shall not exceed 100% of the per capita rate at which each county pays to the State for the reasonable cost of maintenance and clothing of each patient residing in a State psychiatric facility, excluding the depreciation, interest and carry-forward adjustment components of this rate, and including the depreciation, interest, and carry-forward adjustment components of each individual county psychiatric hospital's rate established for the period January 1 to December 31 by the Commissioner of Human Services. The initial determination of whether a county hospital rate exceeds the per capita rate that counties pay to the State on behalf of applicable patients residing in a State psychiatric facility will be based on a comparison of estimated cost used to set reimbursement rates for the upcoming calendar year. A second comparison of the actual per diem costs of the county psychiatric hospital and State psychiatric hospitals will be completed after actual cost reports for the period are available including an inflationary adjustment for the six-month difference in fiscal reporting periods between State and county hospitals. The county hospital carry-forward adjustment to be included in rates paid by the State will exclude costs found to exceed 100% of the actual cost rate of the State psychiatric facilities.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Support of Patients in County Psychiatric Hospitals is conditioned upon the following provision: payments to county psychiatric hospitals will only be made after receipt of their claims by the Division of Mental Health and Addiction Services. County psychiatric hospitals shall submit such claims no less frequently than quarterly and within 15 days of the close of each quarter.

With the exception of all past, present, and future revenues representing federal financial participation received by the State from the United States that is based on payments to hospitals that serve a disproportionate share of low-income patients, which shall be retained by the State, the sharing of revenues received to

defray the State Aid appropriation for the costs of maintaining patients in State and county psychiatric hospitals shall be based on the same percent as costs are shared between the State and counties.

The amount hereinabove appropriated for State Aid reimbursement payments for maintenance of patients in county psychiatric facilities shall be limited to inpatient services only, except that such reimbursement shall be paid to a county for outpatient and partial hospitalization services as defined by the Department of Human Services, if outpatient and/or partial hospitalization services had been previously provided at the county psychiatric facility prior to January 1, 1998. These outpatient and partial hospitalization payments shall not exceed the amount of State Aid funds paid to reimburse outpatient and partial hospitalization services provided during calendar year 1997. In addition, any revision or expansion to the number of inpatient beds or inpatient services provided at such hospitals which will have a material impact on the amount of State Aid payments made for such services, must first be approved by the Department of Human Services before such change is implemented.

The amount hereinabove appropriated for the Division of Mental Health and Addiction Services for State facility operations and the amount appropriated as State Aid for the costs of county facility operations are first charged to the federal Disproportionate Share Hospital (DSH) reimbursements anticipated as Medicaid uncompensated care. Accordingly, DSH revenues earned by the State related to services provided by county psychiatric hospitals which are supported through this State Aid appropriation shall be considered as the first source supporting the State Aid appropriation.

In addition to the amounts hereinabove appropriated for the Support of Patients in County Psychiatric Hospitals, in the event that the Assistant Commissioner of the Division of Mental Health and Addiction 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 to reimburse a county for the extra costs, if any, which were incurred in connection with the care of such patient in a county psychiatric hospital which exceeded the cost of care which would have been incurred had the patient been placed in a State psychiatric hospital, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Support of Patients in County Psychiatric Hospitals is conditioned upon the following provisions: County psychiatric hospitals shall: (1) enroll and continue to maintain enrollment as providers in the State's Medicaid program; (2) complete or pursue in good faith the completion of eligibility applications for patients who could be Medicaid eligible; (3) bill the Medicaid program for all applicable services; and (4) neither admit nor discharge patients based upon Medicaid eligibility.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Support of Patients in County Psychiatric Hospitals is conditioned upon the county psychiatric hospitals providing and certifying all information that is required by the State, in the form specified by the Division of Mental Health and Addiction Services, to prepare a complete, accurate, and timely claim to federal authorities for Medicaid Disproportionate Share (DSH) claim revenues.

Notwithstanding the provisions of R.S.30:4-78, or any other law or regulation to the contrary, the amount hereinabove appropriated for Support of Patients in County Psychiatric Hospitals is conditioned upon the following provisions: for rates effective January 1, 2013, and any prior year rate adjustments that may be required beginning January 1, 2013, the approval of the State House Commission shall not be required for the setting of such rates and the Commissioner of Human Services shall set the per capita cost rates to be paid by the State to the several counties on behalf of the reasonable cost of maintenance of State and county patients in any county psychiatric facility, including outpatient psychiatric services, the per capita rates which each county shall pay to the Treasurer for the reasonable cost of maintenance and clothing of each patient residing in a State psychiatric facility having a legal settlement in such county ("County Patients"), the rates to be paid for the reasonable cost of maintenance and clothing of the convict and criminal mentally ill in any State psychiatric facility and the cost of maintenance of County Patients residing in State developmental centers or receiving other residential functional services for the developmentally disabled. Such rates will be fixed no later than October 1 of each calendar year. Notice of such rates shall be provided by the Commissioner of Human Services to the clerk of the respective boards of chosen freeholders.

In the event that the Division of Mental Health and Addiction Services is notified that a county psychiatric hospital will cease operations for the current fiscal year, or any portion thereof, in order to assure continuity of care for patients who otherwise would have been served by the county hospital, as well as to preserve patient and public safety, the Division shall have the authority to transfer funds from the Support of Patients in County Psychiatric Hospitals account to Direct State Services and Grants-In-Aid accounts in the Division of Mental Health and Addiction Services, for the fiscal year, subject to a plan approved by the Director of the Division of Budget and Accounting.

An amount not to exceed \$7,900,000 may be transferred from the Community Care Grants-In-Aid account within the Division of Mental Health and Addiction Services to the General Assistance Medical Services account within the Division of Medical Assistance and Health Services to reimburse the State share expended for Community Support Services, subject to the approval of the Director of the Division 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	<u>\$30,592,000</u>
Total Direct State Services Appropriation, Division of	
Medical Assistance and Health Services	<u>\$30,592,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages.....	(\$11,995,000)
Materials and Supplies.....	(109,000)
Services Other Than Personal.....	(2,936,000)
Maintenance and Fixed Charges.....	(63,000)

Special Purpose:

21 Payments to Fiscal Agents	(15,001,000)
21 Professional Standards Review Organization -	
Utilization Review	(309,000)
21 Drug Utilization Review Board - Administrative	
Costs.....	(10,000)

Additions, Improvements and Equipment.....(169,000)

The unexpended balances at the end of the preceding fiscal year, in the Payments to Fiscal Agents account are appropriated for the same purpose.

Such funds as are necessary 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, subject to the approval of the Director of the Division of Budget and Accounting.

Additional federal Title XIX revenue generated from the claiming of uncompensated care payments made to disproportionate share hospitals shall be deposited into the General Fund as anticipated revenue.

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 into 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 into the General Fund.

The appropriations hereinabove for Personal Services are conditioned upon following: promptly upon its completion, the department shall provide the Presiding Officers of the Legislature with the final report of the Managed Long Term Services and Supports Steering Committee and also shall provide those Officers with any supplements or updates to that report or any other similar report in a timely manner.

The appropriations hereinabove for Personal Services are conditioned upon the Department of Human Services working with stakeholders affected by the move to managed care for long term care on an ongoing basis to develop policies and implementation plans for enrollee transition, access to and continuity of care, assessment, appeals, competitive bidding, quality, and monitoring.

The amounts hereinabove appropriated for Personal Services are conditioned upon the Department of Human Services working collaboratively with the various county corrections agencies to promote the proper enrollment in the Medicaid program of all eligible inmates requiring medical services. The department shall provide guidance to the county corrections agencies on this subject and, upon request, shall provide such additional assistance as may be necessary to support the counties in ensuring that all eligible Medicaid reimbursements are properly claimed consistent with federal law.

The amounts hereinabove appropriated for Personal Services are conditioned upon the department providing to the Presiding Officers of the Legislature with notification, on an ongoing basis, as new managed care provider contracts are approved by the department. Additionally, the department shall provide the Presiding Officers of the Legislature with a written report, on or before April 1, 2014, listing all managed care provider contracts approved during the fiscal year.

GRANTS-IN-AID

22-7540 General Medical Services	\$3,131,075,000
Total Grants-in-Aid Appropriation, Division of Medical	
Assistance and Health Services	\$3,131,075,000

Less:

Enhanced Medicaid Fraud Recoveries	\$20,000,000
Total Income Deductions	<u>\$20,000,000</u>
Total Grants-in-Aid Appropriation, Division of Medical	
Assistance and Health Services	<u>\$3,111,075,000</u>

Grants-in-Aid:

22 Payments for Medical Assistance Recipients -	
Adult Mental Health Residential	(\$28,778,000)
22 Managed Care Initiative	(1,976,127,000)
22 Payments for Medical Assistance Recipients -	
ICF/MR.....	(6,202,000)
22 Payments for Medical Assistance Recipients -	
Inpatient Hospital.....	(225,351,000)
22 Payments for Medical Assistance Recipients -	
Prescription Drugs	(242,608,000)
22 Payments for Medical Assistance Recipients -	
Outpatient Hospital.....	(76,366,000)
22 Payments for Medical Assistance Recipients -	
Physician Services	(23,646,000)

22	Payments for Medical Assistance Recipients - Medicare Premiums	(168,046,000)
22	Payments for Medical Assistance Recipients - Psychiatric Hospital	(7,888,000)
22	Payments for Medical Assistance Recipients - Clinic Services	(82,045,000)
22	Payments for Medical Assistance Recipients - Transportation Services	(51,516,000)
22	Payments for Medical Assistance Recipients - Other Services	(3,017,000)
22	Eligibility Determination Services	(13,687,000)
22	Health Benefit Coordination Services	(11,502,000)
22	General Assistance Medical Services	(31,842,000)
22	NJ FamilyCare - Affordable and Accessible Health Coverage Benefits	(172,217,000)
22	Programs for Assertive Community Treatment	(10,237,000)

Less:

Enhanced Medicaid Fraud Recoveries 20,000,000

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 Services in the Department of Human 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 amounts 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.) or any law or regulation to the contrary, no funds are appropriated to the Medical Assistance for the Aged program, which has been eliminated.

Notwithstanding the provisions of any law or regulation to the contrary, all object accounts appropriated in the General Medical Services program classification shall be conditioned upon the following provision: when any action by a county welfare agency, whether alone or in combination with the Division of Medical Assistance and Health Services, results in a recovery of improperly granted medical assistance, the Division of Medical Assistance and Health Services may reimburse the county welfare agency in the amount of 25% of the gross recovery.

All funds recovered pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the current fiscal year are appropriated for payments to providers in the same program class from which the recovery originated.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to federal approval, of the amounts appropriated in the General Medical Services program class, the Commissioner of Human Services is authorized to develop and introduce optional service plan innovations to enhance client choice for users of Medicaid optional services, while containing expenditures.

The amount hereinabove appropriated for the Division of Medical Assistance and Health Services first shall be charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid uncompensated care.

The appropriations within the General Medical Services program class shall be conditioned upon the following: the Division of Medical Assistance and Health Services (DMAHS), in coordination with the county welfare agencies, shall continue a program to outstation eligibility workers in disproportionate share hospitals and federally qualified health centers.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated in the Managed Care Initiative account are subject to the following condition: Non-contracted hospitals providing emergency services to Medicaid or NJ FamilyCare members enrolled in the managed

care program shall accept as payment in full 95% of the amounts that the non-contracted hospital would receive from Medicaid for the emergency services and/or any related hospitalization if the beneficiary were enrolled in Medicaid fee-for-service.

Notwithstanding the provisions of any law or regulation to the contrary, a sufficient portion of receipts generated or savings realized in Medical Assistance Grants-In-Aid accounts from initiatives may be transferred to the Health Services Administration and Management accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, effective commencing at the beginning of the current fiscal year and subject to federal approval, of the amounts hereinabove appropriated to Payments for Medical Assistance Recipients - Inpatient Hospital, inpatient medical services provided through the Division of Medical Assistance and Health Services shall be conditioned upon the following provision: No funds shall be expended for hospital services during which a preventable hospital error occurred or for hospital services provided for the necessary inpatient treatment arising from a preventable hospital error, as shall be defined by the Commissioner of Human Services.

Of the amount hereinabove appropriated to Payments for Medical Assistance Recipients - Inpatient Hospital, the Division of Medical Assistance and Health Services is authorized 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, the amounts hereinabove appropriated in Payments for Medical Assistance Recipients - Inpatient Hospital and Payments for Medical Assistance Recipients - Outpatient Hospital are subject to the following condition: for an out-of-State hospital participating in the New Jersey Medicaid or NJ FamilyCare program, other than an out-of-State hospital for which payment is based on a binding settlement agreement between the State and such hospital, payment for claims with date of discharge on or after July 1, 2012, shall be equal to the lowest of the following three amounts: (i) the amount charged by the billing hospital for the rendered services; (ii) the rate of payment for out-of-State hospitals as described at N.J.A.C.10:52-4.5(a) through (d); or (iii) the average Statewide rate of payment for New Jersey hospitals as described at N.J.A.C.10:52-4.3 (outpatient services) or the rate of payment as described at N.J.A.C.10:52-14.10 through N.J.A.C.10:52-14.16 (inpatient services) utilizing the Statewide base rate as the hospital's final rate and an average hospital inpatient cost-to-charge ratio.

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 ap-

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.

Of the amount hereinabove appropriated within the General Medical Services program classification, 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.

Of the revenues received as a result of sanctions to health maintenance organizations participating in Medicaid Managed Care, an amount not to exceed \$500,000 is appropriated to the Managed Care Initiative or NJ KidCare A - Administration account to improve access to medical services and quality care through such activities as outreach, education, and awareness, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, State funding for the New Jersey Health ACCESS program shall cease, and all enrollment shall be terminated as of July 1, 2001, or at such later date as shall be established by the Commissioner of Human Services.

Of the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Prescription Drugs, the Commissioners of Human Services and Health shall establish a system to utilize unopened and unexpired prescription drugs previously dispensed but not administered to individuals residing in nursing facilities.

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, the amount hereinabove appropriated in the General Assistance Medical Services account shall be conditioned upon the following provisions which shall apply to the dispensing of prescription drugs through that account: (a) all Maximum Allowable Cost (MAC) drugs dispensed shall state "Brand Medically Necessary" in the prescriber's own handwriting if the prescriber determines that it is necessary to override generic substitution of drugs; and (b) each prescription order shall follow the requirements of P.L.1977, c.240 (C.24:6E-1 et seq.). The list of drugs substituted shall conform to all requirements pertaining to drug substitution and federal upper limits for MAC drugs as administered by the State Medicaid Program.

Notwithstanding the provisions of any law or regulation to the contrary, the hereinabove appropriation for Payments for Medical Assistance Recipients -

Prescription Drugs shall be conditioned upon the following provision: no funds shall be appropriated for the refilling of a prescription drug until such time as the original prescription is 85% finished.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 CFR 447.205 where applicable, the appropriation in the Payments for Medical Assistance Recipients - Physician Services account shall be conditioned upon the following provisions: (a) reimbursement for the cost of physician-administered drugs shall be consistent with reimbursement for legend and non-legend drugs; and (b) reimbursement for physician-administered drugs shall be limited to those drugs supplied by manufacturers who have entered into the federal Medicaid Drug Rebate Agreement and are subject to drug rebate rules and regulations consistent with this agreement. The Division of Medical Assistance and Health Services shall collect and submit utilization and coding information to the Secretary of the United States Department of Health and Human Services for all single source drugs administered by physicians.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 CFR 447.205, approved nutritional supplements which are hereinabove appropriated in the Payments for Medical Assistance Recipients - Prescription Drug program shall be consistent with reimbursement for legend and non-legend drugs.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriations for the Payments for Medical Assistance Recipients - Prescription Drugs, General Assistance Medical Services, and NJ FamilyCare accounts shall be conditioned upon the following provision: each prescription order for protein nutritional supplements and specialized infant formulas dispensed shall be filled with the generic equivalent unless the prescription order states "Brand Medically Necessary" in the prescriber's own handwriting.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated to the Payments for Medical Assistance Recipients - Prescription Drugs account, the capitated dispensing fee payments to providers of pharmaceutical services for residents of nursing facilities shall be adjusted to reflect the reduced prescription volume disbursed by Medicaid as a primary payer since the implementation of the Medicare Part D program; provided that subject to the execution of a signed agreement by all affected long-term care pharmacies and the Division of Medical Assistance and Health Services and the payment by all affected long-term care pharmacies pursuant to such agreement, the capitated dispensing fee payments to providers of pharmaceutical services for residents of nursing facilities shall be modified and paid at the per diem equivalent of the retail pharmacy rate for the average number of prescriptions filled when Medicaid is the primary payer.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated to Payments for Medical Assistance Recipients - Prescription Drugs and General Assistance Medical Services, no payment

shall be expended for drugs used for the treatment of erectile dysfunction, select cough/cold medications as defined by the Commissioner of Human Services, or cosmetic drugs, including, but not limited to: drugs used for baldness, weight loss, and purely cosmetic skin conditions.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 CFR 447.205 where applicable, the amounts hereinabove appropriated for fee-for-service prescription drugs in the Payments for Medical Assistance Recipients - Prescription Drugs or General Assistance Medical Services account are subject to the following conditions: (1) the maximum allowable cost for legend and non-legend drugs shall be calculated based on the lowest of (i) the Estimated Acquisition Cost (EAC), defined as a drug's Wholesale Acquisition Cost less a volume discount of one (1) percent; (ii) the federal upper limit (FUL); or (iii) the State upper limit (SUL); and (iv) cost acquisition data submitted by providers of pharmaceutical services for single-source or brand-name multi-source drugs where an alternative pricing benchmark is not available; (2) pharmacy reimbursement for legend and non-legend drugs shall be calculated based on the (i) the lowest of the EAC, FUL or SUL plus a dispensing fee of \$3.73 to \$3.99; or a provider's usual and customary charge; or (ii) the lower of cost acquisition data submitted by providers of pharmaceutical services for single-source or brand-name multi-source drugs, where an alternative pricing benchmark is not available, plus a professional fee; or a provider's usual and customary charge. To effectuate the calculation of SUL rates and/or the calculation of single-source and brand-name multi-source legend and non-legend drug costs where an alternative pricing benchmark is not available, which is intended to be budget neutral, the Department of Human Services shall mandate ongoing submission of current drug acquisition data by providers of pharmaceutical services. No funds hereinabove appropriated shall be paid to any entity that fails to submit required data.

Of the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Outpatient Hospital, an amount not to exceed \$1,900,000 is allocated for limited prenatal medical care for New Jersey pregnant women who, except for financial requirements, are not eligible for any other State or federal health insurance program.

Of the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Clinic Services, an amount not to exceed \$1,900,000 is allocated for limited prenatal medical care provided by clinics, or in the case of radiology and clinical laboratory services ordered by a clinic, for New Jersey pregnant women who, except for financial requirements, are not eligible for any other State or federal health insurance program.

In accordance with the "Family Health Care Coverage Act," P.L.2005, c.156 (C.30:4J-8 et al.), rebates collected during the current fiscal year from the pharmaceutical manufacturing companies for prescription expenditures made to providers on behalf of General Assistance Medical Services clients are appropriated to NJ FamilyCare - Affordable and Accessible Health Coverage Benefits.

Notwithstanding the provisions of subsection (a) of N.J.A.C.10:60-5.7 and subsection (e) of N.J.A.C.10:60-11.2 to the contrary, the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Clinic Services is conditioned upon the Commissioner of Human Services increasing the hourly nursing rates for Early and Periodic Screening, Diagnosis and Treatment/Private Duty Nursing (EPSDT/PDN) services by \$10 per hour above the fiscal year 2008 rate. The amount hereinabove appropriated for Payments for Medical Assistance Recipients - Other Services, NJ FamilyCare, and NJ KidCare may be used to pay financial rewards to individuals or entities who report instances of health care-related fraud and/or abuse involving the programs administered by the Division of Medical Assistance and Health Services (DMAHS) (including, but not limited to, the New Jersey Medicaid and NJ FamilyCare programs), or the Pharmaceutical Assistance to the Aged and Disabled (PAAD) or Work First New Jersey General Public Assistance programs. Rewards may be paid only when the reports result in a recovery by DMAHS, and only if other conditions established by DMAHS are met, and shall be limited to 10% of the recovery or \$1,000, whichever is less. Notwithstanding the provisions of any law or regulation to the contrary, but subject to any necessary federal approval and/or change in federal law, receipt of such rewards shall not affect an applicant's individual financial eligibility for the programs administered by DMAHS, or for PAAD or Work First New Jersey General Public Assistance programs.

The amount hereinabove appropriated for Payments for Medical Assistance Recipients - Clinic Services, may be used to reimburse Federally Qualified Health Centers (FQHCs) the higher of their Medicaid PPS encounter rate or the fee-for-service rate for specified deliveries and ob/gyn surgeries for clients not enrolled in managed care. Reimbursement for surgical assistants shall be at the fee-for-service rate for clients not enrolled in managed care. Managed care organizations shall reimburse FQHCs for these services and the FQHCs shall be carved out of wraparound reimbursement for these services.

Notwithstanding the provisions of any law or regulation to the contrary, any third party as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), or in 42 U.S.C. 1396a(a)(25)(A), including, but not limited to, a pharmacy benefit manager, writing health, casualty, workers' compensation, or malpractice insurance policies in the State or covering residents of this State, shall enter into an agreement with the Division of Medical Assistance and Health Services to permit and assist the matching no less frequently than on a monthly basis of the Medicaid, NJ FamilyCare, Charity Care, and Work First New Jersey General Assistance eligibility files and/or adjudicated claims files against that third party's eligibility file, including indication of coverage derived from the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, and/or adjudicated claims file for the purpose of coordination of benefits, utilizing, if necessary, social security numbers as common identifiers.

Notwithstanding the provisions of any law or regulation to the contrary, no funds hereinabove appropriated for the Medicaid program 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 any law or regulation to the contrary, the amounts expended from Payments for Medical Assistance Recipients - Medical Supplies shall be conditioned upon the following: reimbursement for adult incontinence briefs and oxygen concentrators shall be set at 70% of reasonable and customary charges.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriation in the Payments for Medical Assistance Recipients - Clinic Services, Payments for Medical Assistance Recipients - Physician Services, Payments for Medical Assistance Recipients - Medical Supplies and Payments for Medical Assistance Recipients - Other Services shall be conditioned upon the following provision: no funds shall be expended for partial care services, chiropractic services, medical supplies except those sold in a pharmacy, or podiatry services to any provider who was not a Medicaid/NJ FamilyCare approved provider of partial care services, chiropractic services, medical supplies except those sold in a pharmacy, or podiatry services, respectively, prior to July 1, 2006 with the exception of new providers whose services are deemed necessary to meet special needs by the Division of Medical Assistance and Health Services.

Notwithstanding the provisions of any State law or regulation to the contrary, effective July 1, 2009, no payments for partial care services in mental health clinics, as hereinabove appropriated in Payments for Medical Assistance Recipients - Clinic Services shall be provided unless the services are prior authorized by professional staff designated by the Department of Human Services.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriation hereinabove for Payments for Medical Assistance Recipients - Outpatient Hospital shall be conditioned upon the following provision: certifications shall not be granted for new or relocating offsite hospital-based entities in accordance with N.J.A.C.10:52-1.3 with the exception of providers whose services are deemed necessary to meet special needs by the Division of Medical Assistance and Health Services.

The amounts hereinabove appropriated for the General Medical Services program classification are conditioned upon the Commissioner of Human Services making changes to such programs to make them consistent with the federal Deficit Reduction Act of 2005.

Notwithstanding the provisions of any law or regulation to the contrary, all financial recoveries obtained through the efforts of any entity authorized to undertake

the prevention and detection of Medicaid fraud, waste and abuse, are appropriated to General Medical Services in the Division of Medical Assistance and Health Services.

Such amounts 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 amounts hereinabove appropriated in the Managed Care Initiative account are subject to the following condition: Effective July 1, 2011, the following services, which were previously covered by Medicaid fee-for-service, shall be covered and provided instead through a managed care delivery system for all clients served by and/or enrolled in that system: 1) home health agency services; 2) medical day care, including both adult day health services and pediatric medical day care; 3) prescription drugs; and 4) rehabilitation services, including occupational, physical, and speech therapies. The above condition shall be effective for personal care assistant services.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated in the Managed Care Initiative account are subject to the following condition: only the following individuals shall be excluded from mandatory enrollment in the Medicaid/NJ FamilyCare managed care program: (1) individuals who are institutionalized in an inpatient psychiatric institution, or an inpatient psychiatric program for children under the age of 21 or in a residential facility including facilities characterized by the federal government as ICFs/MR, except that individuals who are eligible through the Division of Child Placement and Permanency (DCP&P) and are placed in a DCP&P non-Joint Committee on Accreditation of Healthcare Organizations (JCAHO) accredited children's residential care facility and individuals in a mental health or substance abuse residential treatment facility shall not be excluded from enrollment pursuant to this paragraph; (2) individuals in out-of-State placements; (3) special low-income Medicare beneficiaries (SLMBs); and (4) individuals in the Program of All-Inclusive Care for the Elderly (PACE) program.

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.

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.

Notwithstanding the provisions of subsection d. of section 5 of P.L.2005, c.156 (C.30:4J-12) or any law or regulation to the contrary, the appropriations herein-

above for Medicaid and NJ FamilyCare are subject to the following condition: the Department of Human Services may determine eligibility for the Medicaid and NJ FamilyCare programs by verifying income through any means authorized by the Children's Health Insurance Program Reauthorization Act of 2009, Pub.L. 111-3, including through electronic matching of data files provided that any consents, if required, under State or federal law for such matching are obtained.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to NJ FamilyCare - Affordable and Accessible Health Coverage Benefits are subject to the following conditions: (a) as of July 1, 2011, all parents or caretakers whose applications to enroll in the NJ FamilyCare program were received on or after March 1, 2010: (i) whose family gross income does not exceed 200% of the federal poverty level; (ii) who have no health insurance, as determined by the Commissioner of Human Services; and (iii) who are ineligible for Medicaid shall not be eligible for enrollment in the NJ FamilyCare program and there shall be no future enrollments of such persons in the NJ FamilyCare program; and (b) as of July 1, 2011, any adult alien lawfully admitted for permanent residence, but who has lived in the United States for less than five full years after such lawful admittance and whose enrollment in the NJ FamilyCare program was terminated on or before July 1, 2010 shall not be eligible to be enrolled in the NJ FamilyCare program, provided, however, that this termination of enrollment and benefits shall not apply to such persons who are either (i) pregnant or (ii) under the age of 19.

Premiums received from families enrolled in the NJ FamilyCare program established pursuant to P.L.2005, c.156 (C.30:4J-8 et al.) are appropriated for NJ FamilyCare payments. Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the Managed Care Initiative are subject to the following condition: the Director of the Division of Medical Assistance and Health Services may restrict the number of provider agreements with managed care entities under the State plan, in accordance with 42 U.S.C. s.1396u-2(a)(1)(A)(ii), if such restriction does not substantially impair access to services.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to NJ FamilyCare - Affordable and Accessible Health Coverage Benefits and Managed Care Initiative are subject to the following conditions: as of January 1, 2014 or on such date established by the federal government for the Health Insurance Exchange pursuant to the Patient Protection and Affordable Care Act, the following groups of current enrollees shall be transitioned to the federal Health Insurance Exchange for continued health care coverage: a) adults or couples without dependent children who were enrolled in the New Jersey Health ACCESS program on October 31, 2001; b) all parents or caretakers who: (i) have gross family income that does not exceed 200% of the poverty level; (ii) have no health insurance, as determined by the Commissioner of Human Services; (iii) are ineligible for Medicaid, or (iv) are

adult aliens lawfully admitted for permanent residence, but who have lived in the United States for less than five full years after such lawful admittance, and are enrolled in NJ FamilyCare; and c) Essential Persons (Spouses) whose coverage is funded solely by the State.

Notwithstanding the provisions of any law or regulation to the contrary, amounts appropriated to Payments for Medical Assistance Recipients - Outpatient Hospital for outpatient hospital reimbursement for all billable psychiatric services provided as an outpatient hospital service to all eligible individuals regardless of age, shall be paid at the lower of charges or the prospective hourly rates as defined in chapter 52 of Title 10 of the New Jersey Administrative Code, with the following exceptions and conditions which are effective for dates of service on or after July 1, 2013: (1) individual outpatient hospital psychiatric therapy for individuals age 21 and older, excluding partial hospitalization, shall be billed on a unit basis of 30 minutes, with a daily billing limit of two units per recipient per day and a 30 minute unit rate of \$50.00; (2) outpatient hospital initial evaluative psychiatric testing for individuals age 21 and older, excluding partial hospitalization, shall be billed on a unit basis of 30 minutes with a daily billing limit of four units per recipient per day and a 30 minute unit rate of \$62.50; (3) outpatient hospital psychiatric medication monitoring and medication management for individuals age 21 and older, excluding partial hospitalization, shall be billed on a unit basis of 15 minutes with a daily billing limit of two units per recipient per day and a 15 minute unit rate of \$42.00. In addition, a one-time prospective payment shall be made by the Division of Medical Assistance and Health Services to hospitals for billable psychiatric services provided as an outpatient hospital service. This one-time prospective payment amount shall be defined as the unit volume for services (1) through (3) above for individuals age 21 and older that were provided from January 1, 2009 through June 30, 2013, and paid through July 1, 2013, multiplied by the following amounts per unit: individual outpatient hospital psychiatric therapy for individuals age 21 and older, excluding partial hospitalization, \$10.00; outpatient hospital initial evaluative psychiatric testing for individuals age 21 and older, excluding partial hospitalization, \$12.50; and outpatient hospital psychiatric medication monitoring and medication management for individuals age 21 and older, excluding partial hospitalization, \$8.00. Costs related to outpatient hospital psychiatric services shall be excluded from outpatient hospital cost settlements.

20 Physical and Mental Health

26 Division of Aging Services

DIRECT STATE SERVICES

20-7530 Medical Services for the Aged.....	\$3,939,000
24-7530 Pharmaceutical Assistance to the Aged and Disabled	6,062,000
55-7530 Programs for the Aged.....	1,234,000
<i>(From General Fund.....</i>	<i>\$363,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>871,000)</i>

57-7530 Office of the Public Guardian	634,000
Total Direct State Services Appropriation, Division of	
Aging Services.....	\$11,869,000
<i>(From General Fund.....</i>	<i>\$10,998,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>871,000)</i>

Direct State Services:

Personal Services:

Salaries and Wages	(\$7,715,000)
Salaries and Wages (CRF).....	(796,000)
Materials and Supplies.....	(163,000)
Materials and Supplies (CRF).....	(14,000)
Services Other Than Personal	(2,540,000)
Services Other Than Personal (CRF).....	(47,000)
Maintenance and Fixed Charges.....	(437,000)
Maintenance and Fixed Charges (CRF).....	(2,000)

Special Purpose:

55 Federal Programs for the Aged	(143,000)
Additions, Improvements and Equipment (CRF)	(12,000)

When any action by a county welfare agency, whether alone or in combination with the Department of Human Services, results in a recovery of improperly granted medical assistance, the Department of Human Services may reimburse the county welfare agency in the amount of 25% of the gross recovery.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program is subject to the following condition: any third party, as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), or in 42 U.S.C. s.1396a(a)(25)(A), including, but not limited to, a pharmacy benefit manager writing health, casualty, or malpractice insurance policies in the State or covering residents of this State, shall enter into an agreement with the Department of Human Services to permit and assist the matching of the Department of Human 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.

Receipts from the Office of the Public Guardian for Elderly Adults are appropriated to the Office of the Public Guardian.

GRANTS-IN-AID

20-7530 Medical Services for the Aged.....	\$844,698,000
<i>(From General Fund.....</i>	<i>\$806,728,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>37,970,000)</i>
24-7530 Pharmaceutical Assistance to the Aged and Disabled.....	75,455,000
<i>(From General Fund.....</i>	<i>25,455,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>50,000,000)</i>

55-7530 Programs for the Aged.....	<u>45,726,000</u>
(From General Fund.....)	30,978,000)
(From Casino Revenue Fund.....)	14,748,000)
Total Grants-in-Aid Appropriation, Division of Aging	
Services	<u>\$965,879,000</u>
(From General Fund.....)	\$863,161,000)
(From Casino Revenue Fund.....)	102,718,000)

Grants-in-Aid:

20 Payments for Medical Assistance Recipients -	
Nursing Homes	(\$688,182,000)
20 Global Budget for Long Term Care.....	(93,486,000)
20 Global Budget for Long Term Care (CRF).....	(37,850,000)
20 Medical Day Care Services.....	(919,000)
20 PACE.....	(24,141,000)
20 Hearing Aid Assistance for the Aged and	
Disabled (CRF)	(120,000)
24 Pharmaceutical Assistance to the Aged - Claims	(2,250,000)
24 Pharmaceutical Assistance to the Aged and	
Disabled - Claims.....	(15,393,000)
24 Pharmaceutical Assistance to the Aged and	
Disabled - Claims (CRF)	(50,000,000)
24 Senior Gold Prescription Discount Program.....	(7,812,000)
55 Holocaust Survivor Assistance Program, Samost	
Jewish Family and Children's Service of Southern	
New Jersey	(200,000)
55 Community Based Senior Programs.....	(30,778,000)
55 Community Based Senior Programs (CRF)	(14,748,000)

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification in the Division of Medical Assistance and Health Services and the Medical Services for the Aged program classification in the Division of Aging Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred between the various items of appropriation within the Medical Services for the Aged and Programs for the Aged program classifications to ensure the continuity of long-term care support services for beneficiaries receiving services within the Medical Services for the Aged program classification in the Division of Aging Services in the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice

thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

All funds recovered pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the preceding fiscal year are appropriated for payments to providers in the same program class from which the recovery originated.

Notwithstanding the provisions of any law or regulation to the contrary, a sufficient portion of receipts generated or savings realized in the Medical Services for the Aged or Pharmaceutical Assistance to the Aged and Disabled Grants-In-Aid accounts from initiatives included in the current fiscal year appropriations act may be transferred to administration accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

Subject to federal approval, the appropriations for those programs within the Medical Services for the Aged program classification are conditioned upon the Department of Human 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 Division of Aging Services shall require, in the case of a married individual requiring long-term care services, that the portion of the couple's resources which are not protected for the needs of the community spouse be used solely for the purchase of long-term care services.

Such amounts as may be necessary are hereinabove appropriated from enhanced audit recoveries obtained by the Department of Human 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.

The amounts hereinabove appropriated for Payments for Medical Assistance Recipients - Nursing Homes are available for the payment of obligations applicable to prior fiscal years.

Such amounts as may be necessary are hereinabove 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 chapter 85 of Title 8 of the New Jersey Administrative Code or any law or other regulation to the contrary, the amounts hereinabove appropriated for Payments for Medical Assistance Recipients - Nursing Homes and Global Budget for Long Term Care shall be conditioned upon the following: (1) the per diem rate for each nursing home shall not be less than the per diem rate last received by that facility for Fiscal Year 2013; (2) the per diem reimbursement rate for Special Care Nursing Facilities shall be adjusted on

January 1, 2014 such that an additional \$325,000 shall be allocated to Special Care Nursing Facilities during the fiscal year; and (3) monies designated pursuant to subsection c. of section 6 of P.L.2003, c.105 (C.26:2H-97) for distribution to nursing homes less the portion of those funds to be paid as pass-through payments in accordance with paragraph 1 of subsection d. of section 6 of P.L.2003, c.105 (C.26:2H-97) shall be combined with amounts hereinabove appropriated for Payments for Medical Assistance Recipients - Nursing Homes and Global Budget for Long Term Care for the purpose of Medicaid reimbursement to nursing facilities according to the rate setting methodology established in chapter 85 of Title 8 of the New Jersey Administrative Code. For the purposes of this paragraph, a nursing facility's per diem reimbursement rate shall not include, if the nursing facility is eligible for reimbursement, the difference between the full calculated provider tax add-on and the quality of care portion of the provider tax add-on.

Notwithstanding the provisions of any law or regulation to the contrary, no payment for Medicaid Adult or Pediatric Medical Day Care services, as hereinabove appropriated in the Medical Day Care Services account, shall be provided unless the services are prior authorized by professional staff designated by the Department of Human Services.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be conditioned upon the following provision: the fee-for-service per diem reimbursement rate for adult Medical Day Care providers shall be set at \$78.50.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be conditioned on the following provision: physical therapy, occupational therapy and speech therapy shall no longer serve as a permissible criteria for eligibility in the adult Medical Day Care Program.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be conditioned on the following provision: effective August 15, 2010, no payments for Medicaid adult medical day care services shall be provided on behalf of any beneficiary who received prior authorization for these services based exclusively on the need for medication administration.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be conditioned on the following provision: no licensed facility in the adult Medical Day Care Program may serve or receive reimbursement for more than 200 Medicaid beneficiaries per day. Furthermore, no reimbursement will be provided for any claim in excess of a given facility's licensed capacity as established by the Department of Health.

Notwithstanding the provisions of chapter 87 of Title 8 of the New Jersey Administrative Code or any other law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be subject to the fol-

lowing condition: the daily reimbursement for fee-for-service pediatric medical day care shall remain at the rate established in the preceding fiscal year.

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 Discount Program account shall be expended for fee-for-service prescription drug claims with no Medicare Part D coverage except under the following conditions: (1) the maximum allowable cost for legend and non-legend drugs shall be calculated based on the lowest of (i) the Estimated Acquisition Cost (EAC), defined as a drug's Wholesale Acquisition Cost less a volume discount of one (1) percent; (ii) the federal upper limit (FUL); or (iii) the State upper limit (SUL); and (iv) cost acquisition data submitted by providers of pharmaceutical services for single-source or brand-name multi-source drugs where an alternative pricing benchmark is not available; (2) pharmacy reimbursement for legend and non-legend drugs shall be calculated based on the (i) the lowest of the EAC, FUL, or SUL plus a dispensing fee of \$3.73 to \$3.99; or a provider's usual and customary charge; or (ii) the lower of cost acquisition data submitted by providers of pharmaceutical services for single-source or brand-name multi-source drugs, where an alternative pricing benchmark is not available, plus a professional fee; or a provider's usual and customary charge. To effectuate the calculation of SUL rates and/or the calculation of single-source and brand-name multi-source legend and non-legend drug costs where an alternative pricing benchmark is not available, which is intended to be budget neutral, the Department of Human Services shall mandate ongoing submission of current drug acquisition data by providers, of pharmaceutical services. No funds hereinabove appropriated shall be paid to any entity that fails to submit required data.

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) or any law or regulation to the contrary, the

copayment in the Pharmaceutical Assistance to the Aged and Disabled program shall be \$5 for generic drugs and \$7 for brand name drugs.

Notwithstanding the provisions of any law or regulation to the contrary, subject to the approval of a plan by the Commissioner of Human 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 (Senior Gold), 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 Human Services. Name brand manufacturers must provide for the payment of rebates to the State on the same basis as provided for in subsections (a) through (c) of section 1927 of the federal Social Security Act, 42 U.S.C. s.1396r-8.

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 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.

In addition to the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled and the Senior Gold Prescription Discount programs, there are appropriated from the General Fund and available federal matching funds such additional amounts 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, 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 Human 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 participa-

tion of the beneficiary, subject to the approval of the Commissioner of Human Services and the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled (PAAD) programs are conditioned upon the Department of Human Services coordinating the benefits of the PAAD programs with the prescription drug benefits of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" as the primary payer due to the current federal prohibition against State automatic enrollment of PAAD recipients in the federal program. The PAAD program benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs (as determined by the Commissioner of Human Services) associated with enrollment in Medicare Part D for beneficiaries of the PAAD and Senior Gold Prescription Discount programs, and for Medicare Part D premium costs for PAAD beneficiaries.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged or Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and Senior Gold Prescription Discount Program accounts shall be available as payment as a PAAD program or Senior Gold Prescription Discount Program benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under Medicare Part D.

Consistent with the requirements of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" and the current federal prohibition against State automatic enrollment of Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and Senior Gold Prescription Discount Program recipients, no funds hereinabove appropriated to the PAAD program or Senior Gold Prescription Discount Program accounts shall be expended for any individual unless the individual enrolled in the PAAD program or Senior Gold Prescription Discount Program provides all data necessary to enroll the individual in Medicare Part D, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled (PAAD) programs, and Senior Gold Prescription Discount Program shall be conditioned upon the following provision: no funds shall be appropriated for the refilling of a prescription drug when paid by PAAD or the Senior Gold Prescription Discount Program as the primary payer 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 drug coverage under Medicare Part D, the appropriation for the Senior

Gold Prescription Discount Program is conditioned on the Senior Gold Prescription Discount Program being designated the authorized representative for the purpose of coordinating benefits with the Medicare drug program, including appeals of coverage determinations. The Senior Gold Prescription Discount Program is authorized to represent program beneficiaries in the pursuit of such coverage. Senior Gold Prescription Discount Program representation shall include, but not be limited to, the following actions: pursuit of appeals, grievances, and coverage determinations.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program or the Senior Gold Prescription Discount Program shall be expended to cover medications not on the formulary of a PAAD program or Senior Gold Prescription Discount Program beneficiary's Medicare Part D plan. This exclusion shall not apply to those drugs covered by the PAAD program and Senior Gold Prescription Discount Program which are specifically excluded by the federal Medicare Prescription Drug Program. In addition, this exclusion shall not impact the beneficiary's rights, guaranteed by the Medicare Prescription Drug Improvement, and Modernization Act of 2003 (MMA), to appeal the medical necessity of coverage for drugs not on the formulary of a Medicare Part D plan.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program or the Senior Gold Prescription Discount Program shall be expended for diabetic testing materials and supplies which are covered under the federal Medicare Part B program, or for vitamins, cough/cold medications, drugs used for the treatment of erectile dysfunction, or cosmetic drugs, including, but not limited to: drugs used for baldness, weight loss, and skin conditions.

From the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged - Claims and Senior Gold Prescription Discount Program, an amount not to exceed \$3,850,000 may be transferred to various accounts as required, including Direct State Services accounts, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, all financial recoveries obtained through the efforts of any entity authorized to undertake the prevention and detection of Medicaid fraud, waste, and abuse, are appropriated to Medical Services for the Aged in the Division of Aging Services.

In order to permit flexibility in implementing ElderCare Initiatives hereinabove appropriated as part of Community Based Senior Programs, 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, hereinabove appropriated as part of Community Based Senior Programs within the Programs for the Aged program classification, amounts may be transferred between Direct State Services and Grants-In-Aid accounts, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of section 2 of P.L.1988, c.114 (C.26:2M-10) or any other law or regulation to the contrary, the amount appropriated for Community Based Senior Programs is subject to the following condition: private for-profit agencies shall be eligible grantees for funding from the Community Based Senior Programs account for Alzheimer's Disease activities.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Payments for Medical Assistance Recipients - Nursing Homes and Global Budget for Long Term Care are subject to the following condition: nursing facilities shall not receive payments for bed hold or therapeutic leave days for Medicaid beneficiaries; provided that nursing facilities shall continue to reserve beds for Medicaid beneficiaries who are hospitalized or on therapeutic leave as required by N.J.A.C.8:85-1.14.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Nursing Homes and Global Budget for Long Term Care is subject to the following conditions: if nursing facility or assisted living residence reimbursement is shifted to managed long term care during fiscal year 2014 under the Medicaid Comprehensive Waiver, the managed care organizations for the State shall maintain, at a minimum, the reimbursement rates last calculated pursuant to chapter 85 of Title 8 of the New Jersey Administrative Code, in the case of nursing homes or in the case of assisted living, the rates listed at the "Procedure Master Listing - Medicaid Fee for Service" rates for assisted living, effective in fiscal year 2014, through the end of fiscal year 2014. Provided, further, any nursing home or assisted living facility willing to accept the contract terms of a managed care organization participating in the Medicaid managed long term care program shall be recognized as a participating provider of services within that managed care organization's Medicaid provider network through the end of fiscal year 2014.

Notwithstanding the provisions of any law or regulation to the contrary, as a condition of receipt of any Medicaid payments a nursing home shall provide to the Commissioner of Human Services information on the facility's finances comparable to the information provided by hospitals to the Department of Health pursuant to N.J.A.C.8:31B-3.1 et seq. and N.J.A.C.8:31B-4.1 et seq., as requested by the commissioner, and the commissioner shall periodically assess the financial status of the industry.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated from the Community Based Senior Programs

account for the Alzheimer's Medical Day Care Program are conditioned upon that program being administered in the same manner and with the same payment rates as were in effect during Fiscal Year 2013.

In addition to the amounts hereinabove appropriated for Pharmaceutical Assistance to the Aged and Disabled and Hearing Aid Assistance for the Aged and Disabled programs, there are appropriated from the Casino Revenue Fund and available federal matching funds such additional amounts 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.

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.) or any law or regulation to the contrary, funds appropriated for the Home Care Expansion Program (HCEP) shall be paid only for individuals enrolled in the program as of June 30, 1996 who are not eligible for the Global Budget for Long Term Care or alternative programs, and only for so long as those individuals require services covered by the HCEP.

Notwithstanding the provisions of any law or regulation to the contrary, a sufficient portion of receipts generated or savings realized in Casino Revenue Fund, Medical Services for the Aged, or Pharmaceutical Assistance to the Aged and Disabled Grants-In-Aid accounts from initiatives included in the current fiscal year's annual appropriations act may be transferred to administration accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for payments for the Pharmaceutical Assistance to the Aged and Disabled program, P.L.1975, c.194 (C.30:4D-20 et seq.), are available for the payment of obligations applicable to prior fiscal years.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.), shall be the last resource benefits, notwithstanding any provision contained in contracts, wills, agreements, or other instruments. Any provision in a contract of insurance, will, trust agreement, or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for or receipt of PAAD benefits shall be void, and no PAAD payments shall be made as a result of any such provision.

Of the amount hereinabove appropriated in the Pharmaceutical Assistance to the Aged and Disabled - Claims program, notwithstanding the provisions of section 3 of P.L.1975, c.194 (C.30:4D-22) or any law or regulation to the contrary, the

copayment in the Pharmaceutical Assistance to the Aged and Disabled program shall be \$5 for generic drugs and \$7 for brand name drugs.

Notwithstanding the provisions of any law or regulation to the contrary, subject to the approval of a plan by the Commissioner of Human Services, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), shall be expended, when PAAD is the primary payer, unless participating pharmaceutical manufacturing companies execute contracts with the Department of Human Services. Name brand manufacturers must provide for the payment of rebates to the State on the same basis as provided for in subsections (a) through (c) of section 1927 of the federal Social Security Act, 42 U.S.C. s.1396r-8.

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 Human Services, providing for the payment of rebates to the State. Furthermore, rebates from pharmaceutical manufacturing companies for prescriptions purchased by the PAAD program shall continue during the current fiscal year, provided that the manufacturers' rebates for PAAD claims paid as secondary to Medicare Part D shall apply only to the amount paid by the State under the PAAD program. All revenues from such rebates during the current fiscal year are appropriated for the PAAD program.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriations for the Pharmaceutical Assistance to the Aged and Disabled program are conditioned upon the Department of Human 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 Human Services and the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated to the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program is conditioned upon the Department of Human Services coordinating the benefits of the PAAD program with the prescription drug benefits of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" as the primary payer due to the current federal prohibition against State automatic enrollment of PAAD program recipients in the federal program. The PAAD program benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs (as determined by the Commissioner of Hu-

man Services) associated with enrollment in Medicare Part D for beneficiaries of the PAAD and the Senior Gold Prescription Discount Program, and for Medicare Part D premium costs for PAAD program beneficiaries.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and the Senior Gold Prescription Discount Program accounts shall be available as payment as a PAAD program or Senior Gold Prescription Discount Program benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under Medicare Part D.

Consistent with the requirements of the federal “Medicare Prescription Drug, Improvement, and Modernization Act of 2003” and the current federal prohibition against State automatic enrollment of Pharmaceutical Assistance to the Aged and Disabled (PAAD) program recipients, no funds hereinabove appropriated from the PAAD account shall be expended for any individual enrolled in the PAAD program unless the individual provides all data that may be necessary to enroll the individual in Medicare Part D, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be conditioned upon the following provision: no funds shall be appropriated for the refilling of a prescription drug paid by PAAD as a primary payer until such time as the original prescription is 85% finished.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be expended to cover medications not on the formulary of a PAAD program beneficiary’s Medicare Part D plan. This exclusion shall not apply to those drugs covered by PAAD which are specifically excluded by the federal Medicare Prescription Drug Program. In addition, this exclusion shall not impact the beneficiary’s rights, guaranteed by the “Medicare Prescription Drug, Improvement, and Modernization Act of 2003” (MMA), to appeal the medical necessity of coverage for drugs not on the formulary of a Medicare Part D plan.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be expended for diabetic testing materials and supplies which are covered under the federal Medicare Part B program, or for vitamins, cough/cold medications, drugs used for the treatment of erectile dysfunction, or cosmetic drugs including, but not limited to: drugs used for baldness, weight loss, and skin conditions.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification shall be expended for fee-for-service prescription drug claims with no Medicare Part D coverage except under the following conditions:

(1) the maximum allowable cost for legend and non-legend drugs shall be calculated based on the lowest of (i) the Estimated Acquisition Cost (EAC), defined as a drug's Wholesale Acquisition Cost less a volume discount of one percent; (ii) the federal upper limit (FUL); or (iii) the State upper limit (SUL); and (iv) cost acquisition data submitted by providers of pharmaceutical services for single-source or brand-name multi-source drugs where an alternative pricing benchmark is not available; (2) pharmacy reimbursement for legend and non-legend drugs shall be calculated based on the (i) the lowest of the EAC, FUL or SUL plus a dispensing fee of \$3.73 to \$3.99; or a provider's usual and customary charge; or (ii) the lower of cost acquisition data submitted by providers of pharmaceutical services for single-source or brand-name multi-source drugs, where an alternative pricing benchmark is not available, plus a professional fee; or a provider's usual and customary charge. To effectuate the calculation of SUL rates and/or the calculation of single-source and brand-name multi-source legend and non-legend drug costs where an alternative pricing benchmark is not available, which is intended to be budget neutral, the Department of Human Services shall mandate ongoing submission of current drug acquisition data by providers, of pharmaceutical services. No funds hereinabove appropriated shall be paid to any entity that fails to submit required data.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for the Community Based Senior Programs (CRF) account, \$350,000 shall be charged to the Casino Simulcasting Fund.

Notwithstanding the provisions of section 2 of P.L.1988, c.114 (C.26:2M-10) or any other law or regulation to the contrary, the amount appropriated for Community Based Senior Programs is subject to the following condition: private for-profit agencies shall be eligible grantees for funding from the Community Based Senior Programs account for Alzheimer's Disease activities.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated from the Community Based Senior Programs account for the Alzheimer's Medical Day Care Program are conditioned upon that program being administered in the same manner and with the same payment rates as were in effect during Fiscal Year 2013.

STATE AID

55-7530 Programs for the Aged	<u>\$7,152,000</u>
Total State Aid Appropriation, Division of Aging	
Services	<u>\$7,152,000</u>

State Aid:

55 County Offices on Aging.....	(\$2,498,000)
55 Older Americans Act - State Share	(4,654,000)

27 Disability Services

7545 Division of Disability Services

DIRECT STATE SERVICES

27-7545 Disability Services	<u>\$1,461,000</u>
Total Direct State Services Appropriation, Division of Disability Services	<u>\$1,461,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$1,291,000)
Materials and Supplies	(4,000)
Services Other Than Personal.....	(157,000)
Maintenance and Fixed Charges.....	(9,000)

GRANTS-IN-AID

27-7545 Disability Services	<u>\$59,016,000</u>
(From General Fund.....	\$38,780,000)
(From Casino Revenue Fund.....	20,236,000)
Total Grants-in-Aid Appropriation, Division of Disability Services	<u>\$59,016,000</u>
(From General Fund.....	\$38,780,000)
(From Casino Revenue Fund.....	20,236,000)

Grants-in-Aid:

27 Personal Assistance Services Program	(\$7,383,000)
27 Personal Assistance Services Program (CRF).....	(3,734,000)
27 Community Supports to Allow Discharge from Nursing Homes	(2,000,000)
27 Payments for Medical Assistance Recipients - Personal Care.....	(19,955,000)
27 Payments for Medical Assistance Recipients - Waiver Initiatives.....	(7,161,000)
27 Payments for Medical Assistance Recipients - Waiver Initiatives (CRF)	(16,502,000)
27 Payments for Medical Assistance Recipients - Other Services.....	(527,000)
27 Transportation/Vocational Services for the Disabled.....	(1,754,000)

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 Services in the Department of Human 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 fee-for-service personal care services shall be \$15.50.

Notwithstanding the provisions of subsection (a) of N.J.A.C.10:60-5.10 and subsection (c) of N.J.A.C.10:60-11.2 to the contrary, the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Waiver Initiatives is conditioned upon the Commissioner of Human Services increasing the hourly nursing rates for AIDS Community Care Alternatives Program (ACCAP) and Community Resources for People With Disabilities (CRPD) Private Duty Nursing (PDN) services by \$10 per hour above the fiscal year 2008 rate. The rate for ACCAP and CRPD PDN services shall be equal to the rate for the Early and Periodic Screening, Diagnostic and Treatment PDN services of similar magnitude.

30 Educational, Cultural, and Intellectual Development

32 Operation and Support of Educational Institutions

DIRECT STATE SERVICES

05-7610 Residential Care and Habilitation Services.....	\$418,555,000
(From General Fund.....	\$123,739,000)
(From Federal Funds.....	294,816,000)
99-7610 Administration and Support Services.....	<u>57,022,000</u>
(From General Fund.....	35,253,000)
(From Federal Funds.....	21,769,000)
Total Appropriation, State and Federal Funds	<u>\$475,577,000</u>
(From General Fund.....	\$158,992,000)
(From Federal Funds.....	316,585,000)

Less:

Federal Funds.....	\$316,585,000
Total Income Deductions	<u>\$316,585,000</u>
Total Direct State Services Appropriation, Operation and Support of Educational Institutions.....	<u>\$158,992,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$428,706,000)
Materials and Supplies.....	(23,293,000)
Services Other Than Personal	(16,417,000)

Maintenance and Fixed Charges.....(5,510,000)
 Special Purpose:
 05 Family Care..... (6,000)
 Additions, Improvements and Equipment.....(1,645,000)

Less:

Federal Funds..... 316,585,000

The State appropriation for the State's developmental centers is based on ICF/MR revenues of \$337,326,000 provided that if the ICF/MR revenues exceed \$337,326,000, an amount equal to the excess ICF/MR revenues may be deducted from the State appropriation for the developmental centers, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Operation and Support of Educational Institutions of the Division of Developmental Disabilities, such other sums provided in 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\$15,329,000
 (From General Fund..... \$6,115,000)
 (From Federal Funds..... 9,214,000)
 Total Appropriation, State and Federal Funds.....\$15,329,000
 (From General Fund..... \$6,115,000)
 (From Federal Funds..... 9,214,000)

Less:

Federal Funds..... \$9,214,000

Total Deductions\$9,214,000

Total Direct State Services Appropriation, Division of
 Developmental Disabilities.....\$6,115,000

Direct State Services:**Personal Services:**

Salaries and Wages..... (\$14,598,000)
 Materials and Supplies..... (64,000)
 Services Other Than Personal.....(237,000)
 Maintenance and Fixed Charges..... (99,000)

Special Purpose:

99 Developmental Disabilities Council.....(306,000)
 Additions, Improvements and Equipment..... (25,000)

Less:

Federal Funds..... 9,214,000

An amount not to exceed \$60,000 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 Senior Companions Program.

7601 Community Programs
DIRECT STATE SERVICES

01-7601 Purchased Residential Care	\$8,430,000
<i>(From General Fund.....</i>	<i>\$4,360,000)</i>
<i>(From Federal Funds.....</i>	<i>4,070,000)</i>
02-7601 Social Supervision and Consultation.....	40,924,000
<i>(From General Fund.....</i>	<i>24,876,000)</i>
<i>(From Federal Funds.....</i>	<i>16,048,000)</i>
03-7601 Adult Activities.....	<u>3,807,000</u>
<i>(From General Fund.....</i>	<i>3,659,000)</i>
<i>(From Federal Funds.....</i>	<i>148,000)</i>
Total Appropriation, State and Federal Funds	<u>\$53,161,000</u>
<i>(From General Fund.....</i>	<i>\$32,895,000)</i>
<i>(From Federal Funds.....</i>	<i>20,266,000)</i>
Less:	
Federal Funds.....	\$20,266,000
Total Deductions.....	<u>\$20,266,000</u>
Total Direct State Services Appropriation, Community	
Programs	<u>\$32,895,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$50,990,000)
Materials and Supplies.....	(76,000)
Services Other Than Personal	(375,000)
Maintenance and Fixed Charges.....	(464,000)
Additions, Improvements and Equipment.....	(1,256,000)

Less:

Federal Funds.....	20,266,000
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GRANTS-IN-AID

01-7601 Purchased Residential Care	\$777,481,000
<i>(From General Fund.....</i>	<i>\$162,737,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>227,033,000)</i>
<i>(From Federal Funds.....</i>	<i>328,359,000)</i>
<i>(From All Other Funds.....</i>	<i>59,352,000)</i>
02-7601 Social Supervision and Consultation.....	42,631,000
<i>(From General Fund.....</i>	<i>31,320,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>2,208,000)</i>
<i>(From Federal Funds.....</i>	<i>9,103,000)</i>

03-7601 Adult Activities	<u>270,894,000</u>
<i>(From General Fund</i>	<i>170,030,000)</i>
<i>(From Casino Revenue Fund</i>	<i>7,374,000)</i>
<i>(From Federal Funds</i>	<i>93,490,000)</i>
Total Appropriation, State, Federal and All	
Other Funds	<u>\$1,091,006,000</u>
<i>(From General Fund</i>	<i>\$364,087,000)</i>
<i>(From Casino Revenue Fund</i>	<i>236,615,000)</i>
<i>(From Federal Funds</i>	<i>430,952,000)</i>
<i>(From All Other Funds</i>	<i>59,352,000)</i>
Less:	
Federal Funds	\$430,952,000
All Other Funds	59,352,000
Total Deductions	<u>\$490,304,000</u>
Total Grants-in-Aid Appropriation, Community Programs	<u>\$600,702,000</u>
<i>(From General Fund</i>	<i>\$364,087,000)</i>
<i>(From Casino Revenue Fund</i>	<i>236,615,000)</i>
Grants-in-Aid:	
01 Community Services Waiting List Placements	(\$2,968,000)
01 Dental Program for Non-Institutionalized Children	(564,000)
01 Private Residential Facilities	(10,163,000)
01 Private Institutional Care	(49,263,000)
01 Private Institutional Care (CRF)	(1,311,000)
01 Skill Development Homes	(17,408,000)
01 Skill Development Homes (CRF)	(1,269,000)
01 Group Homes	(419,813,000)
01 Group Homes (CRF)	(224,453,000)
01 Olmstead Residential Services	(19,697,000)
01 Emergency Placements	(30,572,000)
02 Office for Prevention of Developmental Disabilities...	(573,000)
02 Addressing the Needs of the Autism Community	(4,000,000)
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	(28,206,000)
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 Social Services	(3,576,000)
02 Case Management	(471,000)
03 Purchase of Adult Activity Services	(204,154,000)
03 Purchase of Adult Activity Services (CRF)	(7,374,000)
03 Day Program Age Outs	(2,359,000)

03 Self Directed Services(57,007,000)

Less:

Federal Funds..... 430,952,000

All Other Funds 59,352,000

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 hereinabove appropriated 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.

Such sums as may be necessary are appropriated from the General Fund for the payment of any provider assessments to State ICF/MR 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, \$422,076,000 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.

Cost recoveries from consumers with developmental disabilities collected during the current fiscal year, not to exceed \$59,352,000, are appropriated for the continued operation of the Division of Developmental Disabilities community-based residential programs, 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	\$8,068,000
99-7560 Administration and Support Services	<u>2,948,000</u>
Total Direct State Services Appropriation, Commission for the Blind and Visually Impaired.....	<u>\$11,016,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$8,706,000)
Materials and Supplies.....	(126,000)
Services Other Than Personal.....	(785,000)
Maintenance and Fixed Charges.....	(456,000)

Special Purpose:

11 Technology for the Visually Impaired.....	(765,000)
Additions, Improvements and Equipment.....	(178,000)

There is appropriated from funds recovered from audits or other collection activities, an amount sufficient to pay vendors' fees to compensate the recoveries and the administration of the State's vending machine program, subject to the approval of the Director of the Division of Budget and Accounting. Receipts in excess of \$130,000 are appropriated for the purpose of expanding vision screening services and other prevention services, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year of such receipts is appropriated.

Notwithstanding the provisions of N.J.S.18A:61-1 and N.J.S.18A:46-13, or any law or regulation to the contrary, local boards of education shall reimburse the Commission for the Blind and Visually Impaired for the documented costs of providing services to children who are classified as "educationally handicapped," provided, however, each local board of education shall pay that portion of cost which the number of children classified "educationally handicapped" bears to the total number of such children served, provided further, however, that payments shall be made by each local board in accordance with a schedule adopted by the Commissioners of Education and Human Services, and further, the Director of the Division of Budget and Accounting is authorized to deduct such reimbursements from the State Aid payments to the local boards of education.

The unexpended balances at the end of the preceding fiscal year in the Technology for the Visually Impaired account are appropriated for the Commission for the Blind and Visually Impaired, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

11-7560 Services for the Blind and Visually Impaired	<u>\$3,305,000</u>
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Total Grants-in-Aid Appropriation, Commission for the Blind and Visually Impaired.....	<u>\$3,305,000</u>
Grants-in-Aid:	
11 State Match for Federal Grants	(\$617,000)
11 Educational Services for Children.....	(1,670,000)
11 Services to Rehabilitation Clients	(1,018,000)

50 Economic Planning, Development, and Security

53 Economic Assistance and Security

7550 Division of Family Development

DIRECT STATE SERVICES

15-7550 Income Maintenance Management	<u>\$183,263,000</u>
(From General Fund.....	\$40,101,000)
(From Federal Funds.....	143,162,000)
Total Appropriation, State and Federal Funds	<u>\$183,263,000</u>
(From General Fund.....	\$40,101,000)
(From Federal Funds.....	143,162,000)
Less:	
Federal Funds.....	\$143,162,000
Total Deductions	<u>\$143,162,000</u>
Total Direct State Services Appropriation, Division of Family Development.....	<u>\$40,101,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$24,292,000)
Materials and Supplies.....	(2,878,000)
Services Other Than Personal	(33,747,000)
Maintenance and Fixed Charges.....	(3,639,000)

Special Purpose:

15 Electronic Benefit Transfer/Distribution System	(6,294,000)
15 Work First New Jersey - Technology Investment.....	(110,021,000)

Additions, Improvements and Equipment.....(2,392,000)

Less:

Federal Funds..... 143,162,000

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 Recon-

ciliation Act of 1996," Pub.L. 104-193, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

15-7550 Income Maintenance Management.....	<u>\$469,719,000</u>
<i>(From General Fund.....</i>	<i>\$157,497,000)</i>
<i>(From Federal Funds.....</i>	<i>277,222,000)</i>
<i>(From All Other Funds.....</i>	<i>35,000,000)</i>
Total Appropriation, State, Federal and All	
Other Funds.....	<u>\$469,719,000</u>
<i>(From General Fund.....</i>	<i>\$157,497,000)</i>
<i>(From Federal Funds.....</i>	<i>277,222,000)</i>
<i>(From All Other Funds.....</i>	<i>35,000,000)</i>
Less:	
Federal Funds.....	\$277,222,000
All Other Funds.....	35,000,000
Total Deductions.....	<u>\$312,222,000</u>
Total Grants-in-Aid Appropriation, Division of	
Family Development.....	<u>\$157,497,000</u>

Grants-in-Aid:

15 Restricted Grants.....	(\$400,000)
15 Work First New Jersey - Training	
Related Expenses	(17,988,000)
15 Work First New Jersey Support Services.....	(76,555,000)
15 Work First New Jersey - Breaking the Cycle	(1,055,000)
15 Work First New Jersey Child Care.....	(307,101,000)
15 Kinship Care Initiatives	(5,555,000)
15 Wage Supplement Program.....	(2,110,000)
15 Kinship Care Guardianship and Subsidy	(2,127,000)
15 FEMA Disaster Case Management Grant.....	(5,897,000)
15 Supplemental Nutrition Assistance Program -	
Education.....	(7,000,000)
15 Social Services for the Homeless	(17,050,000)
15 SSI Attorney Fees.....	(2,914,000)
15 Substance Abuse Initiatives	(23,967,000)

Less:

Federal Funds.....	277,222,000
All Other Funds.....	35,000,000

In order to permit flexibility, amounts may be transferred between various items of appropriation within the Income Maintenance Management program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

The unexpended balances at the end of the preceding fiscal year in accounts where expenditures are required to comply with Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L. 104-193 are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts appropriated for Work First New Jersey, amounts may be transferred to the various departments in accordance with the Division of Family Development's agreements, subject to the approval of the Director of the Division of Budget and Accounting. Any unobligated balances remaining from funds transferred to the departments shall be transferred back to the Division of Family Development, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Income Maintenance Management program classification are subject to the following condition: the Commissioner of Human Services shall provide the Director of the Division of Budget and Accounting, the Senate Budget and Appropriations Committee, and the Assembly Appropriations Committee, or the successor committees thereto, with quarterly reports, due within 60 days after the end of each quarter, containing written statistical and financial information on the Work First New Jersey program and any subsequent welfare reform program the State may undertake.

Notwithstanding any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for Work First New Jersey Child Care, an amount not to exceed \$35,000,000 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, no funds hereinabove appropriated for before-school, after-school, and summer "wrap around" child care shall be expended except in accordance with the following condition: Effective September 1, 2010, families with incomes between 101% and 250% of the federal poverty level who reside in districts who received Preschool Expansion Aid or Education Opportunity Aid in the 2007-2008 school year shall be subject to a copayment for "wrap around" child care, based upon a schedule approved by the Department of Human Services and published in the New Jersey Register, and effective September 1, 2010, families who reside in districts who received Preschool Expansion Aid or Education Opportunity Aid in the 2007-2008 school year must meet the eligibility requirements under the New Jersey Cares for Kids child care program (N.J.A.C. 10:15-5.1 et seq.) in order to receive free or subsidized "wrap around" child care.

STATE AID

15-7550 Income Maintenance Management	<u>\$844,221,000</u>
(From General Fund.....	\$363,827,000)

(From Federal Funds 473,494,000)
 (From All Other Funds 6,900,000)
 Total Appropriation, State, Federal and All Other Funds \$844,221,000

Less:

Federal Funds..... \$473,494,000
All Other Funds..... 6,900,000
Total Deductions..... \$480,394,000
 Total State Aid Appropriation, Division of Family
 Development..... \$363,827,000

State Aid:

15 County Administration Funding..... (\$279,101,000)
 15 Work First New Jersey - Client Benefits (127,969,000)
 15 Earned Income Tax Credit Program (18,393,000)
 15 General Assistance Emergency
 Assistance Program..... (66,558,000)
 15 Payments for Cost of General Assistance (65,247,000)
 15 Work First New Jersey - Emergency
 Assistance..... (111,277,000)
 15 Payments for Supplemental Security Income..... (81,783,000)
 15 State Supplemental Security Income
 Administrative Fee to SSA (24,370,000)
 15 General Assistance County Administration (42,678,000)
 15 Supplemental Nutrition Assistance Program
 Administration - State (24,225,000)
 15 Fair Labor Standards Act - Minimum Wage
 Requirements (TANF)..... (2,620,000)

Less:

Federal Funds..... 473,494,000
All Other Funds..... 6,900,000

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.) and P.L.1950, c.166 (C.30:4B-1 et seq.), at the end of the preceding fiscal year are appropriated for the Work First New Jersey Program.

Receipts from State administered municipalities during the preceding fiscal year are appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Income Maintenance Management are available for payment of obligations applicable to prior fiscal years.

The amounts hereinabove appropriated for Income Maintenance Management are conditioned upon the following provision: any change by the Department of Human Services in the standards upon which or from which grants of categori-

cal public assistance are determined, first shall be approved by the Director of the Division of Budget and Accounting.

In order to permit flexibility and ensure the timely payment of benefits to welfare recipients, amounts may be transferred between the various items of appropriation within the Income Maintenance Management program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, the Director of the Division of Budget and Accounting is authorized to withhold State Aid payments to municipalities to satisfy any obligations due and owing from audits of that municipality's General Assistance program.

The unexpended balances at the end of the preceding fiscal year in accounts where expenditures are required to comply with Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L. 104-193, and in the Payments for Cost of General Assistance and General Assistance -Emergency Assistance Program accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from counties for persons receiving Old Age Assistance, Disability Assistance, and Assistance for the Blind under the Supplemental Security Income (SSI) program are appropriated for the purpose of providing State Aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated an amount equal to the difference between actual revenue loss reflected in the Earned Income Tax Credit program and the amount anticipated as the revenue loss from the Earned Income Tax Credit to meet federal Maintenance of Effort requirements to allow the Department of Human Services to comply with the Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L. 104-193, and as legislatively required by the Work First New Jersey program established pursuant to section 4 of P.L.1997, c.38 (C.44:10-58), subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated, to the extent that federal child support incentive earnings are available, such additional amounts are appropriated from federal child support incentive earnings to pay on behalf of individuals on whom is imposed a \$25 annual child support user fee, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for Work First New Jersey - Client Benefits and General Assistance-Emergency Assistance Payments, an amount not to exceed \$6,900,000 is appropriated from the Universal Service Fund for

utility payments for Work First New Jersey recipients, 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 Work First New Jersey - Client Benefits shall be expended for supplemental living support payments.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Payments for Cost of General Assistance and General Assistance Emergency Assistance Program are subject to the following condition: no funds shall be expended to provide benefits to recipients enrolled in college. For purposes of this provision, "college" is defined as that term is defined at N.J.A.C.9A:1-1.2.

50 Economic Planning, Development, and Security

55 Social Services Programs

7580 Division of the Deaf and Hard of Hearing

DIRECT STATE SERVICES

23-7580 Services for the Deaf.....	<u>\$1,042,000</u>
Total Direct State Services Appropriation, Division of the Deaf and Hard of Hearing.....	<u>\$1,042,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$662,000)
Services Other Than Personal.....	(40,000)
Maintenance and Fixed Charges.....	(1,000)

Special Purpose:

23 Services to Deaf Clients.....	(284,000)
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	<u>\$8,204,000</u>
99-7500 Administration and Support Services	<u>32,558,000</u>
Total Direct State Services Appropriation, Division of Management and Budget.....	<u>\$40,762,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$26,749,000)
Materials and Supplies.....	(365,000)
Services Other Than Personal.....	(8,392,000)
Maintenance and Fixed Charges.....	(160,000)

Special Purpose:

99 Health Care Billing System.....	(95,000)
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New Jersey State Library

99 Transfer to State Police for Fingerprinting/Background
 Checks of Job Applicants.....(3,807,000)
 Additions, Improvements and Equipment.....(1,194,000)
 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 \$750,000 and any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.
 Revenues received from fees derived from the licensing of all community mental health programs as specified in N.J.A.C.10:190-1.1 et seq. are appropriated to the Division of Management and Budget to offset the costs of performing the required reviews.

GRANTS-IN-AID

99-7500 Administration and Support Services.....\$9,197,000
 Total Grants-in-Aid Appropriation, Division of
 Management and Budget.....\$9,197,000

Grants-in-Aid:

99 United Way 2-1-1 System.....(\$490,000)
 99 Unit Dose Contracting Services.....(4,419,000)
 99 Consulting Pharmacy Services.....(4,288,000)
 Department of Human Services, Total State Appropriation..... \$6,445,979,000
 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.
 Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to the Department of Human Services shall be conditioned upon the following provision: 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, first shall be approved by the Director of the Division of Budget and Accounting.
 Notwithstanding the provisions of any law or regulation to the contrary, receipts from payments collected from clients receiving services from the Department of Human Services and collected from their chargeable relatives, are appropriated

to offset administrative and contract expenses related to the charging, collecting, and accounting of payments from clients receiving services from the department and from their chargeable relatives pursuant to R.S.30:1-12, subject to the approval of the Director of the Division of Budget and Accounting.

Payment to vendors for their efforts in maximizing federal revenues is appropriated and shall be paid from the federal revenues received, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

Unexpended State balances may be transferred among Department of Human Services accounts in order to comply with the State Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L. 104-193, and as legislatively required by the Work First New Jersey program established pursuant to section 4 of P.L.1997, c.38 (C.44:10-58), subject to the approval of the Director of the Division of Budget and Accounting. Notice of such transfers that would result in appropriations or expenditures exceeding the State's Maintenance of Effort requirement obligation shall be subject to the approval of the Joint Budget Oversight Committee. In addition, unobligated balances remaining from funds allocated to the Department of Labor and Workforce Development for Work First New Jersey as of June 1 of each year are to be reverted to the Work First New Jersey - Client Benefits account in order to comply with the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" and as legislatively required by the Work First New Jersey program.

Notwithstanding the provisions of R.S.30:4-78, or any law or regulation to the contrary, with respect to the amount hereinabove appropriated for Support of Patients in County Psychiatric Hospitals, commencing January 1, 2010, the State shall pay to each county an amount equal to 35% of the total per capita costs for the reasonable cost of maintenance and clothing of county patients in State psychiatric facilities.

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.

To effectuate the orderly consolidation or closure of a developmental center or psychiatric hospital, amounts hereinabove appropriated for the State developmental centers and State psychiatric hospitals may be transferred to accounts throughout the Department of Human Services in accordance with the plan adopted pursuant to section 2 of P.L.1996, c.150 (C.30:1-7.4) to consolidate or close a developmental center or State psychiatric hospital, subject to the approval of the Director of the Division of Budget and Accounting.

The expenditure of funds hereinabove appropriated shall be conditioned upon the following: 1) there shall be no reduction in the availability of extended em-

ployment services (also referred to as sheltered workshop services) or related ancillary services, including, but not limited to, transportation services, for any current or future clients with developmental disabilities who meet the eligibility criteria for such services that were in place as of July 1, 2012 and who choose to avail themselves of such services; 2) the funds available to support such services from the amounts hereinabove appropriated for the Purchase of Adult Activity Services shall not be reduced below the amounts allocated in fiscal year 2013, and such additional amounts as may be necessary are appropriated to support growth in the overall number of clients receiving such services, subject to the approval of the Director of the Division of Budget and Accounting; 3) there shall be no additional cost sharing imposed on clients for such services beyond any cost sharing requirements in effect as of July 1, 2012; by January 1, 2014, the Commissioner of Human Services and the Commissioner of Labor and Workforce Development shall jointly develop, and submit for the review and approval of the Joint Budget Oversight Committee, a plan for the transition of such extended employment services and related ancillary services to the Department of Labor and Workforce Development, which plan shall ensure the continued availability of such services to current and future clients who choose to avail themselves of such services at the same level of services and under the same client eligibility and cost requirements; and, except in accordance with the plan jointly developed by the Commissioner of Human Services and the Commissioner of Labor and Workforce Development and approved by the Joint Budget Oversight Committee, such services, and the funds allocated for those services, shall not be transferred to any other department.

The unexpended balances at the end of the preceding fiscal year due to opportunities for increased recoveries in the Department of Human Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. These recoveries may be transferred to the Division of Developmental Disabilities for operating costs in the developmental centers and to the Group Homes account, subject to the approval of the Director of the Division of Budget and Accounting.

Summary of Department of Human Services Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services.....	\$631,566,000
Grants-in-Aid.....	5,313,269,000
State Aid.....	501,144,000

Appropriations by Fund:

General Fund.....	\$5,955,374,000
Property Tax Revenue Fund.....	130,165,000
Casino Revenue Fund.....	360,440,000

62 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT***50 Economic Planning, Development, and Security******51 Economic Planning and Development*****DIRECT STATE SERVICES**

99-4565 Administration and Support Services	<u>\$693,000</u>
Total Direct State Services Appropriation, Economic Planning and Development.....	<u>\$693,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages.....	(\$507,000)
Materials and Supplies	(11,000)
Services Other Than Personal.....	(150,000)
Maintenance and Fixed Charges.....	(25,000)

Of the amount hereinabove appropriated for the Administration and Support Services program classification, \$538,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

In addition to the amount hereinabove appropriated for the Administration and Support Services program, an amount not to exceed \$550,000 is appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Administration and Support Services program, \$31,000 is payable out of the State Disability Benefits Fund and, in addition to the amount hereinabove appropriated for the Administration and Support Services program, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to administer the program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount necessary to provide administrative costs incurred by the Department of Labor and Workforce Development to meet the statutory requirements of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) is appropriated from the Enterprise Zone Assistance Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.), there is appropriated to the Department of Labor and Workforce Development from the Enterprise Zone Assistance Fund, subject to the approval of the Director of the Division of Budget and Accounting, such sums as are necessary to pay for employer rebate awards as approved by the Commissioner of Community Affairs.

Fines and penalties collected pursuant to violations of P.L.1945, c.169 (C.10:5-1 et seq.) are hereby appropriated for program costs.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for Administration and Support Services, there is appropriated \$450,000 from the New Jersey Builders Utilization

Initiative for Labor Diversity, pursuant to P.L.2009 c.313 (C.52:38-7), for enforcing the provisions of P.L.2009 c.335 (C.52:40-1 et seq.).

53 *Economic Assistance and Security*

DIRECT STATE SERVICES

03-4520 State Disability Insurance Plan	\$32,050,000
04-4520 Private Disability Insurance Plan	4,876,000
05-4525 Workers' Compensation	13,311,000
06-4530 Special Compensation	<u>1,883,000</u>
Total Direct State Services Appropriation, Economic Assistance and Security	<u>\$52,120,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$31,526,000)
Materials and Supplies	(269,000)
Services Other Than Personal	(5,895,000)
Maintenance and Fixed Charges	(3,137,000)

Special Purpose:

03 State Disability Insurance Plan	(300,000)
03 Reimbursement to Unemployment Insurance for Joint Tax Functions	(5,500,000)
03 Family Leave Insurance	(5,040,000)
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 from the State Disability Benefits Fund such additional sums as may be required to administer the Private Disability Insurance Plan.

In addition to the amounts hereinabove appropriated for the State Disability Insurance Plan, there are appropriated from the Family Temporary Disability Leave Account within the State Disability Benefits Fund such sums as may be required to pay benefits during periods of family temporary disability leave and the associated administrative costs subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated for the Workers' Compensation program, there are appropriated receipts in excess of the amount anticipated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated for the Special Compensation program, there are appropriated receipts in excess of the amount anticipated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Special Compensation program shall be payable out of the Second Injury Fund and, notwithstanding the \$12,500 limitation set forth in R.S.34:15-95, in addition to the amounts hereinabove appropriated for the Special Compensation program, there are appropriated from the Second Injury 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.

Notwithstanding the provisions of any law or regulation to the contrary, 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 section 1 of P.L.2005, c.210 (C.43:21-4.2), is appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated, there is appropriated out of the Unemployment Compensation Auxiliary Fund, an amount not to exceed \$2,500,000 to support collection activities in the program as well as costs associated with certain State required notifications to Unemployment Insurance

claimants and for the support of the workforce development system, subject to the approval of the Director of the Division of Budget and Accounting.

The amount necessary to pay interest due on any advances made from the federal unemployment account under Title XII of the Social Security Act (42 U.S.C. 1321 et seq.) is hereby appropriated from the Unemployment Compensation Interest Repayment Fund established in the Department of Labor and Workforce Development subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of R.S.34:15-49 to the contrary, including the reference therein to salaries of judges of the Division of Workers' Compensation determined as a percentage of the annual salary of judges of Superior Court, there shall be no increase paid from appropriations made herein for an annual salary increase for judges of the Division of Workers' Compensation.

54 Manpower and Employment Services

DIRECT STATE SERVICES

07-4535 Vocational Rehabilitation Services	\$2,446,000
09-4545 Employment Services.....	9,905,000
12-4550 Workplace Standards	4,285,000
16-4555 Public Sector Labor Relations	3,573,000
17-4560 Private Sector Labor Relations	<u>484,000</u>
Total Direct State Services Appropriation, Manpower and Employment Services	<u>\$20,693,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$15,889,000)
Materials and Supplies.....	(38,000)
Services Other Than Personal	(290,000)
Maintenance and Fixed Charges.....	(28,000)

Special Purpose:

09 Workforce Development Partnership Program	(1,909,000)
09 Workforce Development Partnership - Counselors	(81,000)
09 Workforce Literacy and Basic Skills Program.....	(2,000,000)
12 Worker and Community Right to Know Act	(5,000)
12 Public Works Contractor Registration.....	(450,000)
12 Safety Commission	(3,000)

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 appropriated from the Unemployment Compensation Auxiliary Fund.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

The amounts hereinabove appropriated for the Workforce Development Partnership Program and Workforce Development Partnership - Counselors shall be appropriated from receipts from the Workforce Development Partnership Fund, 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.

Notwithstanding the provisions of P.L.1992, c.44 (C.34:15D-12 et seq.), or any other law or regulation to the contrary, the unexpended balance at the end of the preceding fiscal year in the Workforce Development Partnership Fund is appropriated to such 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, 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 for the same purpose, 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 to such fund, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated for the Employment and Training Services program classification, an amount not to exceed \$50,000 is appropriated from the Unemployment Compensation Auxiliary Fund for costs incurred by the Disadvantaged Youth Employment Opportunities Council, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for the Workplace Standards program are appropriated for the same program, subject to the approval of the Director of the Division of Budget and Accounting.

Any excess receipts that are appropriated to the Workplace Standards program and that are available may be used by the Department as match for any federal programs requiring a State match.

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 from the Worker and Community Right To Know Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

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.

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.

GRANTS-IN-AID

07-4535 Vocational Rehabilitation Services	\$36,876,000
<i>(From General Fund.....</i>	<i>\$34,680,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>2,196,000)</i>
10-4545 Employment and Training Services	<u>30,076,000</u>
Total Grants-in-Aid Appropriation, Manpower and	
Employment Services	<u>\$66,952,000</u>
<i>(From General Fund.....</i>	<i>\$64,756,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>2,196,000)</i>

Grants-in-Aid:

07 Vocational Rehabilitation Services	(\$30,394,000)
07 Vocational Rehabilitation Services (CRF).....	(2,196,000)
07 Services to Clients (State Share)	(4,286,000)
10 New Jersey Youth Corps	(2,325,000)
10 Work First New Jersey Work Activities.....	(27,751,000)

Notwithstanding the provision of any law or regulation to the contrary, of the amount hereinabove appropriated for Vocational Rehabilitation Services, there is appropriated \$9,000,000 from the Workforce Development Partnership Fund.

Of the amount hereinabove appropriated for the Vocational Rehabilitation Services program classification, an amount not to exceed \$14,114,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

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 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, 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 \$21,500,000 is appropriated from the 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 amount hereinabove appropriated for New Jersey Youth Corps, \$1,850,000 is appropriated from the 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.

70 Government Direction, Management, and Control**74 General Government Services****DIRECT STATE SERVICES**

22-4575 General Administration, Classification and Personnel	
Management, Selection Services	\$16,835,000
24-4580 Appeals and Regulatory Affairs.....	<u>2,046,000</u>
Total Direct State Services Appropriation, General	
Government Services	<u>\$18,881,000</u>

Direct State Services:**Personal Services:**

Civil Service Commission	(\$5,000)
Salaries and Wages	(15,361,000)
Materials and Supplies.....	(192,000)
Services Other Than Personal	(2,657,000)
Maintenance and Fixed Charges.....	(143,000)

Special Purpose:

22 Microfilm Service Charges	(29,000)
22 Test Validation/Police Testing.....	(434,000)
22 Americans with Disabilities Act	(60,000)

Receipts from fees charged to applicants for open competitive or promotional examinations, and the unexpended fee balance at the end of the preceding fiscal year, collected from firefighter and law enforcement examination receipts, are appropriated for the costs of administering these exams, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from fees charged for appeals to the Merit System Board are appropriated for the costs of administering the appeals process, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from Workforce Initiatives and Employment Development and any unexpended balance at the end of the preceding fiscal year are appropriated for costs related to that program, subject to the approval of the Director of the Division of Budget and Accounting.

Department of Labor and Workforce Development,	
Total State Appropriation	<u>\$159,339,000</u>

Summary of Department of Labor and Workforce Development Appropriations

(For Display Purposes Only)

Appropriations by Category:

Direct State Services	\$92,387,000
Grants-in-Aid.....	66,952,000

Appropriations by Fund:

General Fund	\$157,143,000
Casino Revenue Fund.....	2,196,000

66 DEPARTMENT OF LAW AND PUBLIC SAFETY**10 Public Safety and Criminal Justice****12 Law Enforcement****DIRECT STATE SERVICES**

06-1200 State Police Operations.....	\$262,642,000
09-1020 Criminal Justice	31,501,000
11-1050 State Medical Examiner.....	438,000
30-1460 Gaming Enforcement	47,139,000
<i>(From Casino Control Fund..... \$47,139,000)</i>	
99-1200 Administration and Support Services	29,667,000
Total Direct State Services Appropriation, Law	
Enforcement	<u>\$371,387,000</u>
<i>(From General Fund..... \$324,248,000)</i>	
<i>(From Casino Control Fund..... 47,139,000)</i>	

Direct State Services:**Personal Services:**

Salaries and Wages.....	(\$195,838,000)
Salaries and Wages (CCF).....	(39,686,000)
Cash in Lieu of Maintenance	(30,047,000)
Cash in Lieu of Maintenance (CCF).....	(813,000)
<i>(From General Fund..... \$225,885,000)</i>	
<i>(From Casino Control Fund..... 40,499,000)</i>	
Materials and Supplies	(14,474,000)
Materials and Supplies (CCF)	(426,000)
Services Other Than Personal.....	(10,795,000)
Services Other Than Personal (CCF).....	(1,031,000)
Maintenance and Fixed Charges.....	(4,333,000)
Maintenance and Fixed Charges (CCF)	(3,283,000)

Special Purpose:

06 Nuclear Emergency Response Program.....	(1,591,000)
06 Drunk Driver Fund Program	(350,000)
06 Camden Initiative	(1,500,000)
06 Enhanced DNA Testing.....	(450,000)
06 State Police DNA Laboratory Enhancement.....	(1,150,000)
06 Urban Search and Rescue	(1,000,000)
06 Rural Section Policing	(53,398,000)
09 Division of Criminal Justice - State Match	(750,000)
09 Expenses of State Grand Jury.....	(356,000)
09 Medicaid Fraud Investigation - State Match	(500,000)
30 Gaming Enforcement (CCF)	(1,500,000)
99 Emergency Operations Center and Hamilton	
TechPlex Maintenance	(3,773,000)
99 N.C.I.C. 2000 Project	(1,575,000)
Additions, Improvements and Equipment.....	(2,368,000)

Additions, Improvements and Equipment (CCF)(400,000)

Notwithstanding the provisions of any law or regulation to the contrary, receipts in excess of the amount anticipated 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 from the recovery of costs associated with the implementation of the "Criminal Justice Act of 1970," P.L.1970, c.74 (C.52:17B-97 et seq.), are appropriated for the purpose of offsetting the costs of the Division of Criminal Justice, and the unexpended balance at the end of the preceding fiscal year in the Criminal Justice Cost Recovery account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Victim and Witness Advocacy Fund account, together with receipts pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) is appropriated.

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 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 fees and receipts collected, pursuant to paragraph (7) of subsection 1. of N.J.S.2C:39-6, the Retired Officer Handgun Permits 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 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 for the same purpose.

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 in the Drunk Driving Fines account in the Department of Transportation, are appropriated to the Drunk Driver Fund Program account in

the Department of Law and Public Safety, 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 for use of the Division of State Police, 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 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 to defray the operating costs of the New Jersey Emergency 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 pursuant to the New Jersey Emergency 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.

Notwithstanding the provisions of any law or regulation to the contrary, receipts and available balances pursuant to the New Jersey Emergency Medical Service Helicopter Response Act under subsection a. of section 1 of P.L.1992, c.87 (C.39:3-8.2), not to exceed \$6,627,000 are appropriated for State Police vehicles, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in the "Commercial Vehicle Enforcement Fund" established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75) are appropriated to offset all reasonable and necessary expenses of the Division of State Police and the New Jersey Motor Vehicle Commission in the performance of commercial truck safety and

emission inspections, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts and available balances 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 \$10,705,000 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, penalties 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 amounts 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 be deposited into the General Fund.

There is appropriated, an amount up to \$25,000, from the General Fund, to pay for each award or each tip for information that prevents, frustrates, or favorably resolves acts of international or domestic terrorism against New Jersey persons or property, as well as tips related to the identification of illegal guns, drugs and gangs. Rewards may also be paid for information leading to the arrest or conviction of terrorists and/or gang members attempting, committing, conspiring to commit or aiding and abetting in the commission of such acts or to the identification or location of an individual who holds a key leadership position in a terrorist and/or gang organization, subject to the approval of the Attorney General and the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated to the Division of State Police, there shall be credited against such amounts such monies as are received by the Division of State Police pursuant to a Memorandum of Understanding between the Division of State Police and the New Jersey Schools Development Authority for services rendered by the Division of State Police in connection with the school construction program.

In addition to the amount hereinabove appropriated for the Drunk Driver Fund Program, there is appropriated \$612,000 from the New Jersey Motor Vehicle Commission for the Drunk Driver Fund Program.

Notwithstanding the provisions of any law or regulation to the contrary, none of the monies appropriated to the Division of State Police shall be used to provide police protection to the inhabitants of rural sections pursuant to R.S.53:2-1 in a municipality in which such services were not provided in the previous fiscal year or to expand such services in a municipality beyond the level at which such services were provided in the previous fiscal year.

Of the amounts hereinabove appropriated in the Rural Section Policing account, amounts may be transferred to salary and other operating accounts within the Division of State Police, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Gaming Enforcement, there are appropriated from the Casino Control Fund such additional amounts as may be required for gaming enforcement, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

06-1200 State Police Operations.....	<u>\$265,000</u>
Total Grants-in-Aid Appropriation, Law Enforcement.....	<u>\$265,000</u>

Grants-in-Aid:

06 Nuclear Emergency Response Program.....	(\$265,000)
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13 Special Law Enforcement Activities

DIRECT STATE SERVICES

03-1160 Office of Highway Traffic Safety	\$598,000
17-1420 Election Law Enforcement	4,254,000
20-1450 Review and Enforcement of Ethical Standards.....	<u>1,035,000</u>
Total Direct State Services Appropriation, Special Law	
Enforcement Activities.....	<u>\$5,887,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$4,784,000)
Materials and Supplies	(66,000)
Services Other Than Personal.....	(429,000)
Maintenance and Fixed Charges.....	(10,000)

Special Purpose:

03 Federal Highway Safety Program - State Match	(598,000)
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Notwithstanding the provisions of section 14 of P.L.1992, c.188 (C.33:1-4.1) or any law to the contrary, an amount not to exceed \$3,960,000 from receipts from fees and penalties collected by the Division of Alcoholic Beverage Control shall be deposited into the General Fund as State revenue.

From the receipts 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 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 New Jersey 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 New Jersey Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Of the receipts 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.

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 Election Law Enforcement Gubernatorial Elections Fund, an amount not to exceed \$1,080,000 may be used for administrative purposes, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

17-1420 Election Law Enforcement	<u>\$10,000,000</u>
<i>(From Gubernatorial Elections Fund.....</i>	<i>\$10,000,000)</i>

Total Grants-in-Aid Appropriation, Special Law

Enforcement Activities.....	<u>\$10,000,000</u>
<i>(From Gubernatorial Elections Fund.....</i>	<i>\$10,000,000)</i>

Grants-in-Aid:

17 Election Law Enforcement (GEF).....	(\$10,000,000)
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18 Juvenile Services**DIRECT STATE SERVICES**

34-1500 Juvenile Community Programs	\$25,730,000
35-1505 Institutional Control and Supervision.....	36,289,000
36-1505 Institutional Care and Treatment.....	18,458,000
40-1500 Juvenile Parole and Transitional Services	5,871,000
99-1500 Administration and Support Services	<u>16,663,000</u>
Total Direct State Services Appropriation, Juvenile Services	<u>\$103,011,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages.....	(\$82,181,000)
Food in Lieu of Cash	(203,000)
Materials and Supplies.....	(6,769,000)
Services Other Than Personal.....	(9,469,000)
Maintenance and Fixed Charges.....	(2,429,000)

Special Purpose:

34 Juvenile Justice Initiatives	(660,000)
34 Social Services Block Grant - State Match	(38,000)
34 Female Substance Abuse Program	(265,000)
99 Johnstone Facility Maintenance	(457,000)
99 Juvenile Justice - State Matching Funds	(322,000)
99 Custody and Civilian Staff Training.....	(74,000)

Additions, Improvements and Equipment.....(144,000)

Receipts 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	\$16,599,000
Total Grants-in-Aid Appropriation, Juvenile Services	<u>\$16,599,000</u>

Grants-in-Aid:

34 Juvenile Detention Alternative Initiative	(\$1,900,000)
34 Alternatives to Juvenile Incarceration Programs.....	(1,624,000)
34 Crisis Intervention Program	(4,292,000)
34 State/Community Partnership Grants	(8,470,000)
34 Purchase of Services for Juvenile Offenders.....	(313,000)

Of the amounts hereinabove appropriated for the Juvenile Detention Alternative Initiative, such amounts as may be required shall be transferred to various Direct State Service operating accounts, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated in the various Grants-In-Aid accounts, the Juvenile Justice Commission shall assure that Grants-In-Aid recipients demonstrate cultural competency to serve clients within their respective communi-

ties 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	\$3,695,000
99-1000 Administration and Support Services	<u>9,825,000</u>
Total Direct State Services Appropriation, Central Planning, Direction and Management	<u>\$13,520,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$7,928,000)
Materials and Supplies	(74,000)
Services Other Than Personal	(54,000)
Maintenance and Fixed Charges	(22,000)

Special Purpose:

13 Office of Homeland Security and Preparedness	(3,695,000)
99 Atlantic City Tourism District	(290,000)
99 Office of Law Enforcement Professional Standards	(1,436,000)
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.

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, 2013 and February 1, 2014, 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 pro-

ceeds 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 into 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 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.

In addition to the amount hereinabove appropriated for the Office of Homeland Security and Preparedness, such additional amounts as may be required are appropriated for the purposes of providing State matching funds for federal grants related to homeland security and such amounts may be transferred to other departments and State agencies for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

The unexpended balance at the end of the preceding fiscal year in the Capital for Homeland Security Critical Infrastructure account is appropriated and such amounts may be transferred to other departments and State agencies for any State and/or local homeland security purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law, regulation or Executive Order to the contrary, any purchase by the State or by a State agency or local government unit of equipment, goods or services related to homeland security and domestic preparedness, that is paid for or reimbursed by State funds appropriated in this fiscal year, to the Department of Law and Public Safety, for Homeland Security and Preparedness under program classification, may be made through the receipt of public bids or as an alternative to public bidding and subject to the provisions of this paragraph, through direct purchase without advertising for bids or rejecting bids already received but not awarded. Purchases made without public bidding shall be from vendors that shall: (1) be holders of a current State contract for the equipment, goods or services sought, or (2) be participating in a federal procurement program established by a federal department or agency, or (3) have been approved by the State Treasurer in consultation with the Director of the Office of Homeland Security and Preparedness. The equipment, goods or services purchased by a local government unit receiving such State funds by subgrant,

shall be referred to in the grant agreement issued by the Office of Homeland Security and Preparedness and shall be authorized by resolution of the governing body of the local government unit entering into the grant agreement. Such resolution may, without subsequent action of the local governing body, simultaneously accept the grant from the State administrative agency, authorize the insertion of the revenue and offsetting appropriation in the budget of the local government unit, and authorize the contracting agent of the local government unit to procure the equipment, goods or services. A copy of such resolution shall be filed with the chief financial officer of the local government unit and the Division of Local Government Services in the Department of Community Affairs.

70 Government Direction, Management, and Control

74 General Government Services

DIRECT STATE SERVICES

12-1010 Legal Services.....	<u>\$69,755,000</u>
Subtotal Direct State Services, General Government Services	<u>\$69,755,000</u>

Less:

Legal Services.....	\$54,816,000
Total Income Deductions	<u>\$54,816,000</u>
Total Direct State Services Appropriation, General Government Services	<u>\$14,939,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$12,812,000)
Materials and Supplies.....	(89,000)
Services Other Than Personal	(462,000)
Maintenance and Fixed Charges.....	(134,000)

Special Purpose:

12 Legal Services.....	(54,816,000)
12 Child Welfare Unit.....	(1,442,000)

Less:

Income Deductions	54,816,000
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In addition to the \$54,815,814 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 and the costs of settlements and judgments as determined by the Division of Law. Such sums first shall be charged to any revenues derived from recoveries collected by the State and are also appropriated from the General Fund, subject to the approval of the Director of the Division of Budget and Accounting.

80 Special Government Services

82 Protection of Citizens' Rights

DIRECT STATE SERVICES

14-1310 Consumer Affairs.....	\$7,357,000
15-1319 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.....	4,527,000
19-1440 Victims of Crime Compensation Office	<u>4,534,000</u>
Total Direct State Services Appropriation, Protection of	
Citizens' Rights	<u>\$34,051,000</u>
(From General Fund.....	\$33,959,000)
(From Casino Revenue Fund.....	92,000)

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$8,255,000)
Salaries and Wages (CRF).....	(62,000)
Employee Benefits (CRF).....	(24,000)
(From General Fund.....	\$8,255,000)
(From Casino Revenue Fund.....	86,000)
Materials and Supplies.....	(98,000)
Services Other Than Personal.....	(15,792,000)
Services Other Than Personal (CRF).....	(6,000)
Maintenance and Fixed Charges.....	(681,000)

Special Purpose:

14 Consumer Affairs Legalized Games of Chance	(1,200,000)
14 Securities Enforcement Fund	(893,000)
14 Consumer Affairs Weights and Measures Program..	(2,612,000)
14 Consumer Affairs Charitable Registrations Program ..	(556,000)
15 Personal Care Attendants - Background Checks	(500,000)
19 Claims - Victims of Crime.....	(3,372,000)

In addition to the amount hereinabove appropriated for Consumer Affairs, receipts in excess of the amount anticipated, attributable to changes in fee structure or fee increases, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

All fees, penalties, and costs collected pursuant to P.L.1988, c.123 (C.56:12-29 et seq.) are appropriated for the purpose of offsetting costs associated with the handling and resolution of consumer automotive complaints.

Fees and cost recoveries collected pursuant to P.L.1989, c.331 (C.34:8-43 et al.) are appropriated in an amount not to exceed additional expenses associated with mandated duties of the Division of Consumer Affairs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts 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 and for use by the Department of Law and Public Safety to support departmental efforts related to background checks and investigations required by law, and unanticipated costs related to law enforcement needs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated 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 into the Securities Enforcement Fund pursuant to section 15 of P.L.1985, c.405 (C.49:3-66.1). Notwithstanding the provisions of any law or regulation to the contrary, an amount not less than that anticipated as General Fund revenue from receipts from fees and penalties collected by the Securities Enforcement Fund shall be transferred to the General Fund as State revenue by April 1. The unexpended balance at the end of the preceding fiscal year is 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 to support departmental efforts related to suicide and violence prevention, fire safety, anti-gang activities, background checks and investigations required by law, critical equipment or facility needs, and unanticipated public safety or citizen protection needs, 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 in excess of the amount anticipated and the unexpended balances at the end of the preceding fiscal year are appropriated to the Controlled Dangerous Substance Registration Program for the purpose of offsetting the costs of the administration

and operation of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts 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 and may be transferred 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 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, 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 from the sale of films, pamphlets, and other educational materials developed or produced by the Division on Civil Rights are appropriated to offset operational costs of the Division.

Notwithstanding the provisions of section 2 of P.L.1983, c.412 (C.10:5-14.1a), or any law or regulation to the contrary, any receipts from the assessment of fines, fees, and penalties pursuant to P.L.1945, c.169 (C.10:5-1 et seq.) are appropriated to the Division on Civil Rights for operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the provision of copies of transcripts and other materials related to officially docketed cases are appropriated.

The unexpended balances at the end of the preceding fiscal year in the Office of Victim - Witness Assistance pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) are appropriated for the same purpose.

The amount hereinabove appropriated for Claims - Victims of Crime is available for payment of awards applicable to claims filed in prior fiscal years.

Receipts 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, implementa-

tion and operation of the Criminal Disposition and Revenue Collection Fund program and payment of claims of victims of crime, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from assessments under section 2 of P.L.1979, c.396 (C.2C:43-3.1) in excess of the amount anticipated and the unexpended balance at the end of the preceding fiscal year are appropriated for payment of claims of victims of crime pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and additional Victims of Crime Compensation Office operational costs up to \$1,425,000, and \$98,000 for the office's Strategic IT Automation Initiative, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove is appropriated from the Casino Revenue Fund for the costs associated with the operation of the New Jersey Board of Nursing Department of Law and Public Safety,

Total State Appropriation.....\$569,659,000

Receipts 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.

All registration fees, tuition fees, training fees, and all other fees received for reimbursement for attendance at courses conducted by any division in the Department of Law and Public Safety are appropriated for the purposes of offsetting the operating expenses of the courses, subject to the approval of the Director of the Division of Budget and Accounting.

Summary of Department of Law and Public Safety Appropriations

(For Display Purposes Only)

Appropriations by Category:

Direct State Services.....\$542,795,000
Grants-in-Aid.....26,864,000

Appropriations by Fund:

General Fund.....\$512,428,000
Casino Control Fund.....47,139,000
Casino Revenue Fund.....92,000
Gubernatorial Elections Fund.....10,000,000

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

10 Public Safety and Criminal Justice

14 Military Services

DIRECT STATE SERVICES

40-3620 New Jersey National Guard Support Services\$3,663,000
60-3600 Joint Training Center Management and Operations.....164,000
99-3600 Administration and Support Services.....3,740,000

Total Direct State Services Appropriation, Military Services\$7,567,000

Direct State Services:

Personal Services:

Salaries and Wages.....(\$3,701,000)
 Materials and Supplies.....(532,000)
 Services Other Than Personal.....(735,000)
 Maintenance and Fixed Charges.....(1,077,000)

Special Purpose:

40 National Guard - State Active Duty..... (50,000)
 40 New Jersey National Guard Challenge Youth
 Program.....(265,000)
 40 Joint Federal-State Operations and Maintenance
 Contracts (State Share).....(1,152,000)

Additions, Improvements and Equipment..... (55,000)

The unexpended balance at the end of the preceding fiscal year in the National Guard-State Active Duty account is appropriated for the same purpose.

The unexpended balance at the end of the preceding fiscal year in the Joint Federal-State Operations and Maintenance Contracts (State Share) account is appropriated for the same purpose.

Receipts 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 use are appropriated for the same purposes, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the sale of solar 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.

80 Special Government Services

83 Services to Veterans

3610 Veterans' Program Support

DIRECT STATE SERVICES

50-3610 Veterans' Outreach and Assistance.....\$3,802,000
 51-3610 Veterans Haven..... 1,607,000
 70-3610 Burial Services..... 2,192,000

Total Direct State Services Appropriation, Veterans'

Program Support.....\$7,601,000

Direct State Services:

Personal Services:

Salaries and Wages.....(\$5,299,000)
 Materials and Supplies.....(724,000)

Services Other Than Personal	(369,000)
Maintenance and Fixed Charges.....	(100,000)
Special Purpose:	
50 Payment of Military Leave Benefits.....	(150,000)
50 Veterans' State Benefits Bureau	(150,000)
50 Maintenance for Memorials.....	(386,000)
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.

Notwithstanding the provisions of section 4 of P.L.2001, c.351 (C.52:13H-2.1) or any other law or regulation to the contrary, the amount hereinabove appropriated for Payment of Military Leave Benefits is subject to the following conditions: it shall be the responsibility of the Department of Military and Veterans' Affairs to accept, review, and approve applications by a county, municipal governing body, or board of education for reimbursement of eligible costs incurred as a result of the provisions of P.L.2001, c.351, and to reimburse such costs from the Payment of Military Leave Benefits account.

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, Veterans Haven - 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.

GRANTS-IN-AID

50-3610 Veterans' Outreach and Assistance	<u>\$2,459,000</u>
Total Grants-in-Aid Appropriation, Veterans' Program Support	<u>\$2,459,000</u>

Grants-in-Aid:

50 Support Services for Returning Veterans	(\$550,000)
50 Veterans' Tuition Credit Program	(8,000)
50 POW/MIA Tuition Assistance	(1,000)
50 Vietnam Veterans' Tuition Aid	(2,000)
50 Veterans' Transportation	(335,000)
50 Veterans' Orphan Fund - Education Grants	(3,000)
50 Blind Veterans' Allowances	(40,000)
50 Paraplegic and Hemiplegic Veterans' Allowance	(220,000)
50 Post Traumatic Stress Disorder	(1,300,000)

3630 Menlo Park Veterans' Memorial Home**DIRECT STATE SERVICES**

20-3630 Domiciliary and Treatment Services	\$19,594,000
99-3630 Administration and Support Services	<u>5,568,000</u>
Total Direct State Services Appropriation, Menlo Park Veterans' Memorial Home	<u>\$25,162,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$21,045,000)
Materials and Supplies	(2,207,000)
Services Other Than Personal	(1,536,000)
Maintenance and Fixed Charges	(260,000)
Additions, Improvements and Equipment	(114,000)

GRANTS-IN-AID

20-3630 Domiciliary and Treatment Services	<u>\$55,000</u>
Total Grants-in-Aid Appropriation, Menlo Park Veterans' Memorial Home	<u>\$55,000</u>

Grants-in-Aid:

20 Prescription Drug Program	(\$55,000)
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3640 Paramus Veterans' Memorial Home**DIRECT STATE SERVICES**

20-3640 Domiciliary and Treatment Services	\$19,501,000
99-3640 Administration and Support Services	<u>4,573,000</u>
Total Direct State Services Appropriation, Paramus Veterans' Memorial Home	<u>\$24,074,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$20,994,000)
Materials and Supplies.....	(1,520,000)
Services Other Than Personal	(1,335,000)
Maintenance and Fixed Charges.....	(184,000)
Additions, Improvements and Equipment.....	(41,000)

GRANTS-IN-AID

20-3640 Domiciliary and Treatment Services	<u>\$55,000</u>
Total Grants-in-Aid Appropriation, Paramus Veterans' Memorial Home.....	<u>\$55,000</u>

Grants-in-Aid:

20 Prescription Drug Program	(\$55,000)
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3650 Vineland Veterans' Memorial Home**DIRECT STATE SERVICES**

20-3650 Domiciliary and Treatment Services	\$21,531,000
99-3650 Administration and Support Services.....	<u>5,515,000</u>
Total Direct State Services Appropriation, Vineland Veterans' Memorial Home	<u>\$27,046,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$22,472,000)
Materials and Supplies.....	(1,669,000)
Services Other Than Personal	(2,467,000)
Maintenance and Fixed Charges.....	(314,000)
Additions, Improvements and Equipment.....	(124,000)

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 the U.S. Department of Veterans Affairs 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.

GRANTS-IN-AID

20-3650 Domiciliary and Treatment Services \$55,000
 Total Grants-in-Aid Appropriation, Vineland Veterans'
 Memorial Home..... \$55,000

Grants-in-Aid:

20 Prescription Drug Program (\$55,000)
 Department of Military and Veterans' Affairs,
 Total State Appropriation \$94,074,000

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 first shall 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 \$91,450,000
 Grants-in-Aid 2,624,000

Appropriations by Fund:

General Fund..... \$94,074,000

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\$1,376,000
 81-2400 Educational Opportunity Fund Programs 380,000
 Total Direct State Services Appropriation, Higher
 Educational Services \$1,756,000

Direct State Services:

Personal Services:

Salaries and Wages..... (\$1,568,000)
 Materials and Supplies (9,000)
 Services Other Than Personal.....(117,000)
 Maintenance and Fixed Charges..... (12,000)
 Additions, Improvements and Equipment..... (50,000)

GRANTS-IN-AID

80-2400	Statewide Planning and Coordination for Higher Education	\$1,800,000
81-2401	Educational Opportunity Fund Programs	<u>38,822,000</u>
	Total Grants-in-Aid Appropriation, Higher Educational Services	<u>\$40,622,000</u>

Grants-in-Aid:

80	College Bound	(\$1,700,000)
80	Governor's School	(100,000)
81	Opportunity Program Grants.....	(26,019,000)
81	Supplementary Education Program Grants.....	(12,803,000)

An amount not to exceed 5% 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.

Refunds from prior years to the College Bound Program are appropriated to that account.

Refunds from prior years to the Educational Opportunity Fund Programs accounts are appropriated to those accounts.

2405 Higher Education Student Assistance Authority**DIRECT STATE SERVICES**

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," N.J.S.18A:71A-1 et seq., in the event of a draw upon a debt service reserve surety bond or any other debt service reserve cash equivalent instrument or any insufficiency of such instruments to pay debt service on the bonds issued by the Higher Education Student Assistance Authority, there are appropriated to the Higher Education Student Assistance Authority such sums as are necessary to repay the issuer of such surety bond or such other cash equivalent instrument for such draw or to satisfy such insufficiency, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

45-2405	Student Assistance Programs.....	<u>\$366,286,000</u>
	Total Grants-in-Aid Appropriation, Higher Education Student Assistance Authority	<u>\$366,286,000</u>

Grants-in-Aid:

45	Tuition Aid Grants	(\$341,161,000)
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45	Part-Time Tuition Aid Grants for County Colleges.....	(11,236,000)
45	Part-Time Tuition Aid Grants - EOF Students.....	(558,000)
45	Governor's Urban Scholarship Program.....	(1,000,000)
45	New Jersey World Trade Center Scholarship Program.....	(202,000)
45	New Jersey Student Tuition Assistance Reward Scholarship (NJSTARS I & II).....	(10,629,000)
45	Primary Care Practitioner Loan Redemption Program.....	(1,500,000)

The unexpended balances at the end of the preceding fiscal year in Student Assistance Programs are appropriated to such programs, 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 sums provided hereinabove in Student Assistance Programs shall be available for payment of liabilities applicable to prior fiscal years.

Notwithstanding the provisions of any law or regulation to the contrary, funds hereinabove appropriated for Coordinated Garden State Scholarship Programs, Teaching Fellows Program, and Social Services Student Loan Redemption Program shall only be used to fund awards to students who have received awards in the same program prior to fiscal year 2011.

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.

Notwithstanding the provisions of any law or regulation to the contrary, the Higher Education Student Assistance Authority shall provide to students enrolled in public institutions of higher education who are eligible for maximum awards under the Tuition Aid Grant program an award amount which shall not exceed the in-State undergraduate 2011-2012 tuition rate for the institution with comparable awards provided to students eligible for maximum awards enrolled at non-

public institutions. All other award amounts provided under the Tuition Aid Grant program shall not exceed the in-State undergraduate tuitions in effect at institutions in academic year 2009-2010. The unexpended balances reappropriated to the Tuition Aid Grant account shall be available to fund increases in the number of applicants qualifying for full-time Tuition Aid Grant awards, to fund increases in award amounts, and to fund shifts in the distribution of awards that result in an increase in program costs.

In addition to the amount hereinabove appropriated for Tuition Aid Grants, there are appropriated such sums as are required to cover the costs of increases in the number of applicants qualifying for full-time Tuition Aid Grant awards or to fund shifts in the distribution of awards that result in an increase in total program costs, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Part-Time Tuition Aid Grants for County Colleges shall be used to provide funds for tuition aid grants for eligible, qualified part-time students enrolled at the county colleges established pursuant to N.J.S.18A:64A-1 et seq. The tuition aid grants shall be used to pay the tuition at a county college established pursuant to N.J.S.18A:64A-1 et seq. Within the limits of available appropriations as determined by the Higher Education Student Assistance Authority, part-time grant awards shall be 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 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.

The unexpended balances reappropriated to the Part-Time Tuition Aid Grants for County Colleges account shall be available to fund increases in the number of applicants qualifying for Part-Time Tuition Aid Grants for County Colleges awards, to fund increases in award amounts, and to fund shifts in the distribution of awards that result in an increase in program costs.

Receipts from voluntary contributions by taxpayers on New Jersey gross income tax returns for the New Jersey World Trade Center Scholarship Fund are appropriated for the purpose of providing scholarships for eligible recipients as defined in P.L.2001, c.442 (C.18A:71B-23.1), 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 the New Jersey Student Tuition Assistance Reward Scholarship is subject to the following condition: all NJ STARS II awards must be used at institutions of higher education that offer degrees

through the baccalaureate level and which participate in the Tuition Aid Grant program pursuant to N.J.A.C.9A:9-2.1.

Notwithstanding the provisions of subsection b. of section 5 of P.L.2004, c.59 (C.18A:71B-85), none of the funds hereinabove appropriated for the New Jersey Student Tuition Assistance Reward Scholarships shall be used to fund summer semester NJ STARS scholarship awards.

Notwithstanding the provisions of any law or regulation to the contrary, participation in the Tuition Aid Grant program hereinabove appropriated shall be limited to those institutions that had previously participated in the Tuition Aid Grant program, or had applied in writing to the Higher Education Student Assistance Authority to participate in the Tuition Aid Grant program prior to September 1, 2009 and met all eligibility requirements prior to September 1, 2009.

2410 Rutgers, The State University - New Brunswick

GRANTS-IN-AID

82-2410 Institutional Support.....	<u>\$2,071,630,000</u>
Subtotal General Operations	<u>\$2,071,630,000</u>

Less:

Receipts from Tuition Increase	\$161,000
General Services Income	581,473,000
Auxiliary Funds Income	278,483,000
Special Funds Income	585,650,000
Core Affiliates Income	5,132,000
Employee Fringe Benefits	282,186,000
Total Income Deductions	<u>\$1,733,085,000</u>
Total Grants-in-Aid Appropriation, Rutgers, The State University - New Brunswick	<u>\$338,545,000</u>

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations	(\$1,923,587,000)
82 Cancer Institute of New Jersey	(5,000,000)
82 Child Health Institute	(1,700,000)
82 School of Biomedical and Health Services	(141,343,000)

Less:

Income Deductions	1,733,085,000
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For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Rutgers, New Brunswick shall be 8,013.

Notwithstanding the provisions of any law or regulation to the contrary, the amount appropriated hereinabove for Rutgers, The State University Institutional Support is subject to the following conditions: (a) If State funded appropriations for Institutional Support, and the sum of all anticipated Receipts from Tuition Increase, General Services Income, Auxiliary Funds Income, Special Funds Income and Employee Fringe Benefits for Rutgers - Camden are anticipated during the fiscal year to total less than \$180,875,000, the Director of the Divi-

sion of Budget and Accounting shall determine the amount of the difference between that anticipated total and \$180,875,000, and transfer from the State General Fund appropriation for Rutgers - New Brunswick to the State General Fund appropriation for Rutgers - Camden, for additional State funded Institutional Support for Rutgers - Camden for the fiscal year, the amount of that difference, with notice thereof provided by the director to the Legislative Budget and Finance Officer; (b) If State funded appropriations for Institutional Support, and the sum of all anticipated Receipts from Tuition Increase, General Services Income, Auxiliary Funds Income, Special Funds Income and Employee Fringe Benefits for Rutgers - Newark are anticipated during the fiscal year to total less than \$346,860,000, the Director of the Division of Budget and Accounting shall determine the amount of the difference between that anticipated total and \$346,860,000, and transfer from the State General Fund appropriation for Rutgers - New Brunswick to the State General Fund appropriation for Rutgers - Newark, for additional State funded Institutional Support for Rutgers - Newark for the fiscal year, the amount of that difference, with notice thereof provided by the director to the Legislative Budget and Finance Officer; and (c) the Director of the Division of Budget and Accounting shall be provided access by Rutgers to all financial reports and information necessary to enable the director to calculate the transfer amounts, if any, and provided further, however, that in no circumstance shall a transfer of appropriations by the director occur which interferes with or violates any bond covenants or disclosure responsibilities. For the purpose of implementing the appropriations act for the current fiscal year, the fringe benefits for not more than 1,238 positions, funded by medical services contracts with the Department of Health or the Department of Human Services, are funded by the State.

**2415 Agricultural Experiment Station
GRANTS-IN-AID**

82-2415 Institutional Support.....	\$93,695,000
Subtotal General Operations	<u>\$93,695,000</u>

Less:

Special Funds Income	\$52,302,000
Federal Research and Extension Funds	
Income	7,500,000
Employee Fringe Benefits	12,151,000
Total Income Deductions	<u>\$71,953,000</u>
Total Grants-in-Aid Appropriation, Agricultural	
Experiment Station	<u>\$21,742,000</u>

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations	(\$93,695,000)
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Less:

Income Deductions	71,953,000
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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 404.

For the purpose of implementing the appropriations act for the current fiscal year, the fringe benefits for 120 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.

2416 Rutgers, The State University - Camden

GRANTS-IN-AID

82-2416 Institutional Support.....	<u>\$180,875,000</u>
Subtotal General Operations	<u>\$180,875,000</u>

Less:

Receipts from Tuition Increase.....	\$24,000
General Services Income	80,889,000
Auxiliary Funds Income.....	13,905,000
Special Funds Income.....	51,777,000
Employee Fringe Benefits.....	17,140,000
Total Income Deductions.....	\$163,735,000
Total Grants-in-Aid Appropriation, Rutgers, The State University - Camden.....	<u>\$17,140,000</u>

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations.....	(\$180,675,000)
82 Clinical Legal Programs for the Poor - Camden Law School	(\$200,000)

Less:

Income Deductions	163,735,000
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For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Rutgers - Camden shall be 559.

2417 Rutgers, The State University - Newark

GRANTS-IN-AID

82-2417 Institutional Support.....	<u>\$346,860,000</u>
Subtotal General Operations	<u>\$346,860,000</u>

Less:

Receipts from Tuition Increase.....	\$238,000
General Services Income	145,667,000
Auxiliary Funds Income.....	24,962,000
Special Funds Income.....	110,001,000
Employee Fringe Benefits.....	34,176,000

Total Income Deductions\$315,044,000

Total Grants-in-Aid Appropriation, Rutgers,

The State University - Newark\$31,816,000

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations (\$346,660,000)

82 Clinical Legal Programs for the Poor -

Newark Law School.....(200,000)

Less:**Income Deductions 315,044,000**

For the purpose of implementing the appropriations act for the current fiscal year,
the number of State-funded positions at Rutgers - Newark shall be 1,086.

2430 New Jersey Institute of Technology**GRANTS-IN-AID**

82-2430 Institutional Support.....\$336,888,000

Subtotal General Operations\$336,888,000

Less:**General Services Income..... \$144,220,000****Auxiliary Funds Income..... 16,147,000****Special Funds Income 106,246,000****Employee Fringe Benefits 32,579,000****Total Income Deductions\$299,192,000**

Total Grants-in-Aid Appropriation, New Jersey

Institute of Technology\$37,696,000

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations (\$336,888,000)

Less:**Income Deductions 299,192,000**

For the purpose of implementing the appropriations act for the current fiscal year,
the number of State-funded positions at the New Jersey Institute of Technology
shall be 1,187.

2440 Thomas A. Edison State College**GRANTS-IN-AID**

82-2440 Institutional Support.....\$66,713,000

Subtotal General Operations\$66,713,000

Less:**Self Sustaining Income \$19,974,000****General Services Income..... 33,890,000****Employee Fringe Benefits 7,628,000****State-Supported Facilities Cost..... 1,670,000****Total Income Deductions\$63,162,000**

Total Grants-in-Aid Appropriation, Thomas A. Edison
State College.....\$3,551,000

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations.....(\$66,713,000)

Less:

Income Deductions 63,162,000

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 228.

2445 Rowan University**GRANTS-IN-AID**

82-2445 Institutional Support.....\$351,289,000

Subtotal General Operations\$351,289,000

Less:

General Services Income \$126,322,000

Auxiliary Funds Income 40,714,000

Special Funds Income..... 51,455,000

Employee Fringe Benefits..... 44,006,000

Total Income Deductions.....\$262,497,000

Total Grants-in-Aid Appropriation, Rowan University\$88,792,000

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations.....(\$293,213,000)

82 Cooper Medical School of Rowan University.....(11,550,000)

82 Cooper Medical School - Cooper University

Hospital Support.....(16,297,000)

82 School of Osteopathic Medicine(30,229,000)

Less:

Income Deductions 262,497,000

For the purpose of implementing the appropriations act for the current fiscal year,
the number of State-funded positions at Rowan University shall be 1,449.

For the purpose of implementing the appropriations act for the current fiscal year,
the fringe benefits for not more than 105 positions at Cooper Medical School of
Rowan University are funded by the State.

2450 New Jersey City University**GRANTS-IN-AID**

82-2450 Institutional Support.....\$149,561,000

Subtotal General Operations\$149,561,000

Less:

General Services Income \$43,230,000

A.H. Moore Program Receipts.....	8,355,000
Auxiliary Funds Income.....	7,638,000
Special Funds Income	36,337,000
Employee Fringe Benefits	27,945,000
Total Income Deductions	<u>\$123,505,000</u>
Total Grants-in-Aid Appropriation, New Jersey City	
University.....	<u>\$26,056,000</u>

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations (\$149,561,000)

Less:**Income Deductions 123,505,000**

For the purpose of implementing the appropriations act for the current fiscal year,
the number of State-funded positions at New Jersey City University shall be
1,129.

2455 Kean University
GRANTS-IN-AID

82-2455 Institutional Support.....	<u>\$251,548,000</u>
Subtotal General Operations	<u>\$251,548,000</u>

Less:**General Services Income..... \$157,846,000****Auxiliary Funds Income..... 21,765,000****Special Funds Income** **7,381,000****Employee Fringe Benefits** **31,719,000****Total Income Deductions** **\$218,711,000**Total Grants-in-Aid Appropriation, Kean University..... \$32,837,000***Grants-in-Aid:***

Special Purpose:

82 General Institutional Operations (\$251,548,000)

Less:**Income Deductions 218,711,000**

For the purpose of implementing the appropriations act for the current fiscal year,
the number of State-funded positions at Kean University shall be 1,074.

2460 William Paterson University of New Jersey
GRANTS-IN-AID

82-2460 Institutional Support.....	<u>\$219,337,000</u>
Subtotal General Operations	<u>\$219,337,000</u>

Less:**General Services Income..... \$79,963,000****Auxiliary Funds Income..... 35,056,000****Special Funds Income** **37,871,000****Employee Fringe Benefits** **33,699,000**

Total Income Deductions.....\$186,589,000

Total Grants-in-Aid Appropriation, William Paterson

University of New Jersey\$32,748,000

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations..... (\$219,337,000)

Less:**Income Deductions 186,589,000**

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at William Paterson University of New Jersey shall be 1,111.

2465 Montclair State University**GRANTS-IN-AID**

82-2465 Institutional Support.....\$365,110,000

Subtotal General Operations\$365,110,000

Less:**General Services Income \$140,667,000****Conservation School Receipts 577,000****Auxiliary Funds Income 67,292,000****Special Funds Income..... 74,308,000****Employee Fringe Benefits..... 43,653,000****Total Income Deductions.....\$326,497,000**

Total Grants-in-Aid Appropriation, Montclair State

University\$38,613,000

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations..... (\$365,110,000)

Less:**Income Deductions 326,497,000**

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 1,316.

2470 The College of New Jersey**GRANTS-IN-AID**

82-2470 Institutional Support.....\$223,356,000

Subtotal General Operations\$223,356,000

Less:**General Services Income \$82,454,000****Auxiliary Funds Income 47,753,000****Special Funds Income..... 34,561,000****Employee Fringe Benefits..... 29,271,000****Total Income Deductions.....\$194,039,000**

Total Grants-in-Aid Appropriation, The College of
New Jersey \$29,317,000

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations (\$223,356,000)

Less:

Income Deductions 194,039,000

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 859.

2475 Ramapo College of New Jersey**GRANTS-IN-AID**

82-2475 Institutional Support..... \$136,331,000

Subtotal General Operations \$136,331,000

Less:

General Services Income \$52,145,000

Auxiliary Funds Income 36,000,000

Special Funds Income 13,109,000

Employee Fringe Benefits 18,947,000

Total Income Deductions \$120,201,000

Total Grants-in-Aid Appropriation, Ramapo College of
New Jersey \$16,130,000

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations (\$136,331,000)

Less:

Income Deductions 120,201,000

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
573.

2480 The Richard Stockton College of New Jersey**GRANTS-IN-AID**

82-2480 Institutional Support..... \$201,603,000

Subtotal General Operations \$201,603,000

Less:

General Services Income \$86,151,000

Auxiliary Funds Income 37,253,000

Special Funds Income 33,463,000

Employee Fringe Benefits 24,897,000

Total Income Deductions \$181,764,000

Total Grants-in-Aid Appropriation, The Richard Stockton
College of New Jersey \$19,839,000

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations.....(\$201,603,000)

Less:**Income Deductions 181,764,000**

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 764.

2485 University Hospital**GRANTS-IN-AID**

82-2485 Institutional Support.....\$18,841,000

Total Grants-in-Aid Appropriation, University Hospital.....\$18,841,000

Grants-in-Aid:

82 University Hospital.....(\$18,841,000)

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at University Hospital shall be 2,923.

Higher Educational Services

Notwithstanding the provisions of any law or regulation to the contrary, from the amounts 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).

Notwithstanding the provisions of any law or regulation to the contrary, from the amounts hereinabove appropriated for Higher Educational Services-Institutional Support in each of the senior public institutions of higher education, there are allocated such sums as may be required to fund lease or rental costs which may be charged by such senior public institutions for any State department, agency, authority or commission facilities located on the campus of any senior public institution of higher education.

Public colleges and universities are authorized to provide a voluntary employee furlough program.

Notwithstanding the provisions of any law or regulation to the contrary, any funds appropriated as Grants-In-Aid and payable to any senior public college or university which requests approval from the Educational Facilities Authority and the Director of the Division of Budget and Accounting may be pledged as a guarantee for payment of principal and interest on any bonds issued by the Educational Facilities Authority or by the college or university. Such funds, if so pledged, shall be made available by the State Treasurer upon receipt of written notification by the Educational Facilities Authority or the Director of the Division of Budget and Accounting that the college or university does not have sufficient funds available for prompt payment of principal and interest on such

bonds, and shall be paid by the State Treasurer directly to the holders of such bonds at such time and in such amounts as specified by the bond indenture, notwithstanding that payment of such funds does not coincide with any date for payment otherwise fixed by law.

Of the amount hereinabove appropriated for Higher Educational Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Recommendation Document first shall be charged to the State Lottery Fund.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the senior public institutions of higher education shall be paid to each institution in twelve equal installments on the last business day of each month.

Notwithstanding the provisions of any law or regulation to the contrary, no amount hereinabove appropriated for any senior public institution of higher education shall be paid until the institution remits its quarterly fringe benefit reimbursement for positions in excess of the number of State-funded positions provided in this act, by the deadline and in the manner required by the Director of the Division of Budget and Accounting.

Notwithstanding the provision of any law or regulation to the contrary, the amounts hereinabove appropriated for Institutional Support of the various State institutions of higher education are conditioned upon the following: no State appropriations shall be expended for payment as a settlement, buyout, separation payment, severance pay or any other form of monetary payment of any kind whatsoever in connection with the termination of, or separation from, the employment prior to the end of the term of an existing contract of any officer or employee of such institution who receives annual compensation in excess of \$250,000.

37 Cultural and Intellectual Development Services

2541 Division of State Library

DIRECT STATE SERVICES

51-2541 Library Services.....	<u>\$5,194,000</u>
Total Direct State Services Appropriation, Division of State Library.....	<u>\$5,194,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$4,056,000)
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)
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Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Direct State Services for the New Jersey

State Library, excluding amounts appropriated to Special Purpose accounts, shall be paid in twelve equal installments, on the last business day of each month.

STATE AID

51-2541 Library Services	<u>\$7,975,000</u>
Total State Aid Appropriation, Division of State Library	<u>\$7,975,000</u>

State Aid:

51 Per Capita Library Aid.....	(\$3,676,000)
51 Library Network.....	(4,299,000)

37 Cultural and Intellectual Development Services

DIRECT STATE SERVICES

05-2530 Support of the Arts	\$397,000
06-2535 Museum Services	2,204,000
07-2540 Development of Historical Resources	<u>285,000</u>
Total Direct State Services Appropriation, Cultural and Intellectual Development Services	<u>\$2,886,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$2,400,000)
Materials and Supplies	(92,000)
Services Other Than Personal.....	(300,000)
Maintenance and Fixed Charges.....	(94,000)

GRANTS-IN-AID

05-2530 Support of the Arts	\$16,000,000
06-2535 Museum Services	1,000,000
07-2540 Development of Historical Resources	<u>2,700,000</u>
Total Grants-in-Aid Appropriation, Cultural and Intellectual Development Services	<u>\$19,700,000</u>

Grants-in-Aid:

05 Cultural Projects	(\$16,000,000)
06 Newark Museum	(1,000,000)
07 New Jersey Historical Commission - Agency Grants	(2,700,000)

Of the amount hereinabove appropriated for Cultural Projects, an amount not to exceed \$75,000 may be used for administrative purposes, and an amount not to exceed \$125,000 may be used for the assessment and oversight of cultural projects, including administrative costs attendant to this function, in compliance with all pertinent State and federal laws and regulations including the "Single Audit Act of 1984," Pub.L. 98-502 (31 U.S.C. s.7501 et seq.), 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 hereinabove 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); provided, however, that the calculation of such 25% allocation shall not include 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.

Notwithstanding the provisions of section 4 of P.L.1999, c.131 (C.18A:73-22.4), of the amount hereinabove 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.

70 Government Direction, Management, and Control

74 General Government Services

DIRECT STATE SERVICES

01-2505 Office of the Secretary of State.....	\$3,341,000
02-2510 Business Action Center	13,496,000
08-2545 State Archives.....	824,000
25-2525 Election Management and Coordination	<u>585,000</u>
Total Direct State Services Appropriation, General	
Government Services	<u>\$18,246,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$6,399,000)
Materials and Supplies.....	(134,000)
Services Other Than Personal	(630,000)
Maintenance and Fixed Charges.....	(26,000)

Special Purpose:

01 Office of Volunteerism.....	(79,000)
01 Office of Programs.....	(424,000)
02 Office of Economic Growth.....	(1,104,000)
02 New Jersey Motion Picture Commission.....	(450,000)
02 Travel and Tourism Advertising and Promotion.....	(9,000,000)

Of the amount hereinabove appropriated to the Business Action Center, an amount up to \$250,000 is appropriated for New Jersey Small Business Development Centers, pursuant to a spending plan approved by the Secretary of State.

The Secretary of State shall report semi-annually on the expenditure during the preceding six months of State funds hereinabove appropriated for Travel and Tourism Advertising and Promotion and private contributions to this program.

The first semi-annual report shall be completed not later than 30 days following the end of the second quarter of the fiscal year, the second semi-annual report shall be completed not later than 30 days following the end of the fiscal year, and both reports shall be submitted to the State Treasurer, the Director of the Division of Budget and Accounting, and the Joint Budget Oversight Committee. Receipts 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.....\$3,025,000
 Total Grants-in-Aid Appropriation, General
 Government Services\$3,025,000

Grants-in-Aid:

01 Office of Programs(\$1,350,000)
 01 Center for Hispanic Policy, Research and
 Development.....(1,175,000)
 01 Cultural Trust.....(500,000)
 Of the amount hereinabove appropriated for the Office of Programs, an amount not to exceed \$50,000 may be used for administrative purposes, including the oversight of cultural projects, to ensure their compliance with all applicable State and federal laws and regulations including the "Single Audit Act of 1984," Pub.L. 98-502 (31 U.S.C. s.7501 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

25-2525 Election Management and Coordination\$7,030,000
 Total State Aid Appropriation, General Government Services\$7,030,000

State Aid:

25 Extended Polling Place Hours.....(\$7,030,000)
 In addition to the amount hereinabove appropriated for Extended Polling Place Hours, there are appropriated such amounts as are required to provide required reimbursements to county Boards of Election, subject to the approval of the Director of the Division of Budget and Accounting.

Department of State, Total State Appropriation\$1,226,383,000

Pursuant to the provisions of P.L.2003, c.114 (C.54:32D-1 et al.), the amounts hereinabove appropriated for the purpose of promoting cultural and tourism activities in this State first shall be charged to revenues derived from the hotel and motel occupancy fee.

Summary of Department of State Appropriations

(For Display Purposes Only)

Appropriations by Category:

Direct State Services.....	\$28,082,000
Grants-in-Aid.....	1,183,296,000
State Aid.....	15,005,000

Appropriations by Fund:

General Fund	\$1,226,383,000
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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, \$5,000,000 of monies received in the “Commercial Vehicle Enforcement Fund” established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75) shall be deposited into the General Fund as State revenue and appropriated for New Jersey Transit Corporation, and existing Commercial Vehicle Enforcement Fund balances are appropriated to offset all reasonable and necessary expenses of the Division of State Police, the New Jersey Motor Vehicle Commission, the Department of Transportation, and the Department of Environmental Protection in the performance of commercial vehicle 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 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 into the General Fund as State revenue.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any law to the contrary, an amount not to exceed \$10,000,000 from receipts from the increase in motor vehicle fees imposed in 2009 shall be deposited into the General Fund as State revenue.

The amount appropriated to the New Jersey Motor Vehicle Commission is based on proportional revenue collections for that fiscal year pursuant to the statutes listed in subsection a. of section 105 of P.L.2003, c.13 (C.39:2A-36). Of that amount, \$2,500,000 is appropriated for transfer to the Inter-Departmental property rental and household and security accounts, \$5,150,000 is appropriated for transfer to the Department of Transportation for the Maintenance and Operations program, \$4,800,000 is appropriated for transfer to the Division of Revenue and Enterprise Services within the Department of the Treasury, \$612,000 is appropriated for transfer to the Division of State Police, and \$800,000 is appropriated for transfer to the Bureau of Forestry within the Department of Environmental Protection for its Forest Fire Fighting Program. In addition, the New Jersey Motor Vehicle Commission shall pay the non-State hourly rate charged by the Office of Administrative Law for hearing services, or an amount no less than \$500,000, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any law to the contrary, \$31,388,000 is appropriated from the revenues appropriated to the New Jersey Motor Vehicle Commission for deposit in the General Fund to reflect continuing savings initiatives, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any law to the contrary, \$10,940,000 is appropriated from the revenues appropriated to the New Jersey Motor Vehicle Commission for transfer to the Inter-Departmental Property Rentals account to reflect savings from implementation of management and procurement efficiencies, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any law to the contrary, \$5,000,000 is appropriated from the revenues appropriated to the New Jersey Motor Vehicle Commission for deposit in the General Fund as State revenue, subject to the approval of the Director of the Division of Budget and Accounting.

60 Transportation Programs

61 State and Local Highway Facilities

DIRECT STATE SERVICES

06-6100 Maintenance and Operations.....	\$37,649,000
08-6120 Physical Plant and Support Services	<u>5,486,000</u>
Total Direct State Services Appropriation, State and	
Local Highway Facilities.....	<u>\$43,135,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$22,095,000)
Materials and Supplies.....	(11,855,000)
Services Other Than Personal	(1,891,000)
Maintenance and Fixed Charges.....	(7,294,000)

The unexpended balances at the end of the preceding fiscal year in the accounts hereinabove are appropriated for Maintenance and Operations, subject to the approval of the Director of the Division of Budget and Accounting.

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, 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 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 and the Tourist Oriented Directional Signs Program fees are appropriated for the purpose of administering the programs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated 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.

Of the amount hereinabove appropriated for Maintenance and Operations, \$9,000,000 for winter operations, including snow removal costs, is appropriated from the receipts of the New Tire Surcharge pursuant to P.L.2004, c.46 (C.54:32F-1 et seq.).

In addition to the amount hereinabove appropriated for Maintenance and Operations, there is appropriated \$5,150,000 from the New Jersey Motor Vehicle Commission for Maintenance and Fixed Charges, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 12 of P.L.1962, c.73 (C.12:7-34.47) or any law or regulation to the contrary, of the amount hereinabove appropriated for Maintenance and Operations, \$2,200,000 is payable from the revenue from the fee increase pursuant to the amendatory provisions of section 12 of P.L.2002, c.34 (C.12:7-34.47) deposited into the "Maritime Industry Fund."

Revenue from fees or other payments made for the placement of sponsorship acknowledgment and advertising on signs, equipment, materials, and vehicles used for a safety service patrol or emergency service patrol program pursuant to sec-

tion 5 of P.L.1966, c.301 (C.27:1A-5), are appropriated to the Department of Transportation for transportation purposes, including contract incentives for heavy duty towing contracts that support the clearance of traffic incidents. Use of the funds is subject to any federal requirements. The unexpended balance at the end of the preceding fiscal year is appropriated for the same purpose.

CAPITAL CONSTRUCTION

60-6200 Trust Fund Authority - Revenues and other funds	
available for new projects	<u>\$1,160,552,000</u>
Total Capital Construction Appropriation, State and	
Local Highway Facilities.....	<u>\$1,160,552,000</u>

Capital Projects:

60 Transportation Trust Fund - Subaccount for	
Debt Service for Prior Bonds.....	(\$1,062,990,000)
60 Transportation Trust Fund - Subaccount for	
Debt Service for Transportation Program	
Bonds	(97,562,000)

The amount hereinabove appropriated for the Transportation Trust Fund Subaccount for Debt Service for Prior Bonds and for the Transportation Trust Fund Subaccount for Debt Service for Transportation Program Bonds shall be provided from revenues from (i) motor fuel taxes, which are hereby appropriated for such purposes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution; (ii) \$228,000,000 from the petroleum products gross receipts tax, which is hereby appropriated for such purposes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution; and (iii) \$389,552,000 from the sales and use tax which is hereby appropriated for such purposes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution.

In addition, the amount hereinabove appropriated for the Transportation Trust Fund Subaccount for Debt Service for Prior Bonds may also be provided from (i) \$12,000,000 of funds from the various transportation-oriented authorities pursuant to contracts between such transportation-oriented authorities and the State; and (ii) such additional amounts pursuant to P.L.1984, c.73 (C.27:1B-1 et al.) as may be necessary and are hereby appropriated to satisfy all fiscal year 2014 debt service, bond reserve requirements, and other fiscal obligations of the New Jersey Transportation Trust Fund Authority relating to the Prior Bonds.

Notwithstanding the provisions of any law or regulation to the contrary, in the event that some of the amounts hereinabove appropriated are not required to pay amounts due under the State contract between the State Treasurer and the New Jersey Transportation Trust Fund Authority for the Prior Bonds as the result of the receipt of federal subsidies for debt service on the Prior Bonds, or other obligations issued by the New Jersey Transportation Trust Fund Authority in connection with the Prior Bonds the amount hereinabove appropriated from the sales and use tax revenues in clause (iii) of the first paragraph above shall be reduced by such corresponding amount.

Notwithstanding the provisions of any law or regulation to the contrary, in the event that some of the amounts hereinabove appropriated are not required to pay amounts due under the State contract between the State Treasurer and the Transportation Trust Fund Authority for the Prior Bonds or the State contract between the State Treasurer and the New Jersey Transportation Trust Fund Authority for the Transportation Program Bonds as the result of refundings, restructurings, lowered interest rates, or any other action which reduces the amounts required to make the payments under such State contracts, the amount hereinabove appropriated from the sales and use tax revenues in clause (iii) of the first paragraph above for the Transportation Program Bonds or the Prior Bonds shall be reduced by such corresponding amounts.

Notwithstanding the provisions of any law or regulation to the contrary, from amounts hereinabove appropriated the Department of Transportation may expend necessary amounts 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 the provisions of any law or regulation to the contrary, the Department of Transportation may transfer Transportation Trust Fund monies to contracted federal projects until such time as federal funds become available for those projects, 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 may be reimbursed for all the monies that were transferred to advance federally funded projects.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to the Department of Transportation (DOT) for its capital projects from the revenues and other funds of the New Jersey Transportation Trust Fund Authority are hereby subject to the following condition: if the Department of Environmental Protection (DEP) determines that the issuance of any permit to the DOT regarding any capital project is conditioned upon the providing of new or enhanced public access with respect to coastal zone management (public access project), the DOT may fund the cost of such public access project from the monies hereinabove appropriated. In the alternative, if the DEP and DOT determine that it is in the best interest of the public access project for it to be undertaken by the DEP or another governmental entity, the DOT may provide funding for such public access project from the monies hereinabove appropriated to the DEP or such other governmental entity pursuant to an agreement between DOT and the DEP or other governmental entity, as applicable.

Notwithstanding the provisions of P.L.1984, c.73 (C.27:1B-1 et al.), there is appropriated the sum of \$728,500,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for capital purposes as follows:

<u>Description</u>	<u>County</u>	<u>Amount</u>
Acquisition of Right of Way	Various	(\$500,000)
Airport Improvement Program	Various	(5,000,000)
Asbestos Surveys and Abatements	Various	(500,000)
Betterments, Dams	Various	(350,000)
Betterments, Roadway Preservation	Various	(10,195,000)
Betterments, Safety	Various	(7,000,000)
Bicycle & Pedestrian Facilities/Accommodations	Various	(1,000,000)
Bridge, Emergency Repair	Various	(33,000,000)
Bridge Preventive Maintenance	Various	(22,000,000)
Capital Contract Payment Audits	Various	(1,500,000)
Congestion Relief, Intelligent Transportation System Improvements (Smart Move Program)	Various	(2,000,000)
Congestion Relief, Operational Improvements (Fast Move Program)	Various	(2,000,000)
Construction Inspection	Various	(8,000,000)
Construction Program IT System (TRNS.PORT)	Various	(900,000)
Culvert Inspection Program, Locally-owned Structures	Various	(4,500,000)
Culvert Inspection Program, State-owned Structures	Various	(800,000)
Culvert Replacement Program	Various	(2,000,000)
Design, Emerging Projects	Various	(5,000,000)
Design, Geotechnical Engineering Tasks	Various	(500,000)
Drainage Rehabilitation and Maintenance, State	Various	(9,554,000)
Duck Island Landfill, Site Remediation	Mercer	(100,000)
DVRPC, Future Projects	Various	(13,550,000)
Electrical Facilities	Various	(5,446,000)
Electrical Load Center Replacement, Statewide	Various	(2,000,000)
Environmental Investigations	Various	(3,000,000)
Environmental Project Support	Various	(400,000)
Equipment (Vehicles, Construction, Safety)	Various	(11,000,000)
Freight Program	Various	(10,000,000)
Interstate Service Facilities	Various	(100,000)
Legal Costs for Right of Way Condemnation	Various	(1,600,000)
Local Aid Consultant Services	Various	(500,000)
Local Aid Grant Management System	Various	(100,000)
Local Aid, Infrastructure Fund	Various	(7,500,000)
Local Bridges, Future Needs	Various	(25,000,000)
Local County Aid, DVRPC	Various	(15,484,000)
Local County Aid, NJTPA	Various	(53,731,000)
Local County Aid, SJTPO	Various	(9,534,000)
Local Municipal Aid, DVRPC	Various	(13,747,000)
Local Municipal Aid, NJTPA	Various	(53,790,000)
Local Municipal Aid, SJTPO	Various	(6,214,000)

Local Municipal Aid, Urban Aid	Various	(5,000,000)
Maintenance & Fleet Management System	Various	(1,000,000)
Maritime Transportation System	Various	(1,000,000)
Minority and Women Workforce Training Set Aside	Various	(1,000,000)
Mobility and Systems Engineering Program	Various	(700,000)
NJTPA Future Projects	Various	(70,500,000)
Orphan Bridge Reconstruction	Various	(1,500,000)
Park and Ride/Transportation Demand Management Program	Various	(1,000,000)
Pedestrian Safety Improvement Design and Construction	Various	(4,000,000)
Physical Plant	Various	(7,000,000)
Planning and Research, State	Various	(1,000,000)
Program Implementation Costs, NJDOT	Various	(97,000,000)
Project Development: Concept Development and Preliminary Engineering	Various	(5,000,000)
Project Enhancements	Various	(100,000)
Rail-Highway Grade Crossing Program, State	Various	(4,400,000)
Regional Action Program	Various	(1,500,000)
Resurfacing Program	Various	(75,000,000)
Right of Way Database/Document Management System	Various	(100,000)
Right of Way Full-Service Consultant Term Agreements	Various	(50,000)
Safe Streets to Transit Program	Various	(1,000,000)
Salt Storage Facilities - Statewide	Various	(4,500,000)
Sign Structure Inspection Program	Various	(1,600,000)
Signs Program, Statewide	Various	(2,000,000)
SJTPO, Future Projects	Various	(7,500,000)
South Inlet Transportation Improvement Project	Atlantic	(1,504,000)
State Police Enforcement and Safety Services	Various	(3,500,000)
Traffic Monitoring Systems	Various	(1,000,000)
Traffic Signal Replacement	Various	(9,111,000)
Transit Village Program	Various	(1,000,000)
Trenton Amtrak Bridges	Mercer	(2,450,000)
Unanticipated Design, Right of Way and Construction Expenses, State	Various	(22,280,000)
Underground Exploration for Utility Facilities	Various	(200,000)
University Transportation Research Technology	Various	(500,000)
Utility Reconnaissance and Relocation	Various	(2,000,000)
Route 18, CR 547 to Rt 34	Monmouth	(4,358,000)
Route 23, CR 695 to Belcher Lane	Passaic, Morris, Sussex	(6,533,000)

Route 27, Riverside Drive W to Vliet Road	Mercer, Middlesex, Somerset	(2,808,000)
Route 36, North of Stone Road to Route 35, Pavement	Monmouth	(2,300,000)
Route 49 at Salem River Bridge	Salem	(5,500,000)
Route 173, I-78 to Fox Hill Lane, Pavement	Warren, Hunterdon	(8,501,000)
Route 206 Bypass, Contract C	Somerset	(10,000,000)
Route 287, Glaser's Pond, Long-term Drainage Improvements	Bergen	(910,000)
Route 322, Corridor Congestion Relief Project	Gloucester	(1,500,000)
Notwithstanding the provisions of P.L.1984, c.73 (C.27:1B-1 et al.), there is ap- propriated the sum of \$495,500,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the specific projects identi- fied as follows:		

New Jersey Transit Corporation

<u>Description</u>	<u>County</u>	<u>Amount</u>
ADA-Platforms/Stations	Various	(\$910,000)
Bridge and Tunnel Rehabilitation	Various	(30,302,000)
Building Capital Leases	Various	(5,700,000)
Bus Acquisition Program	Various	(128,580,000)
Bus Passenger Facilities/Park and Ride	Various	(2,800,000)
Bus Support Facilities and Equipment	Various	(2,563,000)
Bus Vehicle and Facility Maintenance/Capital Maintenance	Various	(800,000)
Capital Program Implementation	Various	(21,470,000)
Claims Support	Various	(2,000,000)
Environmental Compliance	Various	(3,000,000)
Hudson-Bergen LRT System	Hudson	(7,005,000)
Immediate Action Program	Various	(11,225,000)
Lackawanna Cutoff MOS Project	Morris, Sussex, Warren	(5,290,000)
Light Rail Infrastructure Improvements	Various	(6,025,000)
Light Rail Vehicle Rolling Stock	Various	(15,419,000)
Locomotive Overhaul	Various	(17,560,000)
Miscellaneous	Various	(500,000)
NEC Improvements	Various	(32,499,000)
NEC Portal Bridge	Hudson	(10,000,000)
Other Rail Station/Terminal Improvements	Various	(7,010,000)
Physical Plant	Various	(1,670,000)

Private Carrier Equipment Program	Various	(3,000,000)
Rail Fleet Overhaul	Various	(30,986,000)
Rail Rolling Stock Procurement	Various	(13,150,000)
Rail Support Facilities and Equipment	Various	(11,310,000)
River LINE LRT	Camden, Burlington, Mercer	(52,370,000)
Security Improvements	Various	(2,610,000)
Signals and Communications/Electric Traction Systems	Various	(18,869,000)
Small/Special Services Program	Various	(4,283,000)
Study and Development	Various	(4,800,000)
Technology Improvements	Various	(20,294,000)
Track Program	Various	(18,000,000)
Transit Rail Initiatives	Various	(3,500,000)

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated from the revenues and other monies of the New Jersey Transportation Trust Fund Authority for the Department of Transportation and the New Jersey Transit Corporation, respectively, for salary and overhead costs of employees of the Department of Transportation and the New Jersey Transit Corporation, respectively, associated with the construction of capital projects by the Department of Transportation and the New Jersey Transit Corporation, respectively, shall not be subject to any percentage limitation.

The unexpended balances at the end of the preceding fiscal year of appropriations from the New Jersey Transportation Trust Fund Authority are appropriated.

Notwithstanding the provisions of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21) or any law or regulation to the contrary, 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 New Jersey Transportation Trust Fund Authority to pay debt service and other costs related to the Grant Anticipation Revenue Vehicles (GARVEE).

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated to the Department of Transportation, such amounts as shall be approved by the Director of the Division of Budget and Accounting, from the revenues and other funds of the New Jersey Transportation Trust Fund Authority received in connection with the issuance of the Authority's Grant Anticipation Revenue Vehicles (GARVEE) Bonds for the capital projects listed. Federal funds received in conjunction with the capital projects funded through the issu-

ance of these GARVEE Bonds are appropriated to the authority to pay debt service and other costs related to the GARVEE Bonds.

Notwithstanding the provisions of any law or regulation to the contrary, receipts 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. Receipts 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.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from the Port Authority of New York and New Jersey pursuant to a contract with the State for transportation system improvements are appropriated to the Department of Transportation for such improvements.

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 New Jersey Transportation Trust Fund Authority monies to the Pulaski Skyway, Route 7/Wittpenn Bridge, and New Road projects which are to be funded by the Port Authority of New York and New Jersey pursuant to an agreement between the Port Authority of New York and New Jersey and the Commissioner of Transportation dated July 29, 2011, until such time as funding from the Port Authority of New York and New Jersey is paid to the State pursuant to such agreement. Subject to the receipt of those funds, the New Jersey Transportation Trust Fund Authority shall be reimbursed for all monies transferred to advance these projects. In the event that all of such transfers are not reimbursed by the Port Authority of New York and New Jersey pursuant to the agreement, an amount equivalent to such unreimbursed monies are hereby appropriated from the New Jersey Transportation Trust Fund Authority to such projects and such amounts shall constitute line item appropriations approved by the Legislature.

Notwithstanding the provisions of section 6 of P.L.2006, c.3 (C.27:1B-22.2) or any law or regulation to the contrary, in recognition of the extensive destruction and damage to the State's roads, highways, bridges, and other critical transportation infrastructure during recent years inflicted by a series of federally declared disaster events, including, but not limited to, Hurricane Irene and Superstorm Sandy, of the amount hereinabove appropriated from the New Jersey Transportation Trust Fund Authority, an amount not to exceed \$135,000,000 may be used for permitted maintenance, subject to the approval of the Director of the Division of Budget and Accounting.

60 Transportation Programs

62 Public Transportation

GRANTS-IN-AID

04-6050 Railroad and Bus Operations \$1,940,973,000

Subtotal Grants-in-Aid Appropriation, Public

Transportation..... \$1,940,973,000**Less:**Farebox Revenue..... **\$920,600,000**Other Commercial Revenue..... **113,000,000**Other Reimbursements **834,200,000****Total Income Deductions\$1,867,800,000**Total Grants-in-Aid Appropriation, Public Transportation..... \$73,173,000**Grants-in-Aid:**

Personal Services:

Salaries and Wages (\$1,120,000,000)

Materials and Supplies..... (356,700,000)

Services Other Than Personal (122,900,000)

Special Purpose:

04 Purchased Transportation (223,673,000)

04 Insurance and Claims (25,800,000)

04 Tolls, Taxes, and Other Operating Expenses (91,900,000)

Less:**Income Deductions 1,867,800,000**

Notwithstanding the provision of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for New Jersey Transit Corporation, there are appropriated such sums as are received from the New Jersey Turnpike Authority, pursuant to a contract between the authority and the State for such transportation purposes.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated for New Jersey Transit Corporation from the General Fund, an amount not to exceed \$29,000,000 thereof shall be paid from funds received or receivable from the various transportation-oriented authorities pursuant to contracts between the authorities and the State for transportation purposes.

STATE AID04-6050 Railroad and Bus Operations..... \$20,343,000*(From Casino Revenue Fund..... \$20,343,000)*Total State Aid Appropriation, Public Transportation..... \$20,343,000*(From Casino Revenue Fund..... \$20,343,000)***State Aid:**

04 Transportation Assistance for Senior Citizens and

Disabled Residents (CRF)..... (\$20,343,000)

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 New Jersey Transportation Trust Fund shall be reimbursed for all the monies that were transferred to advance Federal Transit Administration projects. Any transfer of funds which returns funds from the line-item "Federal Transit Administration Projects" to the account of origin shall be deemed approved.

From the amounts appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the current fiscal year transportation capital program, the Commissioner of Transportation may allocate \$4,000,000 of the amount listed for the Private Carrier Equipment Program to New Jersey Transit Corporation'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 New Jersey Transit Corporation'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 New Jersey Transit Corporation owned vehicles. Private motorbus carriers receiving an allocation of such funds shall be required to submit to the New Jersey Transit Corporation 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.

60 Transportation Programs**64 Regulation and General Management****DIRECT STATE SERVICES**

05-6070 Multimodal Services	\$902,000
99-6000 Administration and Support Services	<u>744,000</u>
Total Direct State Services Appropriation, Regulation and General Management	<u>\$1,646,000</u>

Direct State Services:

Materials and Supplies.....(\$147,000)
 Services Other Than Personal(616,000)
 Maintenance and Fixed Charges.....(70,000)

Special Purpose:

05 Office of Maritime Resources.....(248,000)
 05 Airport Safety Fund Administration.....(565,000)

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). If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Receipts 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 for the same purpose.

Department of Transportation, Total State Appropriation..... \$1,298,849,000

Summary of Department of Transportation Appropriations
 (For Display Purposes Only)

Appropriations by Category:

Direct State Services.....\$44,781,000
 Grants-in-Aid.....73,173,000
 State Aid.....20,343,000
 Capital Construction.....1,160,552,000

Appropriations by Fund:

General Fund.....\$1,278,506,000
 Casino Revenue Fund.....20,343,000

82 DEPARTMENT OF THE TREASURY
30 Educational, Cultural, and Intellectual Development
36 Higher Educational Services

GRANTS-IN-AID

47-2155 Support to Independent Institutions.....	\$2,237,000
49-2155 Miscellaneous Higher Education Programs.....	<u>50,372,000</u>
Total Grants-in-Aid Appropriation, Higher Educational Services	<u>\$52,609,000</u>

Grants-in-Aid:

47 Aid to Independent Colleges and Universities	(\$1,000,000)
47 Clinical Legal Programs for the Poor - Seton Hall University	(200,000)
47 Research Under Contract with the Institute of Medical Research, Camden	(1,037,000)
49 Higher Education Capital Improvement Program - Debt Service	(43,883,000)
49 Dormitory Safety Trust Fund - Debt Service	(6,489,000)
The amounts 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.	
The amount hereinabove appropriated for Aid to Independent Colleges and Universities shall be allocated to eligible institutions in accordance with the "Independent College and University Assistance Act," P.L.1979, c.132 (C.18A:72B-15 et seq.), provided that the number of full-time equivalent students (FTE) at the eight State Colleges shall be 67,716 for fiscal year 2013.	

STATE AID

48-2155 Aid to County Colleges	<u>\$217,328,000</u>
(From General Fund.....	\$181,729,000)
(From Property Tax Relief Fund.....	35,599,000)
Total State Aid Appropriation, Higher Educational Services....	<u>\$217,328,000</u>
(From General Fund.....	\$181,729,000)
(From Property Tax Relief Fund.....	35,599,000)

Less:

Supplemental Workforce Fund - Basic Skills	\$18,800,000
Total Income Deductions.....	<u>\$18,800,000</u>
Total State Appropriation, Higher Educational Services	<u>\$198,528,000</u>
(From General Fund.....	\$162,929,000)
(From Property Tax Relief Fund.....	35,599,000)

State Aid:

48 Operational Costs	(\$134,123,000)
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48	Debt Service for Chapter 12, P.L.1971, c.12 (N.J.S.18A:64A-22.1) (PTRF).....	(35,599,000)
48	Alternate Benefit Program - Employer Contributions.....	(21,626,000)
48	Alternate Benefit Program - Non-contributory Insurance.....	(2,648,000)
48	Teachers' Pension and Annuity Fund - Non-contributory Insurance.....	(8,000)
48	Employer Contributions - Teachers' Pension and Annuity Fund.....	(193,000)
48	Teachers' Pension and Annuity Fund - Post Retirement Medical	(1,420,000)
48	Post Retirement Medical Other Than TPAF	(21,382,000)
48	Employer Contributions - FICA for County College Members of TPAF	(165,000)
48	Debt Service on Pension Obligation Bonds.....	(164,000)

Less:

Income Deductions 18,800,000

In addition to the amount hereinabove appropriated for Operational Costs, there is appropriated \$18,800,000 from the Supplemental Workforce Fund for Basic Skills for remedial courses provided at county colleges and all other monies in the Supplemental Workforce Fund for Basic Skills are appropriated in the proportions set forth in section 1 of P.L.2001, c.152 (C.34:15D-21).

Notwithstanding the provisions of any law or regulation to the contrary, from the amounts 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 21 of P.L.1999, c.46 (C.18A:62-24).

Such additional sums as may be required for Alternate Benefit Program - Employer Contributions, Alternate Benefit Program - Non-contributory Insurance, Teachers' Pension and Annuity Fund - Non-contributory Insurance, Teachers' Pension and Annuity Fund - Post Retirement Medical, Post Retirement Medical Other Than TPAF, and Employer Contributions - FICA for County College Members of Teachers' Pension and Annuity Fund are appropriated, as the Director of the Division of Budget and Accounting shall determine.

In addition to the amount 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 Message and Recommendations first shall be charged to the State Lottery Fund.

50 Economic Planning, Development, and Security***51 Economic Planning and Development*****GRANTS-IN-AID**

38-2043 Economic Development	<u>\$203,524,000</u>
Total Grants-in-Aid Appropriation, Economic Planning and Development	<u>\$203,524,000</u>

Grants-in-Aid:

38 Fort Monmouth Economic Revitalization Authority	(\$249,000)
38 Economic Redevelopment and Growth Grants, EDA	(10,075,000)
38 Brownfield Site Reimbursement Fund.....	(18,200,000)
38 Business Employment Incentive Program, EDA..	(175,000,000)

Funds made available for the remediation of the discharges of hazardous substances pursuant to the amendments effective December 4, 2003, to Article VIII, Section II, paragraph 6 of the State Constitution, shall be appropriated to the Brownfield Site Reimbursement Fund, established pursuant to section 38 of P.L.1997, c.278 (C.58:10B-30), in an amount to be determined by the Director of the Division of Taxation, and subject to the approval of the Director of the Division of Budget and Accounting. If such amounts for the remediation of discharges of hazardous substances are insufficient, there are appropriated such amounts as necessary to the Brownfield Site Reimbursement Fund, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year in the Brownfield Site Reimbursement Fund account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Business Employment Incentive Program, EDA, there is appropriated from the General Fund to the Department of the Treasury for transfer to the New Jersey Economic Development Authority such amounts 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 Authority, there is appropriated such additional amounts 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.

In addition to the amount hereinabove appropriated for the Economic Redevelopment and Growth Grants, EDA, there are appropriated such amounts as may be necessary to fund the Economic Redevelopment and Growth Grant program, pursuant to the "New Jersey Economic Stimulus Act of 2009," P.L.2009, c.90 (C.52:27D-489a et seq.), subject to the approval of the Director of the Division of Budget and Accounting. Due to the uncertain timing of grant requests, the unexpended balance at the end of the preceding fiscal year in the Economic Redevelopment and Growth Grants, EDA account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

**52 Economic Regulation
DIRECT STATE SERVICES**

54-2008 Utility Regulation	\$8,259,000
55-2004 Regulation of Cable Television.....	2,253,000
88-2058 Energy Assistance Programs	1,865,000
97-2016 Regulatory Support Services	4,513,000
99-2003 Administration and Support Services.....	<u>9,935,000</u>
Total Direct State Services Appropriation, Economic Regulation	
	<u>\$26,825,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$24,981,000)
Materials and Supplies.....	(329,000)
Services Other Than Personal	(984,000)
Maintenance and Fixed Charges.....	(398,000)
Additions, Improvements and Equipment.....	(133,000)

Receipts from fees are appropriated for the administrative costs of the Board of Public Utilities.

The unexpended balances at the end of the preceding fiscal year in the programs administered by the Board of Public Utilities are appropriated for use by those respective programs, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from interest earned by the Petroleum Overcharge Reimbursement Fund such sums as may be required for costs attributable to the administration of the fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the balances from the Petroleum Overcharge Reimbursement Fund and the Secondary Stage Refunds and the monies required to be deposited into that fund from pro-

jects which have been completed or are no longer viable are reappropriated for new projects consistent with the court rulings which served as the basis for the original awards, subject to the approval of the Director of the Division of Budget and Accounting and the Director of the Office of Energy Savings.

The amounts hereinabove appropriated, not to exceed \$1,865,000, for the Energy Assistance Programs account may be transferred to the Department of Human Services, Lifeline Programs account to fund the costs associated with administering the Lifeline Credits Program and Tenants' Assistance Rebate Program and shall be applied in accordance with a Memorandum of Understanding between the President of the Board of Public Utilities and the Commissioner of 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, the investment earnings derived from the funds deposited into the Clean Energy Fund and Universal Service Fund shall accrue to the funds and are available to pay the costs of the various programs of the Board of Public Utilities Clean Energy Program and Universal Service Fund.

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 Clean Energy Fund are appropriated for the actual administrative salary and operating costs 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.

All revenue received in the CATV Universal Access Fund is appropriated for transfer to the General Fund as State revenue.

GRANTS-IN-AID

88-2058 Energy Assistance Programs.....	\$63,840,000
Total Grants-in-Aid Appropriation, Economic Regulation.....	<u>\$63,840,000</u>

Grants-in-Aid:

88 Payments for Lifeline Credits (\$29,199,000)

88 Tenants' Assistance Rebate Program..... (34,641,000)

Notwithstanding the provisions of P.L.1979, c.197 (C.48:2-29.15 et seq.), P.L.1981, c.210 (C.48:2-29.30 et seq.), or any law or regulation to the contrary, the benefits of the Lifeline Credits Program and the Tenants' Assistance Rebate Program may be distributed throughout the entire year from July through June, and are not limited to an October to March heating season; therefore, applications for Lifeline benefits and benefits from the Pharmaceutical Assistance to the Aged and Disabled program may be combined.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Payments for Lifeline Credits and Tenants' Assistance Rebate Program are available for the payment of obligations applicable to prior fiscal years.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of Lifeline claims, amounts may be transferred from the various items of appropriation within the Energy Assistance Programs classification, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated, such sums as may be required for the payment of claims, credits, and rebates, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Any supplemental appropriation for the Payments for Lifeline Credits and the Tenants' Assistance Rebate Program may be recovered from the Universal Service Fund through transfer to the General Fund as State revenue, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated, not to exceed \$63,840,000, for Payments for Lifeline Credits and the Tenants' Assistance Rebate Program are available to the Department of Human 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 Human 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	\$841,000
07-2040 Office of Management and Budget	<u>14,991,000</u>
Total Direct State Services Appropriation, Governmental Review and Oversight	<u>\$15,832,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$12,637,000)
Materials and Supplies	(125,000)
Services Other Than Personal	(1,794,000)
Maintenance and Fixed Charges	(7,000)

Special Purpose:

07 Independent Audits	(1,269,000)
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Such amounts as may be necessary for administrative expenses incurred in processing federal benefit payments are appropriated from such amounts as may be received or are receivable for this purpose.

In addition to the amounts hereinabove appropriated for the Office of Management and Budget, there are appropriated such additional amounts 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, from receipts from the investment of State funds, such amounts as may be necessary for interest costs, bank service charges, custodial

costs, mortgage servicing fees, and advertising bank balances under section 1 of P.L.1956, c.174 (C.52:18-16.1).

2066 Office of the State Comptroller

DIRECT STATE SERVICES

08-2066 Office of the State Comptroller	<u>\$9,791,000</u>
Total Direct State Services Appropriation, Office of the State Comptroller	<u>\$9,791,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$8,901,000)
Materials and Supplies.....	(55,000)
Services Other Than Personal.....	(690,000)
Maintenance and Fixed Charges.....	(45,000)
Additions, Improvements and Equipment.....	(100,000)

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.

73 Financial Administration

DIRECT STATE SERVICES

15-2080 Taxation Services and Administration.....	\$105,845,000
16-2090 Administration of State Lottery	21,174,000
17-2105 Administration of State Revenues	18,577,000
19-2120 Management of State Investments	1,787,000
25-2095 Administration of Casino Gambling.....	8,205,000
(<i>From Casino Control Fund</i>)	<i>\$8,205,000</i>)
50-2105 Business Services Bureau.....	<u>4,685,000</u>
Total Direct State Services Appropriation, Financial Administration	<u>\$160,273,000</u>
(<i>From General Fund</i>)	<i>\$152,068,000</i>)
(<i>From Casino Control Fund</i>)	<i>8,205,000</i>)

Direct State Services:

Personal Services:

Chairman and Commissioners (CCF).....	(\$391,000)
Salaries and Wages.....	(112,103,000)
Salaries and Wages (CCF).....	(3,810,000)
Employee Benefits (CCF).....	(1,516,000)
(<i>From General Fund</i>)	<i>\$112,103,000</i>)
(<i>From Casino Control Fund</i>)	<i>5,717,000</i>)
Materials and Supplies.....	(3,066,000)
Materials and Supplies (CCF)	(102,000)

Services Other Than Personal	(34,111,000)
Services Other Than Personal (CCF).....	(547,000)
Maintenance and Fixed Charges.....	(1,588,000)
Maintenance and Fixed Charges (CCF).....	(1,683,000)

Special Purpose:

17 Wage Reporting/Temporary Disability Insurance....	(1,200,000)
25 Administration of Casino Gambling (CCF).....	(45,000)

Additions, Improvements and Equipment (CCF).....(111,000)

Receipts from the sale of confiscated equipment, materials, and supplies under the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.) are appropriated as may be necessary for confiscation, storage, disposal, and other related expenses thereof.

Upon certification of the Director of the Division of Taxation, the State Treasurer shall pay, upon warrants of the Director of the Division of Budget and Accounting, such claims for refund as may be necessary under the provisions of Title 54 of the Revised Statutes, as amended and supplemented.

Such amounts 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 and Enterprise Services 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 amounts 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 from the cost of collection imposed pursuant to section 8 of P.L.1987, c.76 (C.54:49-12.1) such amounts 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 amounts 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 amounts 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.

There are appropriated, out of revenues from escheated property under the various escheat acts, such amounts as may be necessary to administer such acts and such sums as may be required for refunds.

There are appropriated from the Dedicated Cigarette Tax Revenue Fund established pursuant to P.L.2004, c.68 (C.34:1B-21.16 et seq.) such amounts as are required under the contract between the Treasurer and the New Jersey Economic Development Authority entered into pursuant to section 6 of P.L.2004, c.68 (C.34:1B-21.21).

Notwithstanding the provisions of any law or regulation to the contrary, receipts from agreements entered into by the Director of the Division of Taxation pursuant to P.L.1992, c.172 (C.54:49-12.2 et seq.) are appropriated as may be necessary for contingency fees stipulated in such agreements and any other related expenses thereof.

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 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 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 amounts as may be necessary for costs required to implement the “State Lottery Law,” P.L.1970, c.13 (C.5:9-1 et seq.) and for payment for commissions, prizes, and expenses of developing and implementing games pursuant to section 7 of P.L.1970, c.13 (C.5:9-7).

State Lottery Fund receipts in excess of anticipated contributions to education and State institutions, and reimbursement of administrative expenditures, are appropriated for the same purposes, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from receipts from communications fees such amounts 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 from receipts from the sale of advertising and/or promotional products by the State Lottery, such amounts 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 amounts 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.

The amount hereinabove appropriated for the Records Management program is payable from receipts deposited into the New Jersey Public Records Preservation account.

In addition to the amount hereinabove appropriated for the Division of Revenue and Enterprise Services, there is appropriated to the Division of Revenue and Enterprise Services \$4,800,000 from the Motor Vehicle Commission for document processing charges.

The Director of the Division of Budget and Accounting is hereby authorized to transfer or credit such amounts as are necessary between the Department of Labor and Workforce Development and the Department of the Treasury for the administration of revenue collection and processing functions related to Unemployment Insurance, Temporary Disability Insurance, Workers' Compensation, Special Compensation Programs, the Health Care Subsidy Fund, and the Workforce Development Partnership program.

The amount hereinabove appropriated for the Wage Reporting/Temporary Disability Insurance program are payable out of the State Disability Benefits Fund, and in addition to the amounts hereinabove, there are appropriated out of the State Disability Benefits Fund such additional amounts 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 and Enterprise Services' commercial recording function, 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 receipts from Nextel Corporation in accordance with a Plan Funding Agreement approved by Nextel and the 800 MHz Transition Administrator for costs of rebanding incurred by State agencies, and any local units of government that have entered into a Memorandum of Understanding with the Attorney General authorizing the State to receive Nextel funds on behalf of such local unit, pursuant to Federal Communications Commission-ordered reconfiguration of the 800 MHz band, are appropriated to the Department of the Treasury for costs related to that program. Such amounts 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.

Notwithstanding the provisions of any law or regulation to the contrary, no monies from the receipts deposited into the New Jersey Public Records Preservation ac-

count in the Department of the Treasury are appropriated for grants to counties and municipalities.

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 seq.) 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.

Receipts from New Jersey Public Records Preservation fees, not to exceed \$1,300,000, are appropriated for the operations of the microfilm or other storage media unit in the Division of Revenue and Enterprise Services within the Department of Treasury, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated, from receipts from service fees billed to authorities for the handling of investment transactions, such amounts as may be necessary to administer the Management of State Investments program.

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 amounts 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.

74 General Government Services

DIRECT STATE SERVICES

02-2069	Garden State Preservation Trust.....	\$476,000
09-2050	Purchasing and Inventory Management	10,337,000
26-2067	Property Management and Construction - Property Management Services	19,072,000
37-2051	Risk Management	<u>3,647,000</u>
	Total Direct State Services Appropriation, General Government Services	<u>\$33,532,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$24,132,000)
Materials and Supplies.....	(267,000)
Services Other Than Personal.....	(3,284,000)
Maintenance and Fixed Charges.....	(5,293,000)

Special Purpose:

02 Garden State Preservation Trust.....(476,000)
Additions, Improvements and Equipment.....(80,000)

Fees collected pursuant to P.L.1975, c.127 (C.10:5-31 et seq.), are appropriated to the Division of Purchase and Property for program costs, subject to allotment by the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated to the Division of Purchase and Property, there is appropriated to the Division of Purchase and Property, an amount equal to 50% of the amount of the total rebates on procurement card purchases for costs of the Division, subject to the approval of the Director of the Division of Budget and Accounting. In addition, an amount equal to the remaining 50% of total rebates on procurement card purchases is appropriated for transfer to the various using departments and agencies for their costs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated, out of the receipts from third party subrogation and service fees billed to authorities for the handling of insurance procurement and risk management services, such amounts as may be necessary for the administrative expenses of the Risk Management program.

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 to the Print Shop and the Office of Printing Control.

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 amounts 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 from receipts from the pre-qualification service fees billed to contractors, architects, engineers, and professionals sufficient amounts for expenses related to the administration of pre-qualification activities undertaken by the Division of Property Management and Construction.

In addition to the amount hereinabove appropriated for Property Management and Construction - Property Management Services, there is appropriated to the Property Management and Construction - Property Management Services account,

\$519,000 from the New Jersey Motor Vehicle Commission for preventive maintenance costs.

Receipts 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 an amount not to exceed \$100,000 shall be available for the administrative expenses of the program.

Receipts from the leasing of Department of Environmental Protection real properties are appropriated for the costs incurred for maintenance, repairs and utilities on the properties.

There are appropriated such additional amounts 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 an amount 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 from receipts from lease proceeds billed to the occupants of the James J. Howard Marine Sciences Laboratory, such amounts 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, 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.

2026 Office of Administrative Law

DIRECT STATE SERVICES

45-2026 Adjudication of Administrative Appeals\$8,731,000
 (From General Fund..... \$3,610,000)

(From All Other Funds..... 5,121,000)
 Total Direct State Services Appropriation, Office of
 Administrative Law\$8,731,000
 (From General Fund..... \$3,610,000)
 (From All Other Funds..... 5,121,000)

Less:

All Other Funds..... \$5,121,000
Total Deductions.....\$5,121,000
 Total State Appropriation, Office of Administrative Law\$3,610,000

Direct State Services:**Personal Services:**

Salaries and Wages (\$7,775,000)
 Materials and Supplies.....(75,000)
 Services Other Than Personal(781,000)
 Maintenance and Fixed Charges.....(90,000)
 Additions, Improvements and Equipment.....(10,000)

Less:

All Other Funds 5,121,000

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 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 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 New Jersey Motor Vehicle Commission, such appropriation is conditioned upon paying the non-State hourly rate charged by the Office of Administrative Law for hearing services, or an amount not less than \$500,000.

Notwithstanding the provisions of section 4 of P.L.1978, c.67 (C.52:14F-4) to the contrary, including the reference therein to salaries of administrative law judges determined as a percentage of the annual salary of judges of Superior Court, there shall be no increase paid from appropriations made herein for annual salary increases for administrative law judges.

2034 Office of Information Technology**DIRECT STATE SERVICES**

40-2034 Office of Information Technology	\$118,113,000
65-2034 Emergency Telecommunication Services	<u>13,272,000</u>
Total Direct State Services Appropriation, Office of Information Technology	<u>\$131,385,000</u>

Less:

OIT - Other Resources \$64,896,000

Total Income Deductions.....\$64,896,000

Total State Appropriation, Office of Information Technology....\$66,489,000

Direct State Services:**Personal Services:**

Salaries and Wages.....	(\$27,576,000)
Materials and Supplies	(207,000)
Services Other Than Personal.....	(19,255,000)
Maintenance and Fixed Charges.....	(31,000)

Special Purpose:

40 Office of Information Technology.....	(64,896,000)
65 Statewide 911 Emergency Telecommunication System	(12,372,000)
65 Office of Emergency Telecommunication Services	(900,000)
Additions, Improvements and Equipment.....	(6,148,000)

Less:

Income Deductions 64,896,000

In addition to the \$64,896,000 attributable to OIT Other Resources, there are appropriated such amounts as may be received or receivable from any State agency, instrumentality or public authority for increases or changes in Office of Information Technology services, subject to the approval of the Director of the Division of Budget and Accounting.

As a condition to the appropriations made in this act, specifically with regard to the allocation of employees performing information technology infrastructure functions and the establishment of deputy chief technology officers and related staff as authorized in P.L.2007, c.56 (C.52:18A-219 et al.), 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.

From amounts appropriated to various departments, such amounts 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. The unexpended balance at the end of the preceding fiscal year in the En-

terprise Initiatives 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 Statewide 911 Emergency Telecommunication System, there are appropriated such additional sums as may be necessary for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated such sums for Geographic Information System (GIS) Integration as may be received from federal, county, municipal governments or agencies and nonprofit organizations for orthoimagery and parcel data mapping.

75 State Subsidies and Financial Aid

GRANTS-IN-AID

33-2078 Homestead Exemptions.....	<u>\$614,700,000</u>
(From Property Tax Relief Fund.....)	<u>\$614,700,000</u>
Total Grants-in-Aid Appropriation, State Subsidies and Financial Aid.....	<u>\$614,700,000</u>
(From Property Tax Relief Fund.....)	<u>\$614,700,000</u>

Grants-in-Aid:

Homestead Benefit Program (PTRF).....	(\$400,500,000)
33 Senior and Disabled Citizens' Property Tax Freeze (PTRF)	(214,200,000)

The amount hereinabove appropriated for the Homestead Benefit Program shall be available to provide homestead benefits only to eligible homeowners 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, as may be amended from time to time except that, notwithstanding the provisions of such laws to the contrary: (i) 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 (a) gross income in excess of \$150,000 for tax year 2011 are excluded from the program; (b) gross income in excess of \$100,000 but not in excess of \$150,000 for tax year 2011 are eligible for a benefit in the amount of 5% of the first \$10,000 of property taxes paid, and (c) gross income not in excess of \$100,000 for tax year 2011 are eligible for a benefit in the amount of 10% of the first \$10,000 of property taxes paid; (ii) residents who are not 65 years of age or older at the close of the tax year, or residents who are not allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, with (a) gross income in excess of \$75,000 for tax year 2011 are excluded from the program; (b) gross income in excess of \$50,000 but not in excess of \$75,000 for tax year 2011 are eligible for a benefit in the amount of 6.67% of the first \$10,000 of property taxes paid; and (c) gross income not in excess of \$50,000 for tax year 2011 are eligible for a benefit in the amount of 10% of the first \$10,000 of property taxes paid. These benefits listed pursuant to this paragraph will be calculated based on the 2006 property tax amounts assessed or as would have been assessed on

the October 1, 2011 principal residence of eligible applicants. The total homestead benefit provided to an eligible applicant in a given State fiscal year shall not exceed the homestead rebate amount paid to such eligible applicant for tax year 2006, absent a change in an applicant's filing characteristics. The homestead benefit shall be made in one or more installments after the application for the benefit has been approved, at the dates and in the form as the Director of the Division of Taxation shall determine. If the amount hereinabove appropriated for the Homestead Benefit Program is not sufficient, there is appropriated from the Property Tax Relief Fund such additional sums as may be required to provide such homestead benefits, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount hereinabove appropriated for the Homestead Benefit Program, there are appropriated such amounts as may be necessary for the administration of the program, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount hereinabove appropriated for the Homestead Benefit Program, there are appropriated such amounts as may be required for payments of homestead benefits that have been approved but not paid pursuant to the annual appropriations act for the fiscal year the claimant applied for such homestead benefit, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount hereinabove appropriated for the Homestead Benefit Program, there are appropriated from the Property Tax Relief Fund such amounts as may be required for payments of property tax credits to homeowners and tenants pursuant to the "Property Tax Deduction Act," P.L.1996, c.60 (C.54A:3A-15 et seq.).

Notwithstanding the provisions of P.L.1997, c.348 (C.54:4-8.67 et seq.), the amount hereinabove appropriated for Senior and Disabled Citizens' Property Tax Freeze, and any additional amounts which may be required for this purpose, is appropriated from the Property Tax Relief Fund.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Senior and Disabled Citizens' Property Tax Freeze is subject to the following condition: eligibility for the property tax reimbursement program shall be determined pursuant to section 1 of P.L.1997, c.348 (C.54:4-8.67), except that any citizen with an annual income of more than \$70,000 shall not be eligible to receive a property tax reimbursement benefit payment in the current fiscal year.

STATE AID

28-2078 County Boards of Taxation.....	\$1,903,000
29-2078 Locally Provided Assistance.....	28,536,000
34-2078 Senior/Disabled Citizens' and Veterans' Property Tax Deductions	74,000,000
<i>(From Property Tax Relief Fund..... \$74,000,000)</i>	

35-2078 Police and Firemen's Retirement System	<u>134,600,000</u>
<i>(From General Fund.....</i>	<i>74,045,000)</i>
<i>(From Property Tax Relief Fund.....</i>	<i>60,555,000)</i>
Total State Aid Appropriation, State Subsidies and	
Financial Aid	<u>\$239,039,000</u>
<i>(From General Fund.....</i>	<i>\$104,484,000)</i>
<i>(From Property Tax Relief Fund.....</i>	<i>134,555,000)</i>
State Aid:	
28 County Boards of Taxation.....	(\$1,903,000)
29 South Jersey Port Corporation Debt Service	
Reserve Fund.....	(15,271,000)
29 South Jersey Port Corporation Property Tax	
Reserve Fund.....	(5,101,000)
29 Highlands Protection Fund - Planning Grants.....	(2,182,000)
29 Highlands Protection Fund - Watershed	
Moratorium Offset Aid	(2,218,000)
29 Public Library Project Fund.....	(3,764,000)
34 Senior and Disabled Citizens' Property	
Tax Deductions (PTRF)	(14,800,000)
34 Veterans' Property Tax Deductions (PTRF).....	(59,200,000)
35 State Contribution to Consolidated Police and	
Firemen's Pension Fund.....	(864,000)
35 Debt Service on Pension Obligation Bonds	
(PTRF)	(16,563,000)
35 Police and Firemen's Retirement System -	
Post Retirement Medical (PTRF).....	(43,992,000)
35 Police and Firemen's Retirement System	(42,594,000)
35 Police and Firemen's Retirement System	
(P.L.1979, c.109)	(30,587,000)

There are appropriated such additional amounts 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), subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Highlands Protection Fund are payable from the receipts of the portion of the realty transfer fee directed to be credited to the Highlands Protection Fund and the unexpended balances at the end of the preceding fiscal year in the Highlands Protection Fund accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. Further, the Department of the Treasury may transfer funds as necessary between the Highlands Protection Fund - Incentive Planning Aid account

and the Highlands Protection Fund - Planning Grants account, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Solid Waste Management - County Environmental Investment Aid is appropriated to subsidize county and county authority debt service payments for environmental investments incurred and other repayment obligations owed pursuant to the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) and the "Solid Waste Utility Control Act," P.L.1970, c.40 (C.48:13A-1 et seq.) as determined by the State Treasurer based upon the need for such financial assistance after taking into account all financial resources available or attainable to pay such debt service and such other repayment obligations. Such additional sums as may be necessary shall be appropriated subject to the approval of the Director of the Division of Budget and Accounting and shall be provided upon such terms and conditions as the State Treasurer may determine. The unexpended balance at the end of the preceding fiscal year is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), the amount 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 amount of \$788,492,000 and an amount not to exceed \$319,632,000 from Consolidated Municipal Property Tax Relief Aid is appropriated and shall be allocated to municipalities in accordance with the provisions of subsection b. of section 2 of P.L.1997, c.167 (C.52:27D-439), provided further, however, that from the amounts hereinabove appropriated, each municipality shall also receive such additional amounts from the Energy Tax Receipts Property Tax Relief Fund as provided in the previous fiscal year. Each municipality that receives an allocation from the amount so transferred from the Consolidated Municipal Property Tax Relief Aid program shall have its allocation from the Consolidated Municipal Property Tax Relief Aid program reduced by the same amount.

Notwithstanding the provisions of paragraph (1) of subsection c. of section 2 of P.L.1997, c.167 (C.52:27D-439) or any other law or regulation to the contrary, the amount hereinabove appropriated for Energy Tax Receipts Property Tax Relief Fund payments shall be distributed on the following schedule: on or before August 1, 45% of the total amount due; September 1, 30% of the total amount due; October 1, 15% of the total amount due; November 1, 5% of the total amount due; December 1 for municipalities operating under a calendar fiscal

year, 5% of the total amount due; and June 1 for municipalities operating under the State fiscal year, 5% of the total amount due.

Notwithstanding the provisions of any law or regulation to the contrary, the release of the final 5% or \$500, whichever is greater, of the total annual amount due for the current fiscal year from the Energy Tax Receipts Property Tax Relief Fund to municipalities is subject to the following condition: the municipality shall submit to the Director of the Division of Local Government Services a report describing the municipality's compliance with the "Best Practices Inventory" established by the Director of the Division of Local Government Services and shall receive at least a minimum score on such inventory as determined by the Director of the Division of Local Government Services; provided, however, that the Director may take into account the particular circumstances of a municipality in computing such score. In preparing the Best Practices Inventory, the Director shall identify best municipal practices in the areas of general administration, fiscal management, and operational activities, as well as the particular circumstances of a municipality, in determining the minimum score acceptable for the release of the final 5% or \$500, whichever is greater, of the total annual amount due for the current fiscal year, but in no event shall amounts be withheld with respect to municipal practices occurring prior to the issuance of the Best Practices Inventory unless related to a municipal practice identified in the Best Practices Inventory established in the previous fiscal year.

There is appropriated from taxes collected from certain insurance companies, pursuant to the insurance tax act, so much as may be required for payments to counties pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.).

The unexpended balance at the end of the preceding fiscal year from the taxes collected pursuant to P.L.1940, c.5 (C.54:30A-49 et seq.) shall lapse.

The Director of the Division of Budget and Accounting shall reduce amounts provided to any municipality from the amount hereinabove appropriated by the difference, if any, between pension contribution savings, and the amount of Consolidated Municipal Property Tax Relief Aid payable to such municipality.

In addition to the amount hereinabove appropriated for Senior and Disabled Citizens' Property Tax Deductions and Veterans' Property Tax Deductions, there are appropriated from the Property Tax Relief Fund such additional amounts as may be required for State reimbursement to municipalities for senior and disabled citizens' and veterans' property tax deductions, subject to the approval of the Director of the Division of Budget and Accounting. Further, the Department of the Treasury, after notification to the Joint Budget Oversight Committee, may transfer funds as necessary between the Senior and Disabled Citizens' Property Tax Deductions account and the Veterans' Property Tax Deductions account, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount 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 ap-

appropriated such additional amounts 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 amounts 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

99-2000 Administration and Support Services\$11,423,000

Total Direct State Services Appropriation, Management

and Administration.....\$11,423,000

Direct State Services:

Personal Services:

Salaries and Wages.....(\$11,015,000)

Materials and Supplies..... (42,000)

Services Other Than Personal.....(342,000)

Maintenance and Fixed Charges..... (8,000)

Special Purpose:

99 Federal Liaison Office, Washington, D.C..... (16,000)

There are appropriated such additional amounts 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.

There are appropriated from the investment earnings of general obligation bond proceeds such amounts 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 amounts 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 amounts 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 amounts 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.

80 Special Government Services

82 Protection of Citizens' Rights

DIRECT STATE SERVICES

06-2024	Appellate Services to Indigents.....	\$9,923,000
57-2021	Trial Services to Indigents.....	66,864,000
58-2022	Mental Health Advocacy.....	4,484,000
61-2023	Dispute Settlement.....	533,000
66-2021	Office of Law Guardian	20,101,000
67-2021	Office of Parental Representation	15,467,000
99-2025	Administration and Support Services.....	<u>2,809,000</u>
Total Direct State Services Appropriation, Protection of		
Citizens' Rights		<u>\$120,181,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$90,956,000)
Materials and Supplies.....	(1,115,000)
Services Other Than Personal	(25,609,000)
Maintenance and Fixed Charges.....	(1,875,000)
Additions, Improvements and Equipment.....	(626,000)

Amounts 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 amounts 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.

Receipts in excess of the amount anticipated for the Dispute Settlement Office of the Office of the Public Defender are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

2048 State Legal Services Office

GRANTS-IN-AID

89-2048 Civil Legal Services for the Poor	<u>\$14,900,000</u>
Total Grants-in-Aid Appropriation, State Legal Services	
Office	<u>\$14,900,000</u>

Grants-in-Aid:

89 Legal Services of New Jersey - Legal Assistance	
in Civil Matters	(\$14,900,000)

2096 Corrections Ombudsperson

DIRECT STATE SERVICES

51-2096 Corrections Ombudsperson	<u>\$754,000</u>
Total Direct State Services Appropriation, Corrections	
Ombudsperson	<u>\$754,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$676,000)
Materials and Supplies	(4,000)
Services Other Than Personal	(67,000)
Maintenance and Fixed Charges	(7,000)

2097 Division of Elder Advocacy

DIRECT STATE SERVICES

81-2097 Elder Advocacy	<u>\$1,881,000</u>
Total Direct State Services Appropriation, Division of	
Elder Advocacy	<u>\$1,881,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$1,604,000)
Materials and Supplies	(23,000)
Services Other Than Personal	(159,000)
Maintenance and Fixed Charges	(53,000)
Additions, Improvements and Equipment	(42,000)

Notwithstanding the provisions of any law or regulation to the contrary, receipts collected from fines and penalties pursuant to subsection f. of section 2 of P.L.1983, c.43 (C.52:27G-7.1) and subsection b. of section 14 of P.L.1977, c.239 (C.52:27G-14) are appropriated to the Division of Elder Advocacy, subject to the approval of the Director of the Division of Budget and Accounting.

2098 Division of Rate Counsel

DIRECT STATE SERVICES

53-2098 Rate Counsel.....\$5,927,000
 Total Direct State Services Appropriation, Division of
 Rate Counsel.....\$5,927,000

Direct State Services:

Personal Services:

Salaries and Wages (\$2,973,000)
 Materials and Supplies.....(50,000)
 Services Other Than Personal(2,400,000)
 Maintenance and Fixed Charges.....(500,000)
 Additions, Improvements and Equipment.....(4,000)

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 the Division of Rate Counsel function.

The unexpended balances at the end of the preceding fiscal year in the Division of Rate Counsel accounts are appropriated for the same purpose.

Department of the Treasury, Total State Appropriation.....\$1,843,658,000

Summary of Department of the Treasury Appropriations

(For Display Purposes Only)

Appropriations by Category:

Direct State Services.....\$456,518,000
 Grants-in-Aid.....949,573,000
 State Aid.....437,567,000

Appropriations by Fund:

General Fund\$1,050,599,000
 Property Tax Relief Fund784,854,000
 Casino Control Fund.....8,205,000

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 \$15,000

Total Direct State Services Appropriation, Interstate
Environmental Commission \$15,000

Direct State Services:

Special Purpose:

03 Expenses of the Commission(\$15,000)

9140 Delaware River Basin Commission**DIRECT STATE SERVICES**

02-9140 Delaware River Basin Commission..... \$693,000

Total Direct State Services Appropriation, Delaware

River Basin Commission \$693,000

Direct State Services:

Special Purpose:

02 Expenses of the Commission(\$693,000)

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 \$68,000

Total Direct State Services Appropriation, Council

On Local Mandates \$68,000

Direct State Services:

Special Purpose:

92 Council On Local Mandates.....(\$68,000)

The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

Miscellaneous Commissions, Total State Appropriation..... \$776,000

Summary of Miscellaneous Commissions Appropriations

(For Display Purposes Only)

Appropriations by Category:

Direct State Services \$776,000

Appropriations by Fund:

General Fund..... \$776,000

94 INTERDEPARTMENTAL ACCOUNTS***70 Government Direction, Management, and Control******74 General Government Services*****DIRECT STATE SERVICES**

01-9400 Property Rentals.....\$227,259,000

02-9400 Insurance and Other Services	127,357,000
06-9400 Utilities and Other Services	<u>11,199,000</u>
Subtotal Direct State Services Appropriation, General	
Government Services	<u>\$365,815,000</u>

Less:**Direct Rent Charges and Charges for**

Operational Efficiencies..... \$92,328,000

Total Deductions \$92,328,000

Total Direct State Services Appropriation, General Government

Services \$273,487,000

Direct State Services:

Property Rentals:

01 Existing and Anticipated Leases (\$195,340,000)

01 Economic Development Authority..... (7,707,000)

01 Other Debt Service Leases and Tax Payments..... (24,212,000)

Less:

Total Deductions 92,328,000

Insurance and Other Services:

02 Tort Claims Liability Fund (C.59:12-1)..... (15,000,000)

02 Workers' Compensation Self-Insurance Fund (92,990,000)

02 Property Insurance Premium Payments..... (3,576,000)

02 Casualty Insurance Premium Payments..... (508,000)

02 Special Insurance Policy Premium Payment..... (158,000)

02 UMDNJ Self-Insurance Reserve Fund (10,000,000)

02 Vehicle Claims Liability Fund..... (3,500,000)

02 Self-Insurance Deductible Fund..... (1,500,000)

02 Self-Insurance Fund - Foster Parents..... (125,000)

Utilities and Other Services:

06 Public Health, Environmental and Agricultural

Laboratory (3,575,000)

06 Household and Security..... (7,624,000)

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 from direct charges and charges to non-State fund sources are appropriated for the rental of property, including the costs of operation and maintenance of such properties.

Notwithstanding the provisions of any law or regulation to the contrary, and except for leases negotiated by the Division of Property Management and Construction

and subject to the approval or disapproval by the State Leasing and Space Utilization Committee pursuant to P.L.1992, c.130 (C.52:18A-191.1 et al.), and except as hereinafter provided, no lease for the rental of any office or building, except for legislative district offices, shall be executed without the prior written consent of the State Treasurer and the Director of the Division of Budget and Accounting. Legislative district office leases may be executed by personnel in the Office of Legislative Services so directed by the Executive Director, provided the lease complies with the Joint Rules Governing Legislative District Offices adopted by the presiding officers. Leases which do not comply with the Joint Rules Governing Legislative District Offices may be executed by personnel in the Office of Legislative Services, District Office Services so directed by the Executive Director with the prior written consent of the President of the Senate and the Speaker of the General Assembly.

To the extent that amounts appropriated for property rental payments are insufficient, there are appropriated such additional amounts, not to exceed \$3,000,000 as may be required to pay property rental obligations, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$2,500,000 shall be appropriated for the costs of security, maintenance, utilities and other operating expenses related to the closure of State-owned buildings, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the Division of Property Management and Construction is empowered to renegotiate lease terms, provided that such renegotiations result in cost savings to the State for the current fiscal year and for the term of the lease. Any lease amendments made as a result of these renegotiations are subject to the review and approval of the State Leasing and Space Utilization Committee. Receipts from such renegotiations are appropriated to the Property Rentals account to offset the cost of leases, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated such additional amounts 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 amounts 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.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any law or regulation to the contrary, \$10,940,000 is appropriated from the revenues appropriated to the New Jersey Motor Vehicle Commission for transfer to the Interdepartmental Property Rentals account to reflect savings from implementation of management and procurement efficiencies, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the Director of the Division of Budget and Accounting shall transfer from departmental

accounts and credit to the Property Rentals account such amounts as necessary to reflect savings from post warranty product maintenance initiatives. 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 amounts 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 amount appropriated to the Tort Claims Liability Fund is 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 amounts 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 amounts 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 amounts appropriated to pay Workers' Compensation claims under R.S.34:15-1 et seq., are insufficient, there are appropriated such additional

amounts 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.

Provided 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 amounts appropriated to pay auto insurance claims are insufficient, there are appropriated such additional amounts 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.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated are available for payment of obligations applicable to prior fiscal years.

There are appropriated out of revenues received from utility companies such amounts as may be required for implementation and administration of the En-

ergy Conservation Initiatives Program, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for fuel and utility costs, amounts may be transferred to or from State departments to meet fuel and utility needs, subject to the approval of the Director of the Division of Budget and Accounting; and, in addition to the amounts hereinabove appropriated for fuel and utility costs and for the Public Health, Environmental and Agricultural Laboratory fuel and utility costs, there are appropriated such additional amounts as may be required to pay fuel and utility costs, subject to the approval of the Director of the Division of Budget and Accounting.

Revenue generated from the sale of Solar Renewable Energy Certificates is appropriated to fund energy-related savings initiatives as determined by the Director of Energy Savings within the Department of the Treasury, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for Fuel and Utilities, there is appropriated \$42,500,000 from the Clean Energy Fund for utility costs in State facilities.

Receipts from fees charged for public parking at the Bangs Avenue Parking Garage in Asbury Park, and the unexpended balance from the preceding fiscal year, are appropriated for the costs incurred for maintenance and operation of the garage, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Household and Security account, there is appropriated to the Household and Security account \$2,500,000 from the New Jersey Motor Vehicle Commission for utility, security, and building maintenance costs.

In addition to the amount hereinabove appropriated for Utilities and Other Services, of the unexpended balances in the Petroleum Overcharge Reimbursement Fund, there is appropriated such amounts as are required to fund the energy tracking and invoice payment system, as determined by the Director of Energy Savings within the Department of the Treasury, subject to the approval of the Director of the Division of Budget and Accounting.

In accordance with the "Recycling Enhancement Act," P.L.2007, c.311 (C.13:1E-96.2 et al.), an amount not to exceed \$358,000 is appropriated from the State Recycling Fund - Recycling Administration account to the Department of the Treasury for administrative costs attributable to the State recycling program, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

09-9460 Aid to Independent Authorities.....	<u>\$133,043,000</u>
Total Grants-in-Aid Appropriation, General	
Government Services	<u>\$133,043,000</u>

Grants-in-Aid:

09	New Jersey Sports and Exposition Authority - Debt Service	(\$71,462,000)
09	New Jersey Performing Arts Center, EDA	(5,578,000)
09	Business Employment Incentive Program, EDA - Debt Service	(27,963,000)
09	Liberty Science Center	(10,995,000)
09	Municipal Rehabilitation and Economic Recovery, EDA	(14,142,000)
09	Designated Industries Economic Growth & Development - EDA.....	(2,903,000)

In addition to the amounts hereinabove appropriated for the Sports and Exposition Authority, there are appropriated such additional amounts as are necessary to satisfy debt service obligations and to maintain the core operating functions of the authority, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the New Jersey Performing Arts Center, EDA account shall be used to pay the State's obligations pursuant to a lease with the New Jersey Economic Development Authority, for the lease of real property and infrastructure improvements and the New Jersey 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 New Jersey 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 New Jersey Performing Arts Center shall be subject to the prior written approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee, or its successor. There are appropriated such additional sums as may be necessary to pay debt service for the New Jersey Performing Arts Center.

The amounts hereinabove appropriated for debt service payments attributable to the New Jersey Performing Arts Center, EDA program and to the Municipal Rehabilitation and Economic Recovery, EDA program may be paid by the New Jersey Economic Development Authority from resources available from unexpended balances, and in such instances the amounts appropriated for the New

Jersey Performing Arts Center, EDA program and for the Municipal Rehabilitation and Economic Recovery, EDA program shall be reduced by the same amount. There are appropriated such additional sums as may be necessary to pay debt service and other costs for the Municipal Rehabilitation and Economic Recovery, EDA program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Liberty Science Center is allocated for debt service obligations and for the operations of the Liberty Science Center, the amount of such operational support to be determined by the State Treasurer on such terms and conditions as the State Treasurer requires pursuant to an agreement between the State Treasurer and the Liberty Science Center, subject to the approval of the Director of the Division of Budget and Accounting. In addition, there are appropriated such additional sums as may be necessary to satisfy debt service obligations subject to the approval of the Director of the Division of Budget and Accounting. Furthermore, there are also appropriated such additional sums for support of the operations of the center, as determined by the State Treasurer on such terms and conditions as the State Treasurer requires pursuant to an agreement between the State Treasurer and the Liberty Science Center, subject to the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

08-9450 Capital Projects - Statewide.....	<u>\$144,332,000</u>
Total Capital Construction Appropriation, General	
Government Services	<u>\$144,332,000</u>

Capital Projects:

Statewide Capital Projects:

08 Life Safety and Emergency Projects - Statewide . (\$10,000,000)
08 New Jersey Building Authority..... (36,616,000)

Open Space Preservation Program:

08 Garden State Preservation Trust Fund Account (97,716,000)
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There are appropriated such additional amounts 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 into 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 amounts 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 amounts 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.

Notwithstanding the provisions of any law or regulation to the contrary, an amount not to exceed \$5,000,000, from monies received from the sale of real property that are deposited into the State-owned Real Property Fund pursuant to section 1 of P.L.2007, c.108 (C.52:31-1.3b) are appropriated for Statewide Roofing Repairs and Replacements.

Notwithstanding the provisions of any law or regulation to the contrary, any monies received from the sale of real property that are deposited into the State-owned Real Property Fund pursuant to section 1 of P.L.2007, c.108 (C.52:31-1.3b) are appropriated for Capital Projects that increase energy efficiency, improve work place safety or for information technology systems or other capital investments that will generate an operating budget savings, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Garden State Preservation Trust Fund Account, interest earned and accumulated commencing with the start of this fiscal year is appropriated.

The amount hereinabove appropriated for the Garden State Preservation Trust Fund Account is subject to the provisions of the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.) and the constitutional amendment on open space (Article VIII, Section II, paragraph 7).

9410 Employee Benefits

DIRECT STATE SERVICES

03-9410 Employee Benefits	<u>\$2,480,397,000</u>
Total Direct State Services Appropriation, Employee	
Benefits	<u>\$2,480,397,000</u>

Direct State Services:

Special Purpose:

03 Public Employees' Retirement System.....	(\$411,645,000)
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03	Public Employees' Retirement System - Post Retirement Medical.....	(308,392,000)
03	Public Employees' Retirement System - Non-contributory Insurance.....	(29,302,000)
03	Police and Firemen's Retirement System	(88,207,000)
03	Police and Firemen's Retirement System - Non-contributory Insurance.....	(6,593,000)
03	Police and Firemen's Retirement System (P.L.1979, c.109)	(2,631,000)
03	Alternate Benefit Program - Employer Contributions	(1,420,000)
03	Alternate Benefit Program - Non-contributory Insurance	(209,000)
03	Defined Contribution Retirement Program.....	(1,280,000)
03	Defined Contribution Retirement Program - Non-contributory Insurance.....	(349,000)
03	State Police Retirement System	(45,848,000)
03	State Police Retirement System - Non-contributory Insurance.....	(1,858,000)
03	Judicial Retirement System.....	(19,150,000)
03	Judicial Retirement System - Non-contributory Insurance.....	(889,000)
03	Teachers' Pension and Annuity Fund.....	(2,536,000)
03	Teachers' Pension and Annuity Fund - Post Retirement Medical - State	(3,655,000)
03	Teachers' Pension and Annuity Fund - Non-contributory Insurance.....	(56,000)
03	Pension Adjustment Program.....	(988,000)
03	Veterans Act Pensions.....	(63,000)
03	Debt Service on Pension Obligation Bonds.....	(124,878,000)
03	Volunteer Emergency Survivor Benefit.....	(128,000)
03	State Employees' Health Benefits.....	(712,460,000)
03	Other Pension Systems - Post Retirement Medical	(113,776,000)
03	State Employees' Prescription Drug Program.....	(185,136,000)
03	State Employees' Dental Program - Shared Cost	(24,462,000)
03	State Employees' Vision Care Program	(1,000,000)
03	Social Security Tax - State.....	(375,700,000)
03	Temporary Disability Insurance Liability.....	(11,281,000)
03	Unemployment Insurance Liability.....	(6,505,000)
Such additional amounts as may be required for Public Employees' Retirement System - Post Retirement Medical, Public Employees' Retirement System - Non-contributory Insurance, Police and Firemen's Retirement System - Non-		

contributory Insurance, Alternate Benefit Program - Employer Contributions, Alternate Benefit Program - Non-contributory Insurance, Defined Contribution Retirement Program, Defined Contribution Retirement Program - Non-contributory Insurance, Teachers' Pension and Annuity Fund - Post Retirement Medical - State, Teachers' Pension and Annuity Fund - Non-contributory Insurance, State Police Retirement System - Non-contributory Insurance, Judicial Retirement System - Non-contributory Insurance, State Employees' Health Benefits, Other Pension Systems - Post Retirement Medical, State Employees' Prescription Drug Program, State Employees' Dental Program - Shared Cost, State Employees' Vision Care Program, Social Security Tax - State, Temporary Disability Insurance Liability, and Unemployment Insurance Liability are appropriated, as the Director of the Division of Budget and Accounting shall determine.

No amounts hereinabove appropriated shall be used to provide additional health insurance coverage to a State or local elected official when that official receives health insurance coverage as a result of holding other public office or employment.

Notwithstanding the provisions of the "Pension Adjustment Act," P.L.1958, c.143 (C.43:3B-1 et seq.), pension adjustment benefits for State members and beneficiaries of the Consolidated Police and Firemen's Pension Fund, Prison Officers' Pension Fund, and Central Pension Fund shall be paid by the respective pension funds. The amounts hereinabove appropriated for the Pension Adjustment Program for these benefits as required under the act shall be paid to the Pension Adjustment Fund.

In addition to the amount 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 additional amounts 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 amounts as may be required for State Employees' Health Benefits may be transferred from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

Such additional amounts as may be required for Social Security Tax - State may be transferred from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of any law or regulation to the contrary, fees due to the third party administrator for the Section 125 Tax Savings Program established in 1996 pursuant to section 7 of P.L.1996, c.8 (C.52:14-15.1a) and the Section 132(f) Commuter Transportation Benefit Program established in 2003 pursuant to section 1 of P.L.2001, c.162 (C.52:14-15.1b) shall be paid from amounts hereinabove appropriated for the Social Security Tax - State account,

subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, fees due to the third party administrator for the Unemployment Compensation Management and Cost Control Program, which was established pursuant to N.J.A.C.17:1-9.6, shall be paid from amounts hereinabove appropriated for the Unemployment Insurance Liability account, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

03-9410 Employee Benefits	<u>\$955,438,000</u>
Total Grants-in-Aid Appropriation, Employee Benefits.....	<u>\$955,438,000</u>

Grants-in-Aid:

Special Purpose:

03 Public Employees' Retirement System.....	(\$38,387,000)
03 Public Employees' Retirement System - Post Retirement Medical	(52,051,000)
03 Public Employees' Retirement System - Non-contributory Insurance.....	(2,920,000)
03 Police and Firemen's Retirement System	(6,575,000)
03 Police and Firemen's Retirement System - Non-contributory Insurance.....	(284,000)
03 Alternate Benefit Program - Employer Contributions	(139,748,000)
03 Alternate Benefit Program - Non-contributory Insurance	(20,909,000)
03 Teachers' Pension and Annuity Fund.....	(530,000)
03 Teachers' Pension and Annuity Fund - Post Retirement Medical - State	(5,373,000)
03 Teachers' Pension and Annuity Fund - Non-contributory Insurance.....	(7,000)
03 Debt Service on Pension Obligation Bonds	(7,205,000)
03 State Employees' Health Benefits	(362,500,000)
03 Other Pension Systems - Post Retirement Medical	(39,300,000)
03 State Employees' Prescription Drug Program.....	(108,276,000)
03 State Employees' Dental Program - Shared Cost...	(11,771,000)
03 Social Security Tax - State.....	(147,983,000)
03 Temporary Disability Insurance Liability.....	(6,769,000)
03 Unemployment Insurance Liability	(4,850,000)

Such additional amounts 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 amounts 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 amount 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 additional amounts as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

Notwithstanding the provisions of any law or regulation to the contrary, fees due to the third party administrator for the Unemployment Compensation Management and Cost Control Program, which was established pursuant to N.J.A.C.17:1-9.6, shall be paid from amounts hereinabove appropriated for the Unemployment Insurance Liability account, subject to the approval of the Director of the Division of Budget and Accounting.

9420 Other Interdepartmental Accounts

DIRECT STATE SERVICES

04-9420 Other Interdepartmental Accounts	<u>\$35,925,000</u>
Total Direct State Services Appropriation, Other	
Interdepartmental Accounts.....	<u>\$35,925,000</u>

Direct State Services:

Special Purpose:

04 To the Governor, for allotment to the various departments or agencies, to meet any condition of emergency or necessity; provided however, that a sum not in excess of \$5,000 shall be available for expenses, including lunches for non-salaried board members and others for whom official reception shall be beneficial to the State.....	(\$375,000)
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04 Federal Sequester Contingency.....	(3,000,000)
04 Contingency Funds.....	(625,000)
04 Interest on Short Term Notes	(6,000,000)
04 Banking Services.....	(4,500,000)
04 Debt Insurance - Special Purpose.....	(1,100,000)
04 Catastrophic Illness in Children Relief Fund - Employer Contributions	(225,000)
04 Disasters and Emergencies	(20,000,000)
04 Interest on Interfund Borrowing.....	(100,000)

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 Governor's Advisory Council for Emergency Services 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 Governor's Advisory Council for Emergency Services is unable to convene due to any such emergency described above, there shall be appropriated to the Emergency Services Fund such sums as are required to meet the costs of any such emergency described above, and payments from the fund shall be made by the State Treasurer upon approval of the Governor and the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Governor's Contingency Funds is appropriated for the same purpose.

Of the amount hereinabove appropriated for Federal Sequester Contingency, in the event the federal budget process results in a sequestration or withholding of federal funds in a manner that adversely affects the delivery of services or the continuation of programs necessary to the health and safety of the residents of the State of New Jersey, such amounts as the Director of the Division of Budget and Accounting shall determine to be necessary to protect public welfare and to provide a level of continuity in the delivery of required services may be transferred to the applicable Direct State Services, Grants-In-Aid or State Aid line item for the affected program or programs.

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.

GRANTS-IN-AID

04-9420 Other Interdepartmental Accounts \$13,200,000

Total Grants-in-Aid Appropriation, Other
 Interdepartmental Accounts.....\$13,200,000

Grants-in-Aid:**Special Purpose:**

04 Community Provider Contract Adjustments(\$13,200,000)

Of the amount hereinabove appropriated for Community Provider Contract Adjustments, amounts may be transferred to departments and divisions contracting with community care providers in order to provide a one-time upward contract adjustment effective January 1, 2014 for such providers; provided, however, that no adjustment shall be made for providers that are not in good standing with the State as of January 1, 2014 as determined by the Director of the Division of Budget and Accounting in consultation with the contracting department or division. Contract adjustments shall be prorated to all such eligible providers in good standing with the State proportional to their contract base. For purposes of this paragraph, "in good standing with the State" means that the provider owes no outstanding liabilities to the contracting department or division or to the State. Amounts not disbursed to providers not in good standing with the State shall be reallocated and distributed among providers in good standing, subject to the approval of the Director of the Division of Budget and Accounting. The director shall submit a report to the Joint Budget Oversight Committee covering all contracting departments or divisions detailing the amounts not disbursed to providers not in good standing and reallocated and distributed among providers in good standing.

9430 Salary Increases and Other Benefits**DIRECT STATE SERVICES**

05-9430 Salary Increases and Other Benefits.....\$65,890,000

Total Direct State Services Appropriation, Salary

Increases and Other Benefits\$65,890,000

Direct State Services:**Special Purpose:**

05 Executive Branch(\$44,093,000)

05 Judicial Branch.....(10,438,000)

05 Legislative Branch.....(359,000)

05 Unused Accumulated Sick Leave Payments(11,000,000)

The amounts hereinabove appropriated to the various State departments, agencies or commissions for the cost of salaries, wages, or other benefits shall be allotted as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of any law or regulation to the contrary, including R.S.34:15-49 and section 1 of P.L.1981, c.353 (C.34:15-49.1), the State Treasurer, the Chairperson of the Civil Service Commission, and the Director of the Division of Budget and Accounting shall establish directives governing salary ranges and rates of pay, including salary increases. The implementation of such directives shall be made effective at the first full pay period of the fiscal year as

determined by such directives, with timely notification of such directives to the Joint Budget Oversight Committee or its successor. Such directives shall not be considered an "administrative rule" or "rule" within the meaning of subsection (e) of section 2 of P.L.1968, c.410 (C.52:14B-2), but shall be considered exempt under paragraphs (1) and (2) of subsection (e) of section 2 of P.L.1968, c.410 (C.52:14B-2), and shall not be subject to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). Nothing herein shall be construed as applicable to the Presidents of the State Colleges, Rutgers, The State University, 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 amounts 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.

Interdepartmental Accounts, Total State Appropriation..... \$4,101,712,000

Summary of Interdepartmental Accounts Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services.....	\$2,855,699,000
Grants-in-Aid.....	1,101,681,000
Capital Construction.....	144,332,000

Appropriations by Fund:

General Fund.....	\$4,101,712,000
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98 THE JUDICIARY

10 Public Safety and Criminal Justice

15 Judicial Services

DIRECT STATE SERVICES

01-9710 Supreme Court.....	\$6,891,000
02-9715 Superior Court - Appellate Division	21,351,000
03-9720 Civil Courts	106,982,000

04-9725 Criminal Courts.....	136,219,000
05-9730 Family Courts	118,123,000
06-9735 Municipal Courts.....	1,598,000
07-9740 Probation Services.....	137,763,000
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	107,195,000
12-9765 Management and Administration	11,339,000
Total Direct State Services Appropriation, Judicial Services ...	<u>\$677,481,000</u>

Direct State Services:**Personal Services:**

Chief Justice.....	(\$193,000)
Associate Justices.....	(1,113,000)
Judges.....	(71,244,000)
Salaries and Wages.....	(437,655,000)
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	(31,008,000)
04 Drug Court Operations	(16,777,000)
04 Drug Court Judgeships	(2,569,000)
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)	(15,112,000)
07 Intensive Supervision Program	(15,757,000)
07 Juvenile Intensive Supervision Program.....	(2,269,000)
07 Child Support and Paternity Program Title IV-D (Probation).....	(29,393,000)
11 Child Support and Paternity Program Title IV-D (Trial)	(2,561,000)
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 and Drug Court Programs 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 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 Court Treatment/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 from the increase in fees collected by the Judiciary pursuant to P.L.2002, c.34 and related increases provided by operation of N.J.S.22A:2-5 and section 2 of P.L.1993, c.74 (C.22A:5-1) are appropriated from the Court Technology Improvement Fund for the purpose of offsetting the costs of development, establishment, operation and maintenance of the Judiciary computerized court information systems, subject to the approval of the Director of the Division of Budget and Accounting.

The Judiciary, Total State Appropriation \$677,481,000

Receipts from charges to certain Special Purpose accounts listed hereinabove are appropriated for services provided from these funds.

Receipts from charges to the Superior Court Trust Fund, New Jersey Lawyers Fund for Client Protection, Disciplinary Oversight Committee, Board on Attorney Certification, Bar Admission Financial Committee, Parents' Education Fund, Automated Traffic System Fund, Municipal Court Administrator Certification Program, Comprehensive Enforcement Program, Courts Computerized Information Systems Fund, County Corrections Information Systems, and Mandatory Continuing Legal Education Program are appropriated for services provided from these funds.

The unexpended balances at the end of the preceding fiscal year not to exceed \$10,000,000 in these respective accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Summary of Judiciary Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services.....\$677,481,000

Appropriations by Fund:

General Fund.....\$677,481,000

DEBT SERVICE

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

46 Environmental Planning and Administration

99-4800 Interest on Bonds\$10,491,000

99-4800 Bond Redemption	<u>11,015,000</u>
Total Debt Service Appropriation, Department of Environmental Protection	<u>\$21,506,000</u>

Debt Service:

Special Purpose:

Interest:

Clean Waters Bonds (P.L.1976, c.92)	(\$32,000)
State Land Acquisition and Development Bonds (P.L.1978, c.118)	(39,000)
Natural Resources Bonds (P.L.1980, c.70)	(187,000)
Water Supply Bonds (P.L.1981, c.261)	(417,000)
Pinelands Infrastructure Trust Bonds (P.L.1985, c.302)	(26,000)
Green Acres, Cultural Centers and Historic Preservation Bonds (P.L.1987, c.265)	(189,000)
New Jersey Open Space Preservation Bonds (P.L.1989, c.183)	(90,000)
Stormwater Management and Combined Sewer Overflow Abatement Bonds (P.L.1989, c.181)	(214,000)
Green Acres, Clean Water, Farmland and Historic Preservation Bonds (P.L.1992, c.88)	(510,000)
Green Acres, Farmland and Historic Preservation and Blue Acres Bonds (P.L.1995, c.204)	(472,000)
Port of New Jersey Revitalization, Dredging Bonds (P.L.1996, c.70)	(2,206,000)
Dam, Lake, Stream, Water Resources, and Wastewater Treatment Project Bonds (P.L.2003, c.162)	(3,205,000)
Green Acres, Farmland, Blue Acres, and Historic Preservation Bonds (P.L.2007, c.119)	(2,904,000)

Redemption:

Clean Waters Bonds (P.L.1976, c.92)	(75,000)
State Land Acquisition and Development Bonds (P.L.1978, c.118)	(185,000)
Natural Resources Bonds (P.L.1980, c.70)	(1,645,000)
Green Acres, Cultural Centers and Historic Preservation Bonds (P.L.1987, c.265)	(55,000)
Stormwater Management and Combined Sewer Overflow Abatement Bonds (P.L.1989, c.181)	(300,000)
Green Acres, Clean Water, Farmland and Historic Preservation Bonds (P.L.1992, c.88)	(375,000)
Green Acres, Farmland and Historic Preservation and Blue Acres Bonds (P.L.1995, c.204)	(1,685,000)
Port of New Jersey Revitalization, Dredging Bonds (P.L.1996, c.70)	(160,000)

Dam, Lake, Stream, Water Resources, and Wastewater Treatment Project Bonds (P.L.2003, c.162)	(6,535,000)
Total Debt Service Appropriation, Department of Environmental Protection	<u>\$21,506,000</u>

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management, and Control

76 Management and Administration

99-2000 Interest on Bonds	\$78,376,000
99-2000 Bond Redemption	<u>219,828,000</u>
Total Debt Service Appropriation, Department of the Treasury	<u>\$298,204,000</u>

Debt Service:

Special Purpose:

Interest:

Energy Conservation Bonds (P.L.1980, c.68).....	(\$2,000)
Refunding Bonds (P.L.1985, c.74, as amended by P.L.1992, c.182)	(76,609,000)
Jobs, Education and Competitiveness Bonds (P.L.1988, c.78).....	(31,000)
Public Purpose Buildings and Community-Based Facilities Construction Bonds (P.L.1989, c.184)	(36,000)
Developmental Disabilities Waiting List Reduction and Human Services Facilities Construction Bonds (P.L.1994, c.108).....	(262,000)
Statewide Transportation and Local Bridge Bond Act of 1999 (P.L.1999, c.181)	(1,436,000)

Redemption:

Refunding Bonds (P.L.1985, c.74, as amended by P.L.1992, c.182)	(204,123,000)
Jobs, Education and Competitiveness Bonds (P.L.1988, c.78).....	(380,000)
Public Purpose Buildings and Community-Based Facilities Construction Bonds (P.L.1989, c.184)	(435,000)
Developmental Disabilities Waiting List Reduction and Human Services Facilities Construction Bonds (P.L.1994, c.108).....	(880,000)
Statewide Transportation and Local Bridge Bond Act of 1999 (P.L.1999, c.181)	(14,010,000)

Total Debt Service Appropriation, Department of the Treasury	<u>\$298,204,000</u>
Total Appropriation, Debt Service	<u>\$319,710,000</u>

Notwithstanding the provisions of any law or regulation to the contrary, such sums as may be needed for the payment of interest and principal due from the issuance of any bonds authorized under the several bond acts of the State, or bonds issued to refund such bonds, are appropriated and first shall be charged to the earnings from the investments of such bond proceeds, or repayments of loans, or any other monies in the applicable bond funds, or all of these, established under such bond acts, and monies are appropriated from such bond funds for the purpose of paying interest and 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 principal on the bonds authorized under the bond act. Furthermore, where required by law, the amounts hereinabove appropriated are allocated to the projects heretofore approved by the Legislature pursuant to those bond acts. The Director of the Division of Budget and Accounting is authorized to reallocate amounts hereinabove appropriated among the various debt service accounts to permit the proper debt service payments.

There are appropriated such sums as may be needed for the payment of debt service administrative costs.

Subsequent to the refunding of bonds in the current fiscal year, the Director of the Division of Budget and Accounting is authorized to allocate amounts hereinabove appropriated among the various debt service accounts to reflect the debt service savings of the refunding and to permit the proper debt service payments.

Summary of Appropriations - All Departments
(For Display Purposes Only)

Appropriations by Category:

Direct State Services	\$7,164,297,000
Grants-in-Aid	10,001,667,000
State Aid	14,095,467,000
Capital Construction	1,395,821,000
Debt Service.....	319,710,000

Appropriation by Fund:

General Fund.....	\$18,808,018,000
Property Tax Relief Fund.....	13,720,000,000
Casino Revenue Fund	383,600,000
Casino Control Fund	55,344,000
Gubernatorial Elections Fund	10,000,000

Total Appropriation, All State Funds..... \$32,976,962,000

FEDERAL FUNDS**10 DEPARTMENT OF AGRICULTURE****40 Community Development and Environmental Management****49 Agricultural Resources, Planning, and Regulation**

01-3310 Animal Disease Control	\$604,000
02-3320 Plant Pest and Disease Control	931,000
03-3330 Agriculture and Natural Resources	300,000
05-3350 Food and Nutrition Services	430,313,000
06-3360 Marketing and Development Services	2,076,000
08-3380 Farmland Preservation	<u>4,520,000</u>

Total Appropriation, Agricultural Resources, Planning,
and Regulation..... \$438,744,000

Personal Services:

Salaries and Wages	(\$5,865,000)
Employee Benefits	(1,955,000)
Materials and Supplies	(349,000)
Services Other Than Personal	(2,538,000)
Maintenance and Fixed Charges	(817,000)

Special Purpose:

Farm Bill Pest	(30,000)
Cooperative Inspection Service	(2,000)
Other Special Purpose	(200,000)

State Aid and Grants:

Food Stamp - TEFAP	(500,000)
Farmland Preservation	(4,500,000)
Child Nutrition - School Lunch	(260,000,000)
Child Nutrition - Special Milk	(1,300,000)
Child Nutrition - School Breakfast	(70,000,000)
Child Care Food	(70,000,000)
Child Care Sponsor	(1,100,000)
Cash in Lieu of Commodities	(3,990,000)
Child Nutrition - Summer Programs	(8,400,000)
Summer Sponsor Administration	(840,000)
Fresh Fruit and Vegetable Program	(4,143,000)
State Aid and Grants	(1,415,000)
Additions, Improvements and Equipment	(800,000)

Total Appropriation, Department of Agriculture..... \$438,744,000

16 DEPARTMENT OF CHILDREN AND FAMILIES**50 Economic Planning, Development, and Security****55 Social Services Programs**

01-1610 Child Protection and Permanency	\$276,341,000
02-1620 Children's System of Care	174,565,000

03-1630 Family and Community Partnership Services	27,136,000
04-1600 Education Services	2,144,000
05-1600 Child Welfare Training Academy Services and Operations	2,059,000
99-1600 Administration and Support Services	1,369,000
99-1610 Administration and Support Services	15,352,000
99-1620 Administration and Support Services	<u>801,000</u>
Total Appropriation, Social Services Programs	<u>\$499,767,000</u>

Personal Services:

Salaries and Wages.....	(\$217,062,000)
Materials and Supplies.....	(2,619,000)
Services Other Than Personal.....	(11,397,000)
Maintenance and Fixed Charges.....	(16,956,000)

Special Purpose:

Safety and Permanency in the Courts.....	(500,000)
State Aid and Grants	(245,157,000)
Additions, Improvements and Equipment.....	(6,076,000)

Total Appropriation, Department of Children
and Families.....\$499,767,000

22 DEPARTMENT OF COMMUNITY AFFAIRS**40 Community Development and Environmental Management****41 Community Development Management**

02-8020 Housing Services.....	\$254,569,000
06-8015 Uniform Construction Code.....	<u>30,000</u>
Total Appropriation, Community Development Management	<u>\$254,599,000</u>

Personal Services:

Salaries and Wages.....	(\$13,305,000)
Employee Benefits	(6,050,000)
Materials and Supplies.....	(210,000)
Services Other Than Personal.....	(3,232,000)
Maintenance and Fixed Charges.....	(2,050,000)

Special Purpose:

Shelter Plus Care Program.....	(11,000)
Moderate Rehabilitation Housing Assistance	(81,000)
Section 8 Housing Voucher Program	(1,247,000)
Housing Opportunities for Persons with AIDS	(5,000)
Small Cities Block Grant Program	(18,000)
National Affordable Housing - HOME Investment Partnerships	(14,000)
Lead Abatement Certification	(2,000)
Other Special Purpose	(37,000)

State Aid and Grants:

Transitional Housing - Homeless	(70,000)
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Housing Opportunities for Persons with AIDS	
Post-Incarcerated	(1,126,000)
State Aid and Grants.....	(227,141,000)

50 Economic Planning, Development, and Security

55 Social Services Programs

05-8050 Community Resources	<u>\$174,625,000</u>
Total Appropriation, Social Services Programs	<u>\$174,625,000</u>
Personal Services:	
Salaries and Wages	(\$2,542,000)
Employee Benefits	(1,157,000)
Materials and Supplies.....	(71,000)
Services Other Than Personal	(1,012,000)
Maintenance and Fixed Charges.....	(21,000)
Special Purpose:	
Other Special Purpose	(272,000)
State Aid and Grants.....	(169,550,000)
Total Appropriation, Department of	
Community Affairs	<u>\$429,224,000</u>

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

16 Detention and Rehabilitation

08-7040 Institutional Care and Treatment.....	\$71,000
08-7080 Institutional Care and Treatment.....	98,000
08-7110 Institutional Care and Treatment.....	381,000
08-7120 Institutional Care and Treatment.....	127,000
08-7130 Institutional Care and Treatment.....	263,000
13-7025 Institutional Program Support.....	<u>8,633,000</u>
Total Appropriation, Detention and Rehabilitation	<u>\$9,573,000</u>
Personal Services:	
Salaries and Wages	(\$1,453,000)
Employee Benefits	(678,000)
Materials and Supplies.....	(12,000)
Special Purpose:	
Edna Mahan Visitation Program.....	(80,000)
Individuals With Disabilities Act - Part B	(7,000)
Engaging the Family - Community Centered	(471,000)
Second Chance Act Re-Entry Demonstration.....	(400,000)
National Institute of Justice Operations Research.....	(200,000)
State Criminal Alien Assistance Program.....	(3,550,000)
Inmate Vocational Certifications	(173,000)
Central Communications Upgrade - US Department of	
Homeland Security	(1,000,000)

Central Communications Upgrade - US Department of Commerce	(1,000,000)
Technology Enhancements	(500,000)
Other Special Purpose.....	(49,000)

17 Parole

03-7010 Parole	<u>\$500,000</u>
Total Appropriation, Parole	<u>\$500,000</u>
State Aid and Grants	(\$500,000)

19 Central Planning, Direction, and Management

99-7000 Administration and Support Services	<u>\$1,281,000</u>
Total Appropriation, Central Planning, Direction, and Management.....	<u>\$1,281,000</u>

Personal Services:

Salaries and Wages.....	(\$764,000)
Employee Benefits	(348,000)

Services Other Than Personal.....	(9,000)
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Special Purpose:

Perkins - Vocational Education.....	(157,000)
Other Special Purpose	(3,000)

Total Appropriation, Department of Corrections	<u>\$11,354,000</u>
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34 DEPARTMENT OF EDUCATION**30 Educational, Cultural, and Intellectual Development****31 Direct Educational Services and Assistance**

05-5064 Bilingual Education.....	\$21,095,000
06-5064 Programs for Disadvantaged Youth	314,931,000
07-5065 Special Education.....	<u>370,003,000</u>
Total Appropriation, Direct Educational Services and Assistance.....	<u>\$706,029,000</u>

Personal Services:

Salaries and Wages.....	(\$11,575,000)
Employee Benefits	(7,067,000)

Materials and Supplies.....	(41,000)
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Services Other Than Personal.....	(11,195,000)
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Special Purpose:

Language Acquisition Discretionary Administration	(132,000)
Migrant Education - Administration/Discretionary.....	(82,000)
Migrant Coordination Program	(77,000)
MSix State Data Quality Grants.....	(28,000)
Bilingual and Compensatory Education - Homeless Children and Youth.....	(10,000)

Title I - Administration Program Improvement	(2,173,000)
School Improvement Grants	(757,000)
Individuals with Disabilities Education Act Basic State Grant.....	(1,745,000)
Individuals with Disabilities Education Act Preschool Grants.....	(277,000)
IDEA Part B - Discretionary Administration.....	(699,000)
Other Special Purpose	(55,000)
State Aid and Grants.....	(670,114,000)
Additions, Improvements and Equipment.....	(2,000)

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach School for the Deaf.....	<u>\$1,176,000</u>
Total Appropriation, Operation and Support of Educational Institutions.....	<u>\$1,176,000</u>
Personal Services:	
Salaries and Wages	(\$620,000)
Employee Benefits	(281,000)
Materials and Supplies.....	(13,000)
Services Other Than Personal	(99,000)
Special Purpose:	
Vocational Education Program	(26,000)
IDEA (State Institutions), Handicapped	(113,000)
IDEA, Handicapped: Katzenbach/Deaf/ Blind and CSPD....	(14,000)
Preschool Entitlement - Katzenbach School.....	(8,000)
Additions, Improvements and Equipment.....	(2,000)

33 Supplemental Education and Training Programs

20-5062 General Vocational Education	<u>\$22,319,000</u>
Total Appropriation, Supplemental Education and Training Programs	<u>\$22,319,000</u>
Personal Services:	
Salaries and Wages	(\$1,488,000)
Employee Benefits	(675,000)
Materials and Supplies.....	(48,000)
Services Other Than Personal	(418,000)
Special Purpose:	
Vocational Education - Basic Grants - Administration	(64,000)
Vocational Education - Title II B Leadership Activities	(616,000)
State Aid and Grants.....	(19,010,000)

34 Educational Support Services

30-5063 Standards, Assessments and Curriculum.....	\$72,524,000
32-5061 Teacher and Leader Effectiveness.....	205,000

35-5069 Early Childhood Education.....	305,000
40-5064 Student Services.....	<u>22,966,000</u>
Total Appropriation, Educational Support Services	<u>\$96,000,000</u>
Personal Services:	
Salaries and Wages.....	(\$2,682,000)
Employee Benefits	(1,214,000)
Materials and Supplies.....	(4,000)
Services Other Than Personal.....	(8,127,000)
Special Purpose:	
State Assessments	(125,000)
State Grants for Improving Teacher Quality.....	(201,000)
Advanced Placement Incentive Program	(17,000)
National Assessment of Educational Progress State	
Coordinator.....	(4,000)
Foreign Language Assistance	(175,000)
Public Charter Schools	(5,000)
Troops-to-Teachers Program	(10,000)
Head Start Collaboration	(147,000)
21st Century Schools.....	(359,000)
AIDS Prevention Education.....	(195,000)
State Aid and Grants.....	(82,735,000)

35 Education Administration and Management

41-5092 Data, Research Evaluation and Reporting	\$1,688,000
99-5093 Administration and Support Services	71,000
99-5095 Administration and Support Services	<u>4,556,000</u>
Total Appropriation, Education Administration and	
Management	<u>\$6,315,000</u>
Personal Services:	
Salaries and Wages.....	(\$2,886,000)
Employee Benefits	(1,308,000)
Special Purpose:	
Statewide Longitudinal Data Systems Research Grant....	(1,469,000)
NCES Performance Based Data Management Initiative.....	(71,000)
Improving America's Schools Act -	
Consolidated Administration.....	(581,000)
Total Appropriation, Department of Education	<u>\$831,839,000</u>

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management

11-4870 Forest Resource Management.....	\$7,145,000
12-4875 Parks Management.....	25,940,000

13-4880 Hunters' and Anglers' License Fund.....	16,429,000
14-4885 Shellfish and Marine Fisheries Management.....	4,410,000
20-4880 Wildlife Management.....	1,000,000
21-4895 Natural Resources Engineering.....	<u>2,870,000</u>
Total Appropriation, Natural Resource Management.....	<u>\$57,794,000</u>
Personal Services:	
Salaries and Wages	(\$5,342,000)
Employee Benefits	(2,219,000)
Special Purpose:	
Rural Community Fire Protection Program	(194,000)
Forest Resource Management - Cooperative Forest Fire	
Control	(1,323,000)
Asian Longhorned Beetle Project	(2,300,000)
Southern Pine Beetle	(300,000)
Gypsy Moth Suppression	(420,000)
Countywide Wildfire Defense	(50,000)
Consolidated Forest Management.....	(751,000)
Assistance to Firefighters - Wildfire and Arson	
Prevention	(200,000)
Treatment for Woolly Hemlock Adelgid.....	(12,000)
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)
Historic Preservation Survey and Planning	(180,000)
Endangered Plant Species Supplemental Funding	(17,000)
Sussex Branch Trail Improvements	(500,000)
Seashore Line	(500,000)
Delaware and Raritan Canal East Side Path (ISTEA)	(565,000)
Forest Legacy	(4,000,000)
Forest Legacy Administration.....	(4,000)
Highlands Conservation	(3,000,000)
National Recreational Trails	(1,800,000)
Scenic Byways.....	(3,500,000)
National Coastal Wetlands Conservation	(3,000,000)
Cape May Point State Park Bikeway (ISTEA)	(200,000)
Liberty State Park Ferry Slip Restoration (ISTEA).....	(1,600,000)
Delaware and Raritan Canal State Park Old Rose to	
Mulberry Street (ISTEA)	(900,000)
Liberty State Park Archival Facility (ISTEA).....	(660,000)

Appalachian Trail Improvement (ISTEA)	(50,000)
Recovery Land Acquisition	(1,000,000)
Bog Turtle Recovery Acquisition.....	(500,000)
Hunters' and Anglers' License Fund.....	(925,000)
Hunter Safety Training	(853,000)
Endangered Species.....	(334,000)
Council for the Advancement of Hunting and Shooting Sports	(150,000)
Species of Greater Conservation Need (SGCN) Research..	(183,000)
White Nose Syndrome Grants to States.....	(19,000)
Assessment of the Vulnerability of NJ's Habitat and Wildlife to Climate Change	(100,000)
Hunters' and Anglers' License Fund/ N.J. Statewide Fisheries Development.....	(1,248,000)
Northeast Wildlife Teamwork Strategy	(60,000)
Boat Access (Fish and Wildlife)	(1,000,000)
Archery and Shooting Facility	(2,750,000)
NJ Landowner Incentive Program - Tier 2 (5 Yr. Projects)	(200,000)
Fish and Wildlife Input to Activities - Projects of Others...	(122,000)
State Wildlife Grant Projects	(1,000,000)
Fish and Wildlife Technical Guidance	(51,000)
Fish and Wildlife Action Plan.....	(81,000)
New Jersey's Landscape Project	(353,000)
Chronic Wasting Disease.....	(150,000)
White Nose Syndrome.....	(50,000)
NJ Fish, Wildlife and Anadromous Fishery Coordination..	(130,000)
Research In Freshwater Fisheries Management	(289,000)
Fish Culture and Stocking Project.....	(546,000)
Aquatic Recreational Resource Awareness and Education Project.....	(205,000)
Wildlife Research and Management.....	(744,000)
Fish and Wildlife Health.....	(157,000)
Species of Greater Conservation Need - Mammal Research and Management.....	(148,000)
Marine Fisheries Investigation and Management.....	(607,000)
Atlantic Coastal Fisheries	(74,000)
Clean Vessels.....	(884,000)
Marine Fisheries Law Enforcement	(654,000)
NJ Atlantic and Shortnose Sturgeon.....	(144,000)
Shellfish Management - U.S. Department of Homeland Security	(236,000)
Endangered and Nongame Species Program State Wildlife Grants.....	(433,000)

Community Assistance Program.....	(29,000)
Cooperative Technical Partnership	(2,158,000)
National Dam Safety Program (FEMA)	(68,000)
Other Special Purpose	(1,512,000)

43 Science and Technical Programs

05-4840 Water Supply	20,550,000
07-4850 Water Monitoring and Standards	4,300,000
15-4801 Land Use Regulation.....	7,800,000
15-4890 Land Use Regulation.....	1,550,000
18-4810 Office of Science Support.....	1,550,000
22-4861 New Jersey Geological Survey	365,000
90-4801 Environmental Policy and Planning	<u>7,215,000</u>
Total Appropriation, Science and Technical Programs	<u>\$43,330,000</u>

Personal Services:

Salaries and Wages	(\$4,893,000)
Employee Benefits	(1,650,000)

Special Purpose:

Drinking Water State Revolving Fund	(585,000)
Drinking Water State Revolving Fund	(18,350,000)
Water Pollution Control Program	(965,000)
Water Pollution S106 Enhancements	(300,000)
Coastal Zone Management Implementation	(641,000)
Coastal Estuarine Land Program.....	(2,000,000)
State Wetlands Conservation Plan	(550,000)
Hudson River Walkway	(4,000,000)
Coastal Zone Management Grant - Section 309	(265,000)
Coastal Zone Management - 310	(200,000)
Urban Community Air Toxics Program	(800,000)
Multimedia	(470,000)
National Geologic Mapping Program.....	(118,000)
Earthquake Hazard Reduction	(20,000)
Geological and Geophysical Data Preservation USGS	(30,000)
Water Pollution Control	(3,000)
Environmental and Health Effects Tracking.....	(155,000)
Green Energy.....	(1,000,000)
Water Monitoring and Planning.....	(649,000)
Nonpoint Source Implementation (319H)	(4,010,000)
Beach Monitoring and Notification.....	(604,000)
Other Special Purpose	(1,072,000)

44 Site Remediation and Waste Management

19-4815 Publicly-Funded Site Remediation.....	5,450,000
23-4815 Solid and Hazardous Waste Management	300,000

23-4910 Solid and Hazardous Waste Management 1,200,000
 27-4815 Remediation Management and Response 6,900,000

Total Appropriation, Site Remediation and Waste

Management \$13,850,000

Personal Services:

Salaries and Wages.....(\$2,014,000)
 Employee Benefits(914,000)

Special Purpose:

Superfund Core Grant - CPCA.....(394,000)
 Superfund Grants(5,000,000)
 Hazardous Waste - Resource Conservation
 Recovery Act.....(783,000)
 Preliminary Assessments/Site Inspections.....(1,317,000)
 Brownfields(878,000)
 Remedial Planning Support Agency Assistance(550,000)
 Underground Storage Tanks(1,407,000)
 Other Special Purpose(593,000)

45 Environmental Regulation

01-4820 Radiation Protection..... \$500,000
 02-4892 Air Pollution Control.....10,150,000
 09-4860 Public Wastewater Facilities.....58,700,000
 16-4891 Water Monitoring and Planning..... 125,000
 Total Appropriation, Environmental Regulation..... \$69,475,000

Personal Services:

Salaries and Wages.....(\$2,582,000)
 Employee Benefits(1,172,000)

Special Purpose:

Radon Program(395,000)
 Air Pollution Maintenance Program.....(4,649,000)
 BioWatch Monitoring.....(150,000)
 Particulate Monitoring Grant(617,000)
 Clean Diesel Retrofit.....(400,000)
 Clean Water State Revolving Fund(58,700,000)
 Underground Injection Control..... (48,000)
 Other Special Purpose(762,000)

46 Environmental Planning and Administration

99-4800 Administration and Support Services.....\$2,300,000
 Total Appropriation, Environmental Planning and Administration.....\$2,300,000

Special Purpose:

National Information Exchange Network.....(\$1,633,000)
 National Information Exchange Network.....(644,000)
 National Information Exchange Network..... (23,000)

47 Compliance and Enforcement

02-4855 Air Pollution Control.....	\$2,500,000
04-4835 Pesticide Control.....	550,000
08-4855 Water Pollution Control	1,250,000
15-4855 Land Use Regulation.....	600,000
23-4855 Solid and Hazardous Waste Management	3,250,000
Total Appropriation, Compliance and Enforcement	<u>\$8,150,000</u>
Personal Services:	
Salaries and Wages	(\$3,327,000)
Employee Benefits	(1,504,000)
Special Purpose:	
Air Pollution Maintenance Program.....	(992,000)
Pesticide Control Consolidated.....	(136,000)
Underground Storage Tank Program Standard Compliance	
Inspections	(456,000)
Coastal Zone Management Implementation	(119,000)
Hazardous Waste - Resource Conservation Recovery	
Act	(639,000)
Other Special Purpose	(977,000)
Total Appropriation, Department of	
Environmental Protection.....	<u>\$194,899,000</u>

46 DEPARTMENT OF HEALTH**20 Physical and Mental Health****21 Health Services**

01-4215 Vital Statistics.....	\$1,100,000
02-4220 Family Health Services	241,553,000
03-4230 Public Health Protection Services.....	98,674,000
08-4280 Laboratory Services	5,877,000
12-4245 AIDS Services	86,309,000
Total Appropriation, Health Services	<u>\$433,513,000</u>
Personal Services:	
Salaries and Wages	(\$31,449,000)
Employee Benefits	(15,172,000)
Materials and Supplies.....	(2,506,000)
Services Other Than Personal	(19,944,000)
Maintenance and Fixed Charges.....	(1,051,000)
Special Purpose:	
Supplemental Food Program - Women, Infants, and	
Children (WIC).....	(121,070,000)
N.J. Project: Providing a MED Home in a	
Neighborhood of Services	(137,000)
SSDI.....	(65,000)

Women, Infants, and Children (WIC) Farmers' Market Nutrition Program.....	(2,200,000)
Early Hearing Detection and Intervention (EHDI) Tracking, Research	(21,000)
USDA Incentive Program.....	(144,000)
Maternal and Child Health (MCH) Early Childhood Comprehensive System	(16,000)
Child Nutrition Program - Inspection Services	(97,000)
Food Inspection.....	(64,000)
Environmental Health Education	(178,000)
Health Program for Indochinese Refugees	(27,000)
Adult Blood Lead Surveillance.....	(12,000)
Adult Viral Hepatitis Prevention.....	(40,000)
Public Employees Occupational Safety and Health - State Plan.....	(244,000)
Surveillance of Hazardous Substance Emergency Events ..	(113,000)
National Cancer Prevention and Control - Public Health	(1,508,000)
Pandemic Influenza Healthcare Preparedness.....	(1,935,000)
National Violent Death Reporting System.....	(16,000)
H1N1 Public Health Emergency Response.....	(18,404,000)
Fundamental and Expanded Occupational Health.....	(596,000)
West Nile Virus - Laboratory.....	(190,000)
Tuberculosis Control Program	(12,000)
Clinical Laboratory Improvement Amendments Program ..	(144,000)
Emergency Preparedness For Bioterrorism - Laboratories ..	(99,000)
Food Emergency Response Network - E. Coli in Ground Beef.....	(109,000)
HIV/AIDS Events Without Care in New Jersey	(30,000)
Enhanced HIV/AIDS Surveillance - Perinatal	(139,000)
Minority AIDS Initiatives	(24,000)
Other Special Purpose	(14,126,000)
State Aid and Grants:	
Preventative Health and Health Services Block Grant	(1,500,000)
State Office of Rural Health	(180,000)
New Jersey Cancer Education and Early Detection (NJ CEED)	(219,000)
New Jersey Personal Responsibility Education Program.....	(1,410,000)
Abstinence Education - Family Health Services (FHS).....	(853,000)
Asthma Surveillance and Coalition Building.....	(459,000)
National Cancer Prevention and Control	(2,702,000)
Commodity Supplemental Food Program.....	(200,000)
Tobacco Age of Sale Enforcement (TASE).....	(231,000)
West Nile Virus - Public Health.....	(688,000)

BioSense 2.0	(137,000)
Immunization Project	(2,624,000)
Emergency Preparedness For Bioterrorism	(15,954,000)
Expanded and Integrated HIV Testing	(1,470,000)
Capacity Building Initiative for AIDS Drug Assistance Grantee Sites	(95,000)
Federal Lead Abatement Program.....	(8,000)
State Aid and Grants.....	(170,094,000)
Additions, Improvements and Equipment.....	(2,807,000)

22 Health Planning and Evaluation

06-4260 Long Term Care Systems	\$19,225,000
07-4270 Health Care Systems Analysis	<u>273,285,000</u>
Total Appropriation, Health Planning and Evaluation.....	<u>\$292,510,000</u>
Personal Services:	
Salaries and Wages	(\$6,921,000)
Employee Benefits	(3,145,000)
Materials and Supplies.....	(73,000)
Services Other Than Personal	(863,000)
Maintenance and Fixed Charges.....	(1,069,000)
Special Purpose:	
Long Term Care - Medicaid	(1,110,000)
Implement Patient Safety Act	(200,000)
Nurse Aide Certification Program.....	(1,000,000)
HCSA - Medicaid	(2,000,000)
Other Special Purpose	(4,976,000)
State Aid and Grants:	
State Office of Rural Health	(200,000)
Graduate Medical Education	(50,000,000)
State Aid and Grants.....	(220,385,000)
Additions, Improvements and Equipment.....	(568,000)

25 Health Administration

99-4210 Administration and Support Services	<u>\$4,967,000</u>
Total Appropriation, Health Administration.....	<u>\$4,967,000</u>
Personal Services:	
Salaries and Wages	(\$770,000)
Employee Benefits	(310,000)
Materials and Supplies.....	(30,000)
Services Other Than Personal	(700,000)
Special Purpose:	
Strengthening Public Health Infrastructure Grant.....	(220,000)
Strengthening Public Health Infrastructure Grant.....	(220,000)
Immunization Program.....	(1,012,000)

New Jersey's Reducing Health Disparities Initiative	(160,000)
Other Special Purpose	(233,000)
State Aid and Grants:	
Preventative Health and Health Services Block Grant	(841,000)
State Aid and Grants	(471,000)

Total Appropriation, Department of Health \$730,990,000

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health and Addiction Services

08-7700 Community Services	\$15,008,000
09-7700 Addiction Services	42,361,000
10-7710 Patient Care and Health Services	15,604,000
10-7720 Patient Care and Health Services	10,761,000
10-7740 Patient Care and Health Services	15,976,000
99-7710 Administration and Support Services	3,956,000
99-7720 Administration and Support Services	2,489,000
99-7740 Administration and Support Services	<u>4,214,000</u>
Total Appropriation, Mental Health and Addiction Services	<u>\$110,369,000</u>

Personal Services:

Salaries and Wages.....	(\$51,770,000)
Employee Benefits	(61,000)
Materials and Supplies.....	(3,308,000)
Services Other Than Personal.....	(3,855,000)
Maintenance and Fixed Charges.....	(1,036,000)
Special Purpose:	
Mental Health Preparedness Activities Bioterrorism.....	(2,000)
Other Special Purpose	(7,000)
State Aid and Grants:	
Substance Abuse Block Grant.....	(32,328,000)
State Aid and Grants	(17,736,000)
Additions, Improvements and Equipment.....	(266,000)

24 Special Health Services

21-7540 Health Services Administration and Management	\$246,059,000
22-7540 General Medical Services	<u>4,479,365,000</u>
Total Appropriation, Special Health Services	<u>\$4,725,424,000</u>

Personal Services:

Salaries and Wages.....	(\$23,498,000)
Materials and Supplies.....	(98,000)
Services Other Than Personal.....	(8,471,000)
Maintenance and Fixed Charges.....	(1,931,000)
Special Purpose:	

Payments to Fiscal Agents.....	(70,631,000)
Professional Standards Review Organization -	
Utilization Review	(862,000)
Drug Utilization Review Board - Administrative Costs	(23,000)
Health Information Technology (HIT)	(5,661,000)
Electronic Health Records Provider Incentive	
Payments	(125,645,000)
NJ KidCare - Administration	(4,000,000)
NJ KidCare B-C-D - Administration.....	(5,020,000)
State Aid and Grants:	
Payments for Medical Assistance Recipients -	
Adult Mental Health	(27,319,000)
Hospital Mental Health Offset Payments	(12,327,000)
Payments for Medical Assistance Recipients - ICF/MR ..	(5,888,000)
Payments for Medical Assistance Recipients -	
Inpatient Hospital	(219,798,000)
Payments for Medical Assistance Recipients -	
Prescription Drugs	(10,000,000)
Payments for Medical Assistance Recipients -	
Outpatient Hospital	(72,496,000)
Payments for Medical Assistance Recipients -	
Physician Services	(46,315,000)
Payments for Medical Assistance Recipients -	
Medicare Premiums	(175,640,000)
Payments for Medical Assistance Recipients -	
Psychiatric Hospital.....	(7,488,000)
Payments for Medical Assistance Recipients -	
Clinic Services.....	(91,557,000)
Payments for Medical Assistance Recipients -	
Transportation Services.....	(48,905,000)
Payments for Medical Assistance Recipients -	
Other Services	(5,593,000)
Home Health Background Checks - Title XIX	
federal matching funds.....	(1,800,000)
Eligibility Determination Services	(12,993,000)
Health Benefit Coordination Services	(12,602,000)
NJ Family Care II - Affordable and Accessible Health	
Coverage Benefits.....	(524,427,000)
Managed Care Initiative	(2,342,290,000)
State Aid and Grants.....	(861,927,000)
Additions, Improvements and Equipment.....	(219,000)

26 Division of Aging Services

20-7530 Medical Services for the Aged..... \$1,133,025,000

55-7530 Programs for the Aged.....	50,418,000
57-7530 Office of the Public Guardian	<u>1,500,000</u>
Total Appropriation, Division of Aging Services.....	<u>\$1,184,943,000</u>
Personal Services:	
Salaries and Wages.....	(\$10,513,000)
Employee Benefits	(3,239,000)
Materials and Supplies.....	(199,000)
Services Other Than Personal.....	(2,185,000)
Maintenance and Fixed Charges.....	(476,000)
Special Purpose:	
Administration of US Department of Health and	
Human Services	(5,646,000)
ADM DHS Federal Program - SBUM.....	(1,790,000)
Elder Abuse - Older Americans Act Title III.....	(163,000)
Empowering Older People to Take More Control of	
Their Health.....	(193,000)
Other Special Purpose	(3,582,000)
State Aid and Grants:	
Alternate Family Care	(1,000,000)
Comprehensive Personal Care	(7,500,000)
Global Budget for Long Term Care	(131,335,000)
Counseling on Health Insurance for Medicare Enrollees....	(700,000)
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	(1,012,941,000)
Additions, Improvements and Equipment.....	(359,000)

27 Disability Services

7545 Division of Disability Services

27-7545 Disability Services	<u>\$47,782,000</u>
Total Appropriation, Division of Disability Services	<u>\$47,782,000</u>
Personal Services:	
Salaries and Wages.....	(\$1,010,000)
Materials and Supplies.....	(4,000)
Services Other Than Personal.....	(31,000)
State Aid and Grants	(46,737,000)

30 Educational, Cultural, and Intellectual Development

32 Operation and Support of Educational Institutions

01-7601 Purchased Residential Care	\$332,429,000
02-7601 Social Supervision and Consultation.....	25,151,000
03-7601 Adult Activities.....	93,638,000

05-7610 Residential Care and Habilitation Services.....	12,416,000
05-7620 Residential Care and Habilitation Services.....	45,697,000
05-7630 Residential Care and Habilitation Services.....	42,189,000
05-7640 Residential Care and Habilitation Services.....	39,843,000
05-7650 Residential Care and Habilitation Services.....	58,451,000
05-7660 Residential Care and Habilitation Services.....	41,787,000
05-7670 Residential Care and Habilitation Services.....	54,433,000
99-7600 Administration and Support Services.....	9,214,000
99-7610 Administration and Support Services.....	2,666,000
99-7620 Administration and Support Services.....	2,500,000
99-7630 Administration and Support Services.....	889,000
99-7640 Administration and Support Services.....	4,311,000
99-7650 Administration and Support Services.....	6,102,000
99-7660 Administration and Support Services.....	1,018,000
99-7670 Administration and Support Services.....	4,283,000

Total Appropriation, Operation and Support of
Educational Institutions..... \$777,017,000

Personal Services:

Salaries and Wages	(\$344,175,000)
Materials and Supplies.....	(1,312,000)
Services Other Than Personal	(176,000)
Maintenance and Fixed Charges.....	(2,000)
State Aid and Grants.....	(430,952,000)
Additions, Improvements and Equipment.....	(400,000)

33 Supplemental Education and Training Programs

11-7560 Services for the Blind and Visually Impaired.....	\$10,486,000
99-7560 Administration and Support Services.....	1,991,000

Total Appropriation, Supplemental Education and
Training Programs \$12,477,000

Personal Services:

Salaries and Wages	(\$6,800,000)
Materials and Supplies.....	(35,000)
Services Other Than Personal	(338,000)
Maintenance and Fixed Charges.....	(100,000)
State Aid and Grants.....	(5,066,000)
Additions, Improvements and Equipment.....	(138,000)

50 Economic Planning, Development, and Security

53 Economic Assistance and Security

15-7550 Income Maintenance Management	\$893,878,000
Total Appropriation, Economic Assistance and Security	<u>\$893,878,000</u>

Personal Services:

Salaries and Wages	(\$9,752,000)
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Materials and Supplies.....	(2,581,000)
Services Other Than Personal.....	(32,185,000)
Maintenance and Fixed Charges.....	(3,296,000)
Special Purpose:	
Work First New Jersey Technology Investment -	
Food Stamps.....	(9,000,000)
EBT - Operational Food Stamp Match for CWA's	(3,098,000)
Work First New Jersey - Benefits Transfer - Operational...	(470,000)
Work First New Jersey - Technology Investments.....	(7,000,000)
Work First New Jersey - Technology Investment -	
TANF/CCDF	(2,400,000)
Child Support Incentive Funding	(1,356,000)
EBT Operational - Child Care Discretionary.....	(85,000)
EBT Operational - Child Care M&M.....	(335,000)
EBT Operational - Child Care TANF.....	(292,000)
Work First New Jersey - Technology Investments -	
Title XIX.....	(46,000,000)
Work First New Jersey - Technology Investment -	
Title IV-D.....	(23,000,000)
State Aid and Grants:	
Restricted Grants.....	(400,000)
Faith Based Initiatives	(1,055,000)
FEMA Disaster Case Management Grant.....	(5,897,000)
SSBG CWA Administration TANF Transfer	(2,814,000)
State Aid and Grants.....	(740,550,000)
Additions, Improvements and Equipment.....	(2,312,000)

70 Government Direction, Management, and Control

76 Management and Administration

99-7500 Administration and Support Services	<u>\$22,774,000</u>
Total Appropriation, Management and Administration	<u>\$22,774,000</u>
Personal Services:	
Salaries and Wages.....	(\$5,298,000)
Special Purpose:	
Child Support Enforcement Program	(3,000,000)
Title XIX Medical Assistance.....	(9,760,000)
Refugee Resettlement Program.....	(135,000)
Vocational Rehabilitation Act - Section 120.....	(581,000)
Food Stamp Program.....	(1,500,000)
Temporary Assistance to Needy Families Block Grant...	(1,731,000)
State Aid and Grants.....	(769,000)

Total Appropriation, Department of Human Services \$7,774,664,000

62 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT***50 Economic Planning, Development, and Security******51 Economic Planning and Development***

18-4570 Planning and Analysis.....\$9,929,000

Total Appropriation, Economic Planning and Development\$9,929,000

Personal Services:

Salaries and Wages (\$4,336,000)

Employee Benefits (1,576,000)

Materials and Supplies.....(270,000)

Services Other Than Personal(875,000)

Maintenance and Fixed Charges.....(463,000)

Special Purpose:

Reports and Analysis - Unemployment Insurance(314,000)

ES-202 Covered Employment and Wages.....(100,000)

Current Employment Statistics(175,000)

Local Area Unemployment Statistics.....(18,000)

Occupational Employment Statistics.....(70,000)

Labor Market Information - ES(130,000)

ES Cost Reimbursable Grant - Alien Labor Certification(32,000)

Permanent Mass Layoff Plant Closings.....(25,000)

Redesigned Occupational Safety and Health (ROSH).....(12,000)

One Stop Labor Market Information.....(385,000)

JTPA Title III LMI-PROS(878,000)

Other Special Purpose(57,000)

State Aid and Grants:

JTPA Title III CIDS(62,000)

Additions, Improvements and Equipment.....(151,000)

53 Economic Assistance and Security

01-4510 Unemployment Insurance.....\$191,665,000

02-4515 Disability Determination66,771,000

Total Appropriation, Economic Assistance and Security\$258,436,000

Personal Services:

Salaries and Wages (\$90,575,000)

Employee Benefits (34,082,000)

Materials and Supplies.....(6,246,000)

Services Other Than Personal(50,099,000)

Maintenance and Fixed Charges.....(17,558,000)

Special Purpose:

Unemployment Insurance.....(31,350,000)

Reed Act Improvements.....(5,000,000)

Employment Security Revenue.....(4,200,000)

Disability Determination Services(5,562,000)

Old Age and Survivor Insurance Disability	
Determination Services	(1,000,000)
State Aid and Grants	(11,464,000)
Additions, Improvements and Equipment	(1,300,000)

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services	\$54,530,000
09-4545 Employment Services	37,869,000
10-4545 Employment and Training Services	154,451,000
12-4550 Workplace Standards	<u>4,960,000</u>
Total Appropriation, Manpower and Employment Services	<u>\$251,810,000</u>

Personal Services:

Salaries and Wages	(\$53,421,000)
Employee Benefits	(12,010,000)
Materials and Supplies	(1,191,000)
Services Other Than Personal	(8,671,000)
Maintenance and Fixed Charges	(8,841,000)

Special Purpose:

Vocational Rehabilitation Act of 1973	(2,089,000)
Employment Services	(1,057,000)
Disabled Veterans' Outreach Program	(669,000)
Local Veterans' Employment Representatives	(149,000)
Trade Adjustment Assistance Project	(20,000)
Employment Services Grants - Alien Labor Certification ..	(715,000)
Work Opportunity Tax Credit	(100,000)
Employment Services Cost Reimbursable Grants -	
Migrant Housing	(5,000)
Agricultural Wage Surveys	(42,000)
Workforce Investment Act	(350,000)
Employment Services Rapid Response Team	(150,000)
National Council on Aging - Senior Community Services	
Employment	(67,000)
Workforce Investment Act - Adult and Continuing	
Education	(220,000)
Adult Basic Education Leadership	(1,279,000)
Adult Basic Education Civics Administration	(99,000)
Adult Basic Education Civics Leadership	(331,000)
Occupational Safety Health Act - On-Site Consultation	(581,000)
Other Special Purpose	(1,748,000)

State Aid and Grants:

Technology Related Assistance Project	(550,000)
Adult Basic Education Non-Administration	(12,800,000)
Adult Basic Education Civics Non-Administration	(3,730,000)
State Aid and Grants	(140,408,000)

Additions, Improvements and Equipment.....(517,000)

Total Appropriation, Department of Labor and
Workforce Development\$520,175,000

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

12 Law Enforcement

06-1200 State Police Operations\$44,365,000

09-1020 Criminal Justice26,322,000

Total Appropriation, Law Enforcement.....\$70,687,000

Personal Services:

Salaries and Wages (\$2,363,000)

Employee Benefits (1,074,000)

Special Purpose:

Fatality Analysis Reporting System (FARS) (240,000)

Paul Coverdell National Forensic Science Improvement ... (500,000)

Domestic Marijuana Eradication Suppression Program (38,000)

Domestic Marijuana Eradication Suppression Program (37,000)

Flood Mitigation Assistance (6,000,000)

Flood Mitigation Assistance (3,000,000)

Recreational Boating Safety (3,158,000)

Recreational Boating Safety (842,000)

Internet Crimes Against Children (400,000)

Using DNA Technology to Identify the Missing (500,000)

Hazardous Materials Transportation (510,000)

Pre-Disaster Mitigation - Competitive (5,000,000)

Repetitive Flood Claim Program - FEMA..... (2,000,000)

Severe Repetitive Loss - FEMA (10,000,000)

Incident Command..... (1,500,000)

Emergency Management Performance Grant -

Non-Terrorism..... (8,500,000)

Solving Cold Cases (340,000)

Forensic Casework DNA Backlog Reduction..... (1,400,000)

Sex Offender Registration and Notification Act

(SORNA) (400,000)

Bulletproof Vest Partnership (14,000)

Medicaid Fraud Unit (893,000)

Victim Assistance Grants (10,351,000)

Project Safe Neighborhoods (500,000)

Anti Trafficking Task Force (300,000)

Enhancement of Data Analysis Center..... (50,000)

Justice Assistance Grant (JAG)..... (4,622,000)

Byrne Discretionary Grant - Statewide	
Response to Violent Crime Reduction	(600,000)
Justice Information Sharing Solution	(500,000)
Residential Treatment for Substance Abuse	(154,000)
Collaborative Model - Combat Human Trafficking	(500,000)
Byrne Criminal Justice Innovation Program.....	(1,000,000)
State Aid and Grants	(3,401,000)

13 Special Law Enforcement Activities

03-1160 Office of Highway Traffic Safety	<u>\$29,457,000</u>
Total Appropriation, Special Law Enforcement Activities	<u>\$29,457,000</u>

Special Purpose:

Federal Highway Safety Program - State Match	(\$600,000)
Highway Safety - Traffic Records.....	(425,000)
Planning and Administration Section 406	(50,000)
Occupant Protection Section 406 Seat Belt Enforcement...	(500,000)
Police Traffic Services Section 406.....	(750,000)
Roadway Safety Section 406	(350,000)
Emergency Services	(12,000)
FHWA Program Management	(325,000)
Motorcycle Training Program.....	(15,000)
Training Grant - Section 402	(50,000)
Motorcycle Safety Program.....	(5,000)
Pedestrian Safety Grant	(500,000)
Occupant Protection Grant.....	(1,500,000)
Highway Safety Performance Plan.....	(50,000)
Selective Enforcement Management	(2,000,000)
Community Traffic Safety.....	(2,500,000)
Occupant Protection	(2,000,000)
State Traffic Safety Information System Improvement ...	(1,000,000)
Impaired Driving Countermeasure	(4,000,000)
Distracted Driving Incentive	(2,000,000)
Motorcycle Safety Grant.....	600,000
Graduated Driver Licensing Incentive.....	(1,000,000)
Highway Safety - Alcohol Education and Public	
Awareness Coordinator	(375,000)
Highway Safety - Safety Restraints Program	
Management	(500,000)
Safety Belt Performance Grants.....	(2,000,000)
Drunk Driver Prevention	(4,000,000)
Paid Advertising.....	(300,000)
State Traffic Safety Information System	(1,000,000)
Motorcycle Safety	(300,000)

Child Safety/Child Booster Seats.....(750,000)

18 Juvenile Services

34-1500 Juvenile Community Programs.....\$2,418,000

99-1500 Administration and Support Services.....1,574,000

Total Appropriation, Juvenile Services\$3,992,000

Personal Services:

Salaries and Wages(\$587,000)

Employee Benefits(266,000)

Special Purpose:

IDEA - Handicapped.....(273,000)

Juvenile Mentoring Programs - Juvenile Justice Initiative ...(50,000)

Juvenile Aftercare Programs.....(98,000)

Title I - Part D, Neglected and Delinquent(554,000)

Juvenile Accountability Incentive Block Grant (JAIBG) (1,000,000)

Title V Funding.....(50,000)

Juvenile Justice Delinquency Prevention(1,114,000)

19 Central Planning, Direction, and Management

13-1005 Homeland Security and Preparedness\$28,456,000

99-1000 Administration and Support Services.....4,000,000

Total Appropriation, Central Planning, Direction,
and Management.....\$32,456,000

Special Purpose:

Homeland Security Grant Program(\$5,993,000)

Urban Area Security Initiative (UASI).....(21,663,000)

UASI Nonprofit Security Grant Program (NSGP).....(800,000)

National Criminal History Program - Office of the
Attorney General(4,000,000)

80 Special Government Services

82 Protection of Citizens' Rights

14-1310 Consumer Affairs.....\$100,000

16-1350 Protection of Civil Rights.....790,000

19-1440 Victims of Crime Compensation Office5,000,000

Total Appropriation, Protection of Citizens' Rights.....\$5,890,000

Personal Services:

Salaries and Wages(\$350,000)

Special Purpose:

Prescription Drug Monitoring Program.....(100,000)

Housing and Urban Development.....(440,000)

State Aid and Grants.....(5,000,000)

Total Appropriation, Department of Law and Public Safety\$142,482,000

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS***10 Public Safety and Criminal Justice******14 Military Services***

40-3620 New Jersey National Guard Support Services	\$32,190,000
99-3600 Administration and Support Services	<u>40,000,000</u>
Total Appropriation, Military Services	<u>\$72,190,000</u>

Personal Services:

Salaries and Wages.....	(\$8,495,000)
Employee Benefits	(1,183,000)
Materials and Supplies	(13,872,000)
Services Other Than Personal.....	(2,976,000)
Maintenance and Fixed Charges.....	(235,000)

Special Purpose:

Dining Facility Operations.....	(150,000)
Natural and Cultural Resources Management.....	(5,000)
Federal Distance Learning Program.....	(80,000)
Training and Equipment - Pool Sites.....	(35,000)
Army Training and Technology Lab	(293,000)
Facilities Support Contract	(100,000)
Atlantic City Air Base - Service Contracts	(60,000)
McGuire Air Force Base - Service Contract	(30,000)
Air National Guard Security Agreement - Atlantic City.....	(48,000)
Air National Guard Security Agreement - McGuire.....	(117,000)
Army National Guard Electronic Security System.....	(60,000)
Training Site Facilities Maintenance Agreements.....	(18,000)
McGuire Air Force Base Environmental	(37,000)
Atlantic City Environmental	(45,000)
Warren Grove Sustainment, Restoration and Modernization.....	(10,000)
Antiterrorism Program Manager	(10,000)
Atlantic City Sustainment, Restoration and Modernization.....	(544,000)
Armory Renovations and Improvements	(3,706,000)
New Jersey National Guard Challenge Youth Program.....	(81,000)
NJNG Photovoltaic Sea Girt Program.....	(1,000,000)
Photovoltaic - MAVA HQ.....	(3,000,000)
Sea Girt Regional Training Institute - Construction	(36,000,000)

80 Special Government Services***83 Services to Veterans***

20-3630 Domiciliary and Treatment Services	\$3,200,000
20-3640 Domiciliary and Treatment Services	5,208,000
20-3650 Domiciliary and Treatment Services	2,260,000

50-3610 Veterans' Outreach and Assistance.....	764,000
70-3610 Burial Services.....	<u>7,000,000</u>
Total Appropriation, Services to Veterans.....	<u>\$18,432,000</u>
Personal Services:	
Salaries and Wages	(\$3,930,000)
Employee Benefits	(159,000)
Materials and Supplies.....	(7,000,000)
Special Purpose:	
Medicare Part A Receipts for Resident Care and	
Operational Costs	(7,088,000)
Veterans' Education Monitoring.....	(91,000)
Transitional Housing.....	(164,000)
Total Appropriation, Department of Military	
and Veterans' Affairs.....	<u>\$90,622,000</u>

74 DEPARTMENT OF STATE

30 Educational, Cultural, and Intellectual Development

36 Higher Educational Services

45-2405 Student Assistance Programs.....	\$14,738,000
80-2400 Statewide Planning and Coordination for Higher Education	<u>6,449,000</u>
Total Appropriation, Higher Educational Services.....	<u>\$21,187,000</u>
Personal Services:	
Salaries and Wages	(\$7,361,000)
Employee Benefits	(3,144,000)
Materials and Supplies.....	(370,000)
Services Other Than Personal	(1,710,000)
Maintenance and Fixed Charges.....	(1,110,000)
Special Purpose:	
Student Loan Administrative Cost Deduction	
and Allowance.....	(1,400,000)
State Aid and Grants.....	(6,007,000)
Additions, Improvements and Equipment.....	(85,000)

37 Cultural and Intellectual Development Services

05-2530 Support of the Arts.....	<u>\$900,000</u>
Total Appropriation, Cultural and Intellectual Development	
Services	<u>\$900,000</u>
Special Purpose:	
National Endowment for the Arts Partnership	(\$900,000)

70 Government Direction, Management, and Control

74 General Government Services

01-2505 Office of the Secretary of State.....	\$5,225,000
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02-2510 Business Action Center 300,000
 Total Appropriation, General Government Services \$5,525,000

Special Purpose:

AmeriCorps Competitive Grants.....(\$750,000)
 Foster Grandparent Program.....(850,000)
 AmeriCorps Grants(3,200,000)
 NOFO Training/Tech Assistance (50,000)
 State Commission.....(375,000)
 State Trade and Export Promotion Pilot Grant Program.....(300,000)

Total Appropriation, Department of State \$27,612,000

78 DEPARTMENT OF TRANSPORTATION

10 Public Safety and Criminal Justice

11 Vehicular Safety

01-6400 Motor Vehicle Services \$1,700,000
 Total Appropriation, Vehicular Safety..... \$1,700,000

Special Purpose:

Commercial Bus Inspection Unit(\$500,000)
 Commercial Drivers' License Program(1,200,000)

60 Transportation Programs

61 State and Local Highway Facilities

00-6300 Federal Highway Administration \$885,975,762
 Total Appropriation, State and Local Highway Facilities..... \$885,975,762

Federal Highway Administration

<u>Description</u>	<u>County</u>	<u>Amount</u>
ADA Curb Ramp Implementation	Various	(\$500,000)
Automatic Traffic Management System (ATMS)	Atlantic	(2,000,000)
Bicycle & Pedestrian Facilities/Accommodations	Various	(5,000,000)
Bridge Deck/Superstructure Replacement Program	Various	(45,000,000)
Bridge Inspection	Various	(28,400,000)
Bridge Management System	Various	(400,000)
Bridge Preventive Maintenance	Various	(20,000,000)
Bridge Scour Countermeasures	Various	(500,000)
Camden County Bus Purchase	Camden	(100,000)
Camp Meeting Avenue Bridge over Trenton Line, CR 602	Somerset	(500,000)
County Route 571/County Route 527, Reconstruction, Toms River Township	Ocean	(299,949)
Crash Reduction Program	Various	(4,850,000)
Culvert Replacement Program	Various	(1,000,000)

DBE Supportive Services Program	Various	(250,000)
Disadvantaged Business Enterprise	Various	(100,000)
Drainage Rehabilitation & Improvements	Various	(5,000,000)
DVRPC, Future Projects	Various	(708,000)
Ferry Program	Various	(2,000,000)
Gloucester County Bus Purchase	Gloucester	(70,000)
Greenville Yard and Lift Bridge - State-of-Good-Repair	Hudson	(70,010,000)
Greenville Yard and Lift Bridge - Temporary Maintenance of Barge Operations	Hudson	(1,200,000)
Highway Safety Improvement Program Planning	Various	(4,000,000)
Hoboken Observer Highway Operational and Safety Improvements	Hudson	(1,799,800)
Intelligent Transportation System Resource Center	Various	(4,000,000)
Intersection Improvement Program (Project Implementation)	Various	(1,000,000)
Job Order Contracting	Various	(2,400,000)
Local CMAQ Initiatives	Various	(7,820,000)
Local Project Development Support	Various	(3,900,000)
Local Safety/High Risk Rural Roads Program	Various	(5,000,000)
Meadowlands Adaptive Signal System for Traffic Reduction (MASSTR)	Bergen, Hudson	(5,000,000)
Median Crossover Protection Contract #13	Various	(5,236,000)
Metropolitan Planning	Various	(22,940,000)
Mobility and Systems Engineering Program	Various	(11,500,000)
Motor Vehicle Crash Record Processing	Various	(3,500,000)
New Providence Downtown Streetscape	Union	(245,000)
Newark Access Variable Message Signage System	Essex	(359,960)
Newark and First Street Improvements, Hoboken	Hudson	(215,977)
NJTPA, Future Projects	Various	(9,425,000)
North Avenue Corridor Improvement Project (NACI)	Union	(14,066,000)
Ozone Action Program in New Jersey	Various	(40,000)
Pavement Preservation	Various	(6,000,000)
Pedestrian Safety Improvement Program	Various	(1,000,000)
Planning and Research, Federal-Aid	Various	(24,694,000)
Portway, Fish House Road/Pennsylvania Avenue, CR 659	Hudson	(1,300,000)
Pre-Apprenticeship Training Program for Minorities and Women	Various	(500,000)
Rail-Highway Grade Crossing Program, Federal	Various	(10,800,000)
Recreational Trails Program	Various	(1,238,000)
Restriping Program & Line Reflectivity Management System	Various	(15,000,000)

Resurfacing, Federal	Various	(8,000,000)
RideECO Mass Marketing Efforts--New Jersey	Various	(40,000)
Right of Way Full-Service Consultant Term Agreements	Various	(100,000)
RIMIS - Phase II Implementation	Various	(246,000)
River Road Improvements, Cramer Hill	Camden	(4,050,000)
Riverbank Park Bike Trail	Hudson	(1,677,000)
Rockfall Mitigation	Various	(1,000,000)
Safe Corridors Program (Project Implementation)	Various	(2,500,000)
Safe Routes to School Program	Various	(5,587,000)
Sign Structure Rehabilitation/Replacement Program	Various	(2,000,000)
SJTPO, Future Projects	Various	(2,382,000)
South Amboy Intermodal Center	Middlesex	(9,629,000)
Statewide Traffic Operations and Support Program	Various	(21,950,000)
Traffic Monitoring Systems	Various	(12,910,000)
Traffic Signal Replacement	Various	(1,000,000)
Training and Employee Development	Various	(1,000,000)
Transportation Alternatives Program	Various	(15,470,000)
Transportation and Community Development Initiative (TCDI) DVRPC	Various	(1,080,000)
Transportation and Community System Preservation Program	Various	(4,000,000)
Transportation Demand Management Program Support	Various	(230,000)
Transportation Management Associations	Various	(5,955,000)
Transportation Safety Resource Center (TSRC)	Various	(1,600,000)
Tremley Point Access Local Roadway Improvements	Union, Middlesex	(9,061,000)
Youth Employment and TRAC Programs	Various	(250,000)
Route 1, Southbound, Nassau Park Boulevard to Quaker Bridge Mall Overpass	Mercer	(3,500,000)
Route 3, over Northern Secondary & Ramp A	Hudson	(2,500,000)
Route 3, Route 46, Valley Road and Notch/Rifle Camp Road Interchange, Contract A	Passaic	(15,358,273)
Route 7, Bridge over CONRAIL	Hudson	(13,100,000)
Route 9, Bridge over Waretown Creek	Ocean	(600,000)
Route 9, Craig Road/East Freehold Road, Intersection Improvements	Monmouth	(18,675,000)
Route 9, Indian Head Road to Central Avenue/Hurley Avenue, Pavement	Ocean	(1,350,000)
Route 9, Northfield Sidewalk Replacement	Atlantic	(1,595,000)
Route 10, Hillside Avenue (CR 619) to Mt. Pleasant Turnpike (CR 665)	Morris	(2,800,000)

Route 10, Passaic River	Morris, Essex	(4,350,000)
Route 15, Bridge over Beaver Run	Sussex	(800,000)
Route 17, Airmount Avenue to I-287, Pavement	Bergen	(8,800,000)
Route 18, Bridge over Route 1	Middlesex	(10,000,000)
Route 18, Edgeboro Road & Tices Road, Intersection Improvements	Middlesex	(300,000)
Route 20, Paterson Safety & Drainage	Passaic	(1,100,000)
Route 21, Newark Needs Analysis, Murray Street to Edison Place	Essex	(500,000)
Route 22, Bloy Street to Liberty Avenue	Union	(1,500,000)
Route 22, Chestnut Street Bridge Replacement (CR 626)	Union	(2,530,000)
Route 22, EB, Auxiliary Lane between U-Turns H and G	Union	(1,600,000)
Route 22, Hilldale Place/Broad Street	Union	(1,000,000)
Route 22, Middle Brook to Westfield Road	Somerset, Union	(13,630,000)
Route 22, Sidewalk Improvements, Somerset County	Somerset	(3,360,000)
Route 22, Westbound, Vicinity of Vaux Hall Road to West of Bloy Street	Union	(750,000)
Route 23, Bridge over Branch of Walkill River	Sussex	(400,000)
Route 29, Cass Street to Calhoun Street, Drainage	Mercer	(350,000)
Route 30, Blue Anchor Dam	Camden	(9,898,000)
Route 31, Bridge over CSX Railroad	Mercer	(250,000)
Route 31, Bridge over Furnace Brook	Warren	(300,000)
Route 31, NB, Minneakonig Road to MP 24.92	Hunterdon	(4,800,000)
Route 31, Pennington Circle Safety Improvements	Mercer	(1,000,000)
Route 31, South of Rt. 78 to North of CR 634	Warren, Hunterdon	(7,380,000)
Route 31/202, Flemington Circle	Hunterdon	(6,311,000)
Route 34, Colts Neck, Intersection Improvements (CR 537)	Monmouth	(2,800,000)
Route 34, over former Freehold and Jamesburg Railroad	Monmouth	(500,000)
Route 35, Perth Amboy Connector, Bridge Superstructure Replacement	Middlesex	(100,000)
Route 38, MP 0.0 - 6.1 Pavement	Burlington Camden	(15,400,000)
Route 40, Woodstown Intersection Improvements	Salem	(400,000)
Route 42, Ardmore Avenue to Camden County Line, Pavement	Gloucester	(800,000)
Route 46, Hatchery Brook, Culvert Replacement	Warren	(1,445,000)
Route 46, Main Street to Vicinity of Frederick Place, Safety Improvements	Bergen	(10,130,000)

Route 46, Passaic Avenue to Willowbrook Mall	Essex, Passaic	(5,000,000)
Route 47, Grove Street to Route 130, Pavement	Gloucester	(1,000,000)
Route 47/347 and Route 49/50 Corridor Enhancement	Cape May, Cumberland	(200,000)
Route 49 Buckshutem Road, Intersection Improvements (CR 670)	Cumberland	(3,050,000)
Route 50, Gibson Creek Road to Danenhauer Lane, Pavement	Atlantic	(4,991,000)
Route 52, Causeway Replacement, Contract A	Cape May	(14,900,000)
Route 54, Route 322 over Cape May Point Branch	Atlantic	(24,151,000)
Route 57, CR 519 Intersection Improvement	Warren	(2,503,803)
Route 70, Red Lion Road (CR 685) to Dakota Trail, Pavement	Burlington	(800,000)
Route 71, Main Avenue to Cedar Avenue, Pavement	Monmouth	(900,000)
Route 72, Manahawkin Bay Bridges, Contract 2	Ocean	(36,173,000)
Route 72, Manahawkin Bay Bridges, Contract 3	Ocean	(13,037,000)
Route 72, Route 70 to County Route 532, Pavement Improvements (CR 513)	Burlington	(5,120,000)
Route 76/676, Bridge Deck Replacements	Camden	(30,322,000)
Route 82, Caldwell Avenue to Lehigh Avenue	Union	(800,000)
Route 88, Bridge over Beaver Dam Creek	Ocean	(500,000)
Route 130, Brooklawn Circles	Camden	(4,500,000)
Route 130, Columbus Road/Jones Street	Burlington	(300,000)
Route 130, Crystal Lake Dam	Burlington	(100,000)
Route 130, Hollywood Avenue (CR 618)	Salem	(750,000)
Route 130, Raccoon Creek Bridge Replacement and Pavement Rehabilitation	Gloucester	(932,000)
Route 130, Westfield Avenue to Main Street	Mercer, Middlesex	(800,000)
Route 168, Merchant Street to Ferry Avenue, Pavement	Camden	(700,000)
Route 168, Mingus Run Creek Culvert	Camden	(2,166,000)
Route 173, Bridge over Pohatcong Creek	Warren	(900,000)
Route 202, First Avenue Intersection Improvements	Somerset	(500,000)
Route 206, Bridge over Clarks Creek and Sleepers Brook	Atlantic	(950,000)
Route 206, Monmouth Road/Juliustown Road Intersection Improvements (CR 537)	Burlington	(600,000)
Route 206, S. of Paterson Avenue to S. of Pine Road	Sussex	(8,400,000)
Route 206, South Broad Street Bridge over Assunpink Creek	Mercer	(900,000)
Route 206, Southbound Merge Improvements with I-287 Ramp	Somerset	(200,000)

Route 206, Whitehorse Circle (CR 533, 524)	Mercer	(500,000)
Route 287, Interchange 10 Ramp Improvements	Middlesex, Somerset	(500,000)
Route 295/42, Missing Moves, Bellmawr	Camden	(5,300,000)
Route 295/42/I-76, Direct Connection, Contract 2	Camden	(78,583,000)
Route 322, Kings Highway (CR 551)	Gloucester	(400,000)

62 Public Transportation

Federal Highway Administration	\$227,500,000
Federal Transit Administration.....	<u>467,450,000</u>
Total Appropriation, Public Transportation	<u>\$694,950,000</u>

<u>Description</u>	<u>County</u>	<u>Amount</u>
<u>Federal Highway Administration</u>		
Hudson-Bergen LRT System	Hudson	(\$47,000,000)
Lyndhurst Intermodal ADA Improvements	Bergen	(500,000)
Perth Amboy Intermodal ADA Improvements	Various	(500,000)
Preventive Maintenance-Bus	Various	(77,000,000)
Preventive Maintenance-Rail	Various	(99,500,000)
Rail Rolling Stock Procurement	Various	(3,000,000)
<u>Federal Transit Administration</u>		
Bus Acquisition Program	Various	(\$7,100,000)
Bus Support Facilities and Equipment	Various	(2,250,000)
Cumberland County Bus Program	Cumberland	(1,020,000)
Lackawanna Cutoff MOS Project	Morris, Sussex, Warren	(1,710,000)
Light Rail Vehicle Rolling Stock	Various	(27,735,000)
Lyndhurst Intermodal ADA Improvements	Bergen	(2,000,000)
NEC Elizabeth Intermodal Station Improvements	Union	(14,399,000)
NEC Newark Intermodal	Essex	(3,296,000)
Perth Amboy Intermodal ADA Improvements	Middlesex	(7,802,000)
Preventive Maintenance-Bus	Various	(98,370,000)
Preventive Maintenance-Rail	Various	(185,409,000)
Rail Rolling Stock Procurement	Various	(100,068,000)
Section 5310 Program	Various	(7,200,000)
Section 5311 Program	Various	(4,200,000)
Signals and Communications/Electric Traction Systems	Various	(2,091,000)
SJ BRT/Avandale Park Ride	Camden	(2,000,000)
Small/Special Services Program	Various	(100,000)
Transit Enhancements/Transportation Alternative Program (TAP)	Various	(700,000)

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 Multimodal Services\$18,100,000

Total Appropriation, Regulation and General Management\$18,100,000

Special Purpose:

Motor Carrier Safety Assistance Program (\$10,000,000)

Airport Fund (1,500,000)

Boating Infrastructure Program (New Jersey Maritime Program)..... (1,600,000)

New Jersey Maritime Program - Ferry Boat (5,000,000)

Total Appropriation, Department of Transportation\$1,600,725,762

82 DEPARTMENT OF THE TREASURY

50 Economic Planning, Development, and Security

52 Economic Regulation

54-2007 Utility Regulation..... \$826,000

56-2014 Energy Resource Management 3,783,000

Total Appropriation, Economic Regulation\$4,609,000

Personal Services:

Salaries and Wages..... (\$305,000)

Employee Benefits (195,000)

Materials and Supplies..... (51,000)

Services Other Than Personal..... (3,072,000)

Maintenance and Fixed Charges..... (110,000)

Special Purpose:

Division of Gas Expansion (206,000)

Division of Gas Expansion (CM2)..... (206,000)

Division of Gas Expansion (CM3)..... (207,000)

Division of Gas Expansion (CM4)..... (207,000)

Additions, Improvements and Equipment..... (50,000)

70 Government Direction, Management, and Control

72 Governmental Review and Oversight

08-2066 Office of the State Comptroller\$4,048,000

Total Appropriation, Governmental Review and Oversight\$4,048,000

Personal Services:

Salaries and Wages..... (\$3,906,000)

Special Purpose:

Medicaid.....(142,000)

80 Special Government Services**82 Protection of Citizens' Rights**

58-2022 Mental Health Advocacy.....\$223,000

81-2097 Elder Advocacy1,158,000

89-2048 Civil Legal Services for the Poor1,228,000

Total Appropriation, Protection of Citizens' Rights.....\$2,609,000

Personal Services:

Salaries and Wages(\$877,000)

Employee Benefits(177,000)

Materials and Supplies.....(15,000)

Services Other Than Personal(35,000)

Maintenance and Fixed Charges.....(3,000)

Special Purpose:

Medicaid Reimbursement.....(223,000)

Money Follows the Person Program - Elder Advocacy.....(170,000)

Civil Legal Services for the Poor(5,000)

State Aid and Grants.....(1,104,000)

Total Appropriation, Department of the Treasury.....\$11,266,000

98 THE JUDICIARY**10 Public Safety and Criminal Justice****15 Judicial Services**

02-9715 Superior Court - Appellate Division \$50,000

03-9720 Civil Courts 450,000

05-9730 Family Courts39,171,000

07-9740 Probation Services78,879,000

11-9760 Trial Court Services4,246,000

Total Appropriation, Judicial Services\$122,796,000

Special Purpose:

SJI - eFiling Project.....(\$50,000)

Improving the Completeness of Firearms Background

Checks(450,000)

NJ Court Improvement Database(300,000)

NJ Court Improvement Training.....(300,000)

Child Support and Paternity Program Title IV-D

(Family Court).....(37,846,000)

NJ State Court Improvement Grant.....(400,000)

State Access and Visitation Program(325,000)

Child Support and Paternity Program Title IV-D

(Probation)(78,079,000)

SMART Probation(800,000)
 Child Support and Paternity Program Title IV-D (Trial) .(4,246,000)

Total Appropriation, The Judiciary.....\$122,796,000

Total Appropriation, Federal Funds.....\$13,427,159,762

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.

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, 2013 of any unexpended balances which are continued.

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.

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 and Division of Disability 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 Aging Services in the Department of Human 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 secu-

rity needs of this State. Such purchasing agreement may provide for the sharing of costs and the methods of payments relating to such purchases. Furthermore, a county government awarding a contract for Homeland Security equipment, goods or services, may, with the approval of the vendor, extend the terms and conditions of the contract to any other county government that wants to purchase under that contract, subject to notice and documentation requirements issued by the Director of the Division of Local Government Services.

Of the amounts appropriated for Income Maintenance Management, amounts may be transferred to the various departments in accordance with the Division of Family Development's agreements, subject to the approval of the Director of the Division of Budget and Accounting. Any unobligated balances remaining from funds transferred to the departments shall be transferred back to the Division of Family Development subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the federal funds hereinabove appropriated, there are appropriated to the appropriate executive agencies, subject to the approval of the Director of the Division of Budget and Accounting, such additional federal funds received during this fiscal year pursuant to any federal law authorizing a federal economic stimulus program or any other similar federal program for the purposes, projects, and programs set forth in such law; provided, however, that if the federal law does not delineate the specific purposes, projects, and programs to be funded by the federal funds, the purposes, projects, and programs to be funded by the federal funds shall be subject to the approval of the Joint Budget Oversight Committee, and further provided, however, that the State Treasurer shall report to the President of the Senate, the Speaker of the General Assembly, the Chair of the Senate Budget and Appropriations Committee, and the Chair of the Assembly Budget Committee at least quarterly on the receipt and utilization of all additional federal funds received during this fiscal year pursuant to any federal law authorizing a federal economic stimulus program.

Officials from the appropriate executive agencies are hereby authorized to take such steps, if any, as may be necessary to qualify for, apply for, receive and expend such federal funds and to make such commitments, representations and other agreements as may be required by the federal government to receive federal funds under federal law authorizing the federal economic stimulus program or any other similar federal law. Furthermore, and notwithstanding any law or regulation to the contrary, officials from the appropriate executive agencies may encumber any of these federal funds appropriated pursuant to this provision prior to entering into any contract, grant or other agreement obligating the federal funds, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, federal funds provided under the State Energy Program (SEP) and the Energy Efficiency and Conservation Block Grant Program (Block Grant Program), pursuant

to the American Recovery and Reinvestment Act, Pub.L. 111-5 and any other similar type of federal stimulus law which may be hereinafter enacted (collectively referred to as ARRA), are appropriated. Subject to the approval of the Director of the Division of Budget and Accounting as set forth below, such appropriations are to include the administrative costs of the respective agencies in administering the specified programs provided such use is consistent with ARRA and federal approvals. In the event that the administrative costs are not permitted to be paid from the ARRA monies received by the State, there is hereby appropriated from the Clean Energy Fund, subject to the approval of the Director of the Division of Budget and Accounting such sums as shall be necessary to pay for the administrative costs of the agencies administering the specified programs listed below. Notwithstanding the specific appropriations made below, in the event that the federal funds received under ARRA are not in their entirety or in part allocated to the specific purposes listed below, to permit flexibility in the handling of appropriations, amounts may be transferred to and from the various items of the appropriations listed below or may be used for such other purposes permitted under ARRA subject to the approval of the Director of the Division of Budget and Accounting and upon the recommendation of the State Treasurer. The federal funds provided pursuant to ARRA with respect to the SEP shall be used only for purposes allowed under part D of Title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.), and the federal funds provided pursuant to ARRA with respect to the Block Grant Program shall be used only for implementation of programs authorized under subtitle E of Title V of the Energy Independence and Security Act of 2007 (42 U.S.C. 17151 et seq.). With respect to all federal funds which are appropriated pursuant to this provision, New Jersey Economic Development Authority (NJEDA), New Jersey Housing Mortgage Finance Agency (HMFA), the Office of Energy Savings and the BPU shall prepare and timely submit to the United States Department of Energy (USDOE) the reports required under subsection (c) of section 1512 of Pub.L. 111-5, including without limitation the detailed information required with respect to all projects or activities for which such federal funds were expended or obligated.

a. SEP. SEP monies received by the State under ARRA are hereby appropriated to the Clean Energy Fund and shall be allocated by the Board of Public Utilities (BPU) as follows. The BPU shall enter into memoranda of understanding with the applicable agencies listed below which memoranda of understanding shall provide for the transfer of such monies to the applicable agencies for the purposes listed below.

(1) \$14,216,606 to the NJEDA for a grant and loan program to be developed and administered by the NJEDA to fund public and private renewable energy, energy efficiency and alternative energy projects, with applications prioritized based on the ability to create jobs, reduce greenhouse gas emissions, save or create energy, and provide for innovative technology;

(2) \$20,187,801 for a program to be developed and administered by the BPU for grants to State departments, agencies, authorities and public colleges and universities for renewable and energy efficiency projects at such entities, including but not limited to, wind, solar, or hydro energy, biofuels, geothermal, and energy storage applications, with applications prioritized by an interagency evaluation team consisting of one representative each from each of the following, BPU, NJEDA, Office of Economic Growth, New Jersey Commission on Science and Technology, and the Office of Energy Savings, based on the ability to create jobs, reduce greenhouse gas emissions, save or create energy, and provide for innovative technology;

(3) \$9,110,306.50 to the HMFA for a program to be developed and administered by the HMFA to provide financing for the construction of solar energy projects on qualified multi-family housing financed through the HMFA, such funds to be leveraged with existing State energy rebate programs and the federal investment tax credit, with grants prioritized based on the ability to create jobs, generate energy, provide benefits to property residents and to meet HMFA timeframes, and with HMFA retaining ownership of all related solar renewable energy certificates for the purpose of establishing a revolving fund to support additional solar energy projects at HMFA-supported residential properties;

(4) \$1,331,402 to the HMFA for a low-interest loan program to be developed and administered by the HMFA for energy efficiency upgrades at single-family and multi-family facilities that are at or below 250% of the area median income (the higher of statewide or county median income) based on a family of four, and affordable multi-family housing owners which meet HMFA's affordability requirements, and which are not eligible for equivalent financing programs offered by the utilities or the Clean Energy Program;

(5) \$15,500,870.50 to the Clean Energy Program for energy efficiency programs administered by the BPU, to be issued to public and private entities on a first-come, first-served basis and specifically targeting customers who are either not currently eligible for Clean Energy Fund incentives or whose energy consumption patterns do not make them likely applicants;

(6) \$6,328,000 to the Office of Energy Savings in the Department of the Treasury for the purposes of energy efficiency and renewable energy programs and projects in State facilities, including State offices, State health facilities and State prisons;

(7) \$4,871,651 to the State Energy Office for implementing energy conservation measures in State-owned and operated facilities; and

(8) \$2,093,363 for grants administered by the BPU to State departments, agencies, authorities and public colleges and universities for energy efficient equipment purposes which will reduce energy demand and greenhouse gas emissions by replacing aging, energy intense equipment with new, more efficient models.

In the event that any of the SEP monies appropriated pursuant to the preceding paragraph are not expended by the date required by the USDOE, the appropria-

tions of such funds pursuant to the preceding paragraph are hereby cancelled, and such unexpended funds are hereby appropriated, subject to the approval of the USDOE and the Director of the Division of Budget and Accounting to the New Jersey Department of the Treasury to establish a revolving energy efficiency project fund (Energy Efficiency Project Fund) for the purposes of funding energy efficiency and renewable energy programs and projects in State facilities, including but not limited to State offices, State health facilities and State prisons. The monies appropriated from the Energy Efficiency Project Fund shall be repaid to the Energy Efficiency Project Fund by the department receiving such monies as follows: of the amounts hereinabove appropriated in this Act to each department receiving monies from the Energy Efficiency Project Fund, there is hereby appropriated for deposit in the Energy Efficiency Project Fund an amount equivalent to the annual repayment due to the Energy Efficiency Project Fund or the actual savings achieved, whichever is greater.

b. Block Grant Program. Block Grant monies received by the State under ARRA are hereby appropriated as follows:

(1) \$4,160,700 to the Office of Energy Savings in the Department of the Treasury for the purposes of energy efficiency and renewable energy programs and projects in State facilities, including State offices, State health facilities and State prisons; and

(2) \$10,240,000 to the BPU for grants to cities, counties and other local units of government which are not eligible to receive directly from the federal government funds under the Block Grant Program.

Notwithstanding the provisions of any law or regulation to the contrary, the Department of Labor and Workforce Development shall consider consistent with applicable federal law a formal association of community based organizations to be a "local consortium" for the purposes of receiving funding for the delivery of English as a Second Language or Civics education/training.

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 among accounts in the Children's System of Care Services program classification. 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 Children's System of Care Services program classification in the Department of Children and Families. 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, in order to permit flexibility in the management of federal grant funds, amounts appropriated or transferred from such federal funds to State departments as subgrantees of other State departments may be transferred back to an item of appropriation in the original grant recipient department upon completion of the funded activ-

ity, 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 federal funds hereinabove appropriated to the Department of Transportation are subject to the following condition: in order to ensure the continued flow of necessary federal funds for important State and local transportation projects, in the event the Federal Highway Administration (FHWA) objects to the form of the department's request for submission of competitive bids or to the form or contents of related grant agreements funded with federal funds, the department shall make any changes to such requests or contracts as may be determined by the FHWA to be necessary to comply with federal law; and any other department, agency or authority affected by such action is required to take any further actions required in order for it to be in accordance with the changes required by FHWA.

Grand Total Appropriation, All Funds \$46,404,121,762

2. All dedicated funds are hereby appropriated for their dedicated purposes. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting and with the approval of the Legislative Budget and Finance Officer, private contributions, revolving funds and dedicated funds received, receivable or estimated to be received for the use of the State or its agencies in excess of those anticipated, unless otherwise provided herein. The unexpended balances at the end of the preceding fiscal year of such funds, or any portion thereof, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. In the event a person or entity wishes to make a monetary donation to the State for a particular purpose, the head of the State agency or department to which such monetary donation is made is hereby authorized to accept such monetary donation.

3. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, the following: amounts required to refund amounts credited to the State Treasury which do not represent State revenue; amounts 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 amounts; amounts received by any State department or agency from the sale of equipment, when such amounts are received in lieu of trade-in value in the replacement of such equipment; and amounts 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, amounts 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 amounts 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 amounts 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., as amended), 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 amounts 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 hereinabove appropriated, such additional amounts as may be necessary are appropriated to fund the costs of the collection of debts, taxes and other fees and charges owed to the State, including but not limited to the services of auditors and attorneys and enhanced compliance programs, subject to the approval of the Director of the Division of Budget and Accounting.

10. There are appropriated from the Legal Services Fund established pursuant to section 6 of P.L.1996, c.52 (C.22A:2-51), for transfer to the General Fund as State revenue such amounts as are necessary to support the appropriations for the following programs contained in this Act: Legal Services of New Jersey grant, ten judge-ships in the Judiciary, and for Clinical Legal Programs for the Poor at the Rutgers-Camden Law School, the Rutgers-Newark Law School, and Seton Hall Law School.

11. The unexpended balances at the end of the preceding fiscal year in the accounts of the several departments and agencies heretofore appropriated or 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, subject to the approval of the Director of the Division of Budget and Accounting.

13. Unless otherwise provided, unexpended balances at the end of the preceding fiscal year in accounts of appropriations enacted subsequent to April 1 of the preceding fiscal year, 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 appro-

priation in different appropriation classifications herein entitled as Direct State Services, Grants-In-Aid, State Aid, Capital Construction and Debt Service;

(5) Requests for the transfer of federal funds, in amounts greater than \$300,000, from one item of appropriation to another item of appropriation, if the amount of the transfer to an item in combination with the amount of the appropriation to that item would result in an amount in excess of the appropriation authority for that item, as defined by the program class;

(6) Requests for such other transfers as are appropriate in order to ensure compliance with the legislative intent of this act.

b. The Joint Budget Oversight Committee or its successor may review all transfer requests submitted for legislative approval and may direct the Legislative Budget and Finance Officer to approve or disapprove any such transfer request. Transfers submitted for legislative approval pursuant to paragraph (4) of subsection a. of this section shall be made only if approved by the Legislative Budget and Finance Officer at the direction of the committee.

c. The Legislative Budget and Finance Officer shall approve or disapprove requests for the transfer of funds submitted for legislative approval within 10 working days of the physical receipt thereof and shall return them to the director. If any provision of this act or any supplement thereto requires the Legislative Budget and Finance Officer to approve or disapprove requests for the transfer of funds, the request shall be deemed to be approved by the Legislative Budget and Finance Officer if, within 20 working days of the physical receipt of the request, he has not disapproved the request and so notified the requesting officer. However, this time period shall not pertain to any transfer request under review by the Joint Budget Oversight Committee or its successor, provided notice of such review has been given to the director.

d. No amount appropriated for any capital improvement shall be used for any temporary purpose except extraordinary snow removal or extraordinary transportation maintenance, subject to the approval of the Director of the Division of Budget and Accounting. However, an amount from any appropriation for an item of capital improvement may be transferred to any other item of capital improvement subject to the approval of the director, and, if in an amount greater than \$300,000, subject to the approval of the Legislative Budget and Finance Officer.

e. The provisions of subsections a. through d. of this section shall not apply to appropriations made to the Legislative or Judicial branches of State government. To permit flexibility in the handling of these appropriations, amounts may be transferred to and from the various items of appropriation by the appropriate officer or designee with notification given to the director on the effective date thereof.

f. Notwithstanding any provisions of this section to the contrary, transfers to and from the Special Purpose appropriation to the Governor for emergency or necessity under the Other Interdepartmental Accounts program classification and transfers from the appropriations to the various accounts in the category of Salary Increases and Other Benefits, both in the Interdepartmental Accounts, shall not be subject to legislative approval or disapproval.

18. The Director of the Division of Budget and Accounting shall make such correction of the title, text or account number of an appropriation necessary to make such appropriation available in accordance with legislative intent. Such correction shall be by written ruling, reciting in appropriate detail the facts thereof, and reasons therefore, attested by the signature of the Director of the Division of Budget and Accounting and filed in the Division of Budget and Accounting of the Department of the Treasury as an official record thereof, and any action thereunder, including disbursement and the audit thereof, shall be legally binding and of full force and virtue. An official copy of each such written ruling shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date of the ruling.

19. The Legislative Budget and Finance Officer with the cooperation and assistance of the Director of the Division of Budget and Accounting is authorized to adjust this appropriations bill to reflect any reorganizations which have been implemented since the presentation of the Governor's Budget Message and Recommendations that were proposed for this fiscal year.

20. None of the funds appropriated to the Executive Branch of State government for Information Processing, Development, Telecommunications, and Related Services and Equipment shall be available to pay for any of these services or equipment without the review of the Office of Information Technology, and compliance with statewide policies and standards and an approved department Information Technology Strategic Plan.

21. If the amount provided in this act for a State Aid payment pursuant to formula is insufficient to meet the full requirements of the formula, all recipients of State Aid shall have their allocation proportionately reduced, subject to the approval of the Director of the Division of Budget and Accounting.

22. When the duties or responsibilities of any department or branch, except for the Legislature and any of its agencies, are transferred to any other department or branch, it shall be the duty of the Director of the Division of Budget and Accounting and the director is hereby empowered to transfer funds appropriated for the maintenance and operation of any such department or branch to such department or branch as shall be charged with the responsibility of administering the functions so transferred. The Director of the Division of Budget and Accounting shall have the authority to create such new accounts as may be necessary to carry out the intent of the transfer. Information copies of such transfers shall be transmitted to the Legislative Budget and Finance Officer upon the effective date thereof. If such transfers may be required among appropriations made to the Legislature and its agencies, the Legislative Budget and Finance Officer, subject to the approval of the President of the Senate and the Speaker of the General Assembly, is hereby empowered and it shall be that officer's duty to effect such transactions hereinabove described and to notify the Director of the Division of Budget and Accounting upon the effective date thereof.

23. The Director of the Division of Budget and Accounting is empowered and it shall be the director's duty in the disbursement of funds for payment of expenses classified as salary increases and other benefits, employee benefits, debt service,

rent, telephone, data processing, motor pool, insurance, travel, postage, lease payments on equipment purchases, additions, improvements and equipment, and compensation awards, to credit or transfer to the Department of the Treasury, to an Interdepartmental account, or to the General Fund, as applicable, from any other department, branch or non-State fund source out of funds appropriated or credited thereto, such amounts as may be required to cover the costs of such payment attributable to such other department, branch or non-State fund source, or to reimburse the Department of the Treasury, an Interdepartmental account, or the General Fund for reductions made representing statewide savings in the above expense classifications, as the director shall determine. With respect to payment of expenses classified as utilities and maintenance contracts, the Director is empowered and it shall be the Director's duty in the disbursement of funds to credit or transfer to the Department of the Treasury, to an Interdepartmental account, or to the General Fund, as applicable, from any other department or non-State fund source, but not from the Legislature or the Judiciary, out of funds appropriated or credited thereto, such amounts as may be required to cover the costs of such payment attributable to such other department or non-State fund source, or to reimburse the Department of the Treasury, an Interdepartmental account, or the General Fund for reductions made representing statewide savings in these 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 amounts 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 amounts 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 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 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 the provisions of any law or regulation 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. Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), amounts appropriated for services for the various State departments and agencies may be expended for the purchase of contract services from the New Jersey Sea Grant 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).

30. Out of the amounts hereinabove appropriated, the Director of the Division of Budget and Accounting is empowered to approve payment of obligations applicable to 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.

31. Whenever any county, municipality, school district, college, university, 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, college, university or a political subdivision thereof, then the Director of the Division of Budget and Accounting may withhold State aid or grant payments and transfer the same as payment for such funds, as the Director of the Division of Budget and Accounting shall determine.

32. 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.

33. The Director of the Division of Budget and Accounting may, upon application therefore, allot from appropriations made to any official, department, commission or board, an amount 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.

34. From appropriations to the various departments of State government, the Director of the Division of Budget and Accounting is empowered to transfer amounts sufficient to pay any obligation due and owing in any other department or agency.

35. 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 amounts 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 amounts as are necessary shall be appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. 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.

42. State agencies shall prepare and submit a copy of their agency or departmental budget requests for the next ensuing fiscal year to the Director of the Division of Budget and Accounting by the deadline and in the manner required by the Director. In addition, State agencies shall prepare and submit a copy of their spending plans involving all State, federal and other non-State funds to the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer by November 1, and updated spending plans on February 1 and May 1 of this fiscal year. The spending plans shall account for any changes in departmental spending which differ from this appropriations act and all supplements to this act. The spending plans shall be submitted on forms specified by the Director of the Division of Budget and Accounting.

43. 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.

44. 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 amounts as may be required to pay the principal of and interest on tax and revenue anticipation notes including notes in the form of commercial paper (hereinafter collectively referred to as short-term notes), together with any costs or obligations relating to the issuance thereof or contracts related thereto, according to the terms set forth hereinabove. Provided further that, to the extent that short-term notes are issued for cash flow management purposes in connection with the Property Tax Relief Fund, there are appropriated from the Property Tax Relief Fund such amounts as may be required to pay the principal of those short-term notes.

45. 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.

46. The Tobacco Settlement Fund, created and established in the Department of the Treasury as a separate non-lapsing fund pursuant to section 53 of P.L.1999, c.138, is reestablished and continued. The unexpended balances at the end of the preceding fiscal year in the Tobacco Settlement Fund are appropriated. The Tobacco Settlement Fund shall be the repository for payments made by the tobacco manufacturers pursuant to the settlement agreement entered into by the tobacco manufacturers and the State on November 23, 1998 that resolved the State's pending claims against the tobacco industry and all other monies, including interest earnings on balances in the fund, credited or transferred thereto from any other fund or source pursuant to law. Balances in the Tobacco Settlement Fund shall be deposited into 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.).

47. 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.

48. There is appropriated \$350,000 from the Casino Simulcasting Fund for transfer to the Casino Revenue Fund.

49. 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.

50. There are appropriated, from receipts from any structured financing transaction, such amounts 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 amounts 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.

51. Notwithstanding the provisions of any departmental language or statute, receipts in excess of those anticipated or appropriated as provided in the Departmental Revenue Statements (BB-103s) in the budget submission for this fiscal year are not available for expenditure until a comprehensive expenditure plan is submitted to and approved by the Director of the Division of Budget and Accounting.

52. Such amounts as may be necessary are appropriated or transferred from existing appropriations for the purpose of promoting awareness to increase participation in programs that are administered by the State, including but not limited to programs to preserve or promote public health and safety, subject to the approval of the Director of the Division of Budget and Accounting.

53. There are appropriated such additional amounts 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.

54. Receipts from the provision of copies and other materials related to compliance with section 12 of P.L.2001, c.404 (C.47:1A-11), 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.

55. Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the Universal Service Fund \$65,705,000 for transfer to the General Fund as State revenue.

56. 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.

57. In recognition of the complex, ongoing transfers and transformational activities being undertaken to implement terms and conditions of the "New Jersey Medical and Health Sciences Education Restructuring Act" P.L.2012, c.45 (C.18A:64M-1 et al.), any institution affected by the implementation of the act which experiences an unanticipated increase in the number of positions, not supported by outside income, directly attributable to the implementation of the act may request approval for additional State funded positions for the purpose of determining State support of fringe benefits. The Director of the Division of Budget and Accounting may, upon a determination that such an increase is warranted, approve the request, provided however, that the director shall not approve more than an aggregate total of 100 additional State funded positions among the affected institutions.

58. In addition to the amounts herein appropriated for University Hospital, there are appropriated such additional sums as are necessary to maintain the core operating functions of the hospital, subject to the approval of the Director of the Division of Budget and Accounting.

59. The amounts hereinabove appropriated for the University Behavioral Healthcare Centers (UBHC) - University of Medicine and Dentistry - Newark and Piscataway are first charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid uncompensated care, and, as a condition for such appropriation, the University of Medicine and Dentistry of New Jersey shall be required to provide fiscal reports to the Division of Mental Health and Addiction Services and the Office of the 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 and Addiction Services. In addition, the annual audit report and Consolidated Financial Statements for the University of Medicine and Dentistry of New Jersey must include supplemental schedules of Statements of Net Assets and Statements of Revenue, Expenses and Changes in Net Assets for the two UBHC Centers separately and UBHC as a whole.

60. With the exception of disproportionate share hospital revenues that may be received, federal and other funds received for the operation of the University Behavioral Healthcare Centers at Newark and Piscataway are appropriated to the University of Medicine and Dentistry of New Jersey for the operation of the centers.

61. Provided that each of the contributions made during the current fiscal year by University Hospital, Rutgers, the State University and Rowan University and each of their affiliates to the University Hospital Self-Insurance Reserve Fund, the Rutgers University Self-Insurance Reserve Fund or the Rowan University Self-Insurance Reserve Fund, respectively, are equal to the respective amounts established in memoranda of agreements between the Department of the Treasury and each of University Hospital, Rutgers, the State University and Rowan University and, if after such amounts having been contributed, the receipts deposited within the applicable University Hospital Self-Insurance Reserve Fund, the Rutgers University Self-Insurance Reserve Fund, and the Rowan University Self-Insurance Reserve Fund, respectively, are insufficient to pay claims expenditures, there are appropriated from the General Fund to the applicable University Hospital Self-Insurance Reserve Fund, the Rutgers University Self-Insurance Reserve Fund or the Rowan University Self-Insurance Reserve Fund such amounts as may be necessary to pay the remaining claims for the respective institutions, 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 are hereby appropriated such additional amounts 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. Such amounts 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 subsequent fiscal year, and that are proposed in the Governor's Budget Message and Recommendations for the subsequent fiscal year, shall be transferred between appropriate accounts, subject to the approval of the Director of the Division of Budget and Accounting.

64. 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.

65. For the purposes of the "State Appropriations Limitation Act," P.L.1990, c.94 (C.52:9H-24 et seq.), the amounts appropriated to the developmental centers in the Department of Human Services due to opportunities for increased recoveries, amounts carried forward in the State Employees' Health Benefits accounts, and amounts representing balances deemed available in the State Health Benefits Fund shall be deemed a "Base Year Appropriation" and, notwithstanding the provisions of P.L.1990, c.94 or any other law or regulation to the contrary, in recognition of the historically unprecedented pension payments being made and required to be made by the State, and consistent with the budget cap methodology applicable to New Jersey municipalities, for purposes of calculating the maximum annual appropriation for direct state services, the term "appropriations" shall not include amounts appropriated for State contributions to the pension systems. If funding included in this Act for Salary Increases and Other Benefits - Executive Branch is less than \$44,093,000, there is appropriated sufficient funding to total \$44,093,000. For the purposes of the "State Appropriations Limitation Act," P.L.1990, c.94 (C.52:9H-24 et seq.), any funding provided less than \$44,093,000 shall be deemed a "Base Year Appropriation".

66. The amounts hereinabove appropriated for Employee Fringe Benefits in Interdepartmental Direct State Services and Grants-In-Aid; Department of Education State Aid; and Department of 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.

67. 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.

68. 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.

69. 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.

70. There are appropriated such amounts as are necessary, not to exceed \$750,000, 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.

71. 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 amounts 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.

72. The unexpended balances at the end of the preceding fiscal year in accounts that provide matching State funds in the various departments and agencies are appropriated in order to provide State authority to match federal grants that have project periods extending beyond the current State fiscal year.

73. Notwithstanding the provisions of any law or regulation to the contrary, it is not possible in Fiscal Year 2014 to appropriate monies to fund all programs authorized or required by statute. As a result, the Governor's Budget Message and Recommendations for Fiscal Year 2014 recommended, and the Legislature agrees, that either no State funding or less than the statutorily required amount be appropriated for certain of these statutory programs. To the extent that these or other statutory programs have not received all or some appropriations for Fiscal Year 2014 in this Appropriations Act which would be required to carry out these statutory programs, such lack of appropriations represents the intent of the Legislature to suspend in full or in part the operation of the statutory programs, including any statutorily imposed restrictions or limitations on the collection of State revenue that is related to the funding of those programs.

74. Notwithstanding the provisions of section 21 of P.L.1983, c.303 (C.52:27H-80), or any other law or regulation to the contrary, crediting of revenues to each account for each enterprise zone in the Enterprise Zone Assistance Fund shall be reduced by the amount of revenues credited from the General Fund into a special account in the Property Tax Relief Fund pursuant to Article VIII, Section I, paragraph 7b of the New Jersey Constitution derived from sales tax collected in such enterprise zone.

75. Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated as revenue to the General Fund the revenue credited in the current fiscal year to each account for each enterprise zone in the Enterprise Zone Assistance Fund attributable to local projects and the local costs for administering the Urban Enterprise Zone program, as defined by section 29 of P.L.1983, c.303 (C.52:27H-88). Further, there is appropriated as revenue to the General Fund the unexpended balances in the portion of the Enterprise Zone Assistance Fund designated for the State costs for administering the Urban Enterprise Zone program, as defined by section 29 of P.L.1983, c.303 (C.52:27H-88), subject to the approval of the Director of the Division of Budget and Accounting.

76. Notwithstanding the provisions of P.L.2000, c.12, or any other 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.

77. Notwithstanding the provisions of section 16 of Article 3 of P.L.1944, c.112 (C.52:27B-25), or any other law or regulation to the contrary, the Director of the Division of Budget and Accounting shall not be required to allot appropriations on a quarterly basis.

78. The funding by a State department in the Executive Branch for a contract for drug screening tests or other laboratory screening tests shall be conditioned upon the following provision: the State department as part of the contract procurement and award process shall notify the Department of Health (DOH) of the proposed contract and provide an opportunity for DOH to submit a proposal, provided, however, the State Department shall not be required to make the award to DOH if DOH is the lowest bidder as factors other than cost may be considered in the evaluation of the proposals, subject to the approval of the Director of the Division of Budget and Accounting.

79. Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to the New Jersey Real Estate Commission, Civil Service Commission, New Jersey Maritime Pilot and Docking Pilot Commission, State Athletic Control Board, Public Employment Relations Commission and Appeal Board, New Jersey State Board of Mediation, New Jersey Racing Commission, Council on Local Mandates, Garden State Preservation Trust, the various State professional boards, the Certified Psychoanalysts Advisory Committee and the Audiology and Speech-Language Pathology Advisory Committee in the Department of Law and Public Safety, shall be subject to the following conditions: 1) the base salary, per diem salary, or any other form of compensation, including that for expenses, for the board members or commissioners paid for out of State funds shall not exceed \$100 per month; and 2) no State funds shall be used to pay for participation in the State Health Benefits Program by board members or commissioners. No other compensation shall be paid; provided, however, that this paragraph shall not apply to the Commissioner/Chief Executive Officer of the State Athletic Control Board, the Chairperson/Chief Executive Officer of the Civil Ser-

vice Commission, the Chairman of the Public Employment Relations Commission, and any commissioner or board member of any other State board, commission or independent authority who, in addition to being a member of the board or commission also hold a full time staff position for such entity.

80. Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated no grant funds shall be paid to a grantee for the costs of any efforts by the grantee or on behalf of the grantee for lobbying activities.

81. Notwithstanding the provisions of subsection c. of section 145 of P.L.1977, c.110 (C.5:12-145) and section 22 of P.L.1970, c.13 (C.5:9-22) or any law or regulation to the contrary, such amounts as are required are appropriated to the State Treasurer to publish via the internet reports accounting for the total revenues received in the Casino Revenue Fund and the State Lottery Fund and the specific amounts of money appropriated therefrom for specific expenditures during the preceding fiscal year ending June 30.

82. Notwithstanding the provisions of any law or regulation to the contrary, and in furtherance of the purposes of P.L.2010, c.104 (C.48:23-18 et al.), there are hereby appropriated, subject to the approval of the Director of the Division of Budget and Accounting, such amounts as are necessary for the operation of the New Jersey Public Broadcasting Authority (NJPBA) as required by the Federal Communications Commission (FCC) to maintain the FCC licenses owned by the NJPBA, to oversee any agreements with private operators, and to carry out any other duties and responsibilities that the NJPBA has under P.L.2010, c.104 and as the FCC licensee of broadcast stations, including the costs of employees, office space, equipment, consultants, professional advisors including lawyers, and any other costs determined to be necessary to carry out the NJPBA mission under P.L.2010, c.104 consistent with FCC requirements.

83. Notwithstanding the provisions of sections 5 and 6 of P.L.1990, c.44 (C.52:9H-18 and 52:9H-19) or any other 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 immediately preceding fiscal year, subject to the approval of the Director of the Division of Budget and Accounting.

84. Notwithstanding any provision of law or regulation to the contrary, in order to implement the provisions of the Comprehensive Medicaid Waiver as approved on October 2, 2012 by the U.S. Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS), as well as any amendments or supplements to the Comprehensive Medicaid Waiver (collectively referred to as Waiver): The Commissioner of Human Services shall implement immediately those provisions contained in the Comprehensive Medicaid Waiver approved by the United States Department of Health and Human Services for the Centers for Medicare and Medicaid Services (CMS) and any amendments to such waiver as CMS requires to be implemented pursuant to such waiver and amounts may 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, the Community and Addictions Services program classifications in the Division of Mental Health and Addiction Services, the Disability Services program classification in the Division of Disability Services, the Purchased Residential Care, Social Supervision and Consultation, and Adult Activities program classifications in the Division of Developmental Disabilities in the Department of Human Services, the Medical Services for the Aged program classification in the Division of Aging Services in the Department of Human Services, the Children's System of Care Services program classification in the Division of Children's System of Care in the Department of Children and Families. A portion of receipts generated or savings realized in Medical Assistance Grants-In-Aid accounts from Waiver initiatives may be transferred to the Health Services Administration and Management accounts in the Department of Human Services, as determined by the Commissioner of Human Services to be required to fund costs incurred in realizing these additional receipts or savings. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice of the Director of the Division of Budget and Accounting's approval shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

85. Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated an amount not to exceed \$152,185,000 from the Clean Energy Fund, including Solar Alternative Compliance Payments attributable to fiscal 2010 and earlier, for transfer to the General Fund as State revenue, subject to the approval of the Director of the Division of Budget and Accounting.

86. Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated the available balance from the Global Warming Solutions Fund for transfer to the General Fund as State revenue.

87. Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated an amount not to exceed \$5,000,000 from the Sanitary Landfill Facility Contingency Fund for transfer to the General Fund as State revenue, subject to the approval of the Director of the Division of Budget and Accounting.

88. Notwithstanding the provision of any law or regulation to the contrary, the amounts hereinabove appropriated to the Department of Human Services and the Department of Children and Families are conditioned upon the following provision: Medicaid eligibility shall be subject to the requirements set forth in section 1902(a)(10)(A)(i)(VIII) and (IX) of the federal Social Security Act (42 U.S.C. s.1396a(a)(10)(A)(i)(VIII) and (IX)) and any regulations adopted pursuant thereto.

89. In order to permit flexibility in the handling of appropriations, to promote the timely and effective implementation of the reorganization of the Departments of Children and Families, Community Affairs, Health, and Human Services, as proposed in the Governor's FY 2013 budget recommendations, to ensure that appropriate levels of services are provided, to safeguard continuity of care, and to ensure that timely payments are made to providers, amounts may be transferred to and from the various items of appropriation within the affected program classifications of the above-referenced departments, including but not limited to items of

appropriation within the following program classifications: Children's System of Care Services, in the Department of Children and Families; Purchased Residential Care, Social Supervision and Consultation, Addiction Services, and Community Services in the Department of Human Services; and Administration and Support Services in all above-referenced Departments. 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.

90. Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated, to the extent not inconsistent with federal law or regulation, are subject to the following conditions: in recognition of the limited continuing availability of federal American Recovery and Reinvestment Act (ARRA), Pub.L. 111-5, funding during FY 2014 and the pending federal deadlines for spending such funds or else forfeiting them back to the federal government, to the maximum extent possible, all available federal ARRA dollars uncommitted as of the effective date of this act shall be spent first, wherever available, in support of qualifying activities before any appropriated State dollars are expended for the same purpose or purposes; and (2) in the event that ARRA dollars are available for use in FY2014, the director of the Division of Budget and Accounting may reserve an amount of excess appropriated State funds.

91. Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$21,600,000 from the State Recycling Fund to the General Fund as State revenue.

92. This act shall take effect July 1, 2013.

CHAPTER 78

AN ACT concerning health insurance coverage for students at institutions of higher education and amending P.L.1991, c.187.

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

1. Section 77 of P.L.1991, c.187 (C.18A:62-15) is amended to read as follows:

C.18A:62-15 Institutions of higher education to offer health insurance coverage; rules, regulations.

77. a. The Department of Health shall require all public and private institutions of higher education in this State to offer health insurance coverage on a group or individual basis for purchase by students who are enrolled full-time at the institution.

b. The Commissioner of Health shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to carry out the purposes of subsection a. of this section.

2. This act shall take effect immediately.

Approved July 5, 2013.

CHAPTER 79

AN ACT concerning an optional period of anonymity for winners of the State Lottery.

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

1. The State Treasurer shall undertake a review of the disclosure and nondisclosure of lottery winners in New Jersey and other jurisdictions and how nondisclosure affects transparency and lottery sales. The Treasurer shall report any findings and recommendations directly to the Governor no later than December 31, 2013.

2. This act shall take effect immediately.

Approved July 5, 2013.

CHAPTER 80

AN ACT concerning anatomical gifts and supplementing P.L.2008, c.50 (C.26:6-77 et seq.).

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

C.26:6-86.1 Findings, declarations relative to anatomical gifts.

1. The Legislature finds and declares that:

a. A mental or physical disability does not diminish a person's right to health care;

b. The "Americans with Disabilities Act of 1990" prohibits discrimination against persons with disabilities, yet many individuals with disabilities still experience discrimination in accessing critical health care services;

c. Individuals with mental and physical disabilities have been denied life-saving organ transplants based on assumptions that their lives are less worthy, that they are incapable of complying with complex post-transplant medical regimens, or that they lack adequate support systems to ensure such compliance;

d. Although organ transplant centers must consider medical and psychosocial criteria when determining if a patient is suitable to receive an organ transplant, transplant centers that participate in the Medicare and Medicaid programs are required to use patient selection criteria that result in a fair and non-discriminatory distribution of organs; and

e. New Jersey residents in need of organ transplants are entitled to assurances that they will not encounter discrimination on the basis of a disability.

C.26:6-86.2 Eligibility to receive anatomical gift.

2. a. An individual who is a candidate to receive an anatomical gift shall not be deemed ineligible to receive an anatomical gift solely because of the individual's physical or mental disability, except to the extent that the physical or mental disability has been found by a physician or surgeon, following an individualized evaluation of the potential recipient, to be medically significant to the provision of the anatomical gift. If an individual has

the necessary support system to assist the individual in complying with post-transplant medical requirements, an individual's inability to independently comply with those requirements shall not be deemed to be medically significant. The provisions of this subsection shall apply to each part of the organ transplant process.

b. The court shall accord priority on its calendar and expeditiously proceed with an action brought to seek any remedy authorized by law for purposes of enforcing compliance with the provisions of this section.

c. The provisions of this section shall not be deemed to require referrals or recommendations for, or the performance of, medically inappropriate organ transplants.

d. As used in this section, "disability" has the same meaning as in the federal "Americans with Disabilities Act of 1990," Pub.L.101-336 (42 U.S.C. 12101 et seq.).

3. This act shall take effect immediately.

Approved July 17, 2013.

CHAPTER 81

AN ACT designating the portion of the U.S. Route 206 bypass in the Township of Hillsborough in Somerset County as the "Peter J. Biondi Bypass."

WHEREAS, Assemblyman Peter J. Biondi was born in Newark in 1942, raised in Union City, and settled in Hillsborough where he lived for 35 years; and

WHEREAS, Assemblyman Biondi proudly served in the United States Army Reserve from 1961 to 1967; and

WHEREAS, Assemblyman Biondi was elected to the Hillsborough Township Committee in 1983 and served as mayor of Hillsborough from 1986 to 1994; and

WHEREAS, In Hillsborough, Assemblyman Biondi was active in many local organizations, including the Volunteer Fire Companies 1, 2, and 3, the Rotary Club of Hillsborough, the Youth Services Committee, the Boys Football Association, the Little League, and the RAIDER Touch-down Association; and

WHEREAS, Assemblyman Biondi supported young political candidates in Hillsborough, strongly believing in the presence of young people in government in an effort to improve the community; and

WHEREAS, Assemblyman Biondi was elected to the Somerset County Board of Chosen Freeholders in 1994 and was subsequently elected to the General Assembly in 1997, where he represented the 16th Legislative District and served for 14 years; and

WHEREAS, Assemblyman Biondi served as Republican Conference leader in the General Assembly through 2008 and as the General Assembly's Assistant Republican Leader from 2002 to 2003; and

WHEREAS, Assemblyman Biondi served on the Human Services Committee, the Regulated Professions and Independent Authorities Committee, the Budget Committee, and the Transportation Committee; and

WHEREAS, Assemblyman Biondi was extraordinarily dedicated to community service, belonging to numerous organizations including The Resource Center for Women and their Families, The Otto Gasell Foundation, the New Jersey Conference of Mayors, the New Jersey League of Municipalities, and the Governor's Council on Alcoholism; and

WHEREAS, Assemblyman Biondi lost his battle with cancer on November 10, 2011, shortly after winning re-election to his seat in the General Assembly; and

WHEREAS, A renowned storyteller and conversationalist, dedicated husband, father, and grandfather, Assemblyman Biondi will be greatly missed by his family and community; and

WHEREAS, It is altogether fitting and proper that the State of New Jersey recognize Assemblyman Peter J. Biondi's commitment to the people of Hillsborough Township and the State of New Jersey by designating the U.S. Route 206 bypass in Hillsborough Township as the "Peter J. Biondi Bypass"; now, therefore,

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

1. The Commissioner of Transportation shall designate the portion of the U.S. Route 206 bypass in Hillsborough Township in Somerset County as the "Peter J. Biondi Bypass" and shall erect appropriate signs bearing this name.

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

3. This act shall take effect immediately.

Approved July 17, 2013.

CHAPTER 82

AN ACT assisting victims of domestic or sexual violence and supplementing Title 34 of the Revised Statutes.

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

C.34:11C-1 Short title.

1. This act shall be known as the "New Jersey Security and Financial Empowerment Act" or "NJ SAFE Act."

C.34:11C-2 Definitions relative to victims of domestic, sexual violence.

2. As used in this act:

"Employee" means a person who is employed for at least 12 months by an employer, with respect to whom benefits are sought under this act, for not less than 1,000 base hours during the immediately preceding 12-month period; and

"Employer" means a person or corporation, partnership, individual proprietorship, joint venture, firm or company, or other similar legal entity which engages the services of an employee and employs 25 or more em-

ployees for each working day during each of 20 or more calendar workweeks in the then current or immediately preceding calendar year. “Employer” includes the State, any political subdivision thereof, and all public offices, agencies, boards, or bodies.

C.34:11C-3 Regulations relative to employees affected by domestic, sexual violence; definitions.

3. a. Any employee of an employer in the State who was a victim of an incident of domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19) or a sexually violent offense as defined in section 3 of P.L.1998, c.71 (C.30:4-27.26), or whose child, parent, spouse, domestic partner, or civil union partner was a victim shall be entitled to unpaid leave of no more than 20 days in one 12-month period, to be used in the 12-month period next following any incident of domestic violence or any sexually violent offense as provided in this section. For purposes of this section, each incident of domestic violence or any sexually violent offense shall constitute a separate offense for which an employee is entitled to unpaid leave, provided that the employee has not exhausted the allotted 20 days for the 12-month period. The unpaid leave may be taken intermittently in intervals of no less than one day, as needed for the purpose of engaging in any of the following activities as they relate to the incident of domestic violence or sexually violent offense:

(1) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee’s child, parent, spouse, domestic partner, or civil union partner;

(2) obtaining services from a victim services organization for the employee or the employee’s child, parent, spouse, domestic partner, or civil union partner;

(3) obtaining psychological or other counseling for the employee or the employee’s child, parent, spouse, domestic partner, or civil union partner;

(4) participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee’s child, parent, spouse, domestic partner, or civil union partner from future domestic or sexual violence or to ensure economic security;

(5) seeking legal assistance or remedies to ensure the health and safety of the employee or the employee’s child, parent, spouse, domestic partner, or civil union partner, including preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic or sexual violence; or

(6) attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the employee or the employee's child, parent, spouse, domestic partner, or civil union partner, was a victim.

An eligible employee may elect, or an employer may require the employee, to use any of the accrued paid vacation leave, personal leave, or medical or sick leave of the employee during any part of the 20-day period of unpaid leave provided under this subsection. In such case, any paid leave provided by the employer, and accrued pursuant to established policies of the employer, shall run concurrently with the unpaid leave provided under this subsection and, accordingly, the employee shall receive pay pursuant to the employer's applicable paid leave policy during the period of otherwise unpaid leave. If an employee requests leave for a reason covered by both this subsection and 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.), the leave shall count simultaneously against the employee's entitlement under each respective law.

Leave granted under this section shall not conflict with any rights pursuant to the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.), the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.), or the federal "Family and Medical Leave Act of 1993," Pub.L.103-3 (29 U.S.C. s.2601 et seq.).

b. Prior to taking the leave provided for in this section, an employee shall, if the necessity for the leave is foreseeable, provide the employer with written notice of the need for the leave. The notice shall be provided to the employer as far in advance as is reasonable and practical under the circumstances.

c. Nothing contained in this act shall be construed to prohibit an employer from requiring that a period of leave provided pursuant to this section be supported by the employee with documentation of the domestic violence or sexually violent offense which is the basis for the leave. If the employer requires the documentation, the employee shall be regarded as having provided sufficient documentation if the employee provides one or more of the following:

(1) a domestic violence restraining order or other documentation of equitable relief issued by a court of competent jurisdiction;

(2) a letter or other written documentation from the county or municipal prosecutor documenting the domestic violence or sexually violent offense;

(3) documentation of the conviction of a person for the domestic violence or sexually violent offense;

(4) medical documentation of the domestic violence or sexually violent offense;

(5) certification from a certified Domestic Violence Specialist or the director of a designated domestic violence agency or Rape Crisis Center, that the employee or employee's child, parent, spouse, domestic partner, or civil union partner is a victim of domestic violence or a sexually violent offense; or

(6) other documentation or certification of the domestic violence or sexually violent offense provided by a social worker, member of the clergy, shelter worker, or other professional who has assisted the employee or employee's child, parent, spouse, domestic partner, or civil union partner in dealing with the domestic violence or sexually violent offenses.

For the purposes of this subsection:

"Certified Domestic Violence Specialist" means a person who has fulfilled the requirements of certification as a Domestic Violence Specialist established by the New Jersey Association of Domestic Violence Professionals; and "designated domestic violence agency" means a county-wide organization with a primary purpose to provide services to victims of domestic violence, and which provides services that conform to the core domestic violence services profile as defined by the Division of Child Protection and Permanency in the Department of Children and Families and is under contract with the division for the express purpose of providing the services.

"Rape Crisis Center" means an office, institution, or center offering assistance to victims of sexual offenses through crisis intervention, medical and legal information, and follow-up counseling.

d. An employer shall display conspicuous notice of its employees' rights and obligations pursuant to the provisions of this act, in such form and in such manner as the Commissioner of Labor and Workforce Development shall prescribe, and use other appropriate means to keep its employees so informed.

e. No provision of this act shall be construed as requiring or permitting an employer to reduce employment benefits provided by the employer or required by a collective bargaining agreement which are in excess of those required by this act. Nor shall any provision of this act be construed to prohibit the negotiation and provision through collective bargaining agreements of leave policies or benefit programs which provide benefits in excess of those required by this act. This provision shall apply irrespective of the date that a collective bargaining agreement takes effect.

Nothing contained in this act shall be construed as permitting an employer to:

(1) rescind or reduce any employment benefit accrued prior to the date on which the leave taken pursuant to this act commenced; or

(2) rescind or reduce any employment benefit, unless the rescission or reduction of the benefit is based on changes that would have occurred if an employee continued to work without taking the leave provided pursuant to this section.

f. All information provided to an employer pursuant to subsection c. of this section, and any information regarding a leave taken pursuant to this section and any failure of an employee to return to work, shall be retained in the strictest confidentiality, unless the disclosure is voluntarily authorized in writing by the employee or is required by a federal or State law, rule, or regulation.

C.34:11C-4 Certain actions by employer prohibited.

4. An employer shall not discharge, harass or otherwise discriminate or retaliate or threaten to discharge, harass or otherwise discriminate or retaliate against an employee with respect to the compensation, terms, conditions or privileges of employment on the basis that the employee took or requested any leave to which the employee was entitled pursuant to section 3 of this act or on the basis that the employee refused to authorize the release of information deemed confidential pursuant to subsection f. of section 3 of this act.

C.34:11C-5 Violations; penalties.

5. a. Upon a violation of any of the provisions of section 3 or section 4 of this act, an employee or former employee may institute a civil action in the Superior Court for relief. All remedies available in common law tort actions shall be available to a prevailing plaintiff. The court may also order any or all of the following relief:

(1) an assessment of a civil fine of not less than \$1,000 and not more than \$2,000 for the first violation of any of the provisions of section 3 or section 4 of this act and not more than \$5,000 for each subsequent violation;

(2) an injunction to restrain the continued violation of any of the provisions of section 3 or section 4 of this act;

(3) reinstatement of the employee to the same position or to a position equivalent to that which the employee held prior to unlawful discharge or retaliatory action;

(4) reinstatement of full fringe benefits and seniority rights;

(5) Compensation for any lost wages, benefits and other remuneration;

(6) payment of reasonable costs and attorney's fees.

b. An action brought under this section shall be commenced within one year of the date of the alleged violation.

c. A private cause of action provided for in this section shall be the sole remedy for a violation of this act.

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

Approved July 17, 2013.

CHAPTER 83

AN ACT concerning assignment of benefits under dental plans and amending P.L.2003, c.250.

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

1. Section 1 of P.L.2003, c.250 (C.17:48C-8.3) is amended to read as follows:

C.17:48C-8.3 Payment of out-of-network benefits by dental service corporation.

1. a. (1) Except as provided in subsection e. of this section, a dental service corporation that makes a dental benefit payment to a covered person for services rendered by an out-of-network dentist shall issue the payment to the covered person in accordance with the time frames set forth in section 8 of P.L.1999, c.154 (C.17:48C-8.1), and shall, within three days of issuing the payment, provide a notification to the out-of-network dentist of the amount and date of the payment and the services for which the payment was made.

(2) In the case of a dental service corporation that supplies an administrative services only contract and makes a dental benefit payment to a covered person for services rendered by an out-of-network dentist under that contract, paragraph (1) of this subsection shall not apply, but the dental service corporation shall, within three days of issuing the payment, provide a notification to the out-of-network dentist of the amount and date of the payment.

b. A covered person may enter into an agreement with an out-of-network dentist to sign over the dental benefit payment received from the dental service corporation to the dentist. The agreement shall:

(1) be in writing;

(2) be signed by the person who is entitled to receive the dental benefit payment from the dental service corporation;

(3) be retained by the dentist for at least six years following the date of the most recent payment from the covered person; and

(4) give the covered person at least 10 business days within which to sign over the dental benefit to the dentist.

c. A covered person who agrees to sign over a dental benefit payment in accordance with this section shall comply with the terms of the agreement; except that, if the covered person owes the out-of-network dentist less than the amount of the dental benefit payment, the covered person shall pay the dentist the balance owed to the dentist.

d. A covered person who fails to sign over the dental benefit payment in accordance with subsections b. and c. of this section shall be liable to the out-of-network dentist for payment of attorney fees and costs reasonably incurred by the dentist in enforcing the agreement established pursuant to those subsections.

e. (1) With respect to a dental service corporation that makes a dental benefit payment to a covered person for services rendered by an out-of-network dentist, if the covered person assigns, through an assignment of benefits, his right to receive reimbursement to an out-of-network dentist, the dental service corporation shall issue the payment for the reimbursement directly to the dentist in the form of a check payable to the dentist, or in the alternative, to the dentist and the covered person as joint payees, with a signature line for each of the payees. Payment shall be made in accordance with section 8 of P.L.1999, c.154 (C.17:48C-8.1). Any payment made only to the covered person rather than the dentist while such an assignment of benefits is in effect shall be considered unpaid, and unless issued to the dentist within the time frames established by section 8 of P.L.1999, c.154 (C.17:48C-8.1), shall be considered overdue and subject to interest charges as provided in that section.

(2) Nothing in this subsection shall be construed to apply to a dental service corporation that supplies a self-funded dental services plan or an administrative services only contract for a self-funded dental services plan, when making a dental benefit payment to a covered person for services rendered by an out-of-network dentist under that plan or contract.

2. Section 2 of P.L.2003, c.250 (C.17:48D-9.6) is amended to read as follows:

C.17:48D-9.6 Payment of out-of-network benefits by dental plan organization.

2. a. (1) Except as provided in subsection e. of this section, a dental plan organization that makes a dental benefit payment to an enrollee for

services rendered by an out-of-network dentist shall issue the payment to the enrollee in accordance with the time frames set forth in section 9 of P.L.1999, c.154 (C.17:48D-9.4), and shall, within three days of issuing the payment, provide a notification to the out-of-network dentist of the amount and date of the payment and the services for which the payment was made.

(2) In the case of a dental plan organization that supplies an administrative services only contract and makes a dental benefit payment to an enrollee for services rendered by an out-of-network dentist under that contract, paragraph (1) of this subsection shall not apply, but the dental plan organization shall, within three days of issuing the payment, provide a notification to the out-of-network dentist of the amount and date of the payment.

b. An enrollee may enter into an agreement with an out-of-network dentist to sign over the dental benefit payment received from the dental plan organization to the dentist. The agreement shall:

(1) be in writing;

(2) be signed by the person who is entitled to receive the dental benefit payment from the dental plan organization;

(3) be retained by the dentist for at least six years following the date of the most recent payment from the enrollee; and

(4) give the enrollee at least 10 business days within which to sign over the dental benefit to the dentist.

c. An enrollee who agrees to sign over a dental benefit payment in accordance with this section shall comply with the terms of the agreement; except that if the enrollee owes the out-of-network dentist less than the amount of the dental benefit payment, the enrollee shall pay the dentist the balance owed to the dentist.

d. An enrollee who fails to sign over the dental benefit payment in accordance with subsections b. and c. of this section shall be liable to the out-of-network dentist for payment of attorney fees and costs reasonably incurred by the dentist in enforcing the agreement established pursuant to those subsections.

e. (1) With respect to a dental plan organization that makes a dental benefit payment to an enrollee for services rendered by an out-of-network dentist, if the enrollee assigns, through an assignment of benefits, his right to receive reimbursement to an out-of-network dentist, the dental plan organization shall issue the payment for the reimbursement directly to the dentist, or in the alternative, to the dentist and the enrollee as joint payees, with a signature line for each of the payees. Payment shall be made in accordance with section 9 of P.L.1999, c.154 (C.17:48D-9.4). Any payment made only to the enrollee rather than the dentist while such an assignment

of benefits is in effect shall be considered unpaid, and unless issued to the dentist within the time frames established by section 9 of P.L.1999, c.154 (C.17:48D-9.4), shall be considered overdue and subject to interest charges as provided in that section.

(2) Nothing in this subsection shall be construed to apply to a dental plan organization that supplies a self-funded dental services plan or an administrative services only contract for a self-funded dental services plan, when making a dental benefit payment to an enrollee for services rendered by an out-of-network dentist under that plan or contract.

3. Section 3 of P.L.2003, c.250 (C.17:48E-10.2) is amended to read as follows:

C.17:48E-10.2 Payment of out-of-network dental benefits by health service corporation.

3. a. (1) Except as provided in subsection e. of this section, a health service corporation that makes a dental benefit payment to a covered person for services rendered by an out-of-network dentist shall issue the payment to the covered person in accordance with the time frames set forth in section 4 of P.L.1999, c.154 (C.17:48E-10.1), and shall, within three days of issuing the payment, provide a notification to the out-of-network dentist of the amount and date of the payment and the services for which the payment was made.

(2) In the case of a health service corporation that supplies an administrative services only contract and makes a dental benefit payment to a covered person for services rendered by an out-of-network dentist under that contract, paragraph (1) of this subsection shall not apply, but the health service corporation shall, within three days of issuing the payment, provide a notification to the out-of-network dentist of the amount and date of the payment.

b. A covered person may enter into an agreement with an out-of-network dentist to sign over the dental benefit payment received from the health service corporation to the dentist. The agreement shall:

- (1) be in writing;
- (2) be signed by the person who is entitled to receive the dental benefit payment from the health service corporation;
- (3) be retained by the dentist for at least six years following the date of the most recent payment from the covered person; and
- (4) give the covered person at least 10 business days within which to sign over the dental benefit to the dentist.

c. A covered person who agrees to sign over a dental benefit payment in accordance with this section shall comply with the terms of the agree-

ment; except that, if the covered person owes the out-of-network dentist less than the amount of the dental benefit payment, the covered person shall pay the dentist the balance owed to the dentist.

d. A covered person who fails to sign over the dental benefit payment in accordance with subsections b. and c. of this section shall be liable to the out-of-network dentist for payment of attorney fees and costs reasonably incurred by the dentist in enforcing the agreement established pursuant to those subsections.

e. (1) With respect to a health service corporation that makes a dental benefit payment to a covered person for services rendered by an out-of-network dentist, if the covered person assigns, through an assignment of benefits, his right to receive reimbursement to an out-of-network dentist, the health service corporation shall issue the payment for the reimbursement directly to the dentist in the form of a check payable to the dentist, or in the alternative, to the dentist and the covered person as joint payees, with a signature line for each of the payees. Payment shall be made in accordance with section 4 of P.L.1999, c.154 (C.17:48E-10.1). Any payment made only to the covered person rather than the dentist while such an assignment of benefits is in effect shall be considered unpaid, and unless issued to the dentist within the time frames established by section 4 of P.L.1999, c.154 (C.17:48E-10.1), shall be considered overdue and subject to interest charges as provided in that section.

(2) Nothing in this subsection shall be construed to apply to a health service corporation that supplies a self-funded dental services plan or an administrative services only contract for a self-funded dental services plan, when making a dental benefit payment to a covered person for services rendered by an out-of-network dentist under that plan or contract.

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

Approved July 17, 2013.

CHAPTER 84

AN ACT concerning the surcharge on admissions charges at major places of amusement and amending P.L.2007, c.302.

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

1. Section 1 of P.L.2007, c.302 (C.40:48G-1) is amended to read as follows:

C.40:48G-1 Definitions relative to surcharge on admission charges at certain major places of amusement; authorization, contents of ordinance.

1. a. As used in this section:

"admission charge" means the amount paid for admission, including any service charge and any charge for entertainment at a place of amusement, including but not limited to a dramatic or musical arts admission charge as defined pursuant to subsection (r) of section 2 of P.L.1966, c.30 (C.54:32B-2); and

"major place of amusement" means a place of amusement as that term is defined in subsection (t) of section 2 of P.L.1966, c.30 (C.54:32B-2), other than a motion picture theater, and other than an amusement park as defined in section 1 of P.L.1992, c.118 (C.5:3-55), at which admission charges are regularly paid, which place of amusement is not owned by the State or an independent State authority, or is not located on property that is owned by the State or an independent State authority, and which contains fixed seats or bleacher capacity for not less than 10,000 patrons.

b. The governing body of a municipality in which there is located a major place of amusement may adopt an ordinance imposing a surcharge in an amount up to 5% of each admission charge that is subject to the New Jersey sales tax pursuant to paragraph (1) of subsection (e) of section 3 of P.L.1966, c.30 (C.54:32B-3), and that is not otherwise exempt from that tax, collected by each major place of amusement in the municipality for admission thereto, which surcharge shall be paid by the customer from whom the sales tax is due pursuant to section 3 of P.L.1966, c.30 (C.54:32B-3). A surcharge imposed under an ordinance adopted pursuant to this section shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the admission charge. A surcharge imposed under an ordinance adopted pursuant to this section shall be separately stated on any bill, receipt, invoice or similar document provided to the patron, but shall not be considered part of the sale price for the purpose of determining tax pursuant to P.L.1966, c.30 (C.54:32B-1 et seq.).

c. A copy of an ordinance adopted pursuant to this section shall be transmitted upon adoption or amendment to the State Treasurer along with a

list of the names and locations of major places of amusement in the municipality. An ordinance so adopted or any amendment thereto shall provide that the surcharge provisions of the ordinance or any amendment to the surcharge provisions shall take effect on the first day of the first full month occurring 30 days after the date of transmittal to the State Treasurer. Any ordinance enacted pursuant to this section shall contain the following provisions:

(1) A vendor shall not assume or absorb the surcharge imposed by the ordinance;

(2) A vendor shall not in any manner advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the surcharge will be assumed or absorbed by the vendor, that the surcharge will not be separately charged and stated to the customer, or that the surcharge will be refunded to the customer;

(3) Each assumption or absorption by a vendor of the surcharge shall be deemed a separate offense and each representation or advertisement by a vendor for each day the representation or advertisement continues shall be deemed a separate offense; and

(4) Penalties as fixed in the ordinance, for violation of the foregoing provisions.

d. (1) A surcharge imposed pursuant to a municipal ordinance adopted under the provisions of this section shall be collected on behalf of the municipality by the person collecting the admission charge from the customer.

(2) Each person required to collect a surcharge imposed by the ordinance shall be personally liable for the surcharge imposed, collected or required to be collected hereunder. Any such person shall have the same right in respect to collecting the surcharge from a customer as if the surcharge were a part of the admission charge and payable at the same time; provided, however, that the chief fiscal officer of the municipality shall be joined as a party in any action or proceeding brought to collect the surcharge.

e. (1) A person required to collect a surcharge imposed pursuant to the provisions of this section shall, on or before the dates required pursuant to section 17 of P.L.1966, c.30 (C.54:32B-17), forward to the Director of the Division of Taxation in the Department of the Treasury the surcharge collected in the preceding month and make and file a return for the preceding month with the director on any form and containing any information as the director shall prescribe as necessary to determine liability for the surcharge in the preceding month during which the person was required to collect the surcharge.

(2) The director may permit or require returns to be made covering other periods and upon any dates as the director may specify. In addition, the director may require payments of surcharge liability at any intervals and

based upon any classifications as the director may designate. In prescribing any other periods to be covered by the return or intervals or classifications for payment of surcharge liability, the director may take into account the dollar volume of surcharge involved as well as the need for ensuring the prompt and orderly collection of the surcharge imposed.

(3) The director may require amended returns to be filed within 20 days after notice and to contain the information specified in the notice.

f. (1) The Director of the Division of Taxation in the Department of the Treasury shall collect and administer the surcharge; in so doing, the director shall have all the powers granted pursuant to P.L.1966, c.30 (C.54:32B-1 et seq.). A surcharge imposed pursuant to the provisions of this section shall be governed by the provisions of the "State Uniform Tax Procedure Law," R.S.54:48-1 et seq.

(2) The director shall determine and certify to the State Treasurer on a quarterly or more frequent basis, as prescribed by the State Treasurer, the amount of revenues collected in each municipality pursuant to this section.

(3) The State Treasurer, upon the certification of the director and upon the warrant of the State Comptroller, shall pay and distribute on a quarterly or more frequent basis, as prescribed by the State Treasurer, to each municipality the amount of revenues determined and certified under this subsection.

(4) The revenue, if any, received by a municipality shall be appropriated as a special item of local revenue subject to the prior written approval by the Director of the Division of Local Government Services in the Department of Community Affairs, and shall be offset with a local unit appropriation of an equal amount for public safety purposes.

g. The director may, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), make, adopt, amend, or repeal such rules and regulations as the director finds necessary to carry out the provisions of this section.

2. This act shall take effect immediately.

Approved July 17, 2013.

CHAPTER 85

AN ACT permitting veterans' organizations to use net proceeds from games of chance for organizations' support and amending P.L.1954, c.5 and P.L.1954, c.6.

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

1. Section 2 of P.L.1954, c.6 (C.5:8-25) is amended to read as follows:

C.5:8-25 Licensing of certain entities to hold games of chance, use of certain electronic devices permitted.

2. It shall be lawful for the governing body of any municipality, at any time after this act shall become operative within such municipality and except when prohibited by this act, to license bona fide organizations or associations of veterans of any war in which the United States has been engaged, churches or religious congregations and religious organizations, charitable, educational and fraternal organizations, civic and service clubs, senior citizen associations and clubs, officially recognized volunteer fire companies, and officially recognized volunteer first aid or rescue squads, to hold and operate games of chance of, and restricted to, the specific kind of game of chance commonly known as bingo or lotto played for prizes with cards bearing numbers or other designations, five or more in one line, the holder covering numbers, as objects, similarly numbered, are drawn from a receptacle and the game being won by the person who first covers a previously designated arrangement of numbers on such a card, by selling shares or tickets or rights to participate in such games and by conducting the games accordingly, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, and, in the case of organizations or associations of veterans, and senior citizen associations or clubs, to the support of such organizations, and for any such organization, association, church, congregation, society, club, fire company, first aid or rescue squad, or senior citizen association or club, when so licensed, to hold, operate and conduct such games of chance by its active members pursuant to this act and such license, and under such conditions and regulations for the supervision and conduct thereof as shall be prescribed by rules and regulations duly adopted from time to time by the Legalized Games of Chance Control Commission, hereinafter designated as the control commission, not inconsistent with the provisions of this act, but only when the entire net proceeds thereof are devoted to the uses aforesaid and for any person or persons to participate in and play such games of chance conducted under any such license.

The control commission shall, pursuant to regulations promulgated by it, authorize the use in conducting bingo or lotto of electronic devices that are the functional equivalent of the cards, numbered objects, and receptacle described herein to the extent that the use of such devices is not inconsistent

with any other provision of this act or the provisions of subparagraph A of the New Jersey Constitution, Article IV, Section 7, paragraph 2. Any such electronic device shall comply with specifications prescribed by the commission and shall be approved by the commission prior to use. Such devices shall not include any device into which currency, coins or tokens may be inserted or from which currency, coins or tokens, or any receipt for monetary value, can be dispensed or which, once provided to a person participating in bingo, is capable of communicating with other such devices. Nothing contained in this section shall be construed as allowing electronic devices used by a qualified organization in conducting bingo or lotto to be linked to electronic devices used by any other qualified organization in conducting bingo or lotto.

2. Section 2 of P.L.1954, c.5 (C.5:8-51) is amended to read as follows:

C.5:8-51 Eligible organizations.

2. a. It shall be lawful for the governing body of any municipality, at any time after this act shall become operative within such municipality and except when prohibited by this act, to license bona fide organizations or associations of veterans of any war in which the United States has been engaged, churches or religious congregations and religious organizations, charitable, educational and fraternal organizations, civic and service clubs, senior citizen associations and clubs, officially recognized volunteer fire companies, and officially recognized volunteer first aid or rescue squads, to hold and operate the specific kind of game or games of chance commonly known as a raffle or raffles played by drawing for prizes or the allotment of prizes by chance, by the selling of shares or tickets or rights to participate in such game or games and by conducting the game or games accordingly, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, and in the case of organizations or associations of veterans, and senior citizen associations and clubs to the support of these organizations, and for any such organization or association, church, congregation, society, club, company or squad, when so licensed or without any license when and as hereinafter prescribed, to hold, operate and conduct such game of chance pursuant to this act and such license, in such municipality and to sell shares or tickets or rights to participate in such game or games of chance therein and in any other municipality which shall have adopted this act and under such conditions and regulations for the supervision and conduct thereof as shall be prescribed by rules and regulations duly adopted from time to time by the Legalized Games of Chance Control Commission, hereinafter designated as the control commission, not inconsistent

with the provisions of this act, but only when the entire net proceeds thereof are devoted to the uses aforesaid and for any person or persons to participate in and play such games of chance conducted under any such license.

b. The control commission may adopt regulations authorizing licensees to hold events known as:

"armchair races" at which wagers are placed on the outcome of previously-filmed horse races and wagers do not know the results in advance, when the prize awarded consists of merchandise or raffle tickets only, and not cash; and

"casino nights" at which players use chips or script purchased from the licensee to wager in games of chance known as blackjack, under/over, beat-the-dealer, chuck-a-luck, craps, roulette, bingo or similar games approved by the commission, when the chips or script are redeemable for merchandise or raffle tickets only, and not for cash.

The regulations shall establish the frequency with which these events may be held, the rules of the games, the specific type and value of prizes which may be offered, the qualifications of the individuals conducting the games and other requirements which the commission may deem pertinent.

c. No license shall be required for the holding, operating or conducting of a raffle for a door prize of donated merchandise of the value of less than \$50.00 for which no extra charge is made at an assemblage at which no other game of chance is held, operated or conducted, if the proceeds of such assemblage are devoted to the uses described in this section.

3. This act shall take effect upon the approval by the voters of amendments to the Constitution of the State of New Jersey to allow bona fide veterans' organizations or associations, registered with the New Jersey Legalized Games of Chance Control Commission and licensed by a municipality, to use net proceeds from games of chance for support of the organization proposed pursuant to Senate Concurrent Resolution 11 of 2012 or a substantially similar amendment.

Approved August 7, 2013.

CHAPTER 86

AN ACT concerning penalties for certain traffic violations, creating a fund for the acquisition of certain traffic signage, amending R.S.39:4-88 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.39:4-88 is amended to read as follows:

Traffic on marked lanes.

When a roadway has been divided into clearly marked lanes for traffic, drivers of vehicles shall obey the following regulations:

- a. A vehicle shall normally be driven in the lane nearest the right-hand edge or curb of the roadway when that lane is available for travel, except when overtaking another vehicle or in preparation for a left turn.
- b. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from that lane until the driver has first ascertained that the movement can be made with safety.
- c. Upon a highway which is divided into 3 lanes, a vehicle shall not be driven in the center lane except when overtaking or passing another vehicle or in preparation for a left turn or unless the center lane is at the time allocated for traffic moving in the direction the vehicle is proceeding and is signposted to give notice of that allocation.
- d. The State Highway Commissioner may by regulation or local authorities may by resolution or ordinance with respect to highways under their jurisdiction designate right-hand lanes for slow moving traffic and inside lanes for traffic moving at the speed designated for the district as provided under this chapter, and when the lanes are signposted or marked to give notice of the designation a vehicle may be driven in any lane allocated to traffic moving in the direction in which it is proceeding, but when traveling within the inside lanes the vehicle shall be driven at approximately the speed authorized in such lanes and speed shall not be decreased unnecessarily so as to block, hinder or retard traffic.
- e. When such roadway had been divided in such a manner that there are three or more lanes for traffic in any one direction, no truck of 10,000 pounds registered gross weight or over shall be driven in the farthest left-hand lane, except:
 - (1) when and to the extent necessary to prepare for a left turn; a truck may be driven in the farthest left lane for up to one mile to prepare for a left hand turn as authorized under this paragraph;
 - (2) when necessary to enter or leave such roadway by entrance or exit to or from the left lane; a truck may be driven in the farthest left lane for up to one mile to prepare to enter or leave the roadway as authorized under this paragraph;

(3) when reasonably necessary in response to emergency conditions; for the purposes of this paragraph, “emergency conditions” shall include, but not be limited to: poor visibility, snow, accidents, or the presence of emergency vehicles.

C.39:4-88.1 Penalties, fines.

2. The penalty for a violation of failing to keep right under R.S.39:4-82 or failure to observe traffic lanes under R.S. 39:4-88 shall be a fine of not less than \$100 or more than \$300. In addition to any fine that may be imposed, a surcharge of \$50 shall be imposed on each person found guilty of a violation of R.S.39:4-82 or R.S.39:4-88. The State Treasurer shall annually deposit the surcharge into the fund established pursuant to section 3 of P.L.2013, c.86 (C.39:4-88.2).

C.39:4-88.2 Repository fund.

3. There is created within the Department of the Treasury, a separate, non-lapsing fund that shall be administered by the Department of Transportation. The fund shall be the repository for the \$50 surcharge imposed for each violation of R.S.39:4-82 and R.S. 39:4-88. Unless otherwise specifically provided by law, monies in the fund shall be utilized exclusively to acquire, install, and maintain highway signs that notify motorists entering New Jersey to comply with the provisions of R.S.39:4-82 and R.S.39:4-88.

4. This act shall take effect immediately.

Approved August 7, 2013.

CHAPTER 87

AN ACT concerning the purchase of service credit by members of the State Police Retirement System for military service in the United States Armed Forces and amending and supplementing P.L.1965, c.89 (C.53:5A-1 et seq.).

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

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

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

3. As used in this act:
 - a. "Aggregate contributions" means the sum of all the amounts, deducted from the salary of a member or contributed by him or on his behalf, standing to the credit of his individual account in the Annuity Savings Fund. Interest credited on contributions to the former "State Police Retirement and Benevolent Fund" shall be included in a member's aggregate contributions.
 - b. "Annuity" means payments for life derived from the aggregate contributions of a member.
 - c. "Annuity reserve" means the present value of all payments to be made on account of any annuity or benefit in lieu of an annuity, computed upon the basis of such mortality tables recommended by the actuary as the board of trustees adopts and regular interest.
 - d. "Beneficiary" means any person entitled to receive any benefit pursuant to the provisions of this act by reason of the death of a member or retiree.
 - e. "Board of trustees" or "board" means the board provided for in section 30 of this act.
 - f. "Child" means a deceased member's or retiree's unmarried child either (a) under the age of 18 or (b) of any age who, at the time of the member's or retiree's death, is disabled because of an intellectual disability or physical incapacity, is unable to do any substantial, gainful work because of the impairment and his impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by the medical board.
 - g. "Creditable service" means service rendered for which credit is allowed on the basis of contributions made by the member or the State.
 - h. "Parent" means the parent of a member who was receiving at least one-half of his support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.
 - i. (1) "Final compensation" means the average compensation received by the member in the last 12 months of creditable service preceding his retirement or death. Such term includes the value of the member's maintenance allowance for this same period.
(2) In the case of a person who becomes a member of the retirement system on or after the effective date of P.L.2010, c.1, "final compensation" means the average annual compensation for service for which contributions are made during any three fiscal years of membership providing the largest possible benefit to the member or the member's beneficiary. Such term includes the value of the member's maintenance allowance for this same period.

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

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

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

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

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

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

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

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

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

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

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

cash and securities and other property held. All assets held in the name of the former "State Police Retirement and Benevolent Fund" shall be transferred to the retirement system established by this act.

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

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

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

v. "Veteran" means any person who has served in the United States Armed Forces and has or shall be discharged or released therefrom under conditions other than dishonorable, in any of the following wars or emergencies, and who has presented to the retirement system evidence of such record of service in form and content satisfactory to the retirement system:

(1) Vietnam conflict on or after December 31, 1960, and on or prior to May 7, 1975, who shall have served at least 90 days in such active service, exclusive of any period of assignment (1) for a course of education or training under the Army Specialized Training Program or the Navy College Training Program which course was a continuation of a civilian course and

was pursued to completion, or (2) as a cadet or midshipman at one of the service academies, any part of which 90 days was served between said dates; and exclusive of any service performed pursuant to the provisions of section 511 (d) of Title 10, United States Code, pursuant to an enlistment in the Army National Guard or as a reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 90 days' service as herein provided;

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

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

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

(5) Operation "Desert Shield/Desert Storm" mission in the Arabian peninsula and the Persian Gulf, on or after August 2, 1990 or the date of inception of

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

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

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

(8) Operations "Joint Endeavor" and "Joint Guard" in the Republic of Bosnia and Herzegovina, on or after November 20, 1995, who served in such active service in direct support of one or both of the operations for at least 14 days, continuously or in the aggregate, commencing on or before June 20, 1998, and (1) was deployed in that nation or in another area in the region, or (2) was on board a United States naval vessel operating in the Adriatic Sea, or (3) operated in airspace above the Republic of Bosnia and Herzegovina; provided that any person receiving an actual service-incurred

injury or disability shall be classed as a veteran whether or not that person completed the 14-day service requirement;

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

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

C.53:5A-6.1 Filing of detailed statement of military service; purchase of service credit.

2. A member may file a detailed statement of 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 veteran as defined in section 3 of P.L.1965, c.89 (C.53:5A-3). If such credit is established, it shall be considered the same as creditable service as a full-time commissioned officer, noncommissioned officer or trooper rendered as a member. 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 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. 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" under section 3 of P.L.1965, c.89 (C.53:5A-3), for the purpose of purchasing military service credit, meets the criteria set forth therein and adjudicating an appeal from any person disputing this determination. The determination of the Adjutant General shall be binding upon the Division of Pensions and Benefits.

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 military service in the Armed Forces of the United States.

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.

3. This act shall take effect immediately.

Approved August 7, 2013.

CHAPTER 88

AN ACT concerning animal cruelty and designated as "Patrick's Law," and amending R.S.4:22-15, R.S.4:22-17, and R.S.4:22-26.

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

1. R.S.4:22-15 is amended to read as follows:

Definitions.

4:22-15. As used in this article:

"Animal" or "creature" includes the whole brute creation.

"Bodily injury" means physical pain, illness or any impairment of physical condition.

"Necessary care" means care sufficient to preserve the health and well-being of an animal, and includes, but is not limited to: food of sufficient quantity and quality to allow for normal growth or maintenance of body weight; adequate access to water in sufficient quantity and quality to satisfy the animal's needs; access to adequate protection from the weather; and veterinary care to alleviate suffering and maintain health.

"Owner" or "person" includes a corporation, and the knowledge and acts of an agent or employee of a corporation in regard to animals transported, owned, employed, or in the custody of the corporation shall be imputed to the corporation.

"Serious bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

2. R.S.4:22-17 is amended to read as follows:

Cruelty; certain acts, crime; degrees.

4:22-17. a. It shall be unlawful to:

(1) Overdrive, overload, drive when overloaded, overwork, abuse, or needlessly kill a living animal or creature;

(2) Cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any of the acts described in paragraph (1) of this subsection to be done;

(3) Inflict unnecessary cruelty upon a living animal or creature, by any direct or indirect means, including but not limited to through the use of another living animal or creature; or leave the living animal or creature unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature; or

(4) Fail, as the owner or as a person otherwise charged with the care of a living animal or creature, to provide the living animal or creature with necessary care.

b. (1) A person who violates subsection a. of this section shall be guilty of a disorderly persons offense. Notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, for every conviction of an offense pursuant to paragraph (1) or (2) of subsection a. of this section, the person shall be fined not less than \$250

nor more than \$1,000, or be imprisoned for a term of not more than six months, or both, in the discretion of the court; and for every conviction of an offense pursuant to paragraph (3) or (4) of subsection a. of this section, the person shall be fined not less than \$500 nor more than \$2,000, or be imprisoned for a term of not more than six months, or both, in the discretion of the court.

(2) If the person who violates subsection a. of this section has a prior conviction for an offense that would constitute a violation of subsection a. of this section, the person shall be guilty of a crime of the fourth degree.

(3) A person who violates subsection a. of this section shall also be subject to the provisions of subsections e. and f. and, if appropriate, subsection g., of this section.

c. It shall be unlawful to purposely, knowingly, or recklessly:

(1) Torment, torture, maim, hang, poison, unnecessarily or cruelly beat, cruelly abuse, or needlessly mutilate a living animal or creature;

(2) Cause bodily injury to a living animal or creature by failing to provide the living animal or creature with necessary care, whether as the owner or as a person otherwise charged with the care of the living animal or creature; or

(3) Cause or procure an act described in paragraph (1) or (2) of this subsection to be done, by any direct or indirect means, including but not limited to through the use of another living animal or creature.

d. (1) A person who violates paragraph (1), (2), or (3) of subsection c. of this section shall be guilty of a crime of the fourth degree, except that the person shall be guilty of a crime of the third degree if:

(a) the animal or creature dies as a result of the violation;

(b) the animal or creature suffers serious bodily injury as a result of the violation; or

(c) the person has a prior conviction for an offense that would constitute a violation of paragraph (1), (2), or (3) of subsection c. of this section.

(2) A person who violates any provision of subsection c. of this section shall also be subject to the provisions of subsections e. and f. and, if appropriate, subsection g., of this section.

e. For a violation of this section, in addition to imposing any other appropriate penalties established for a crime of the third degree, crime of the fourth degree, or disorderly persons offense, as the case may be, pursuant to Title 2C of the New Jersey Statutes, the court shall impose a term of community service of up to 30 days, and may direct that the term of community service be served in providing assistance to the New Jersey Society for the Prevention of Cruelty to Animals, a county society for the prevention of cruelty to animals, or any other recognized organization concerned with the preven-

tion of cruelty to animals or the humane treatment and care of animals, or to a municipality's animal control or animal population control program.

f. The court also shall require any violator of this section to pay restitution, including but not limited to, the monetary cost of replacing the animal if the animal died or had to be euthanized because of the extent of the animal's injuries, or otherwise reimburse any costs for food, drink, shelter, or veterinary care or treatment, or other costs, incurred by the owner of the animal, if the owner is not the person committing the act of cruelty, or incurred by any agency, entity, or organization investigating the violation, including but not limited to the New Jersey Society for the Prevention of Cruelty to Animals, a county society for the prevention of cruelty to animals, any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, a local or State governmental entity, or a kennel, shelter, pound, or other facility providing for the shelter and care of the animal or animals involved in the violation.

g. If a juvenile is adjudicated delinquent for an act which, if committed by an adult, would constitute a disorderly persons offense, crime of the fourth degree, or crime of the third degree pursuant to this section, the court also shall order the juvenile to receive mental health counseling by a licensed psychologist or therapist named by the court for a period of time to be prescribed by the licensed psychologist or therapist.

3. R.S.4:22-26 is amended to read as follows:

Penalties for various acts constituting cruelty.

4:22-26. A person who shall:

a. (1) Overdrive, overload, drive when overloaded, overwork, abuse, or needlessly kill a living animal or creature, or cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any such acts to be done;

(2) Torment, torture, maim, hang, poison, unnecessarily or cruelly beat, cruelly abuse, or needlessly mutilate a living animal or creature, or cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any such acts to be done;

(3) Cause the death of, or serious bodily injury to, a living animal or creature from commission of any act described in paragraph (2), (4), (5), or (6) of this subsection, by any direct or indirect means, including but not limited to through the use of another living animal or creature, or otherwise cause or procure any such acts to be done;

(4) Fail, as the owner or a person otherwise charged with the care of a living animal or creature, to provide the living animal or creature with necessary care, or otherwise cause or procure such an act to be done; or

(5) Cause bodily injury to a living animal or creature from commission of the act described in paragraph (4) of this subsection;

b. (Deleted by amendment, P.L.2003, c.232)

c. Inflict unnecessary cruelty upon a living animal or creature, by any direct or indirect means, including but not limited to through the use of another living animal or creature; or leave the living animal or creature unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature;

d. Receive or offer for sale a horse that is suffering from abuse or neglect, or which by reason of disability, disease, abuse or lameness, or any other cause, could not be worked, ridden or otherwise used for show, exhibition or recreational purposes, or kept as a domestic pet without violating the provisions of this article;

e. Keep, use, be connected with or interested in the management of, or receive money or other consideration for the admission of a person to, a place kept or used for the purpose of fighting or baiting a living animal or creature;

f. Be present and witness, pay admission to, encourage, aid or assist in an activity enumerated in subsection e. of this section;

g. Permit or suffer a place owned or controlled by him to be used as provided in subsection e. of this section;

h. Carry, or cause to be carried, a living animal or creature in or upon a vehicle or otherwise, in a cruel or inhumane manner;

i. Use a dog or dogs for the purpose of drawing or helping to draw a vehicle for business purposes;

j. Impound or confine or cause to be impounded or confined in a pound or other place a living animal or creature, and shall fail to supply the living animal or creature during such confinement with a sufficient quantity of good and wholesome food and water;

k. Abandon a maimed, sick, infirm or disabled animal or creature to die in a public place;

l. Willfully sell, or offer to sell, use, expose, or cause or permit to be sold or offered for sale, used or exposed, a horse or other animal having the disease known as glanders or farcy, or other contagious or infectious disease dangerous to the health or life of human beings or animals, or who shall, when any such disease is beyond recovery, refuse, upon demand, to deprive the animal of life;

m. Own, operate, manage or conduct a roadside stand or market for the sale of merchandise along a public street or highway; or a shopping mall, or a part of the premises thereof; and keep a living animal or creature confined, or allowed to roam in an area whether or not the area is enclosed, on these premises as an exhibit; except that this subsection shall not be applicable to: a pet shop licensed pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an animal, in a humane manner, for the purpose of the protection of the premises; or a recognized breeders' association, a 4-H club, an educational agricultural program, an equestrian team, a humane society or other similar charitable or nonprofit organization conducting an exhibition, show or performance;

n. Keep or exhibit a wild animal at a roadside stand or market located along a public street or highway of this State; a gasoline station; or a shopping mall, or a part of the premises thereof;

o. Sell, offer for sale, barter or give away or display live baby chicks, ducklings or other fowl or rabbits, turtles or chameleons which have been dyed or artificially colored or otherwise treated so as to impart to them an artificial color;

p. Use any animal, reptile, or fowl for the purpose of soliciting any alms, collections, contributions, subscriptions, donations, or payment of money except in connection with exhibitions, shows or performances conducted in a bona fide manner by recognized breeders' associations, 4-H clubs or other similar bona fide organizations;

q. Sell or offer for sale, barter, or give away living rabbits, turtles, baby chicks, ducklings or other fowl under two months of age, for use as household or domestic pets;

r. Sell, offer for sale, barter or give away living baby chicks, ducklings or other fowl, or rabbits, turtles or chameleons under two months of age for any purpose not prohibited by subsection q. of this section and who shall fail to provide proper facilities for the care of such animals;

s. Artificially mark sheep or cattle, or cause them to be marked, by cropping or cutting off both ears, cropping or cutting either ear more than one inch from the tip end thereof, or half cropping or cutting both ears or either ear more than one inch from the tip end thereof, or who shall have or keep in the person's possession sheep or cattle, which the person claims to own, marked contrary to this subsection unless they were bought in market or of a stranger;

t. Abandon a domesticated animal;

u. For amusement or gain, cause, allow, or permit the fighting or baiting of a living animal or creature;

v. Own, possess, keep, train, promote, purchase, or knowingly sell a living animal or creature for the purpose of fighting or baiting that animal or creature;

w. Gamble on the outcome of a fight involving a living animal or creature;

x. Knowingly sell or barter or offer for sale or barter, at wholesale or retail, the fur or hair of a domestic dog or cat or any product made in whole or in part from the fur or hair of a domestic dog or cat, unless such fur or hair for sale or barter is from a commercial grooming establishment or a veterinary office or clinic or is for use for scientific research;

y. (1) Knowingly sell or barter, or offer for sale or barter, at wholesale or retail, for human consumption, the flesh of a domestic dog or cat, or any product made in whole or in part from the flesh of a domestic dog or cat;

(2) Knowingly slaughter a horse for human consumption;

(3) Knowingly sell or barter, or offer for sale or barter, at wholesale or retail, for human consumption, the flesh of a horse, or any product made in whole or in part from the flesh of a horse, or knowingly accept or publish newspaper advertising that includes the offering for sale, trade, or distribution of any such item for human consumption;

(4) Knowingly transport a horse for the purpose of slaughter for human consumption;

(5) Knowingly transport horsemeat, or any product made in whole or in part from the flesh of a horse, for the purpose of human consumption;

z. Surgically debark or silence a dog in violation of section 1 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);

aa. Use a live pigeon, fowl or other bird for the purpose of a target, or to be shot at either for amusement or as a test of skill in marksmanship, except that this subsection and subsections bb. and cc. shall not apply to the shooting of game;

bb. Shoot at a bird used as described in subsection aa. of this section, or is a party to such shooting; or

cc. Lease a building, room, field or premises, or knowingly permit the use thereof for the purposes of subsection aa. or bb. of this section --

Shall forfeit and pay a sum according to the following schedule, to be sued for and recovered, with costs, in a civil action by any person in the name of the New Jersey Society for the Prevention of Cruelty to Animals or a county society for the prevention of cruelty to animals, as appropriate, or, in the name of the municipality if brought by a certified animal control officer or animal cruelty investigator:

For a violation of subsection e., f., g., u., v., w., or z. of this section or of paragraph (3) of subsection a. of this section, or for a second or subsequent violation of paragraph (2) or (5) of subsection a. of this section, a sum of not less than \$3,000 nor more than \$5,000;

For a violation of subsection l. of this section, for a first violation of paragraph (2) or (5) of subsection a. of this section, a sum of not less than \$1,000 nor more than \$3,000;

For a violation of paragraph (4) of subsection a. of this section, or subsection c. of this section, a sum of not less than \$500 nor more than \$2,000;

For a violation of subsection x. or paragraph (1) of subsection y. of this section, a sum of not less than \$500 nor more than \$1,000 for each domestic dog or cat fur or fur or hair product or domestic dog or cat carcass or meat product sold, bartered, or offered for sale or barter;

For a violation of paragraph (2), (3), (4), or (5) of subsection y. of this section, a sum of not less than \$500 nor more than \$1,000 for each horse slaughtered or transported for the purpose of slaughter for human consumption, or for each horse carcass or meat product transported, sold or bartered, or offered or advertised for sale or barter;

For a violation of subsection t. of this section, a sum of not less than \$500 nor more than \$1,000, but if the violation occurs on or near a highway, a mandatory sum of \$1,000;

For a violation of subsection d., h., j., k., aa., bb., or cc. of this section or of paragraph (1) of subsection a. of this section, a sum of not less than \$250 nor more than \$1,000; and

For a violation of subsection i., m., n., o., p., q., r., or s. of this section, a sum of not less than \$250 nor more than \$500.

4. This act shall take effect immediately.

Approved August 7, 2013.

CHAPTER 89

AN ACT concerning local joint agreements and amending P.L.1971, c.198.

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

1. Section 10 of P.L.1971, c.198 (C.40A:11-10) is amended to read as follows:

C.40A:11-10 Joint agreements for provision and performance of goods and services; cooperative marketing; authorization.

10. Joint agreements for provision and performance of goods and services; cooperative marketing; authorization.

(a) (1) The governing bodies of two or more contracting units may provide by joint agreement for the provision and performance of goods and services for use by their respective jurisdictions.

(2) The governing bodies of two or more contracting units providing sewerage services pursuant to the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et seq.), the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), R.S.58:14-1 et seq. or R.S.40:63-68 et seq. may provide by joint agreement for the purchase of goods and services related to sewage sludge disposal.

(3) The governing body of two or more contracting units providing electrical distribution services pursuant to and in accordance with R.S.40:62-12 through R.S.40:62-25, may provide by joint agreement for the provision or performance of goods or services related to the distribution of electricity.

(4) The governing bodies of two or more contracting units may provide for the cooperative marketing of recyclable materials recovered through a recycling program.

(5) The governing bodies of two or more contracting units may provide by joint agreement for the purchase of the services of a private aggregator for the purpose of facilitating the joint action of two or more municipalities in granting municipal consent for the provision of cable television service pursuant to R.S.40:48-1 et seq. and the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended and supplemented.

(6) The governing bodies of two or more contracting units may provide by joint agreement for the purchase of fire equipment.

(b) The governing body of any contracting unit may provide by joint agreement with the board of education of any school district for the provision and performance of goods and services for use by their respective jurisdictions.

(c) Such agreement shall be entered into by resolution adopted by each of the participating bodies and boards, which shall set forth the categories of goods or services to be provided or performed, the manner of advertising for bids and of awarding of contracts, the method of payment by each participating body and board, and other matters deemed necessary to carry out the purposes of the agreement.

(d) Each participating body's and board's share of expenditures for purchases under any such agreement shall be appropriated and paid in the

manner set forth in the agreement and in the same manner as for other expenses of the participating body and board.

2. This act shall take effect immediately.

Approved August 7, 2013.

CHAPTER 90

AN ACT concerning screening for adrenoleukodystrophy in newborn infants and supplementing Title 26 of the Revised Statutes

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

C.26:2-111.6 Testing of infants for adrenoleukodystrophy.

1. a. All infants born in this State shall be tested for adrenoleukodystrophy (ALD) beginning six months following the occurrence of all of the following:

(1) the development of a reliable test or series of tests for screening newborns for ALD using dried blood spots and quality assurance testing methodology for ALD testing;

(2) the availability of quality assurance materials for the ALD test from the federal Centers for Disease Control and Prevention;

(3) the inclusion of newborn screening for ALD in the Recommended Uniform Screening Panel of the United States Secretary of Health and Human Services' Advisory Committee on Heritable Disorders in Newborns and Children, after the committee's evidence review of newborn screening for ALD;

(4) the review by the Department of Health of the proposed test; and

(5) the acquisition of equipment necessary to implement the expanded screening tests by the State's Newborn Screening Laboratory.

b. The Department of Health may charge a reasonable fee and any reasonable increase in this fee as necessary, for the test performed pursuant to this section. The amount of the fee and the procedures for collecting the fee shall be determined by the Commissioner of Health.

2. This act shall take effect immediately.

Approved August 7, 2013.

CHAPTER 91

AN ACT concerning sudden death in epilepsy and supplementing Title 52 of the Revised Statutes.

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

C.52:17B-88.12 Findings, declarations relative to sudden death in epilepsy.

1. The Legislature finds and declares that:
 - a. Sudden, unexpected death in epilepsy (SUDEP) is a mysterious, rare condition in which typically young or middle-aged individuals with epilepsy die without a clear cause, and is generally defined by the medical community as a sudden, unexpected, non-traumatic, non-drowning death in an otherwise healthy individual with epilepsy, where the postmortem examination does not reveal an anatomic or toxicologic cause for the death;
 - b. SUDEP is believed to account for up to 17 percent of deaths in people with epilepsy;
 - c. Autopsy plays a key role in determining the diagnosis of SUDEP, yet the Institute of Medicine has found that SUDEP may be underreported for several reasons, including, but not limited to, a lack of awareness about SUDEP among medical examiners;
 - d. The cause of SUDEP is not known and opportunities for its prevention have been hindered by the lack of a systematic effort to collect information about persons who have died from SUDEP, as is done with many other disorders; and
 - e. It is appropriate to raise awareness of SUDEP among medical examiners by developing a SUDEP awareness program and to facilitate research into the causes and prevention of SUDEP by requiring that medical examiners in this State who determine that an individual's cause of death is SUDEP work with relevant organizations in the State to assist in requesting from next-of-kin that an individual's relevant medical information be sent to a SUDEP registry and that the individual's brain be donated for research purposes.

C.52:17B-88.13 SUDEP awareness program.

2. The State Medical Examiner, in consultation with the Commissioner of Health and the State Board of Medical Examiners, shall establish a sudden unexpected death in epilepsy (SUDEP) awareness program to educate medical examiners in the State about SUDEP.

C.52:17B-88.14 Standard protocol governing medicolegal death investigations.

3. The office of the State Medical Examiner, in consultation with the county medical examiners and organizations with expertise in SUDEP, shall establish a standard protocol governing medicolegal death investigations involving seizure disorders in order to identify such deaths. If a medical examiner's findings in an autopsy are consistent with the definition of known or suspected SUDEP, the medical examiner shall:

(1) retain and track that information and make unidentifiable data concerning seizure-related deaths available upon request to the public;

(2) work with relevant organizations in the State to assist in requesting from the authorized survivors of deceased individuals that their relevant medical information, consistent with the federal health privacy rules set forth at 45 CFR Parts 160 and 164, be forwarded to a SUDEP registry for purposes of research; and

(3) work with relevant organizations in the State to assist in requesting from the authorized survivors of individuals with epilepsy determined or suspected to have died as a result of SUDEP that a donation of the individual's brain be made for research purposes to a brain bank that is registered pursuant to P.L.2008, c.49 (C.26:6-68 et seq.), if such a gift has not already been established pursuant to the provisions of P.L.2008, c.50 (C.26:6-77 et al.).

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

Approved August 7, 2013.

CHAPTER 92

AN ACT creating a craft distillery license and amending R.S.33:1-10.

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

1. R.S.33:1-10 is amended to read as follows:

Class A licenses; subdivisions; fees.

33:1-10. Class A licenses shall be subdivided and classified as follows:

Plenary brewery license. 1a. The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic beverages and to

sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse; provided, however, that the delivery of this product by the holder of this license to retailers licensed under this title shall be from inventory in a warehouse located in this State which is operated under a plenary brewery license. The fee for this license shall be \$10,625.

Limited brewery license. 1b. The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic beverages in a quantity to be expressed in said license, dependent upon the following fees and not in excess of 300,000 barrels of 31 fluid gallons capacity per year and to sell and distribute this product to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse; provided, however, that the delivery of this product by the holder of this license to retailers licensed under this title shall be from inventory in a warehouse located in this State which is operated under a limited brewery license. The holder of this license shall be entitled to sell this product at retail to consumers on the licensed premises of the brewery for consumption on the premises, but only in connection with a tour of the brewery, or for consumption off the premises in a quantity of not more than 15.5 fluid gallons per person, and to offer samples for sampling purposes only pursuant to an annual permit issued by the director. The holder of this license shall not sell food or operate a restaurant on the licensed premises. The fee for this license shall be graduated as follows:

- to so brew not more than 50,000 barrels of 31 liquid gallons capacity per annum, \$1,250;

- to so brew not more than 100,000 barrels of 31 fluid gallons capacity per annum, \$2,500;

- to so brew not more than 200,000 barrels of 31 fluid gallons capacity per annum, \$5,000;

- to so brew not more than 300,000 barrels of 31 fluid gallons capacity per annum, \$7,500.

For the purposes of this subsection, "sampling" means the selling at a nominal charge or the gratuitous offering of an open container not exceeding four ounces of any malt alcoholic beverage. For the purposes of this subsection, "product" means any malt alcoholic beverage that is produced on the premises licensed under this subsection.

Restricted brewery license. 1c. The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic beverages

in a quantity to be expressed in such license not in excess of 10,000 barrels of 31 gallons capacity per year. Notwithstanding the provisions of R.S.33:1-26, the director shall issue a restricted brewery license only to a person or an entity which has identical ownership to an entity which holds a plenary retail consumption license issued pursuant to R.S.33:1-12, provided that such plenary retail consumption license is operated in conjunction with a restaurant regularly and principally used for the purpose of providing meals to its customers and having adequate kitchen and dining room facilities, and that the licensed restaurant premises is immediately adjoining the premises licensed under this subsection. The holder of this license shall be entitled to sell or deliver the product to that restaurant premises. The holder of this license also shall be entitled to sell and distribute the product to wholesalers licensed in accordance with this chapter. The fee for this license shall be \$1,250, which fee shall entitle the holder to brew up to 1,000 barrels of 31 liquid gallons per annum. The licensee also shall pay an additional \$250 for every additional 1,000 barrels of 31 fluid gallons produced. The fee shall be paid at the time of application for the license, and additional payments based on barrels produced shall be paid within 60 days following the expiration of the license term upon certification by the licensee of the actual gallons brewed during the license term. No more than 10 restricted brewery licenses shall be issued to a person or entity which holds an interest in a plenary retail consumption license. If the governing body of the municipality in which the licensed premises will be located should file a written objection, the director shall hold a hearing and may issue the license only if the director finds that the issuance of the license will not be contrary to the public interest. All fees related to the issuance of both licenses shall be paid in accordance with statutory law. The provisions of this subsection shall not be construed to limit or restrict the rights and privileges granted by the plenary retail consumption license held by the holder of the restricted brewery license issued pursuant to this subsection.

The holder of this license shall be entitled to offer samples of its product for promotional purposes at charitable or civic events off the licensed premises pursuant to an annual permit issued by the director.

For the purposes of this subsection, "sampling" means the selling at a nominal charge or the gratuitous offering of an open container not exceeding four ounces of any malt alcoholic beverage product. For the purposes of this subsection, "product" means any malt alcoholic beverage that is produced on the premises licensed under this subsection.

Plenary winery license. 2a. Provided that the holder is engaged in growing and cultivating grapes or fruit used in the production of wine on at

least three acres on, or adjacent to, the winery premises, the holder of this license shall be entitled, subject to rules and regulations, to produce any fermented wines, and to blend, fortify and treat wines, and to sell and distribute his products to wholesalers licensed in accordance with this chapter and to churches for religious purposes, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse, and to sell his products at retail to consumers on the licensed premises of the winery for consumption on or off the premises and to offer samples for sampling purposes only. The fee for this license shall be \$938. A holder of this license who produces not more than 250,000 gallons per year shall also have the right to sell and distribute his products to retailers licensed in accordance with this chapter, except that the holder of this license shall not use a common carrier for such distribution. The fee for this additional privilege shall be graduated as follows: a licensee who manufactures more than 150,000 gallons, but not in excess of 250,000 gallons per annum, \$1,000; a licensee who manufactures more than 100,000 gallons, but not in excess of 150,000 gallons per annum, \$500; a licensee who manufactures more than 50,000 gallons, but not in excess of 100,000 gallons per annum, \$250; a licensee who manufactures 50,000 gallons or less per annum, \$100. A holder of this license who produces not more than 250,000 gallons per year shall have the right to sell such wine at retail in original packages in 15 salesrooms apart from the winery premises for consumption on or off the premises and for sampling purposes for consumption on the premises, at a fee of \$250 for each salesroom. Licensees shall not jointly control and operate salesrooms. Additionally, the holder of this license who produces not more than 250,000 gallons per year may ship not more than 12 cases of wine per year, subject to regulation, to any person within or without this State over 21 years of age for personal consumption and not for resale. A case of wine shall not exceed a maximum of nine liters. A copy of the original invoice shall be available for inspection by persons authorized to enforce the alcoholic beverage laws of this State for a minimum period of three years at the licensed premises of the winery. For the purposes of this subsection, "sampling" means the selling at a nominal charge or the gratuitous offering of an open container not exceeding one and one-half ounces of any wine.

A holder of this license who produces not more than 250,000 gallons per year shall not own, either in whole or in part, or hold, either directly or indirectly, any interest in a winery that produces more than 250,000 gallons per year. In addition, a holder of this license who produces more than 250,000 gallons per year shall not own, either in whole or in part, or hold,

either directly or indirectly, any interest in a winery that produces not more than 250,000 gallons per year. For the purposes of this subsection, "product" means any wine that is produced, blended, fortified, or treated by the licensee on its licensed premises situated in the State of New Jersey.

Farm winery license. 2b. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any fermented wines and fruit juices in a quantity to be expressed in said license, dependent upon the following fees and not in excess of 50,000 gallons per year and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter and to churches for religious purposes and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse and to sell at retail to consumers for consumption on or off the licensed premises and to offer samples for sampling purposes only. The license shall be issued only when the winery at which such fermented wines and fruit juices are manufactured is located and constructed upon a tract of land exclusively under the control of the licensee, provided that the licensee is actively engaged in growing and cultivating an area of not less than three acres on or adjacent to the winery premises and on which are growing grape vines or fruit to be processed into wine or fruit juice; and provided, further, that for the first five years of the operation of the winery such fermented wines and fruit juices shall be manufactured from at least 51% grapes or fruit grown in the State and that thereafter they shall be manufactured from grapes or fruit grown in this State at least to the extent required for labeling as "New Jersey Wine" under the applicable federal laws and regulations. The containers of all wine sold to consumers by such licensee shall have affixed a label stating such information as shall be required by the rules and regulations of the Director of the Division of Alcoholic Beverage Control. The fee for this license shall be graduated as follows: to so manufacture between 30,000 and 50,000 gallons per annum, \$375; to so manufacture between 2,500 and 30,000 gallons per annum, \$250; to so manufacture between 1,000 and 2,500 gallons per annum, \$125; to so manufacture less than 1,000 gallons per annum, \$63. No farm winery license shall be held by the holder of a plenary winery license or be situated on a premises licensed as a plenary winery.

The holder of this license shall also have the right to sell and distribute his products to retailers licensed in accordance with this chapter, except that the holder of this license shall not use a common carrier for such distribution. The fee for this additional privilege shall be \$100. The holder of this license shall have the right to sell his products in original packages at retail to consumers in 15 salesrooms apart from the winery premises for con-

sumption on or off the premises, and for sampling purposes for consumption on the premises, at a fee of \$250 for each salesroom. Licensees shall not jointly control and operate salesrooms. Additionally, the holder of this license may ship not more than 12 cases of wine per year, subject to regulation, to any person within or without this State over 21 years of age for personal consumption and not for resale. A case of wine shall not exceed a maximum of nine liters. A copy of the original invoice shall be available for inspection by persons authorized to enforce the alcoholic beverage laws of this State for a minimum period of three years at the licensed premises of the winery. For the purposes of this subsection, "sampling" means the selling at a nominal charge or the gratuitous offering of an open container not exceeding one and one-half ounces of any wine.

A holder of this license who produces not more than 250,000 gallons per year shall not own, either in whole or in part, or hold, either directly or indirectly, any interest in a winery that produces more than 250,000 gallons per year.

Unless otherwise indicated, for the purposes of this subsection, with respect to farm winery licenses, "manufacture" means the vinification, aging, storage, blending, clarification, stabilization and bottling of wine or juice from New Jersey fruit to the extent required by this subsection.

Wine blending license. 2c. The holder of this license shall be entitled, subject to rules and regulations, to blend, treat, mix, and bottle fermented wines and fruit juices with non-alcoholic beverages, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be \$625.

Instructional winemaking facility license. 2d. The holder of this license shall be entitled, subject to rules and regulations, to instruct persons in and provide them with the opportunity to participate directly in the process of winemaking and to directly assist such persons in the process of winemaking while in the process of instruction on the premises of the facility. The holder of this license also shall be entitled to manufacture wine on the premises not in excess of an amount of 10% of the wine produced annually on the premises of the facility, which shall be used only to replace quantities lost or discarded during the winemaking process, to maintain a warehouse, and to offer samples produced by persons who have received instruction in winemaking on the premises by the licensee for sampling purposes only on the licensed premises for the purpose of promoting winemaking for personal or household use or consumption. Wine produced on the premises of an instructional winemaking facility

shall be used, consumed or disposed of on the facility's premises or distributed from the facility's premises to a person who has participated directly in the process of winemaking for the person's personal or household use or consumption. The holder of this license may sell mercantile items traditionally associated with winemaking and novelty wearing apparel identified with the name of the establishment licensed under the provisions of this section. The holder of this license may use the licensed premises for an event or affair, including an event or affair at which a plenary retail consumption licensee serves alcoholic beverages in compliance with all applicable statutes and regulations promulgated by the director. The fee for this license shall be \$1,000. For the purposes of this subsection, "sampling" means the gratuitous offering of an open container not exceeding one and one-half ounces of any wine.

Out-of-State winery license. 2e. Provided that the applicant does not produce more than 250,000 gallons of wine per year, the holder of a valid winery license issued in any other state may make application to the director for this license. The holder of this license shall have the right to sell and distribute his products to wholesalers licensed in accordance with this chapter and to sell such wine at retail in original packages in 16 salesrooms apart from the winery premises for consumption on or off the premises at a fee of \$250 for each salesroom. Licensees shall not jointly control and operate salesrooms. The annual fee for this license shall be \$938. A copy of a current license issued by another state shall accompany the application. The holder of this license also shall have the right to sell and distribute his products to retailers licensed in accordance with this chapter, except that the holder of this license shall not use a common carrier for such distribution. The fee for this additional privilege shall be graduated as follows: a licensee who manufactures more than 150,000 gallons, but not in excess of 250,000 gallons per annum, \$1,000; a licensee who manufactures more than 100,000 gallons, but not in excess of 150,000 gallons per annum, \$500; a licensee who manufactures more than 50,000 gallons, but not in excess of 100,000 gallons per annum, \$250; a licensee who manufactures 50,000 gallons or less per annum, \$100. Additionally, the holder of this license may ship not more than 12 cases of wine per year, subject to regulation, to any person within or without this State over 21 years of age for personal consumption and not for resale. A case of wine shall not exceed a maximum of nine liters. A copy of the original invoice shall be available for inspection by persons authorized to enforce the alcoholic beverage laws of this State for a minimum period of three years at the licensed premises of the winery.

The licensee shall collect from the customer the tax due on the sale pursuant to the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.) and

shall pay the tax due on the delivery of alcoholic beverages pursuant to the "Alcoholic beverage tax law," R.S.54:41-1 et seq. The Director of the Division of Taxation in the Department of the Treasury shall promulgate such rules and regulations necessary to effectuate the provisions of this paragraph, and may provide by regulation for the co-administration of the tax due on the delivery of alcoholic beverages pursuant to the "Alcoholic beverage tax law," R.S.54:41-1 et seq. with the administration of the tax due on the sale pursuant to the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

A holder of this license who produces not more than 250,000 gallons per year shall not own, either in whole or in part, or hold, either directly or indirectly, any interest in a winery that produces more than 250,000 gallons per year.

Plenary distillery license. 3a. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any distilled alcoholic beverages and rectify, blend, treat and mix, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be \$12,500.

Limited distillery license. 3b. The holder of this license shall be entitled, subject to rules and regulations, to manufacture and bottle any alcoholic beverages distilled from fruit juices and rectify, blend, treat, mix, compound with wine and add necessary sweetening and flavor to make cordial or liqueur, and to sell and distribute to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution and to warehouse these products. The fee for this license shall be \$3,750.

Supplementary limited distillery license. 3c. The holder of this license shall be entitled, subject to rules and regulations, to bottle and rebottle, in a quantity to be expressed in said license, dependent upon the following fees, alcoholic beverages distilled from fruit juices by such holder pursuant to a prior plenary or limited distillery license, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be graduated as follows: to so bottle and rebottle not more than 5,000 wine gallons per annum, \$313; to so bottle and rebottle not more than 10,000 wine gallons per annum, \$625; to so bottle and rebottle without limit as to amount, \$1,250.

Craft distillery license. 3d. The holder of this license shall be entitled, subject to rules and regulations, to manufacture not more than 20,000 gallons of distilled alcoholic beverages, to rectify, blend, treat and mix distilled alcoholic beverages, to sell and distribute this product to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The holder of this license shall be entitled to sell this product at retail to consumers on the licensed premises of the distillery for consumption on the premises, but only in connection with a tour of the distillery, and for consumption off the premises in a quantity of not more than five liters per person. In addition, the holder of this license may offer any person not more than three samples per calendar day for sampling purposes only. For the purposes of this subsection, "sampling" means the gratuitous offering of an open container not exceeding one-half ounce serving of distilled alcoholic beverage produced on the distillery premises. Nothing in this subsection shall be deemed to permit the direct shipment of distilled spirits either within or without this State.

The holder of this license shall not sell food or operate a restaurant on the licensed premises. A holder of this license who certifies that not less than 51% of the raw materials used in the production of distilled alcoholic beverages under this section are grown in this State or purchased from providers located in this State may, consistent with all applicable federal laws and regulations, label these distilled alcoholic beverages as "New Jersey Distilled." The fee for this license shall be \$938.

Rectifier and blender license. 4. The holder of this license shall be entitled, subject to rules and regulations, to rectify, blend, treat and mix distilled alcoholic beverages, and to fortify, blend, and treat fermented alcoholic beverages, and prepare mixtures of alcoholic beverages, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be \$7,500.

Bonded warehouse bottling license. 5. The holder of this license shall be entitled, subject to rules and regulations, to bottle alcoholic beverages in bond on behalf of all persons authorized by federal and State law and regulations to withdraw alcoholic beverages from bond. The fee for this license shall be \$625. This license shall be issued only to persons holding permits to operate Internal Revenue bonded warehouses pursuant to the laws of the United States.

The provisions of section 21 of P.L.2003, c.117 amendatory of this section shall apply to licenses issued or transferred on or after July 1, 2003, and to license renewals commencing on or after July 1, 2003.

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

Approved August 7, 2013.

CHAPTER 93

AN ACT concerning environmental infrastructure projects, amending and supplementing P.L.1985, c.334, and amending P.L.1997, c.224.

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

C.58:11B-9.5 "Disaster Relief Emergency Financing Program Fund."

1. a. The trust shall create and establish a special fund (hereinafter referred to as the "Disaster Relief Emergency Financing Program Fund") for the disaster relief emergency short-term or temporary loan program of the trust (hereinafter referred to as the "Disaster Relief Emergency Financing Program").

The Disaster Relief Emergency Financing Program Fund shall be credited with:

- (1) moneys deposited in the fund as administrative fees received by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5);
- (2) moneys received by the trust as repayment of the principal of and the interest or premium on loans made from the fund;
- (3) any interest earnings received on the moneys in the fund;
- (4) such other moneys as the Legislature may appropriate to the trust for deposit into the fund at any time to finance or refinance emergency short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program;
- (5) the proceeds of any bonds, notes or other obligations that may be issued by the trust from time to time in any principal amounts as in the judgment of the trust shall be necessary or appropriate to provide sufficient funds for deposit into the fund to finance or refinance emergency short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program; and

(6) any other source of available funds that may be deemed by the trust to be necessary or appropriate to provide sufficient funds for deposit into the fund to finance or refinance emergency short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program, including, without limitation, any funds drawn by the trust from a revolving line of credit or other similar financial vehicle, that may be procured by the trust pursuant to the provisions of section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit into the fund to finance or refinance emergency short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program.

b. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary, the trust may make emergency short-term or temporary Disaster Relief Emergency Financing Program loans to: (1) local government units to finance or refinance the costs incurred in the environmental planning and design associated with such wastewater treatment system projects, and wastewater treatment system projects, as applicable; or (2) local government units, public water utilities, or private persons to finance or refinance the costs incurred in the environmental planning and design of water supply projects, and water supply projects, as applicable.

Emergency short-term or temporary loans may be made upon the determination and certification in writing by the department that any such project is necessary and appropriate to: repair damages to a wastewater treatment system or water supply facility directly arising from an act of terrorism, seismic activity, or weather conditions that occurred within the prior three fiscal years that gave rise to a declaration by the Governor of a state of emergency, provided the wastewater treatment system or water supply facility is located in a county included in the Governor's state of emergency declaration; or mitigate the risk of future damage to a wastewater treatment system or water supply facility from an act of terrorism, seismic activity, or weather conditions comparable in scope and severity to the act of terrorism, seismic activity, or weather conditions that occurred within the prior three fiscal years that gave rise to a declaration by the Governor of a state of emergency, provided the wastewater treatment system or water supply facility is located in a county included in the Governor's state of emergency declaration, without regard to any other provisions of P.L.1985, c.334 or P.L.1997, c.224, including, without limitation, the provisions of section 20 of P.L.1985, c.334 (C.58:11B-20), section 24 of P.L.1997, c.224 (C.58:11B-20.1), the Interim Financing Program Eligibility List pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), or any administrative or legislative approvals. Any such short-term or temporary loan pursuant to

the Disaster Relief Emergency Financing Program shall mature no later than the last day of the third succeeding fiscal year following the closing date on which the short-term or temporary loan was made by the trust to the project sponsor.

c. The trust may make short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program to one or more of the project sponsors, for the respective projects thereof, identified on the Disaster Relief Emergency Financing Program project priority list (hereinafter referred to as the "Disaster Relief Emergency Financing Program Eligibility List") in the form provided to the Legislature by the Commissioner of Environmental Protection. The Disaster Relief Emergency Financing Program Eligibility List shall be submitted to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) at least once in each fiscal year. An environmental infrastructure project or a project sponsor thereof not identified on the Disaster Relief Emergency Financing Program Eligibility List submitted to the Legislature shall not be eligible for a short-term or temporary loan from the Disaster Relief Emergency Financing Program Fund.

2. 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 (1) \$5,000,000,000 with respect to bonds, notes or other obligations issued to finance the Disaster Relief Emergency Financing Program established pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5), and (2) \$2,800,000,000 with respect to bonds, notes or other obligations issued for all other purposes of the trust. 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 June 30, 2033.

j. (Deleted by amendment, P.L.1996, c.88).

3. Section 9 of P.L.1985, c.334 (C.58:11B-9) is amended to read as follows:

C.58:11B-9 Loans to local governments.

9. a. (1) The trust may make and contract to make loans to local government units, or to a local government unit on behalf of another local government unit, in accordance with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of any wastewater treatment system project or water supply project, which the local government unit may lawfully undertake or acquire and for which the local government unit is authorized by law to borrow money.

(2) The trust may make and contract to make loans to public water utilities, or to any other person or local government unit on behalf of a public water utility, in accordance with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of any water supply project, which the public water utility may lawfully undertake or acquire.

(3) The trust may make and contract to make loans to private persons other than local government units, or to any other person or local government unit on behalf of a private person, in accordance with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of stormwater management systems.

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 June 30, 2033.

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 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 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 from any source of funds anticipated to be received by the trust. Any such short-term or temporary loan made pursuant to the Interim Financing Program shall mature no later than the last day of the third succeeding fiscal year following the closing date on which the short-term or temporary loan was made by the trust to the project sponsor. The trust may make short-term or temporary loans pursuant to the Interim 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.

Incremental revisions or supplements to the Interim Financing Program Eligibility List may be submitted to the Legislature at any time between January 15th and May 15th of each year.

The Interim Financing Program Eligibility List, including any revision thereof or supplement thereto, 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.

4. Section 21 of P.L.1985, c.334 (C.58:11B-21) is amended to read as follows:

C.58:11B-21 Financial plan.

21. On or before May 15 of each year, the trust shall submit to the Legislature a financial plan designed to implement the financing of the wastewater treatment system projects either on the project priority list approved pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20) or as otherwise approved by the Legislature. The financial plan shall contain an enumeration of the bonds, notes or other obligations of the trust which the trust in-

tends to issue, including the amounts thereof and the terms and conditions thereof, a list of loans to be made to local government units or private persons, including the terms and conditions thereof and the anticipated rate of interest per annum and repayment schedule therefor, and a list of loan guarantees or contracts to guarantee the payment of all or a portion of the principal and interest on bonds, notes or other obligations issued by a local government unit to finance the cost of a wastewater treatment system project, and the terms and conditions thereof.

The financial plan shall also set forth a complete operating and financial statement covering its proposed operations during the forthcoming fiscal year, including amounts of income from all sources, and the uniform schedule of fees and charges established by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5), and the amounts to be derived therefrom, and shall summarize the status of each wastewater treatment system project for which loans or guarantees have been made by the trust, and shall describe major impediments to the accomplishment of the planned wastewater treatment system projects.

The financial plan shall identify the wastewater treatment system projects financed during the prior fiscal year through the Disaster Relief Emergency Financing Program established pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5), including a project description, the amount of the Disaster Relief Emergency Financing Program loan for each project, and the duration of such Disaster Relief Emergency Financing Program loan.

5. Section 25 of P.L.1997, c.224 (C.58:11B-21.1) is amended to read as follows:

C.58:11B-21.1 Submission of financial plan to Legislature.

25. On or before May 15 of each year, the trust shall submit to the Legislature a financial plan designed to implement the financing of the water supply projects either on the project priority list approved pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1) or as otherwise approved by the Legislature. The financial plan shall contain an enumeration of the bonds, notes or other obligations of the trust which the trust intends to issue, including the amounts thereof and the terms and conditions thereof, a list of loans to be made to local government units, public water utilities, or to any other person or local government unit on behalf of a public water utility, including the terms and conditions thereof and the anticipated rate of interest per annum and repayment schedule therefor, and a list of loan guarantees or contracts to guarantee the payment of all or a portion of the principal and interest on

bonds, notes or other obligations issued by a local government unit to finance the cost of a water supply project, and the terms and conditions thereof.

The financial plan shall also set forth a complete operating and financial statement covering its proposed operations during the forthcoming fiscal year, including amounts of income from all sources, and the uniform schedule of fees and charges established by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5), and the amounts to be derived therefrom, and shall summarize the status of each water supply project for which loans or guarantees have been made by the trust, and shall describe major impediments to the accomplishment of the planned water supply projects.

The financial plan shall identify the water supply projects financed during the prior fiscal year through the Disaster Relief Emergency Financing Program established pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5), including a project description, the amount of the Disaster Relief Emergency Financing Program loan for each project, and the duration of such Disaster Relief Emergency Financing Program loan.

6. This act shall take effect immediately.

Approved August 7, 2013.

CHAPTER 94

AN ACT authorizing the expenditure of funds by the New Jersey Environmental Infrastructure Trust for the purpose of making loans to eligible project sponsors to finance a portion of the cost of construction of environmental infrastructure projects, and making an appropriation.

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

1. a. The New Jersey Environmental Infrastructure Trust, established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), 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 \$780,345,600 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, section 1 of P.L.2007, c.140, section 1 of P.L.2008, c.67, section 1 of P.L.2009, c.101, section 1 of P.L.2010, c.62, sec-

tion 1 of P.L.2011, c.95, and section 1 of P.L.2012, c.38 for the purpose of making loans, to the extent sufficient funds are available, to or on behalf of local government units or public water utilities (hereinafter referred to as "project sponsors") to finance all or a portion of the cost of construction of environmental infrastructure projects listed in sections 2 and 4 of this act.

b. The trust is authorized to increase the aggregate sums specified in subsection a. of this section by:

(1) the amounts of capitalized interest and the bond issuance expenses as provided in subsection b. of section 7 of this act;

(2) the amounts of reserve capacity expenses and debt service reserve fund requirements as provided in subsection c. of section 7 of this act;

(3) the interest earned on amounts deposited for project costs pending their distribution to project sponsors as provided in subsection d. of section 7 of this act;

(4) the amounts of the loan origination fee as provided in subsection e. of section 7 of this act; and

(5) the amount appropriated to the Department of Environmental Protection for the purpose of making zero interest and principal forgiveness loans pursuant to section 3 of P.L.2013, c.95 in connection with the project costs of a particular project sponsor, to the extent the priority ranking and an insufficiency of funding prevents the department from making the loan as provided in subsection f. of section 7 of this act.

c. (1) Of the sums made available to the trust from the "Water Supply Trust Fund" established pursuant to subsection a. of section 15 of the "Water Supply Bond Act of 1981" (P.L.1981, c.261) pursuant to P.L.1997, c.223, the trust is authorized to transfer such amounts to the Department of Environmental Protection as needed for drinking water project loans pursuant to the "Safe Drinking Water Act Amendments of 1996," Pub.L.104-182, and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Safe Drinking Water Act"), under terms and conditions established by the Commissioner of Environmental Protection and trust, and approved by the State Treasurer, which loans shall be jointly administered by the trust and department.

(2) Of the sums appropriated to the trust from the "Wastewater Treatment Trust Fund" established pursuant to section 15 of the "Wastewater Treatment Bond Act of 1985," (P.L.1985, c.329) pursuant to P.L.1987, c.198, the trust is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund established pursuant to section 1 of P.L.2009, c.77 for the purposes of issuing loans or providing the State match as required for the award of the capitalization grants made available

to the State for clean water projects pursuant to the "Water Quality Act of 1987" (33 U.S.C.s.1251 et seq.), and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Clean Water Act").

(3) Of the sums appropriated to the trust from the "1992 Wastewater Treatment Trust Fund" established pursuant to section 27 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992" (P.L.1992, c.88) pursuant to P.L.1996, c.86, the trust is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund for the purpose of providing the State match as required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(4) Of the sums appropriated to the trust from the "Stormwater Management and Combined Sewer Overflow Abatement Fund" created pursuant to section 14 of the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989" (P.L.1989, c.181) pursuant to P.L.1998, c.87, the trust is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund for the purpose of providing the State match as required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(5) Of the sums appropriated to the trust from the "2003 Water Resources and Wastewater Treatment Trust Fund" established pursuant to subsection b. of section 19 of the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003" (P.L.2003, c.162) pursuant to P.L.2004, c.110, the trust is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund for the purpose of providing the State match as required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(6) Of the sums appropriated to the trust from repayments of loans deposited in any account, including the "Clean Water State Revolving Fund," "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund" or the Drinking Water State Revolving Fund, as appropriate, pursuant to sections 11 and 12 of P.L.1995, c.219, sections 11 and 12 of P.L.1996, c.85, sections 11 and 12 of P.L.1997, c.221, sections 12 and 13 of P.L.1998, c.84, section 11 of P.L.1999, c.174, section 11 of P.L.2000, c.92, section 11 of P.L.2001, c.222, section 11 of P.L.2002, c.70, section 11 of P.L.2003, c.158, section 11 of P.L.2004, c.109, section 11 of P.L.2005, c.196, section 11 of P.L.2006, c.68, section 10 of P.L.2007, c.140, section 10 of P.L.2008, c.67, section 10 of P.L.2009, c.101, section 10 of P.L.2010, c.62, section 10 of P.L.2011, c.95, section 10 of P.L.2012, c.38, and section 10 of

P.L.2013, c.94 for deposit into one or more reserve funds or accounts established by the trust pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11), the trust shall transfer to the respective fund of origin the unexpended balance of all such moneys no longer utilized by the trust for such purposes.

d. For the purposes of this act:

(1) "capitalized interest" means the amount equal to interest paid on trust bonds which is funded with trust bond proceeds and the earnings thereon;

(2) "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; 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, P.L.2008, c.67, P.L.2009, c.101, P.L.2010, c.62, P.L.2011, c.95, P.L.2012, c.38, and P.L.2013, c.94.

2. a. (1) The New Jersey Environmental Infrastructure Trust is authorized to expend funds for the purpose of making supplemental loans to or on behalf of the project sponsors listed below for the following clean water environmental infrastructure projects:

Project Sponsor	Project Number	Estimated Allowable Trust Loan Amount	Estimated Total Allowable Loan Amount
Newark City	S340815-05-1	\$7,587,750	\$10,117,000
Passaic Valley SC	S340689-03-1	\$14,485,500	\$19,314,000
Passaic Valley SC	S340689-10-1	\$10,015,500	\$13,354,000
Northwest Bergen County			
UA	S340700-09-1	\$3,786,000	\$5,048,000
Ocean Township	S340112-03-1	\$339,000	\$452,000
Total	5 Projects	\$36,213,750	\$48,285,000

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amounts required by these projects based upon final building costs pursuant to subsection a. of section 7 of this act and the loan amounts certified by the chairman of the trust in State fiscal years 2006, 2007, 2011, and 2013 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 Sponsor	Project Number	Estimated Allowable Trust Loan Amount	Estimated Total Allowable Loan Amount
Boonton Town	1401001-002-1	\$1,370,250	\$1,827,000
Ocean Gate Borough	1521001-001-1	\$59,250	\$79,000
Total	2 Projects	\$1,429,500	\$1,906,000

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amounts required by these projects based upon final building costs pursuant to subsection a. of section 7 of this act and the loan amounts certified by the chairman of the trust in State fiscal years 2011 and 2012, 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 for the projects authorized in this subsection shall have priority over environmental infrastructure projects listed in subsection b. of section 4 of this act.

c. The trust is authorized to adjust the allowable trust loan amount for projects authorized in this section to between 25% and 75% of the total allowable loan amount.

3. a. The New Jersey Environmental Infrastructure Trust is authorized to make loans to or on behalf of the project sponsors for the clean water projects listed in subsection a. of section 2 and subsection a. of section 4 of this act up to the individual amounts indicated and in the priority stated, except as any such amount may be reduced by the trust pursuant to subsection a. of section 7 of this act, or if a project fails to meet the requirements of section 6 of this act. The trust is authorized to increase any such amount pursuant to subsection b., c., d., e. or f. of section 7 or section 8 of this act.

b. The trust is authorized to make loans to project sponsors for the drinking water projects listed in subsection b. of section 2 and subsection b. of section 4 of this act up to the individual amounts indicated and in the priority stated, except as any such amount may be reduced by the trust pursuant to subsection a. of section 7 of this act, or if a project fails to meet the requirements of section 6 of this act. The trust is authorized to increase any such amount pursuant to subsection b., c., d., e. or f. of section 7 or section 8 of this act.

4. a. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 2014 Clean Water Project Priority List":

Project Sponsor	Project Number	Estimated Allowable Trust Loan Amount	Estimated Total Allowable Loan Amount
Camden County MUA	S340640-14	\$4,040,250	\$5,387,000
Newark City	S340815-21	\$7,794,750	\$10,393,000
Newark City	S340815-22	\$3,636,750	\$4,849,000
Camden City	S340366-09	\$8,366,250	\$11,155,000
Elizabeth City	S340942-13	\$8,851,500	\$11,802,000
Jersey City MUA	S340928-11	\$3,345,000	\$4,460,000
Jersey City MUA	S340928-12	\$6,948,750	\$9,265,000
Jersey City MUA	S340928-13	\$11,298,000	\$15,064,000
Jersey City MUA	S340928-14	\$1,947,750	\$2,597,000
North Bergen MUA	S340652-13	\$4,945,500	\$6,594,000
North Hudson SA	S340952-19	\$3,786,000	\$5,048,000
Perth Amboy City	S340435-10	\$1,835,250	\$2,447,000
Hackensack City	S340923-10	\$3,024,000	\$4,032,000
Millville City	S340921-07	\$7,735,500	\$10,314,000
Warren County MUA	S340454-04	\$12,586,500	\$16,782,000
Delran Township	S340794-07	\$1,672,500	\$2,230,000
Phillipsburg Town	S340874-05	\$6,150,750	\$8,201,000
Ewing Lawrence SA	S340391-10	\$20,124,000	\$26,832,000
Hanover SA	S340388-05	\$7,587,000	\$10,116,000
Gloucester City	S340958-05	\$1,217,250	\$1,623,000
Passaic Valley SC	S340689-20	\$3,596,250	\$4,795,000
Evesham MUA	S340838-04	\$1,938,750	\$2,585,000
Evesham MUA	S340838-05	\$2,742,750	\$3,657,000
Raritan Township MUA	S340485-09	\$1,869,750	\$2,493,000
Ocean County	S344080-03	\$378,000	\$504,000
Long Hill Township	S340404-08	\$1,921,500	\$2,562,000
Bergen County UA	S340386-11	\$12,575,250	\$16,767,000
Bergen County UA	S340386-12	\$15,072,000	\$20,096,000
Willingboro MUA	S340132-04	\$2,874,750	\$3,833,000
Passaic Valley SC	S340689-21	\$882,000	\$1,176,000
Ocean County	S344080-05	\$1,965,750	\$2,621,000
Maple Shade Township	S340710-08	\$1,496,250	\$1,995,000
Long Beach Township	S344170-02	\$571,500	\$762,000
Ocean Gate Borough	S344180-01	\$1,210,500	\$1,614,000
Princeton Borough	S340656-08	\$2,646,750	\$3,529,000
Wildwood Crest Borough	S340719-03	\$6,975,000	\$9,300,000
Willingboro MUA	S340132-05	\$980,250	\$1,307,000
Milltown Borough	S340102-03	\$11,025,000	\$14,700,000
Ocean Township	S340112-04	\$295,500	\$394,000

Atlantic Highlands-

Highlands Regional SA	S340857-03	\$2,355,000	\$3,140,000
Hammonton Town	S340927-05	\$4,097,250	\$5,463,000
Middlesex County UA	S340699-10	\$7,698,750	\$10,265,000
Rockaway Valley			
Regional SA	S340821-06	\$5,134,500	\$6,846,000
Toms River MUA	S340145-03	\$1,981,500	\$2,642,000
Toms River MUA	S340145-04	\$2,505,000	\$3,340,000
Western Monmouth UA	S340128-04	\$4,116,750	\$5,489,000
Egg Harbor Township			
MUA	S340753-04	\$1,126,500	\$1,502,000
Ocean Township SA	S340750-11	\$3,583,500	\$4,778,000
Raritan Township MUA	S340485-10	\$1,139,250	\$1,519,000
Long Hill Township	S340404-06	\$1,142,250	\$1,523,000
Hamilton Township MUA	S340903-04	\$714,750	\$953,000
Burlington Township	S340712-11	\$827,250	\$1,103,000
Bellmawr Borough	S340337-03	\$487,500	\$650,000
Oradell Borough	S340835-01	\$959,250	\$1,279,000
Oradell Borough	S340835-03	\$2,389,500	\$3,186,000
Long Beach Township	S340023-05	\$2,775,750	\$3,701,000
National Park Borough	S340419-01	\$1,285,500	\$1,714,000
Ocean Gate Borough	S340151-01	\$435,750	\$581,000
Point Pleasant Borough	S340428-01	\$1,596,750	\$2,129,000
Ocean County UA	S340372-48	\$13,863,000	\$18,484,000
Palmyra Borough	S340030-04	\$2,661,750	\$3,549,000
Secaucus Town	S340029-04	\$1,677,750	\$2,237,000
Watchung Borough	S340823-02	\$982,500	\$1,310,000
Chatham Township	S340403-07	\$5,328,000	\$7,104,000
Harrison Township	S340362-06	\$14,439,000	\$19,252,000
Wildwood Crest Borough	S340719-04	\$2,997,750	\$3,997,000
Burlington County	S340818-06	\$2,721,750	\$3,629,000
Middletown Township	S340097-01	\$2,906,250	\$3,875,000
Gloucester Township	S340364-10	\$1,750,500	\$2,334,000
NJ Water Supply Authority	S340421-01	\$23,328,000	\$31,104,000
Old Bridge Township	S340945-12	\$7,879,500	\$10,506,000
Fanwood Borough	S340429-01	\$1,698,000	\$2,264,000
Highlands Borough	S340901-03	\$3,379,500	\$4,506,000
Bellmawr Borough	S342011-02	\$7,365,750	\$9,821,000
Edison Township	S342020-01	\$9,213,750	\$12,285,000
Carteret Borough	S340939-07	\$10,424,250	\$13,899,000
Burlington Township	S340712-12	\$315,750	\$421,000
Gloucester City	S340958-06	\$456,000	\$608,000
Gloucester City	S340958-07	\$456,000	\$608,000
Passaic Valley SC	S340689-22	\$1,887,000	\$2,516,000

Pine Hill MUA	S340274-04	\$582,750	\$777,000
Secaucus Town/Hudson County Improv. Authority	S342021-01	\$13,875,750	\$18,501,000
South Monmouth Regional SA	S340377-03	\$6,347,250	\$8,463,000
Stafford Township	S344100-02	\$742,500	\$990,000
Stafford Township	S344100-03	\$2,389,500	\$3,186,000
Total	85 Projects	\$383,932,500	\$511,910,000

b. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 2014 Drinking Water Project Priority List":

Project Sponsor	Project Number	Estimated Allowable Trust Loan Amount	Estimated Total Allowable Loan Amount
North Shore Water Association	1904004-004	\$115,500	\$154,000
Hammonton Town	0113001-006	\$2,060,250	\$2,747,000
Newfield Borough	0813001-001	\$789,750	\$1,053,000
Sea Village Marina / NJ American Water Co., Inc.	0108021-002	\$858,000	\$1,144,000
NJ American Water Co., Inc.	1707001-005	\$11,219,250	\$14,959,000
Newark City	0714001-016	\$7,023,750	\$9,365,000
Newark City	0714001-015	\$8,418,750	\$11,225,000
Newark City	0714001-017	\$1,109,250	\$1,479,000
Willingboro MUA	0338001-005	\$1,042,500	\$1,390,000
Milford Borough	1020001-003	\$326,250	\$435,000
Wildwood City	0514001-002	\$1,992,750	\$2,657,000
Willingboro MUA	0338001-006	\$549,750	\$733,000
Mountain Shores Prop. Owners Assoc.	1414009-001	\$647,250	\$863,000
Camden City	0408001-018	\$4,197,750	\$5,597,000
Willingboro MUA	0338001-004	\$587,250	\$783,000
Long Beach Township	1517001-014	\$2,457,750	\$3,277,000
Vineland City	0614003-011	\$2,362,500	\$3,150,000
Manchester UA	1603001-012	\$2,112,750	\$2,817,000
Manchester UA	1603001-006	\$2,112,750	\$2,817,000
Willingboro MUA	0338001-007	\$546,000	\$728,000
Bellmawr Borough	0404001-005	\$451,500	\$602,000

Jersey City MUA	0906001-006	\$12,860,250	\$17,147,000
Hammonton Town	0113001-009	\$804,750	\$1,073,000
Hammonton Town	0113001-008	\$447,750	\$597,000
Pemberton Township	0329004-006	\$444,750	\$593,000
Berkeley Township MUA	1505004-007	\$868,500	\$1,158,000
Fountainhead Prop. Inc.	1511013-001	\$515,250	\$687,000
Trenton City	1111001-008	\$18,726,750	\$24,969,000
Pemberton Township	0329004-007	\$1,792,500	\$2,390,000
Berkeley Township MUA	1505004-006	\$1,653,750	\$2,205,000
Evesham MUA	0313001-001	\$1,401,750	\$1,869,000
Marlboro Township	1328002-002	\$8,938,500	\$11,918,000
Roosevelt Borough	1341001-004	\$402,750	\$537,000
Ocean Township	1520001-005	\$531,750	\$709,000
Middlesex Water Company	1225001-015	\$3,150,000	\$4,200,000
Hamilton Township MUA	0112001-003	\$2,027,250	\$2,703,000
Fountainhead Prop. Inc.	1511013-002	\$515,250	\$687,000
Manchester UA	1603001-013	\$2,112,750	\$2,817,000
Old Bridge MUA	1209002-010	\$1,049,250	\$1,399,000
Merchantville -Pennsauken			
Water Commission	0424001-007	\$2,678,000	\$2,009,000
Clinton Town	1005001-005	\$1,393,500	\$1,858,000
Clayton Borough	0801001-002	\$3,000,750	\$4,001,000
Stanhope Borough	1919001-001	\$1,419,000	\$1,892,000
Roosevelt Borough	1341001-001	\$492,750	\$657,000
North Shore Water			
Association	1904004-002	\$305,250	\$407,000
Gloucester City	0414001-016	\$726,750	\$969,000
Hammonton Town	0113001-007	\$668,250	\$891,000
Matawan Borough	1329001-005	\$740,250	\$987,000
Clayton Borough	0801001-001	\$3,000,750	\$4,001,000
Old Bridge MUA	1209002-007	\$4,780,500	\$6,374,000
Pemberton Township	0329004-005	\$296,250	\$395,000
Brielle Borough	1308001-001	\$2,646,750	\$3,529,000
Stanhope Borough	1919001-002	\$233,250	\$311,000
Milford Borough	1020001-004	\$195,750	\$261,000
Independence MUA	2112001-001	\$196,500	\$262,000
Hammonton Town	0113001-010	\$168,750	\$225,000
Pemberton Township	0329004-008	\$279,750	\$373,000
Hampton Borough	1013001-001	\$358,500	\$478,000
Newfield Borough	0813001-002	\$36,000	\$48,000
Fountainhead Prop. Inc.	1511013-004	\$515,250	\$687,000
Fountainhead Prop. Inc.	1511013-003	\$515,250	\$687,000
Pine Beach Borough	1522001-001	\$685,500	\$914,000
Montclair Township	0713001-008	\$1,573,500	\$2,098,000

Pine Beach Borough	1522001-002	\$342,750	\$457,000
North Jersey District Water Supply Comm.	1613001-022	\$10,771,500	\$14,362,000
North Jersey District Water Supply Comm.	1613001-025	\$4,709,250	\$6,279,000
North Jersey District Water Supply Comm.	1613001-026	\$7,200,750	\$9,601,000
North Jersey District Water Supply Comm.	1613001-027	\$1,496,250	\$1,995,000
North Jersey District Water Supply Comm.	1613001-028	\$1,216,500	\$1,622,000
North Jersey District Water Supply Comm.	1613001-029	\$1,866,750	\$2,489,000
Gloucester City	0414001-017	\$899,250	\$1,199,000
Pine Hill MUA	0428002-002	\$363,000	\$484,000
Bloomington Borough	1601001-004	\$776,250	\$1,035,000
North Jersey District Water Supply Comm.	1613001-030	\$587,250	\$783,000
Total	74 Projects	\$166,361,000	\$220,253,000

c. The trust is authorized to adjust the allowable trust loan amount for projects authorized in this section to between 25% and 75% of the total allowable loan amount.

5. In accordance with and subject to the provisions of sections 5, 6 and 23 of P.L.1985, c.334 (C.58:11B-5, 58:11B-6, and 58:11B-23) and as set forth in the financial plan required pursuant to section 21 of P.L.1985, c.334 (C.58:11B-21), or the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1), any proceeds from bonds issued by the trust to make loans for priority environmental infrastructure projects listed in sections 2 and 4 of this act which are not expended for that purpose may be applied for the payment of all or any part of the principal of and interest and premium on the trust bonds whether due at stated maturity, the interest payment dates or earlier upon redemption. A portion of the proceeds from bonds issued by the trust to make loans for priority environmental infrastructure projects pursuant to this act may be applied for the payment of capitalized interest and for the payment of any issuance expenses; for the payment of reserve capacity expenses; for the payment of debt service reserve fund expenses for the payment of the loan origination fees; and for the payment of increased costs as defined and determined in accordance

with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

6. Any loan made by the New Jersey Environmental Infrastructure Trust pursuant to this act shall be subject to the following requirements:

a. The chairman of the trust has certified that the project is in compliance with the provisions of P.L.1977, c.224, P.L.1985, c.334, P.L.1992, c.88, P.L.1997, c.223, P.L.1997, c.224, P.L.1997, c.225, P.L.1999, c.175 or P.L.2003, c.162, and any rules and regulations adopted pursuant thereto, and any amendatory and supplementary acts thereto, as applicable. In making this certification, the chairman may conclusively rely on the project review conducted by the Department of Environmental Protection without any independent review thereof by the trust;

b. The loan shall be conditioned upon inclusion of the project on a project 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, including any portion thereof made by the trust pursuant to subsection f. of section 7 of this act, shall not exceed the allowable project cost of the environmental infrastructure facility, exclusive of capitalized interest and issuance expenses as provided in subsection b. of section 7 of this act, reserve capacity expenses and the debt service reserve fund expenses as provided in subsection c. of section 7 of this act, interest earned on project costs as provided in subsection d. of section 7 of this act, the amounts of the loan origination fee as provided in subsection e. of section 7 of this act, refunding increases as provided in section 8 of this act and increased costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27);

e. The loan shall bear interest, exclusive of any late charges or administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5) by the project sponsors receiving trust loans, at or below the interest rate paid by the trust on the bonds issued to make or refund the loans authorized by this act, adjusted for underwriting discount and original issue discount or premium, in accordance with the terms and conditions set forth in the financial plan required pursuant to section 21 of P.L.1985, c.334 (C.58:11B-21) or the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1); and

f. The loan shall be subject to all other terms and conditions as the trust shall determine to be consistent with the provisions of P.L.1985, c.334

(C.58:11B-1 et seq.) and any rules and regulations adopted pursuant thereto, and with the financial plan required by section 21 of P.L.1985, c.334 (C.58:11B-21) or the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1).

The priority lists and authorization for the making of loans pursuant to this act shall expire on July 1, 2014, and any project sponsor which has not executed and delivered a loan agreement with the trust for a loan authorized in this act shall no longer be entitled to that loan.

7. a. The New Jersey Environmental Infrastructure Trust is authorized to reduce the individual amount of loan funds made available to or on behalf of project sponsors pursuant to sections 2 and 4 of this act based upon final building costs defined in and determined in accordance with rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27) or rules and regulations adopted by the Commissioner of Environmental Protection pursuant to section 4 of P.L.1985, c.329, section 11 of P.L.1977, c.224 (C.58:12A-11) or section 5 of P.L.1981, c.261. The trust is authorized to use any such reduction in the loan amount made available to a project sponsor to cover that project sponsor's increased costs due to differing site conditions or other allowable expenses as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

b. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the amount of capitalized interest and issuance expenses allocable to each loan made by the trust pursuant to this act; provided that the increase for issuance expenses, excluding underwriters' discount, original issue discount or premiums, municipal bond insurance premiums and bond rating agency fees, shall not exceed 0.4% of the principal amount of trust bonds issued to make loans authorized by this act.

c. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the amount of reserve capacity expenses, and by the debt service reserve fund expenses associated with the costs identified in paragraphs (3) and (4) of subsection d. of section 1 of this act.

d. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the interest earned on amounts deposited for project costs pending their distribution to project sponsors.

e. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the loan origination fee.

f. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the amount appropriated to the Department of

Environmental Protection for the purpose of making the corresponding zero interest loan pursuant to section 3 of P.L.2013, c.95 in connection with the project costs of the project sponsor, to the extent the priority ranking and an insufficiency of funding prevents the department from making the loan.

8. The New Jersey Environmental Infrastructure Trust is authorized to increase the individual amount of loan funds made available to project sponsors by the trust pursuant to P.L.1989, c.190, P.L.1990, c.97, P.L.1991, c.324, P.L.1992, c.37, P.L.1993, c.192, P.L.1994, c.105, P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222, P.L.1998, c.85, P.L.1999, c.173, P.L.2000, c.93, P.L.2001, c.224, P.L.2002, c.71, P.L.2003, c.159, P.L.2004, c.110, P.L.2005, c.197, P.L.2006, c.67, P.L.2007, c.140, P.L.2008, c.67, P.L.2009, c.101, P.L.2010, c.62, P.L.2011, c.95, P.L.2012, c.38, or P.L.2013, c.94, provided that adequate savings are achieved, to compensate for a refunding of trust bonds issued to make loans authorized by the aforementioned acts.

9. The expenditure of funds authorized pursuant to this act is subject to the provisions of P.L.1977, c.224 (C.58:12A-1 et al.), P.L.1985, c.329, P.L.1985, c.334 (C.58:11B-1 et seq.), as amended and supplemented by P.L.1997, c.224, P.L.1992, c.88, P.L.1989, c.181, P.L.1997, c.223, P.L.1997, c.225, P.L.1999, c.175, or P.L.2003, c.162, and the rules and regulations adopted pursuant thereto or the Federal Safe Drinking Water Act, as appropriate.

10. a. There is appropriated to the New Jersey Environmental Infrastructure Trust as needed from repayments of loans deposited in any account, including 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 \$200,000,000 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 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, 2013 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. a. There is appropriated to the New Jersey Environmental Infrastructure Trust for deposit in the special fund created and established by the trust for the short-term or temporary Disaster Relief Emergency Financing Program loan financing or refinancing program (hereinafter referred to as the "Disaster Relief Emergency Financing Program") authorized pursuant to subsection a. of section 1 of P.L.2013, c.93 (C.58:11B-9.5) such sums as needed consisting of:

(1) sums from the "Interim Financing Program Fund" as needed by the trust to make short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program to any one or more of the project sponsors, for the respective projects thereof; and

(2) such other amounts to be deposited in the Disaster Relief Emergency Financing Program Fund, provided that the amount so appropriated to the trust for deposit in the Disaster Relief Emergency Financing Program Fund shall be utilized by the trust to make short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program to any one or more of the project sponsors, for the respective projects thereof. Any projects funded by the Disaster Relief Emergency Financing Program shall be subject to the approval of the Commissioner of Environmental Protection.

b. The Disaster Relief Emergency Financing Program Eligibility List shall be submitted to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) at least once in each fiscal year. Any environmental infrastructure project or the project sponsor thereof not identified in the Disaster Relief Emergency Financing Program Eligibility List shall not be eligible for a short-term or temporary loan from the Disaster Relief Emergency Financing Program Fund.

12. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the trust shall not be required to adopt rules and regulations governing the making of Disaster Relief Emergency Financing Program loans.

13. This act shall take effect immediately.

Approved August 7, 2013.

CHAPTER 95

AN ACT appropriating moneys to the Department of Environmental Protection for the purpose of making grants, zero interest loans, or principal forgiveness loans to project sponsors to finance a portion of the costs of environmental infrastructure projects.

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

1. a. (1) There is appropriated to the Department of Environmental Protection from the "Clean Water State Revolving Fund" established pursuant to section 1 of P.L.2009, c.77, an amount equal to the federal fiscal year 2013 capitalization grant made available to the State for clean water project loans pursuant to the "Water Quality Act of 1987" (33 U.S.C. s.1251 et seq.), and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Clean Water Act").

(2) There is appropriated to the Department of Environmental Protection from the "Interim Financing Program Fund" created and established by the New Jersey Environmental Infrastructure Trust pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9) such amounts as may be necessary to supplement the sums appropriated from the Clean Water State Revolving Fund for the purposes of clean water project loans and providing

the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(3) There is appropriated to the Department of Environmental Protection from the Drinking Water State Revolving Fund established pursuant to section 1 of P.L.1998, c.84 an amount equal to the federal fiscal year 2013 capitalization grant made available to the State for drinking water projects pursuant to the "Safe Drinking Water Act Amendments of 1996," Pub.L.104-182, and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Safe Drinking Water Act").

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

The Department of Environmental Protection is authorized to transfer from the Drinking Water State Revolving Fund to the Clean Water State Revolving Fund an amount up to the maximum amount authorized to be transferred pursuant to the Federal Clean Water Act to meet present and future needs for the financing of eligible clean water projects, and an amount equal to 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 "Clean Water State Revolving Fund" and any repayments of loans and interest therefrom, for the purposes of clean water project loans and providing the State match as available on or before June 30, 2014, 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 "Wastewater Treatment Fund" established pursuant to section 15 of the "Wastewater Treatment Bond Act of 1985" (P.L.1985, c.329), and any repayments of loans and interest therefrom, as available on or before June 30, 2014, 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 “1992 Wastewater Treatment Fund” established pursuant to section 27 of the “Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992” (P.L.1992, c.88), and any repayments of loans and interest therefrom, as available on or before June 30, 2014, 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 “2003 Water Resources and Wastewater Treatment Fund” established pursuant to subsection a. of section 19 of the “Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003” (P.L.2003, c.162), and any repayments of loans and interest therefrom, as available on or before June 30, 2014, for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(8) There is appropriated to the Department of Environmental Protection the unappropriated balances from the Drinking Water State Revolving Fund for the purposes of drinking water project loans and any repayments of loans and interest therefrom, that are or may become available on or before June 30, 2014.

(9) There is appropriated to the Department of Environmental Protection such sums as may be needed from loan repayments and interest earnings from the "Water Supply Fund" for the "Drinking Water State Revolving Fund (DWSRF) Match Accounts" contained within such fund for the purpose of providing the State match as required or will be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(10) There is appropriated to the Department of Environmental Protection from the “Interim Financing Program Fund” created and established by the New Jersey Environmental Infrastructure Trust pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9) such amounts as may be or become available on or before June 30, 2014, and any repayments of loans and interest therefrom, as may be necessary to supplement the sums appropriated from the Drinking Water State Revolving Fund for the purposes of drinking water project loans and providing the State match as required or will be re-

quired for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Safe Drinking Water Act.

(11) There is appropriated to the Department of Environmental Protection such sums as may be or become available on or before June 30, 2014, as repayments of drinking water project loans and any interest therefrom from the "Water Supply Fund" established pursuant to section 14 of the "Water Supply Bond Act of 1981" (P.L.1981, c.261) for the purposes of drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(12) Of the sums appropriated to the Department of Environmental Protection from the "Water Supply Fund" pursuant to P.L.1999, c.174, P.L.2001, c.222, P.L.2002, c.70 and P.L.2003, c.158, the department is authorized to transfer any unexpended balances and any repayments of loans and interest therefrom as may be or become available on or before June 30, 2014, in such amounts as needed to the Drinking Water State Revolving Fund accounts contained within the Water Supply Fund established for the purposes of providing drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(13) Of the sums appropriated to the Department of Environmental Protection from the "1992 Wastewater Treatment Fund" pursuant to P.L.1996, c.85, P.L.1997, c.221, P.L.1998, c.84, P.L.1999, c.174, P.L.2000, c.92, P.L.2001, c.222 and P.L.2002, c.70, the department is authorized to transfer any unexpended balances and any repayments of loans and interest therefrom as may be or become available on or before June 30, 2014, in such amounts as needed to the Clean Water State Revolving Fund accounts contained within the 1992 Wastewater Treatment Fund for the purposes of providing clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(14) Of the sums appropriated to the Department of Environmental Protection from the "2003 Water Resources and Wastewater Treatment Fund" pursuant to P.L.2004, c.109, and P.L.2007, c.139, the department is authorized to transfer any unexpended balances and any repayments of loans and interest therefrom as may be or become available on or before June 30, 2014, in such amounts as needed to the Clean Water State Revolving Fund accounts contained within the 2003 Water Resources and Wastewater Treatment Fund for the purposes of providing clean water project

loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(15) There is appropriated to the Department of Environmental Protection the sums deposited by the New Jersey Environmental Infrastructure Trust into the "Clean Water State Revolving Fund," the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," the "2003 Water Resources and Wastewater Treatment Fund" and the Drinking Water State Revolving Fund, as appropriate, pursuant to paragraph (6) of subsection c. of section 1 of P.L.2013, c.94, as available on or before June 30, 2014, for the purposes of providing clean water project loans and drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act and drinking water projects pursuant to the Federal Safe Drinking Water Act.

Any such amounts shall be for the purpose of making zero interest and principal forgiveness financing loans, to the extent sufficient funds are available, to or on behalf of local government units or public water utilities (hereinafter referred to as "project sponsors") to finance a portion of the cost of construction of clean water projects and drinking water projects listed in sections 2 and 3 of this act, and for the purpose of implementing and administering the provisions of this act, to the extent permitted by the Federal Clean Water Act, and any amendatory and supplementary acts thereto, P.L.2009, c.77, the "Wastewater Treatment Bond Act of 1985" (P.L.1985, c.329), the "Water Supply Bond Act of 1981" (P.L.1981, c.261), the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989" (P.L.1989, c.181), the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992" (P.L.1992, c.88), the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003" (P.L.2003, c.162), the Federal Safe Drinking Water Act, and any amendatory and supplementary acts thereto, and State law.

b. The department is authorized to make zero interest and principal forgiveness financing loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in subsection a. of section 2 and subsection a. of section 3 of this act for clean water projects, up to the individual amounts indicated and in the priority stated, provided:

(1) a maximum of \$10 million shall be issued to Barnegat Bay Watershed environmental infrastructure projects as provided in subsection a. of section 3 of this act, addressing projects in the priority stated to the extent there are suffi-

cient eligible project applications, wherein principal forgiveness shall be a minimum of 25 percent of the fund loan amount per project sponsor.

The \$10 million shall be made available for the highest ranked projects in ranked order and shall consist of at least 25 percent principal forgiveness loans for the highest ranked projects, except that any such amounts may be reduced if a project fails to meet the requirements of section 4 or 5 of this act, or by the Commissioner of Environmental Protection pursuant to section 6 of this act;

(2) a maximum of \$30 million shall be issued to finance clean water redevelopment projects as provided in subsection a. of section 3 of this act, addressing projects in the priority stated to the extent there are sufficient eligible project applications; and

(3) a maximum of \$10 million shall be issued as provided in subsection a. of section 3 of this act, addressing combined sewer overflow abatement projects that use practices that restore natural hydrology through infiltration, evapotranspiration, or the usage or harvesting of stormwater, in the priority stated to the extent there are sufficient eligible project applications.

c. The department is authorized to make zero interest and principal forgiveness financing loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in subsection b. of section 3 of this act for drinking water projects, up to the individual amounts indicated and in the priority stated, provided:

(1) a maximum of 30 percent of the 2013 Drinking Water State Revolving Fund capitalization grant may be issued to projects in subsection b. of section 3 of this act addressing green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities allocated to projects in the priority stated to the extent there are sufficient eligible project applications and as required or will be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act; and

(2) a maximum of 15 percent of the 2013 Drinking Water State Revolving Fund loans shall be issued to projects as principal forgiveness financing loans to projects for drinking water systems serving populations of less than 10,000, wherein each borrower shall not receive principal forgiveness in excess of \$1 million and principal forgiveness shall not exceed 50 percent of the estimated total loan amount per project sponsor and allocated to projects in subsection b. of section 3 of this act in the priority stated. Drinking water systems serving fewer than 500 residents shall be given the highest priority, followed by systems serving between 501 and 3,300 residents, and systems serving between 3,301 to less than 10,000 residents. Any such amounts may be reduced if a project fails to meet the require-

ments of section 4 or 5 of this act, or by the Commissioner of Environmental Protection pursuant to section 6 of this act.

d. The department is authorized to make zero interest and principal forgiveness financing loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in sections 2 and 3 of this act under the same terms, conditions and requirements as set forth in this section from any unexpended balances of the amounts appropriated pursuant to section 1 of P.L.1987, c.200, section 2 of P.L.1988, c.133, section 1 of P.L.1989, c.189, section 1 of P.L.1990, c.99, section 1 of P.L.1991, c.325, section 1 of P.L.1992, c.38, section 1 of P.L.1993, c.193, section 1 of P.L.1994, c.106, section 1 of P.L.1995, c.219, section 1 of P.L.1996, c.85, section 1 of P.L.1997, c.221, section 2 of P.L.1998, c.84, section 2 of P.L.1999, c.174, section 2 of P.L.2000, c.92, sections 1 and 2 of P.L.2001, c.222, sections 1 and 2 of P.L.2002, c.70, sections 1 and 2 of P.L.2003, c.158, sections 1 and 2 of P.L.2004, c.109, sections 1 and 2 of P.L.2005, c.196, sections 1 and 2 of P.L.2006, c.68, sections 1 and 2 of P.L.2007, c.139, sections 1 and 2 of P.L.2008, c.68, sections 1 and 2 of P.L.2009, c.102, sections 1 and 2 of P.L.2010, c.63, sections 1 and 2 of P.L.2011, c.93, and sections 1 and 2 of P.L.2012, c.43, including amounts resulting from the low bid and final building cost reductions authorized pursuant to section 6 of P.L.1987, c.200, section 7 of P.L.1988, c.133, section 6 of P.L.1989, c.189, section 6 of P.L.1990, c.99, section 6 of P.L.1991, c.325, section 6 of P.L.1992, c.38, section 6 of P.L.1993, c.193, section 6 of P.L.1994, c.106, section 6 of P.L.1995, c.219, section 6 of P.L.1996, c.85, section 6 of P.L.1997, c.221, section 7 of P.L.1998, c.84, section 6 of P.L.1999, c.174, section 6 of P.L.2000, c.92, section 6 of P.L.2001, c.222, section 6 of P.L.2002, c.70, section 6 of P.L.2003, c.158, section 6 of P.L.2004, c.109, section 6 of P.L.2005, c.196, section 6 of P.L.2006, c.68, section 6 of P.L.2007, c.139, section 6 of P.L.2008, c.68, section 7 of P.L.2009, c.102, section 6 of P.L.2010, c.63, section 6 of P.L.2011, c.93, and section 6 of P.L.2012, c.43, and from any repayments of loans and interest from the "Clean Water State Revolving Fund," the "Wastewater Treatment Fund," the "Water Supply Fund," the "1992 Wastewater Treatment Fund," the "2003 Water Resources and Wastewater Treatment Fund," and amounts deposited therein during State fiscal year 2012 and State fiscal year 2014 pursuant to the provisions of section 16 of P.L.1985, c.329, and section 2 of P.L.2009, c.77 and any amendatory and supplementary acts thereto, including any Clean Water State Revolving Fund Accounts contained within the "Wastewater Treatment Fund," and from any repayment of loans and interest from the Drinking Water State Revolving Fund.

2. a. (1) The department is authorized to expend funds for the purpose of making supplemental zero interest loans to or on behalf of the project sponsors listed below for the following clean water environmental infrastructure projects:

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Allowable Loan Amount
Newark City	S340815-05-1	\$7,587,750	\$10,117,000
Passaic Valley SC	S340689-03-1	\$14,485,500	\$19,314,000
Passaic Valley SC	S340689-10-1	\$10,015,500	\$13,354,000
Northwest Bergen County UA	S340700-09-1	\$3,786,000	\$5,048,000
Ocean Township	S340112-03-1	\$339,000	\$452,000
Total	5 Projects	\$36,213,750	\$48,285,000

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amounts required by these projects based upon final building costs pursuant to section 6 of this act and the loan amounts certified by the Commissioner of Environmental Protection in State fiscal years 2006, 2007, 2011, and 2013 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 or section 5 of this act.

(3) The zero interest loans for the projects authorized in this subsection shall have priority over projects listed in subsection a. of section 3 of this act.

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

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Allowable Loan Amount
Boonton Town	1401001-002-1	\$1,370,250	\$1,827,000
Ocean Gate Borough	1521001-001-1	\$59,250	\$79,000
Total	2 Projects	\$1,429,500	\$1,906,000

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amounts required by these projects based upon final building costs pursuant to section 6 of this act and the loan amounts certified by the Commissioner of Environmental Protection in State fiscal years 2011 and 2012, and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the department pursuant to section 5 of P.L.1981, c.261. The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 4 or section 5 of this act.

(3) The zero interest loans for the projects authorized in this subsection shall have priority over projects listed in subsection b. of section 3 of this act.

c. The Department of Environmental Protection is authorized to adjust the allowable Department of Environmental Protection loan amount for projects authorized in this section to between 25% and 75% of the total allowable loan amount.

3. a. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 2014 Clean Water Project Priority List":

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Allowable Loan Amount
Camden County MUA	S340640-14	\$4,040,250	\$5,387,000
Newark City	S340815-21	\$7,794,750	\$10,393,000
Newark City	S340815-22	\$3,636,750	\$4,849,000
Camden City	S340366-09	\$8,366,250	\$11,155,000
Elizabeth City	S340942-13	\$8,851,500	\$11,802,000
Jersey City MUA	S340928-11	\$3,345,000	\$4,460,000
Jersey City MUA	S340928-12	\$6,948,750	\$9,265,000
Jersey City MUA	S340928-13	\$11,298,000	\$15,064,000
Jersey City MUA	S340928-14	\$1,947,750	\$2,597,000
North Bergen MUA	S340652-13	\$4,945,500	\$6,594,000
North Hudson SA	S340952-19	\$3,786,000	\$5,048,000
Perth Amboy City	S340435-10	\$1,835,250	\$2,447,000
Hackensack City	S340923-10	\$3,024,000	\$4,032,000
Millville City	S340921-07	\$7,735,500	\$10,314,000
Warren County MUA	S340454-04	\$12,586,500	\$16,782,000

Delran Township	S340794-07	\$1,672,500	\$2,230,000
Phillipsburg Town	S340874-05	\$6,150,750	\$8,201,000
Ewing Lawrence SA	S340391-10	\$20,124,000	\$26,832,000
Hanover SA	S340388-05	\$7,587,000	\$10,116,000
Gloucester City	S340958-05	\$1,217,250	\$1,623,000
Passaic Valley SC	S340689-20	\$3,596,250	\$4,795,000
Evesham MUA	S340838-04	\$1,938,750	\$2,585,000
Evesham MUA	S340838-05	\$2,742,750	\$3,657,000
Raritan Township MUA	S340485-09	\$1,869,750	\$2,493,000
Ocean County	S344080-03	\$378,000	\$504,000
Long Hill Township	S340404-08	\$1,921,500	\$2,562,000
Bergen County UA	S340386-11	\$12,575,250	\$16,767,000
Bergen County UA	S340386-12	\$15,072,000	\$20,096,000
Willingboro MUA	S340132-04	\$2,874,750	\$3,833,000
Passaic Valley SC	S340689-21	\$882,000	\$1,176,000
Ocean County	S344080-05	\$1,965,750	\$2,621,000
Maple Shade Township	S340710-08	\$1,496,250	\$1,995,000
Long Beach Township	S344170-02	\$571,500	\$762,000
Ocean Gate Borough	S344180-01	\$1,210,500	\$1,614,000
Princeton Borough	S340656-08	\$2,646,750	\$3,529,000
Wildwood Crest Borough	S340719-03	\$6,975,000	\$9,300,000
Willingboro MUA	S340132-05	\$980,250	\$1,307,000
Milltown Borough	S340102-03	\$11,025,000	\$14,700,000
Ocean Township	S340112-04	\$295,500	\$394,000
Atlantic Highlands-			
Highlands Regional SA	S340857-03	\$2,355,000	\$3,140,000
Hammonton Town	S340927-05	\$4,097,250	\$5,463,000
Middlesex County UA	S340699-10	\$7,698,750	\$10,265,000
Rockaway Valley Regional			
SA	S340821-06	\$5,134,500	\$6,846,000
Toms River MUA	S340145-03	\$1,981,500	\$2,642,000
Toms River MUA	S340145-04	\$2,505,000	\$3,340,000
Western Monmouth UA	S340128-04	\$4,116,750	\$5,489,000
Egg Harbor Township			
MUA	S340753-04	\$1,126,500	\$1,502,000
Ocean Township SA	S340750-11	\$3,583,500	\$4,778,000
Raritan Township MUA	S340485-10	\$1,139,250	\$1,519,000
Long Hill Township	S340404-06	\$1,142,250	\$1,523,000
Hamilton Township MUA	S340903-04	\$714,750	\$953,000
Burlington Township	S340712-11	\$827,250	\$1,103,000
Bellmawr Borough	S340337-03	\$487,500	\$650,000
Oradell Borough	S340835-01	\$959,250	\$1,279,000
Oradell Borough	S340835-03	\$2,389,500	\$3,186,000
Long Beach Township	S340023-05	\$2,775,750	\$3,701,000

National Park Borough	S340419-01	\$1,285,500	\$1,714,000
Ocean Gate Borough	S340151-01	\$435,750	\$581,000
Point Pleasant Borough	S340428-01	\$1,596,750	\$2,129,000
Ocean County UA	S340372-48\$	13,863,000	\$18,484,000
Palmyra Borough	S340030-04	\$2,661,750	\$3,549,000
Secaucus Town	S340029-04	\$1,677,750	\$2,237,000
Watchung Borough	S340823-02	\$982,500	\$1,310,000
Chatham Township	S340403-07	\$5,328,000	\$7,104,000
Harrison Township	S340362-06	\$14,439,000	\$19,252,000
Wildwood Crest Borough	S340719-04	\$2,997,750	\$3,997,000
Burlington County	S340818-06	\$2,721,750	\$3,629,000
Middletown Township	S340097-01	\$2,906,250	\$3,875,000
Gloucester Township	S340364-10	\$1,750,500	\$2,334,000
NJ Water Supply Authority	S340421-01	\$23,328,000	\$31,104,000
Old Bridge Township	S340945-12	\$7,879,500	\$10,506,000
Fanwood Borough	S340429-01	\$1,698,000	\$2,264,000
Highlands Borough	S340901-03	\$3,379,500	\$4,506,000
Bellmawr Borough	S342011-02	\$7,365,750	\$9,821,000
Edison Township	S342020-01	\$9,213,750	\$12,285,000
Carteret Borough	S340939-07	\$10,424,250	\$13,899,000
Burlington Township	S340712-12	\$315,750	\$421,000
Gloucester City	S340958-06	\$456,000	\$608,000
Gloucester City	S340958-07	\$456,000	\$608,000
Passaic Valley SC	S340689-22	\$1,887,000	\$2,516,000
Pine Hill MUA	S340274-04	\$582,750	\$777,000
Secaucus Town/Hudson County Improv. Authority	S342021-01	\$13,875,750	\$18,501,000
South Monmouth Regional SA	S340377-03	\$6,347,250	\$8,463,000
Stafford Township	S344100-02	\$742,500	\$990,000
Stafford Township	S344100-03	\$2,389,500	\$3,186,000
Total	85 Projects	\$383,932,500	\$511,910,000

b. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 2014 Drinking Water Project Priority List":

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Allowable Loan Amount
North Shore Water Association	1904004-004	\$115,500	\$154,000

Hammonton Town	0113001-006	\$2,060,250	\$2,747,000
Newfield Borough	0813001-001	\$789,750	\$1,053,000
Sea Village Marina / NJ American Water Co., Inc.	0108021-002	\$858,000	\$1,144,000
NJ American Water Co., Inc.	1707001-005	\$11,219,250	\$14,959,000
Newark City	0714001-016	\$7,023,750	\$9,365,000
Newark City	0714001-015	\$8,418,750	\$11,225,000
Newark City	0714001-017	\$1,109,250	\$1,479,000
Willingboro MUA	0338001-005	\$1,042,500	\$1,390,000
Milford Borough	1020001-003	\$326,250	\$435,000
Wildwood City	0514001-002	\$1,992,750	\$2,657,000
Willingboro MUA	0338001-006	\$549,750	\$733,000
Mountain Shores Prop. Owners Assoc.	1414009-001	\$647,250	\$863,000
Camden City	0408001-018	\$4,197,750	\$5,597,000
Willingboro MUA	0338001-004	\$587,250	\$783,000
Long Beach Township	1517001-014	\$2,457,750	\$3,277,000
Vineland City	0614003-011	\$2,362,500	\$3,150,000
Manchester UA	1603001-012	\$2,112,750	\$2,817,000
Manchester UA	1603001-006	\$2,112,750	\$2,817,000
Willingboro MUA	0338001-007	\$546,000	\$728,000
Bellmawr Borough	0404001-005	\$451,500	\$602,000
Jersey City MUA	0906001-006	\$12,860,250	\$17,147,000
Hammonton Town	0113001-009	\$804,750	\$1,073,000
Hammonton Town	0113001-008	\$447,750	\$597,000
Pemberton Township	0329004-006	\$444,750	\$593,000
Berkeley Township MUA	1505004-007	\$868,500	\$1,158,000
Fountainhead Prop. Inc.	1511013-001	\$515,250	\$687,000
Trenton City	1111001-008	\$18,726,750	\$24,969,000
Pemberton Township	0329004-007	\$1,792,500	\$2,390,000
Berkeley Township MUA	1505004-006	\$1,653,750	\$2,205,000
Evesham MUA	0313001-001	\$1,401,750	\$1,869,000
Marlboro Township	1328002-002	\$8,938,500	\$11,918,000
Roosevelt Borough	1341001-004	\$402,750	\$537,000
Ocean Township	1520001-005	\$531,750	\$709,000
Middlesex Water Company	1225001-015	\$3,150,000	\$4,200,000
Hamilton Township MUA	0112001-003	\$2,027,250	\$2,703,000
Fountainhead Prop. Inc.	1511013-002	\$515,250	\$687,000
Manchester UA	1603001-013	\$2,112,750	\$2,817,000
Old Bridge MUA	1209002-010	\$1,049,250	\$1,399,000
Merchantville -Pennsauken Water Comm.	0424001-007	\$2,678,000	\$2,009,000

Clinton Town	1005001-005	\$1,393,500	\$1,858,000
Clayton Borough	0801001-002	\$3,000,750	\$4,001,000
Stanhope Borough	1919001-001	\$1,419,000	\$1,892,000
Roosevelt Borough	1341001-001	\$492,750	\$657,000
North Shore Water Association	1904004-002	\$305,250	\$407,000
Gloucester City	0414001-016	\$726,750	\$969,000
Hammonton Town	0113001-007	\$668,250	\$891,000
Matawan Borough	1329001-005	\$740,250	\$987,000
Clayton Borough	0801001-001	\$3,000,750	\$4,001,000
Old Bridge MUA	1209002-007	\$4,780,500	\$6,374,000
Pemberton Township	0329004-005	\$296,250	\$395,000
Brielle Borough	1308001-001	\$2,646,750	\$3,529,000
Stanhope Borough	1919001-002	\$233,250	\$311,000
Milford Borough	1020001-004	\$195,750	\$261,000
Independence MUA	2112001-001	\$196,500	\$262,000
Hammonton Town	0113001-010	\$168,750	\$225,000
Pemberton Township	0329004-008	\$279,750	\$373,000
Hampton Borough	1013001-001	\$358,500	\$478,000
Newfield Borough	0813001-002	\$36,000	\$48,000
Fountainhead Prop. Inc.	1511013-004	\$515,250	\$687,000
Fountainhead Prop. Inc.	1511013-003	\$515,250	\$687,000
Pine Beach Borough	1522001-001	\$685,500	\$914,000
Montclair Township	0713001-008	\$1,573,500	\$2,098,000
Pine Beach Borough	1522001-002	\$342,750	\$457,000
North Jersey District Water Supply Comm.	1613001-022	\$10,771,500	\$14,362,000
North Jersey District Water Supply Comm.	1613001-025	\$4,709,250	\$6,279,000
North Jersey District Water Supply Comm.	1613001-026	\$7,200,750	\$9,601,000
North Jersey District Water Supply Comm.	1613001-027	\$1,496,250	\$1,995,000
North Jersey District Water Supply Comm.	1613001-028	\$1,216,500	\$1,622,000
North Jersey District Water Supply Comm.	1613001-029	\$1,866,750	\$2,489,000
Gloucester City	0414001-017	\$899,250	\$1,199,000
Pine Hill MUA	0428002-002	\$363,000	\$484,000
Bloomington Borough	1601001-004	\$776,250	\$1,035,000
North Jersey District Water Supply Comm.	1613001-030	\$587,250	\$783,000
Total	74 Projects	\$166,361,000	\$220,253,000

c. The Department of Environmental Protection is authorized to adjust the allowable Department of Environmental Protection loan amount for projects authorized in this section to between 25% and 75% of the total allowable loan amount.

4. Any financing loan made by the Department of Environmental Protection pursuant to this act shall be subject to the following requirements:

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

b. The estimated Department of Environmental Protection allowable loan amount shall not exceed 75% of the total allowable loan amount of the environmental infrastructure facility for projects listed in subsections a. and b. of section 2 of this act, and in subsections a. and b. of section 3 of this act. The loan amount for supplemental loans shall not exceed that percentage of the allowable project cost of the project's initial program loan;

c. The loan shall be repaid within a period not to exceed 23 years of the making of the loan; and

d. The loan shall be subject to any other terms and conditions as may be established by the commissioner and approved by the State Treasurer, which may include, notwithstanding any other provision of law to the contrary, subordination of a loan authorized in this act to loans made by the trust pursuant to P.L.2013, c.94, or to administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5).

5. The priority lists and authorization for the making of loans pursuant to sections 2 and 3 of this act shall expire on July 1, 2014, 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 or low bid building costs defined in and determined in accordance with rules and regulations adopted by the commissioner pursuant to section 4 of P.L.1985, c.329, section 2 of P.L.1999, c.362 (C.58:12A-12.2) or section 5 of P.L.1981, c.261, provided that the total loan amount does not exceed the 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 of Environmental Protection pursuant thereto, and the provisions of the Federal Clean Water Act or the Federal Safe Drinking Water Act, and any amendatory and supplementary acts thereto, 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 Clean Water State Revolving Fund pursuant to sections 1 and 2 of P.L.2009, c.77 and any amendatory and supplementary acts thereto, prior to repayment to the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of P.L.1985, c.329, prior to repayment to the "1992 Wastewater Treatment Fund" pursuant to the provisions of section 28 of P.L.1992, c.88, prior to repayment to the Drinking Water State Revolving Fund, prior to repayment to the "Stormwater Management and Combined Sewer Overflow Abatement Fund" pursuant to the provisions of section 15 of P.L.1989, c.181, prior to repayment to the "2003 Water Resources and Wastewater Treatment Fund" pursuant to the provisions of section 20 of P.L.2003, c.162, or prior to repayment to the "Water Supply Fund" pursuant to the provisions of section 15 of P.L.1981, c.261, repayments of loans made pursuant to these acts may be utilized by the New Jersey Environmental Infrastructure Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), as amended and supplemented by P.L.1997, c.224, under terms and conditions established by the commissioner and trust, and approved by the State Treasurer, and consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) and federal tax, environmental or securities law, to the extent necessary to secure repayment of trust bonds issued to finance loans approved pursuant to P.L.2013, c.94, and to secure the administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5) by the project sponsors receiving trust loans.

b. Prior to repayment to the Clean Water State Revolving Fund pursuant to sections 1 and 2 of P.L. 2009, c.77 and any amendatory and supplementary acts thereto, prior to repayment to the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of P.L.1985, c.329, prior to

repayment to the "1992 Wastewater Treatment Fund" pursuant to the provisions of section 28 of P.L.1992, c.88, prior to repayment to the "Water Supply Fund" pursuant to the provisions of section 15 of P.L.1981, c.261, prior to repayment to the Drinking Water State Revolving Fund, prior to repayment to the "2003 Water Resources and Wastewater Treatment Fund" pursuant to the provisions of section 20 of P.L.2003, c.162, or prior to repayment to the "Stormwater Management and Combined Sewer Overflow Abatement Fund" pursuant to the provisions of section 15 of P.L.1989, c.181, the trust is further authorized to utilize repayments of loans made pursuant to P.L.1989, c.189, P.L.1990, c.99, P.L.1991, c.325, P.L.1992, c.38, P.L.1993, c.193, P.L.1994, c.106, P.L.1995, c.219, P.L.1996, c.85, P.L.1997, c.221, P.L.1998, c.84, P.L.1999, c.174, P.L.2000, c.92, P.L.2001, c.222, P.L.2002, c.70, P.L.2003, c.158, P.L.2004, c.109, P.L.2005, c.196, P.L.2006, c.68, P.L.2007, c.139, P.L.2008, c.68, P.L.2009, c.102, P.L.2010, c.63, P.L.2011, c.93, P.L.2012, c.43, or P.L.2013, c.95 to secure repayment of trust bonds issued to finance loans approved pursuant to P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222, P.L.1998, c.85, P.L.1999, c.173, P.L.2000, c.93, P.L.2001, c.224, P.L.2002, c.71, P.L.2003, c.159, P.L.2004, c.110, P.L.2005, c.197, P.L.2006, c.67, P.L.2007, c.140, P.L.2008, c.67, P.L.2009, c.101, P.L.2010, c.62, P.L.2011, c.95, P.L.2012, c.38, or P.L.2013, c.94, and to secure the administrative fees payable to the trust under these loans pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5).

c. To the extent that any loan repayment sums are used to satisfy any trust bond repayment or administrative fee payment deficiencies, the trust shall repay such sums to the department for deposit into the Clean Water State Revolving Fund, the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the Drinking Water State Revolving Fund, the "2003 Water Resources and Wastewater Treatment Fund," or the "Stormwater Management and Combined Sewer Overflow Abatement Fund," as appropriate, from amounts received by or on behalf of the trust from project sponsors causing any such deficiency.

10. 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 and interest deposited in any account, on or before June 30, 2014, including the "Clean Water State Revolving Fund," the

"1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," "2003 Water Resources and Wastewater Treatment Fund," or the Drinking Water State Revolving Fund, as appropriate, and from any net earnings received from the investment and reinvestment of such deposits, such sums as the chairman of the trust shall certify to the Commissioner of Environmental Protection to be necessary and appropriate for deposit into one or more reserve funds or accounts established by the trust pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11), the Interim Financing Program Fund, or the Disaster Relief Emergency Financing Program Fund established pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5).

12. There is appropriated to the New Jersey Environmental Infrastructure Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), funds from the federal "Disaster Relief Appropriations Act," Pub.L. 113-002, deposited in any account including the "Clean Water State Revolving Fund," the "Water Supply Fund," or the "Drinking Water State Revolving Fund," as appropriate, and from any net earnings received from the investment and reinvestment of such deposits, such sums as the chairman of the trust certifies to the Commissioner of Environmental Protection to be necessary and appropriate for deposit into one or more reserve funds or accounts established by the trust pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11), the Interim Financing Program Fund, or the Disaster Relief Emergency Financing Program Fund established pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5).

Approved August 7, 2013.

CHAPTER 96

AN ACT appropriating \$715,706,303 from the "Building Our Future Bond Act," P.L.2012, c.41, for the purpose of capital project grants for New Jersey's public and private institutions of higher education.

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

1. There is appropriated to the Office of the Secretary of Higher Education in the Department of State from the "Building Our Future Fund," established pursuant to section 14 of the "Building Our Future Bond Act,"

P.L.2012, c.41, the sum of \$715,706,303 for the purpose of capital project grants for increasing academic capacity at New Jersey's public and private institutions of higher education. This sum shall be allocated to institutions of higher education according to the list of eligible projects submitted by the Secretary of Higher Education on April 29, 2013 to the presiding officers of each House of the Legislature pursuant to the provisions of the "Building Our Future Bond Act," P.L.2012, c.41.

2. The expenditure of sums appropriated by this act are subject to the provisions and conditions of P.L.2012, c.41.

3. This act shall take effect immediately.

Approved August 7, 2013.

CHAPTER 97

AN ACT concerning cable television service outages and amending P.L.1987, c.422 and P.L.1999, c.43.

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

1. Section 1 of P.L.1987, c.422 (C.48:5A-11a) is amended to read as follows:

C.48:5A-11a Cable TV outages.

1. a. The director, with the approval of the board, shall adopt rules and regulations providing for a credit or rebate for outages of cable television service which are six or more hours in duration. The amount of the credit or rebate shall be in one day units, prorated on the basis of the subscriber's monthly rate for each service so interrupted. In order to obtain a credit or rebate, a subscriber shall notify by telephone or in writing the cable television company, the Office of Cable Television or other designated complaint officer within 30 days after any such outage. The regulations may provide for appropriate exceptions and limitations.

b. The director shall permit any cable television company that has a service outage lasting six or more hours in duration, to provide to its sub-

scribers other forms of compensation, in lieu of a credit or rebate, to compensate subscribers for the loss of service caused by the outage. Nothing in this section shall authorize a cable television company to require a subscriber to accept an alternative form of compensation in lieu of a credit or rebate to which the subscriber is entitled pursuant to subsection a. of this section.

2. Section 1 of P.L.1999, c.43 (C.48:5A-11b) is amended to read as follows:

C.48:5A-11b Notices to subscribers.

1. a. Notice to subscribers of refund liability and ordered rate decreases shall commence concurrent with subscriber credits within the next billing cycle following approval of the refund liability statement by the appropriate agency, whether the Board of Public Utilities for basic rates, or the Federal Communications Commission for cable programming service rates.

b. Notwithstanding the provisions of subsection a. of this section, or any other law, rule, regulation, or order to the contrary, the director shall not require any cable television company to provide its subscribers with periodic written notice of the procedures for obtaining credits, rebates, or other forms of compensation as reimbursement for service outages lasting six or more hours in duration if the company provides that information in an electronic format on its Internet website in a manner that reasonably conveys the content of the periodic written notices, and allows its subscribers to thereafter make informed decisions concerning compensation for service outages.

c. Any cable television company that provides notice electronically on its Internet website in lieu of sending periodic written notices to its subscribers, pursuant to subsection b. of this section, shall offer the option to each of its subscribers to continue receiving periodic notices in written form on at least an annual basis.

3. This act shall take effect immediately.

Approved August 7, 2013.

CHAPTER 98

AN ACT prohibiting the imposition of the corporation business tax on certain foreign corporations by reason of their carrying passengers into and out of the State in a motor vehicle or motorbus, amending P.L.1945, c.162.

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

1. Section 2 of P.L.1945, c.162 (C.54:10A-2) is amended to read as follows:

C.54:10A-2 Payment of annual franchise tax.

2. Every domestic or foreign corporation which is not hereinafter exempted shall pay an annual franchise tax for each year, as hereinafter provided, for the privilege of having or exercising its corporate franchise in this State, or for the privilege of deriving receipts from sources within this State, or for the privilege of engaging in contacts within this State, or for the privilege of doing business, employing or owning capital or property, or maintaining an office, in this State. And such franchise tax shall be in lieu of all other State, county or local taxation upon or measured by intangible personal property used in business by corporations liable to taxation under this act.

A foreign corporation shall not be deemed to be deriving receipts, engaging in contacts, doing business, employing or owning capital or property in the State, for the purposes of this act, by reason of (1) the maintenance of cash balances with banks or trust companies in this State, or (2) the ownership of shares of stock or securities in this State if such shares or securities are pledged as collateral security, or deposited with one or more banks or trust companies or brokers who are members of a recognized security exchange, in safekeeping or custody accounts, or (3) the taking of any action by any such bank or trust company or broker, which is incidental to the rendering of safekeeping or custodian service to such corporation, or (4) notwithstanding any provisions of this section to the contrary, the operation of a motor vehicle or motorbus operated over public highways or public places in this State for the carriage of passengers in transit from a location outside this State to a destination in this State and for the carriage of those passengers in transit from a location in this State to a location outside this State.

A taxpayer's exercise of its franchise in this State is subject to taxation in this State if the taxpayer's business activity in this State is sufficient to give this State jurisdiction to impose the tax under the Constitution and statutes of the United States.

2. This act shall take effect immediately and apply to privilege periods beginning on or after January 1, 2013.

Approved August 7, 2013.

CHAPTER 99

AN ACT concerning the rights of persons with developmental disabilities and supplementing P.L.1977, c.82 (C.30:6D-1 et seq.).

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

C.30:6D-5a Use of audio recording device by certain persons with developmental disabilities.

1. A person with a developmental disability who resides in a facility, as that term is defined in section 3 of P.L.1977, c.82 (C.30:6D-3), or the person's legal guardian, when applicable, may use an audio recording device during a meeting of, or telephone or face-to-face conversation with, any member of the person's interdisciplinary team and any psychiatrist contracted by the facility to provide consultation services, provided that the person or legal guardian notifies the other participants prior to the start of the meeting or telephone or face-to-face conversation, as applicable, that a recording device will be used.

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

Approved August 7, 2013.

CHAPTER 100

AN ACT reappropriating \$3,000,000 from the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003," P.L.2003, c.162, from monies previously appropriated by P.L.2005, c.231 and made available due to project deferrals, cancellations, withdrawals, and cost savings, to finance the costs of certain State flood control projects.

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

1. a. There is reappropriated to the Department of Environmental Protection from the "2003 Dam, Lake, Stream and Flood Control Project Fund," established pursuant to section 15 of the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of

2003,” P.L.2003, c.162, the sum of \$3,000,000, made available due to project deferrals, cancellations, withdrawals, and cost savings, from the following project:

Project	Project Sponsor	Amount
Lower Saddle River Project	NJDEP	\$3,000,000

b. The monies made available pursuant to subsection a. of this section shall be allocated to finance the costs of the following State flood control project:

Project	Project Sponsor	Amount
Desnagging and Shoal Dredging in Passaic River Basin	NJDEP	\$3,000,000

c. Any unexpended funds remaining after completion of the project listed in subsection b. of this section shall be returned to the “2003 Dam, Lake, Stream and Flood Control Project Fund” for reappropriation to fund additional projects authorized by law and in keeping with the purposes of the fund.

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

e. The expenditures of sums appropriated by this section are subject to the provisions and conditions of P.L.2003, c.162, and the rules and regulations adopted pursuant thereto.

2. This act shall take effect immediately.

Approved August 7, 2013.

CHAPTER 101

AN ACT concerning Emergency Medical Technician and Mobile Intensive Care Paramedic certification, supplementing Title 26 of the Revised Statutes and amending P.L.1984, c.146.

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

C.26:2K-65 Written standards for certification as EMT-Basic.

1. The Commissioner of Health and Senior Services, with the approval of the State Board of Medical Examiners, shall establish written standards which a person shall successfully complete in order to be certified as an EMT-Basic.

Applicants for EMT-Basic certification, who have equivalent military training or experience in any branch of the active duty or reserve component of the Armed Forces of the United States or the National Guard of any state, shall be certified by the commissioner if the commissioner determines that the applicant's military training and experience exceed or are equivalent to the certification standards established by the commissioner.

2. Section 2 of P.L.1984, c.146 (C.26:2K-8) is amended to read as follows:

C.26:2K-8 Mobile intensive care paramedic; certification from commissioner; written standards; examination; register of applicants.

2. a. A mobile intensive care paramedic shall obtain certification from the commissioner to staff a mobile intensive care unit and shall make application therefor on forms prescribed by the commissioner.

b. The commissioner with the approval of the board of medical examiners shall establish written standards which a mobile intensive care paramedic shall meet in order to obtain certification. The commissioner shall act on a regular basis upon applications of candidates for certification as a mobile intensive care paramedic. The commissioner shall certify a candidate who provides satisfactory evidence of the successful completion of an educational program approved by the commissioner for the training of mobile intensive care paramedics and who passes an examination in the provision of advance life support services, which examination shall be conducted by the department at least twice a year. The commissioner shall certify a candidate for a mobile intensive care paramedic certification who has equivalent military training or experience in any branch of the active duty or reserve component of the Armed Forces of the United States or the National Guard of any state if the commissioner determines that the candidate's military training and experience exceed or are equivalent to the certification standards established by the commissioner.

c. The department shall maintain a register of all applicants for certification hereunder, which register shall include but not be limited to:

- (1) The name and residence of the applicant;
- (2) The date of the application;
- (3) Information as to whether the applicant was rejected or certified and the date of that action.

The department shall annually compile a list of mobile intensive care paramedics. This list shall be available to the public.

3. This act shall take effect on the first day of the sixth month following enactment, but the commissioner may take such anticipatory acts in advance of that date as may be necessary for the timely implementation of this act.

Approved August 7, 2013.

CHAPTER 102

AN ACT providing unemployment benefits for certain ex-service members and supplementing Title 43 of the Revised Statutes.

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

C.43:21-3.1 Supplemental unemployment benefits for certain ex-service members.

1. Any individual who is eligible for, and receives, benefits under the unemployment compensation law, R.S.43:21-1 et seq., which are based on wages assigned to New Jersey pursuant to section 8522 of Title 5, United States Code (5 U.S.C. s.8522), shall be, upon the expiration of those benefits, eligible for supplemental benefits pursuant to this section which are equal to 26 times the individual's weekly benefit amount minus the amount of benefits paid to the individual as an ex-service member pursuant to subchapter II of chapter 85 of Title 5, United States Code (5 U.S.C. s.8521 et seq.), regardless of the number of base weeks worked or the amount of contributions paid by the individual or any employer of the individual. The supplemental benefits paid pursuant to this section shall not be paid for any week which occurs prior to the individual exhausting benefits paid pursuant to subchapter II of chapter 85 of Title 5, United States Code (5 U.S.C. s.8521 et seq.) and shall not be charged to any employer.

2. This act shall take effect immediately.

Approved August 7, 2013.

CHAPTER 103

AN ACT concerning terminology referring to the mental capacity of individuals and revising various parts of statutory law.

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

1. Section 20 of P.L.1982, c.77 (C.2A:4A-39) is amended to read as follows:

C.2A:4A-39 Right to counsel.

20. a. A juvenile shall have the right, as provided by the Rules of Court, to be represented by counsel at every critical stage in the proceeding which, in the opinion of the court may result in the institutional commitment of the juvenile.

b. During every court proceeding in a delinquency case, the waiving of any right afforded to a juvenile shall be accomplished in the following manner:

(1) A juvenile who is found to have mental capacity may not waive any rights except in the presence of and after consultation with counsel, and unless a parent has first been afforded a reasonable opportunity to consult with the juvenile and the juvenile's counsel regarding this decision. The parent or guardian may not waive the rights of a juvenile found to have mental capacity.

(2) Any such waiver shall be executed in writing or recorded. Before the court may accept a waiver, the court shall question the juvenile and the juvenile's counsel to determine if the juvenile is knowingly, willingly, and voluntarily waiving any right. If the court finds after questioning the juvenile that the waiver is not being made voluntarily and intelligently, the waiver shall be denied.

(3) A juvenile who is found to lack mental capacity may not waive any right. A guardian ad litem shall be appointed for the juvenile who may waive rights after consultation with the juvenile and the juvenile's counsel.

(4) Waivers shall be executed in the language regularly spoken by the juvenile.

2. N.J.S.2A:14-21 is amended to read as follows:

Disabilities affecting limitation; action on behalf of minor.

2A:14-21. If a person entitled to commence an action or proceeding specified in N.J.S.2A:14-1 to 2A:14-8 or N.J.S.2A:14-16 to 2A:14-20 or to a right or title of entry under N.J.S.2A:14-6 is under the age of 18 years or a person who has a mental disability that prevents the person from understanding his legal rights or commencing a legal action at the time the cause of action or right or title accrues, the person may commence the action or make the entry, within the time as limited by those statutes, after reaching majority or having the mental capacity to pursue the person's lawful rights. Notwithstanding the provisions of this section to the contrary, an action by or on behalf of a minor that has accrued for medical malpractice for injuries sustained at birth shall be commenced prior to the minor's 13th birthday, as provided in N.J.S.2A:14-2.

3. N.J.S.2A:14-32 is amended to read as follows:

Disabilities affecting right to enforce right or title to real estate.

2A:14-32. If any person having a right or title to real estate is under the age of 18, or has been adjudicated incapacitated, or is outside the United States for purposes other than a military tour of duty at the time the right or title first accrued or descended, that person may, notwithstanding the fact that the periods of time specified in N.J.S.2A:14-30 and N.J.S.2A:14-31 have expired, bring an action to enforce the right or title, provided the action is commenced within five years after the disability is removed or the person is physically present within the United States.

4. N.J.S.2A:15-1 is amended to read as follows:

Actions in person or by attorney.

2A:15-1. Every person who has reached the age of majority pursuant to section 3 of P.L.1972, c.81 (C.9:17B-3) and has the mental capacity may prosecute or defend any action in any court, in person or through another duly admitted to the practice of law in this State.

5. N.J.S.2A:16-7 is amended to read as follows:

Judgment for conveyance of land; effect.

2A:16-7. When a judgment of the Superior Court is entered for a conveyance, release, or acquittance of real estate or an interest therein, and the party against whom the judgment is entered has failed to comply by the time

specified in the judgment, or within 15 days after entry of the judgment if no time is specified therein, the judgment shall have the same operation and effect in all courts as if the conveyance, release, or acquittance had been executed in conformance with the judgment, notwithstanding any disability of the party because of not having reached the age of majority pursuant to section 3 of P.L.1972, c.81 (C.9:17B-3), mental incapacity, or otherwise.

6. N.J.S.2A:16-55 is amended to read as follows:

Declaration of rights or legal relations of interested parties in relation to estate, wills and other writings.

2A:16-55. A person interested as or through an executor, administrator, trustee, guardian, receiver, assignee for the benefit of creditors, or other fiduciary, creditor, devisee, legatee, heir, next of kin, or cestui que trust, in the administration of a trust or the estate of a decedent, a minor, a person who is mentally incapacitated, a person who is insolvent, or other person, may have a declaration of rights or legal relations in respect thereto, to:

- a. Ascertain any class of creditors, devisees, legatees, heirs, next of kin, or others; or
- b. Direct the executor, administrator, trustee, guardian, receiver, assignee for the benefit of creditors, or other fiduciary to do or abstain from doing any particular act in his fiduciary capacity; or
- c. Determine any question arising in the administration of the estate, trust, or guardianship, including the construction of wills and other writings.

7. N.J.S.2A:48-2 is amended to read as follows:

Limitation of action against municipality or county.

2A:48-2. No action under this article shall be instituted unless commenced within three months after the loss of or injury to the property. If any person entitled to such an action is, at the time the action accrues, under the age of 18 or a person who has a mental disability that prevents the person from understanding his legal rights or commencing a legal action, the person may commence the action within three years after reaching majority or having the mental capacity to pursue the person's lawful rights.

8. N.J.S.2A:62-8 is amended to read as follows:

Persons under disability; relief from judgment.

2A:62-8. If a defendant was, either at the time of the entry of a default against the defendant or at the time of the entry of the judgment, a minor or an incapacitated person, the defendant, or the defendant's heirs, may, unless

the defendant was represented in the action by a guardian or a guardian ad litem, at any time within two years after the termination of the defendant's disability, appear in the action and apply for relief from the judgment.

9. N.J.S.2A:62-10 is amended to read as follows:

Effect of opening or vacating judgment.

2A:62-10. If the title to the lands which is the subject of the judgment sought to be opened pursuant to N.J.S.2A:62-8 and N.J.S.2A:62-9, has, by the judgment or in consequence thereof, been conveyed to a purchaser for value or mortgaged to a mortgagee for value, the title shall not be affected by either the opening or vacation of the judgment. The vacation of the judgment shall operate only against the plaintiff named in the judgment, the plaintiff's heirs, executors, and administrators, to compel compensation to the minor, or incapacitated person to the extent of the value of the plaintiff's interest in the affected real property at the time the property was so conveyed or mortgaged.

10. N.J.S.2A:62-19 is amended to read as follows:

Judgment; conclusiveness; opening judgment as to persons under disability.

2A:62-19. The final determination and judgment in an action authorized by N.J.S.2A:62-17 shall fix and settle the rights of all the parties in the estate in remainder in the lands or in the remainder interest in the personality, and shall be binding and conclusive on all the parties to the action; but if any defendant to the suit is either at the time of the entry of a default or of judgment against the defendant, a minor or an incapacitated person, the defendant, the defendant's heirs or assigns may, unless the defendant was represented in the action by a guardian or a guardian ad litem, at any time within two years after the termination of the disability, appear in the action and apply for relief from the judgment.

11. N.J.S.2A:67-13 is amended to read as follows:

Who may prosecute writ.

2A:67-13. Except as provided in N.J.S.2A:67-14, a person may prosecute a writ of habeas corpus, in accordance with this chapter, to inquire into the cause of the person's imprisonment or restraint, if the person is:

- a. committed, detained, confined, or restrained of liberty, within this State, for a criminal or supposed criminal matter;
- b. in custody by virtue of civil process issued out of a court in this State;

- c. committed, detained, confined, or restrained of liberty, within this State, under any pretense;
- d. in confinement on a charge of a criminal offense, which is of a bailable nature, for the purpose of posting bail; or
- e. confined in a psychiatric facility, for the purpose of determining whether the person is in need of commitment to treatment.
- f. (Deleted by amendment, P.L.2013, c.103)
- g. (Deleted by amendment, P.L.2013, c.103)
- h. (Deleted by amendment, P.L.2013, c.103)

If sufficient cause appears, the complaint may be filed and the writ may be prosecuted by another on behalf of the person entitled to prosecute the writ.

12. N.J.S.2A:67-27 is amended to read as follows:

Time of hearing; notice.

2A:67-27. When the writ is returned, the court may hold the hearing immediately, unless the validity of a detention on any civil process, or the mental capacity of the party is to be determined, and may, in any case, set a date for the hearing, which shall be not more than five days after the return of the writ unless for good cause additional time is allowed.

Notice of the time and place set for a later hearing shall be served at least two days before the hearing or earlier, as the court may order, by the applicant upon the defendant, and (a) if the party is in custody on any criminal matter, upon the county prosecutor of the county in which the alleged offense was committed, or (b) if the party is in custody on any civil process, upon each person having an interest in continuing the confinement or restraint or upon the party's attorney, or (c) if the party is in custody of any psychiatric facility or other institution, upon the person or persons whose application was the basis for commitment to the facility or institution, and upon the medical director or other head officer of the facility or institution.

13. N.J.S.2A:67-28 is amended to read as follows:

Hearing; jury.

2A:67-28. In all cases in which the mental capacity of the party is to be determined, the testimony shall be taken orally and the judge may hear the matter without a jury or may direct that the action be tried by a jury called from the general panel or, if not available, by a jury specially summoned as in other actions.

In all other cases, the judge may hear the matter summarily on the complaint, return and answer to the return, or require that testimony be of-

ferred orally and, on its own motion, may summon witnesses and require any person to produce documents, records, or other writings.

In a proceeding under subsection d. of N.J.S.2A:67-13, the judge may take testimony concerning the truth of affidavits and proofs upon which the order for process was made and process issued.

14. N.J.S.2A:67-29 is amended to read as follows:

Judgment.

2A:67-29. In any proceeding under subsection a., b., or c. of N.J.S.2A:67-13, if no cause is shown for the imprisonment or restraint or for the continuation thereof, the judge shall discharge the party from the confinement or restraint. If the party is not entitled to a discharge and is not bailed, the party shall be remanded by the judge to the custody or placed under the restraint from which the party was taken, so long as custody or restraint is lawful. If the custody or restraint is not lawful, the judge shall commit the party to the custody of the officer or person lawfully entitled thereto.

In any proceedings under subsection a., b., c., or d. of N.J.S.2A:67-13, if it appears that the person is entitled to be bailed, the judge shall discharge the person immediately, upon taking a secured or bonded recognizance in an amount as the judge may approve for the person's appearance, as the circumstances may require, and the judge shall then certify the writ with the return and the recognizance to the court where the appearance is to be made.

In any proceeding under subsection d. of N.J.S.2A:67-13, the judge shall discharge the party in custody if the process was improperly or improvidently issued.

In any proceeding under subsection e. of N.J.S.2A:67-13, the person shall not be discharged unless found not to be dangerous to self or dangerous to others or to property, either by the judge, if the hearing is held without a jury, or by unanimous verdict of the jury.

No person shall be entitled to a discharge because of any informality or insufficiency in the original arrest or commitment.

15. N.J.S.2A:81-2 is amended to read as follows:

Transactions with mentally incapacitated person; decedent; proof required.

2A:81-2. In a civil action that is commenced or defended by a guardian on behalf of a person who is mentally incapacitated or by a personal representative on behalf of a decedent, any other party who asserts a claim or an

affirmative defense against the person who is mentally incapacitated or against the personal representative, that is supported by oral testimony of a promise, statement, or act of the person who is mentally incapacitated before the onset of mental incapacity, or of the decedent, shall be required to establish the same by clear and convincing proof.

16. Section 20 of P.L.1960, c.52 (C.2A:84A-20) is amended to read as follows:

C.2A:84A-20 Lawyer-client privilege.

21. Rule 26.

(1) General rule. Subject to Rule 37 and except as otherwise provided by paragraph 2 of this rule communications between a lawyer and his client in the course of that relationship and in professional confidence, are privileged, and a client has a privilege (a) to refuse to disclose any such communication, and (b) to prevent his lawyer from disclosing it, and (c) to prevent any other witness from disclosing such communication if it came to the knowledge of such witness (i) in the course of its transmittal between the client and the lawyer, or (ii) in a manner not reasonably to be anticipated, or (iii) as a result of a breach of the lawyer-client relationship, or (iv) in the course of a recognized confidential or privileged communication between the client and such witness. The privilege shall be claimed by the lawyer unless otherwise instructed by the client or his representative; the privilege may be claimed by the client in person, or if the client is incapacitated or deceased, by his guardian or personal representative. Where a corporation or association is the client having the privilege and it has been dissolved, the privilege may be claimed by its successors, assigns, or trustees in dissolution.

(2) Exceptions. Such privilege shall not extend (a) to a communication in the course of legal service sought or obtained in aid of the commission of a crime or a fraud, or (b) to a communication relevant to an issue between parties all of whom claim through the client, regardless of whether the respective claims are by testate or intestate succession or by inter vivos transaction, or (c) to a communication relevant to an issue of breach of duty by the lawyer to his client, or by the client to his lawyer. Where 2 or more persons have employed a lawyer to act for them in common, none of them can assert such privilege as against the others as to communications with respect to that matter.

(3) Definitions. As used in this rule (a) "client" means a person or corporation or other association that, directly or through an authorized representative, consults a lawyer or the lawyer's representative for the purpose of retaining the lawyer or securing legal service or advice from him in his profes-

sional capacity; and includes a person who is incapacitated whose guardian so consults the lawyer or the lawyer's representative on behalf of the person who is incapacitated, (b) "lawyer" means a person authorized, or reasonably believed by the client to be authorized to practice law in any State or nation the law of which recognizes a privilege against disclosure of confidential communications between client and lawyer. A communication made in the course of the relationship between lawyer and client shall be presumed to have been made in professional confidence unless knowingly made within the hearing of some person whose presence nullified the privilege.

17. Section 22 of P.L.1960, c.52 (C.2A:84A-22) is amended to read as follows:

C.2A:84A-22 Marital privilege – confidential communications.

22. Rule 28. Marital privilege--Confidential communications.

No person shall disclose any communication made in confidence between such person and his or her spouse unless both shall consent to the disclosure or unless the communication is relevant to an issue in an action between them or in a criminal action or proceeding in which either spouse consents to the disclosure, or in a criminal action or proceeding coming within section 17 of P.L.1960, c.52 (C.2A:84A-17). When a spouse is incapacitated or deceased, consent to the disclosure may be given for such spouse by the guardian, executor, or administrator. The requirement for consent shall not terminate with divorce or separation. A communication between spouses while living separate and apart under a divorce from bed and board shall not be a privileged communication.

18. Section 1 of P.L.1968, c.185 (C.2A:84A-22.1) is amended to read as follows:

C.2A:84A-22.1 Definitions.

1. As used in this act, (a) "patient" means a person who, for the sole purpose of securing preventive, palliative, or curative treatment, or a diagnosis preliminary to such treatment, of the patient's physical or mental condition, consults a physician, or submits to an examination by a physician; (b) "physician" means a person authorized or reasonably believed by the patient to be authorized, to practice medicine in the State or jurisdiction in which the consultation or examination takes place; (c) "holder of the privilege" means the patient while alive and not under the guardianship or the guardian of the person of a patient who is incapacitated, or the personal

representative of a deceased patient; (d) "confidential communication between physician and patient" means such information transmitted between physician and patient, including information obtained by an examination of the patient, as is transmitted in confidence and by a means which, so far as the patient is aware, discloses the information to no third persons other than those reasonably necessary for the transmission of the information or the accomplishment of the purpose for which it is transmitted.

19. Section 4 of P.L.1987, c.169 (C.2A:84A-22.15) is amended to read as follows:

C.2A:84A-22.15 Victim counselor confidentiality privilege.

4. Subject to Rule 37 of the Rules of Evidence, a victim counselor has a privilege not to be examined as a witness in any civil or criminal proceeding with regard to any confidential communication. The privilege shall be claimed by the counselor unless otherwise instructed by prior written consent of the victim. When a victim is incapacitated or deceased consent to disclosure may be given by the guardian, executor, or administrator except when the guardian, executor, or administrator is the defendant or has a relationship with the victim such that the guardian, executor, or administrator has an interest in the outcome of the proceeding. The privilege may be knowingly waived by a juvenile. In any instance where the juvenile is, in the opinion of the judge, incapable of knowing consent, the parent or guardian of the juvenile may waive the privilege on behalf of the juvenile, provided that the parent or guardian is not the defendant and does not have a relationship with the defendant such that he has an interest in the outcome of the proceeding. A victim counselor or a victim cannot be compelled to provide testimony in any civil or criminal proceeding that would identify the name, address, location, or telephone number of a domestic violence shelter or any other facility that provided temporary emergency shelter to the victim of the offense or transaction that is the subject of the proceeding unless the facility is a party to the proceeding.

20. Section 4 of P.L.1979, c.484 (C.3A:25-42) is amended to read as follows:

C.3A:25-42 Disclaimer on behalf of decedent, minor or incapacitated person by personal representative or guardian.

4. A disclaimer on behalf of a decedent, minor, or incapacitated person may be made by the personal representative of the decedent or the guardian of the estate of the minor or incapacitated person. Such dis-

claimant shall not be effective unless, prior thereto, the personal representative or guardian has been authorized to disclaim by the court having jurisdiction of the estate of the decedent, minor, or incapacitated person, after finding that it is advisable and will not materially prejudice the rights of creditors, devisees, heirs, or beneficiaries of the decedent, the minor, or incapacitated person or his creditors, as the case may be.

21. N.J.S.3B:1-2 is amended to read as follows:

Definitions I to Z.

3B:1-2. "Incapacitated individual" means an individual who is impaired by reason of mental illness or intellectual disability to the extent that the individual lacks sufficient capacity to govern himself and manage his affairs.

The term incapacitated individual is also used to designate an individual who is impaired by reason of physical illness or disability, chronic use of drugs, chronic alcoholism, or other cause (except minority) to the extent that the individual lacks sufficient capacity to govern himself and manage the individual's affairs.

The terms incapacity and incapacitated refer to the state or condition of an incapacitated individual as hereinbefore defined.

"Intellectual disability" means a significant subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior which are manifested during the development period.

"Issue" of an individual means a descendant as defined in N.J.S.3B:1-1.

"Joint tenants with the right of survivorship" means co-owners of property held under circumstances that entitle one or more to the whole of the property on the death of the other or others, but excludes forms of co-ownership in which the underlying ownership of each party is in proportion to that party's contribution.

"Local administration" means administration by a personal representative appointed in this State.

"Local fiduciary" means any fiduciary who has received letters in this State and excludes foreign fiduciaries who acquire the power of local fiduciary pursuant to this title.

"Minor" means an individual who is under 18 years of age.

"Nonresident decedent" means a decedent who was domiciled in another jurisdiction at the time of his death.

"Parent" means any person entitled to take or who would be entitled to take if the child, natural or adopted, died without a will, by intestate succes-

sion from the child whose relationship is in question and excludes any person who is a stepparent, resource family parent, or grandparent.

"Per capita." If a governing instrument requires property to be distributed "per capita," the property is divided to provide equal shares for each of the takers, without regard to their shares or the right of representation.

"Payor" means a trustee, insurer, business entity, employer, government, governmental agency or subdivision, or any other person authorized or obligated by law or a governing instrument to make payments.

"Person" means an individual or an organization.

"Per Stirpes." If a governing instrument requires property to be distributed "per stirpes," the property is divided into as many equal shares as there are: (1) surviving children of the designated ancestor; and (2) deceased children who left surviving descendants. Each surviving child is allocated one share. The share of each deceased child with surviving descendants is divided in the same manner, with subdivision repeating at each succeeding generation until the property is fully allocated among surviving descendants.

"Personal representative" includes executor, administrator, successor personal representative, special administrator, and persons who perform substantially the same function under the law governing their status. "General personal representative" excludes special administrator.

"Representation; Per Capita at Each Generation." If an applicable statute or a governing instrument requires property to be distributed "by representation" or "per capita at each generation," the property is divided into as many equal shares as there are: (1) surviving descendants in the generation nearest to the designated ancestor which contains one or more surviving descendants; and (2) deceased descendants in the same generation who left surviving descendants, if any. Each surviving descendant in the nearest generation is allocated one share. The remaining shares, if any, are combined and then divided in the same manner among the surviving descendants of the deceased descendants, as if the surviving descendants who were allocated a share and their surviving descendants had predeceased the designated ancestor.

"Resident creditor" means a person domiciled in, or doing business in this State, who is, or could be, a claimant against an estate.

"Security" includes any note, stock, treasury stock, bond, mortgage, financing statement, debenture, evidence of indebtedness, certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of production under the title or lease, collateral, trust certificate, transferable share, voting trust certificate or, in general, any interest or instrument commonly known as a security or as a security interest or any certifi-

cate of interest or participation, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing.

"Stepchild" means a child of the surviving, deceased, or former spouse who is not a child of the decedent.

"Successor personal representative" means a personal representative, other than a special administrator, who is appointed to succeed a previously appointed personal representative.

"Successors" means those persons, other than creditors, who are entitled to real and personal property of a decedent under a decedent's will or the laws governing intestate succession.

"Testamentary trustee" means a trustee designated by will or appointed to exercise a trust created by will.

"Testator" includes an individual and means male or female.

"Trust" includes any express trust, private or charitable, with additions thereto, wherever and however created. It also includes a trust created by judgment under which the trust is to be administered in the manner of an express trust. "Trust" excludes other constructive trusts, and it excludes resulting trusts, guardianships, personal representatives, trust accounts created under the "Multiple-party Deposit Account Act," P.L.1979, c.491 (C.17:16I-1 et seq.), gifts to minors under the "New Jersey Uniform Gifts to Minors Act," P.L.1963, c.177 (C.46:38-13 et seq.), or the "New Jersey Uniform Transfers to Minors Act," R.S.46:38A-1 et seq., business trusts providing for certificates to be issued to beneficiaries, common trusts, security arrangements, liquidation trusts, and trusts for the primary purpose of paying debts, dividends, interest, salaries, wages, profits, pensions or employee benefits of any kind, and any arrangement under which a person is nominee or escrowee for another.

"Trustee" includes an original, additional or successor trustee, whether or not appointed or confirmed by court.

"Ward" means an individual for whom a guardian is appointed or an individual under the protection of the court.

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

22. N.J.S.3B:11-5 is amended to read as follows:

Trustee's death or failure to act; appointment of new trustee by court; powers.

3B:11-5. When a trustee appointed by a will probated in the surrogate's court of any county or a trustee appointed under a trust inter vivos as to real or personal property situate in any county fails or refuses to act or dies before the execution or completion of the trust, or absconds or removes from this State, or is adjudicated an incapacitated individual or becomes in any manner legally incapable of executing the trust, the Superior Court may remove the trustee and appoint a suitable person or persons to execute the trust, and the trustee or trustees so appointed shall be entitled to the trust estate as fully and in the same manner as the original trustee was and shall have all the power and discretion of the original trustee.

23. Section 3 of P.L.1985, c.424 (C.3B:11-21) is amended to read as follows:

C.3B:11-21 Purposes, policies.

3. This act shall be liberally construed and applied to promote its underlying purposes and policies, which are among others to:

- a. encourage the orderly establishment of community trusts for the benefit of persons with severe chronic disabilities;
- b. ensure that community trusts are administered properly and that the managing boards of the trusts are free from conflicts of interest, except that an unpaid member of the managing board of a nonprofit corporation provider shall not be deemed to be in conflict as a member of the managing board of a trust;
- c. facilitate sound administration of trust funds for persons with severe chronic disabilities by allowing family members and others to pool resources in order to make professional management investment more efficient;
- d. provide parents of persons with severe chronic disabilities peace of mind in knowing that a means exists to ensure that the interests of their children who have severe chronic disabilities are properly looked after and managed after the parents die or become incapacitated;
- e. help make guardians available for persons with severe chronic disabilities who are incapacitated, when no other family member is available for this purpose;
- f. encourage the availability of private resources to purchase for persons with severe chronic disabilities goods and services that are not available through any governmental or charitable program and to conserve these resources by limiting purchases to those which are not available from other sources;

g. encourage the inclusion, as beneficiaries of community trusts, of persons who lack resources and whose families are indigent, in a way that does not diminish the resources available to other beneficiaries whose families have contributed to the trust; and

h. remove the disincentives which discourage parents and others from setting aside funds for the future protection of persons with severe chronic disabilities by ensuring that the interests of beneficiaries in community trusts are not considered assets or income which would disqualify them from any governmental or charitable entitlement program with an economic means test.

24. Section 4 of P.L.1985, c.424 (C.3B:11-22) is amended to read as follows:

C.3B:11-22 Definitions.

4. As used in P.L.1985, c.424 (C.3B:11-19 et seq.):

a. "Beneficiary" means any person with a severe chronic disability who has qualified as a member of the community trust program and who has the right to receive those services and benefits of the community trust program as provided in P.L.1985, c.424.

b. "Board" means the board of trustees or the group of persons vested with the management of the business and affairs of a corporation, formed for the purpose of managing a community trust, irrespective of the name by which the group is designated.

c. "Community trust" means a nonprofit organization which offers the following services:

(1) administration of special trust funds for persons with severe chronic disabilities;

(2) follow-along services;

(3) guardianship for persons with severe chronic disabilities who are incapacitated, when no other immediate family member or friend is available for this purpose; and

(4) advice and counsel to persons who have been appointed as individual guardians of the persons or estates of persons with severe chronic disabilities.

d. "Follow-along services" means those services offered by community trusts which are designed to insure that the needs of each beneficiary are being met for as long as may be required and may include periodic visits to the beneficiary and to the places where the beneficiary receives services, participation in the development of individualized plans being made

by service providers for the beneficiary, and other similar services consistent with the purposes of P.L.1985, c.424.

e. "Severe chronic disability" means a physical or mental impairment which is expected to give rise to a long-term need for specialized health, social, and other services, and which makes the person with that impairment dependent upon others for assistance to secure these services.

f. "Trustee" means any member of the board of a corporation, formed for the purpose of managing a community trust, whether that member is designated as a trustee, director, manager, governor, or by any other title.

g. "Surplus trust funds" means funds accumulated in the trust from contributions made on behalf of an individual beneficiary, which, after the death of the beneficiary, are determined by the board to be in excess of the actual cost of providing services during the beneficiary's lifetime, including the beneficiary's share of administrative costs, and of any amounts provided to a remainderman.

25. N.J.S.3B:13-2 is amended to read as follows:

Definitions.

3B:13-2. As used in this chapter:

a. "Federal agency" means any bureau, office, board, or officer of the United States by whatever name known, now or hereafter charged by Congress:

(1) With payment of pensions, bounties, and allowances to veterans of the military service of the United States, their widows, widowers, children, mothers, and fathers; or

(2) With the administration of the affairs of any of the aforesaid persons who may be minors or persons who are incapacitated or with the management of pensions, bounties, and allowances payable to them.

b. "Military" has reference to the army, navy, marine, air, and coast guard services.

c. "Estate" and "income" include only moneys received by the guardian from a Federal agency and earnings, interest, and profits derived therefrom.

d. "Benefits" means moneys payable by the United States to the aforesaid persons or their guardians through a Federal agency.

e. "Chief officer" means an officer of a Federal agency, charged by the laws of the United States with the particular duty in connection with which the term is used.

f. "Ward" means a beneficiary of a Federal agency.

g. "Guardian" means a person acting as fiduciary for a ward.

26. N.J.S.3B:13-6 is amended to read as follows:

Determination of incapacity by Superior Court.

3B:13-6. For the purpose of appointing a guardian pursuant to this chapter, the incapacity of a beneficiary of a Federal agency shall be determined by the Superior Court.

27. N.J.S.3B:13-7 is amended to read as follows:

Guardians; when and how appointed.

3B:13-7. When, pursuant to any law of the United States or regulation of a Federal agency, the chief officer of the agency requires, prior to payment of benefits, that a guardian be appointed for a ward, the appointment for a person who is incapacitated shall be made in the Superior Court, and the appointment for a minor shall be made in the Superior Court or in the surrogate's court.

28. N.J.S.3B:13-8 is amended to read as follows:

Guardian to have no more than five wards; exceptions.

3B:13-8. Except as provided in this section, no person shall accept appointment as guardian of a ward if acting as guardian for five wards.

In an action brought by an attorney of a Federal agency, establishing that a guardian is acting in a fiduciary capacity for more than five wards, the Superior Court shall require a final accounting forthwith from the guardian and shall discharge the guardian.

The limitation of this section shall not apply where the guardian is a bank or trust company or a public guardian of veterans who are incapacitated, and an individual may be guardian of more than five wards if they are all members of the same family.

29. N.J.S.3B:13-18 is amended to read as follows:

Authorization for guardian of incapacitated ward to receive additional personal property not exceeding \$10,000.

3B:13-18. When a ward for whom a guardian has been appointed is incapacitated and becomes entitled to personal property amounting to not more than \$10,000.00 from any source other than the United States Government, the court may authorize the guardian to receive the personal property for conservation and administrative care. On payment of any money or delivery of property to the guardian, a release executed by the guardian to the person or persons paying the money or delivering the property shall be valid and effective.

30. N.J.S.3B:13-21 is amended to read as follows:

"Public guardian of veterans who are incapacitated."

3B:13-21. There may be appointed in each county a person to be known as "public guardian of veterans who are incapacitated for the county of (naming county)", who shall be appointed by the Assignment Judge of the Superior Court in the county. The person appointed shall hold office for the term of five years from the date of appointment and until a successor is appointed and qualified.

31. N.J.S.3B:13-22 is amended to read as follows:

Guardian's bond.

3B:13-22. Before entering upon the duties of office, a public guardian of veterans who are incapacitated shall execute a bond to the Superior Court in an amount and with sureties as shall be approved by the Superior Court, conditioned for the faithful discharge of all duties imposed by law upon the person appointed public guardian.

The bond shall be renewed annually and shall, from time to time, be increased or reduced as the court may direct.

The expense of procuring the bond shall be paid by the county treasurer upon presentation of a proper voucher approved by the Assignment Judge of the Superior Court in the county.

32. N.J.S.3B:13-23 is amended to read as follows:

Salary of public guardian.

3B:13-23. A public guardian of veterans who are incapacitated shall receive an annual salary to be fixed by the Assignment Judge of the Superior Court of the county for which the guardian is appointed, with the approval of the board of freeholders or governing body of the county.

The salary shall be paid by the county treasurer in semimonthly payments and shall be in lieu of all other charges, compensation, and commissions. A guardian shall not accept any other money whatsoever by way of fee, compensation, gratuity, or present for any services provided by the guardian.

33. N.J.S.3B:13-24 is amended to read as follows:

Duties of public guardian as adviser of other guardians.

3B:13-24. The public guardian of veterans who are incapacitated shall, in each county, assist, supervise, advise, and otherwise aid the duly ap-

pointed guardians of these veterans and give help as may be necessary in preparing and drawing papers and documents, and also help them to work in conjunction with the United States Department of Veterans Affairs, so that their wards may be fully protected.

34. N.J.S.3B:13-25 is amended to read as follows:

Discharge and removal of public guardian.

3B:13-25. The public guardian of veterans who are incapacitated shall be subject to discharge or removal, by the court, on the grounds and in the manner in which other guardians of persons who are incapacitated are discharged or removed.

35. N.J.S.3B:13-26 is amended to read as follows:

Public guardian may be appointed general guardian for veteran.

3B:13-26. Where an action is brought in the Superior Court for the appointment of a guardian for a person who, while in the military, naval, marine, air, or coast guard service of the United States, or after discharge therefrom, is determined to be incapacitated, whether or not committed or confined to an institution for the care of persons who are incapacitated, and the heirs of the person are unwilling, unable, or unqualified for the appointment, or if the best interests of the person require it, the Superior Court may appoint the public guardian of the county in which the person resides as guardian of the person.

36. N.J.S.3B:13-27 is amended to read as follows:

Powers of public guardian as guardian of veterans' estates.

3B:13-27. The public guardian of veterans who are incapacitated shall have, in respect of any veteran and the estate of any veteran for whom the public guardian is appointed, the same power and authority as any other duly appointed guardian of a person who is incapacitated.

37. N.J.S.3B:13-28 is amended to read as follows:

Settlement of accounts.

3B:13-28. The public guardian shall settle accounts in each estate in which the guardian is appointed at the times and in the same manner as other guardians of persons who are incapacitated.

38. N.J.S.3B:13-29 is amended to read as follows:

Termination of guardianship; settlement of account.

3B:13-29. Upon the termination of a guardianship, by death of the ward or otherwise, the public guardian shall settle the account in the same manner as other guardians of persons who are incapacitated.

39. N.J.S.3B:13-31 is amended to read as follows:

Counsel to represent public guardian; compensation.

3B:13-31. The public guardian of veterans who are incapacitated may, when authorized by the Superior Court, employ counsel to represent the public guardian.

The compensation of counsel shall be fixed by the court and paid from moneys in the guardian's control belonging to the estate involved in litigation.

40. N.J.S.3B:13A-1 is amended to read as follows:

Definitions.

3B:13A-1. As used in this chapter:

a. "Conservatee" means a person who has not been adjudicated incapacitated but who by reason of advanced age, illness, or physical infirmity, is unable to care for or manage property or has become unable to provide self-support or support for others who depend upon that support.

b. "Conservator" means a person appointed by the court to manage the estate of a conservatee.

41. N.J.S.3B:13A-16 is amended to read as follows:

Limitations on appointment of conservator.

3B:13A-16. The appointment of a conservator shall not:

a. Be evidence of the capacity or incapacity of a conservatee; or
b. Transfer title of the conservatee's real and personal property to the conservator; or

c. Deprive or modify any civil right of the conservatee, including but not limited to civil service status and appointment or rights relating to the granting, forfeiture, or denial of a license, permit, privilege, or benefit pursuant to any law.

42. N.J.S.3B:13A-34 is amended to read as follows:

Termination of conservatorship.

3B:13A-34. A conservatorship shall terminate upon the death of the conservatee or upon adjudication of the conservatee to be incapacitated as

provided by law, but the termination shall not affect the conservator's liability for prior acts nor obligation to account funds and property of the conservatee.

43. N.J.S.3B:13A-36 is amended to read as follows:

Conservator's compensation.

3B:13A-36. A conservator shall be compensated for services in the same manner as a guardian for a minor or for a person who is incapacitated.

44. N.J.S.3B:14-21 is amended to read as follows:

Removal for cause.

3B:14-21. The court may remove a fiduciary from office when the fiduciary:

a. After due notice of an order or judgment of the court so directing, neglects or refuses, within the time fixed by the court, to file an inventory, render an account, or give security or additional security;

b. After due notice of any other order or judgment of the court made under its proper authority, neglects or refuses to perform or obey the order or judgment within the time fixed by the court;

c. Embezzles, wastes, or misapplies any part of the estate for which the fiduciary is responsible, or abuses the trust and confidence reposed in the fiduciary;

d. No longer resides nor has an office in the State and neglects or refuses to proceed with the administration of the estate and perform the duties required;

e. Is incapacitated for the transaction of business; or

f. Neglects or refuses, as one of two or more fiduciaries, to perform the required duties or to join with the other fiduciary or fiduciaries in the administration of the estate for which they are responsible whereby the proper administration and settlement of the estate is or may be hindered or prevented.

45. N.J.S.3B:14-23 is amended to read as follows:

Powers.

3B:14-23. Powers. In the absence of contrary or limiting provisions in the judgment or order appointing a fiduciary, in the will, deed, or other instrument or in a subsequent court judgment or order, every fiduciary shall, in the exercise of good faith and reasonable discretion, have the power:

a. To accept additions to any estate or trust from sources other than the estate of the decedent, the minor, the person who is incapacitated, or the settlor of a trust;

b. To acquire the remaining undivided interest in an estate or trust asset in which the fiduciary, in a fiduciary capacity, holds an undivided interest;

c. To invest and reinvest assets of the estate or trust under the provisions of the will, deed, or other instrument or as otherwise provided by law and to exchange assets for investments and other property upon terms as may seem advisable to the fiduciary;

d. To effect and keep in force fire, rent, title, liability, casualty, or other insurance to protect the property of the estate or trust and to protect the fiduciary;

e. With respect to any property or any interest therein owned by an estate or trust, including any real property belonging to the fiduciary's decedent at death, except where the property or any interest therein is specifically disposed of:

(1) To take possession of and manage the property and to collect the rents therefrom, and pay taxes, mortgage interest, and other charges against the property;

(2) To sell the property at public or private sale, and on terms as in the opinion of the fiduciary shall be most advantageous to those interested therein;

(3) With respect to fiduciaries other than a trustee, to lease the property for a term not exceeding three years, and in the case of a trustee to lease the property for a term not exceeding 10 years, even though the term extends beyond the duration of the trust, and in either case including the right to explore for and remove mineral or other natural resources, and in connection with mineral leases to enter into pooling and unitization agreements;

(4) To mortgage the property;

(5) To grant easements to adjoining owners and utilities;

(6) A fiduciary acting under a will may exercise any of the powers granted by this subsection e. notwithstanding the effects upon the will of the birth of a child after its execution;

f. To make repairs to the property of the estate or trust for the purpose of preserving the property or rendering it rentable or saleable;

g. To grant options for the sale of any property of the estate or trust for a period not exceeding six months;

h. With respect to any mortgage held by the estate or trust to continue it upon and after maturity, with or without renewal or extension, upon terms

as may seem advisable to the fiduciary and to foreclose, as an incident to collection of any bond or note, any mortgage and purchase the mortgaged property or acquire the property by deed from the mortgagor in lieu of foreclosure;

i. In the case of the survivor or survivors of two or more fiduciaries to administer the estate or trust without the appointment of a successor to the fiduciary or fiduciaries who have ceased to act and to exercise or perform all of the powers given unless contrary to the express provision of the will, deed, or other instrument;

j. As a new, alternate, successor, substitute, or additional fiduciary or fiduciaries, to have or succeed to all of the powers, duties, and discretion of the original fiduciary or fiduciaries, with respect to the estate or trust, as were given to the original fiduciary or fiduciaries named in or appointed by a will, deed, or other instrument, unless the exercise of the powers, duties, or discretion of the original fiduciary or fiduciaries is expressly prohibited by the will, deed, or other instrument to any successor or substitute fiduciary or fiduciaries;

k. Where there are three or more fiduciaries qualified to act, to take any action with respect to the estate or trust which a majority of the fiduciaries shall determine; a fiduciary who fails to act through absence or disability, or a dissenting fiduciary who joins in carrying out the decision of a majority of the fiduciaries if the dissent is expressed promptly in writing to the cofiduciaries, shall not be liable for the consequences of any majority decision, provided that liability for failure to join in administering the trust or to prevent a breach of trust may not thus be avoided;

l. To employ and compensate attorneys for services rendered to the estate or trust or to a fiduciary in the performance of the fiduciary's duties;

m. To compromise, contest, or otherwise settle any claim in favor of the estate, trust, or fiduciary or in favor of third persons and against the estate, trust, or fiduciary, including transfer inheritance, estate, income, and other taxes;

n. To vote in person or by proxy, discretionary or otherwise, shares of stock or other securities held by the estate or trust;

o. To pay calls, assessments, and any other sums chargeable or accruing against or on account of shares of stock, bonds, debentures, or other corporate securities in the control of a fiduciary, whenever the payments may be legally enforceable against the fiduciary or any property of the estate or trust or the fiduciary deems payment expedient and for the best interests of the estate or trust;

p. To sell or exercise stock subscription or conversion rights, participate in foreclosures, reorganizations, consolidations, mergers, or liquidations, and to consent to corporate sales or leases and encumbrances, and, in the exercise of those powers, the fiduciary is authorized to deposit stocks, bonds, or other securities with any custodian, agent, protective or other similar committee, or trustee under a voting trust agreement, under terms and conditions respecting the deposit thereof as the fiduciary may approve;

q. To execute and deliver agreements, assignments, bills of sale, contracts, deeds, notes, receipts, and any other instrument necessary or appropriate for the administration of the estate or trust;

r. In the case of a trustee:

(1) To hold two or more trusts or parts of trusts created by the same instrument, as an undivided whole, without separation as between the trusts or parts of the trusts, provided that separate trusts or parts of trusts shall have undivided interests and provided further that no holding shall defer the vesting of any estate in possession or otherwise;

(2) To divide a trust, before or after its initial funding, into two or more separate trusts, provided that such division will not materially impair the accomplishment of the trust purposes or the interests of any beneficiary. Distributions provided for by the governing instrument may be made from one or more of the separate trusts;

s. To distribute in kind any property of the estate or trust as provided in article 1 of chapter 23 of this Title;

t. To join with the surviving spouse, partner in a civil union, or domestic partner, the executor of the decedent's will, or the administrator of the decedent's estate in the execution and filing of a joint income tax return for any period prior to the death of a decedent for which no return or gift tax return on gifts made by the decedent's surviving spouse, partner in a civil union, or domestic partner was filed, and to consent to treat the gifts as being made one-half by the decedent, for any period prior to a decedent's death, and to pay taxes thereon as are chargeable to the decedent;

u. To acquire or dispose of an asset, including real or personal property in this State or another state, for cash or on credit, at public or private sale, and to manage, develop, improve, exchange, partition, change the character of, or abandon an estate asset;

v. To continue any business constituting the whole or any part of the estate for so long a period of time as the fiduciary may deem advisable and advantageous for the estate and persons interested therein;

w. In the case of a qualified bank as defined in section 1 of P.L.1948, c.67 (C.17:9A-1), and an out-of-State bank as defined in section 1 of

P.L.1948, c.67 (C.17:9A-1), which has established a trust office in this State to purchase, sell, and maintain for any fiduciary account, securities issued by an investment company which is operated and maintained in accordance with the "Investment Company Act of 1940," 15 U.S.C.s.80a-1 et seq., and for which the qualified bank or out-of-State bank is providing services as an investment advisor, investment manager, custodian, or otherwise, including those for which it receives compensation, if:

(1) The investment is otherwise in accordance with applicable fiduciary standards; and

(2) The investment is authorized by the agreement or instrument creating the fiduciary account that gives the qualified bank or out-of-State bank investment authority, or by court order; or

(3) The qualified bank or out-of-State bank provides written notice not less than annually by prospectus, account statement, or otherwise, disclosing to any current income beneficiaries of the trust the services provided by the qualified bank or its affiliate or out-of-State bank to the investment company, and the rate, formula, or other method by which compensation paid to the qualified bank or its affiliate or out-of-State bank is determined and the qualified bank or out-of-State bank does not receive a written objection from any current income beneficiary within 30 days after receipt of this notice. If a written objection is received from any current income beneficiary pursuant to this paragraph (3), no such investment of the trust assets of that fiduciary account shall be made or maintained.

Such investment shall not be deemed self-dealing or a fiduciary conflict; nor shall the fact that other beneficiaries of fiduciary accounts of the qualified bank or out-of-State bank have similar investments be deemed to be an improper commingling of assets by the qualified bank or out-of-State bank.

For purposes of this subsection, "fiduciary account" shall include a trust, estate, agency, or other account in which funds, property, or both, are held by a qualified bank pursuant to section 28 of P.L.1948, c.67 (C.17:9A-28), or an account for which a qualified bank or out-of-State bank acts as investment advisor or manager or an account held by an out-of-State bank as defined in section 1 of P.L.1948, c. 67 (C.17:9A-1);

x. To employ and compensate accountants from the fiduciary fund for services rendered to the estate or trust or to a fiduciary in the performance of the fiduciary's duties, including the duty of a corporate or other fiduciary with respect to the preparation of accountings, without reduction in commissions due to the fiduciary, so long as such accountings are not the usual, customary, or routine services provided by the fiduciary in light of the nature and skill of the fiduciary. In evaluating the actions of the fiduciary un-

der this subsection, the court shall consider the size and complexity of the fiduciary fund, the length of time for which the accounting is rendered, and the increased risk and responsibilities imposed on fiduciaries as a result of revisions to laws affecting fiduciaries including, but not limited to, the "Uniform Principal and Income Act of 2001," P.L.2001, c.212 (C.3B:19B-1 et seq.) and the "Prudent Investor Act," P.L.1997, c.26 (C.3B:20-11.1 et seq.) provided that such revisions of the laws affecting fiduciaries were enacted after the fiduciary responsibilities under the corresponding will, deed, or other instrument, or court judgment or order, were imposed on, and assumed by, the fiduciary. For purposes of this subsection, "Accountant" means a person who is registered as a certified public accountant pursuant to the provisions of the "Accountancy Act of 1997," P.L.1997, c.259 (C.45:2B-42 et seq.), or an accounting firm which is organized for the practice of public accounting pursuant to the provisions of the "Accountancy Act of 1997," P.L.1997, c.259 (C.45:2B-42 et seq.) and "The Professional Service Corporation Act," P.L.1969, c.232 (C.14A:17-1 et seq.); and

y. The powers set forth in this section are in addition to any other powers granted by law, and by a will, deed, or other instrument.

46. N.J.S.3B:15-1 is amended to read as follows:

Bonds of fiduciaries; exceptions.

3B:15-1. The court or surrogate appointing a fiduciary in any of the instances enumerated below shall secure faithful performance of the duties of the office by requiring the fiduciary thereby authorized to act to furnish bond to the Superior Court in a sum and with proper conditions and sureties, having due regard to the value of the estate and the extent of the fiduciary's authority, as the court shall approve:

- a. When an appointment is made upon failure of the will, or other instrument creating or continuing a fiduciary relationship, to name a fiduciary;
- b. When a person is appointed in the place of the person named as fiduciary in the will, or other instrument creating or continuing the fiduciary relationship;
- c. When the office to which the person is appointed is any form of administration, except: (1) administration ad litem which may be granted with or without bond; or (2) administration granted to a surviving spouse where the decedent's entire estate is payable to the surviving spouse;
- d. When the office to which the person is appointed is any form of guardianship of a minor or a person who is incapacitated, except as other-

wise provided in N.J.S.3B:12-16 or N.J.S.3B:12-33 with respect to a guardian appointed by will;

e. When letters are granted to a nonresident executor, except in cases where the will provides that no security shall be required of the person named as executor therein;

f. When an additional or substituted fiduciary is appointed;

g. When an appointment is made under chapter 26 of this title, of a fiduciary for the estate or property, or any part thereof, of an absentee;

h. When a fiduciary moves from the State, in which case the court may require the fiduciary to give such security as the court determines; or

i. (1) When an appointment is made, regardless of any direction in a last will and testament relieving a personal representative, testamentary guardian, or testamentary trustee or their successors from giving bond, that person shall, before receiving letters or exercising any authority or control over the property, provide bond to secure performance of the person's duties with respect to property to which a person with a developmental disability as defined in section 3 of P.L.1985, c.145 (C.30:6D-25) is, or shall be entitled, if:

(a) the testator has identified that a devisee or beneficiary of property of the decedent's estate is a person with a developmental disability; or

(b) the person seeking appointment has actual knowledge that a devisee or beneficiary of property of the decedent's estate is a person with a developmental disability.

(2) No bond shall be required pursuant to paragraph (1) of this subsection if:

(a) the court has appointed another person as guardian of the person or guardian of the estate for the person with a developmental disability;

(b) the person seeking the appointment is a family member within the third degree of consanguinity of the person with a developmental disability; or

(c) the total value of the real and personal assets of the estate or trust does not exceed \$25,000.

(3) A personal representative, testamentary guardian, or testamentary trustee who is required to provide bond pursuant to paragraph (1) of this subsection shall file with the Superior Court an initial inventory and a final accounting of the estate in that person's charge containing a true account of all assets of the estate. That person shall file an interim accounting every five years, or a lesser period of time if so ordered by the Superior Court, in the case of an extended estate or trust administration.

(4) A personal representative, testamentary guardian, or testamentary trustee who is required to provide bond pursuant to paragraph (1) of this

subsection may make application to the court to waive the bond or reduce the amount of bond for good cause shown, including the need to preserve assets of the estate.

This subsection shall not apply to qualified financial institutions pursuant to section 30 of P.L.1948, c.67 (C.17:9A-30) or to non-profit community trusts organized pursuant to P.L.1985, c.424 (C.3B:11-19 et seq.).

Nothing contained in this section shall be construed to require a bond in any case where it is specifically provided by law that a bond need not be required.

47. N.J.S.3B:15-7 is amended to read as follows:

Bond required of guardian of minor or person who is incapacitated.

3B:15-7. The bond required of a guardian of a minor or a person who is incapacitated shall be conditioned substantially as follows:

- a. To administer the ward's estate to the best of the guardian's ability, and to take proper care of the ward if the guardian is the guardian of the ward's person;
- b. To make a just and true account of the administration of the guardianship, and, if required by the court, to settle the accounts therein within the time so required.

48. Section 1 of P.L.1987, c.28 (C.3B:15-17.1) is amended to read as follows:

C.3B:15-17.1 Payment at age 18.

1. Where the estate of a minor consists of the proceeds of a judgment recovered in favor of the minor in any court of this State and the funds recovered are placed under the control of the county surrogate, the funds shall be paid over to the person when the person reaches the age of 18 years, unless the court finds the person to be incapacitated.

49. N.J.S.3B:16-8 is amended to read as follows:

Guardian to file inventory of estate of minor or person who is incapacitated.

3B:16-8. Every guardian of the estate of a minor or a person who is incapacitated may, and if required by the court shall, file with the surrogate of the proper county or the clerk of the Superior Court an inventory, under oath, of all the real and personal property which is in the control, possession, or knowledge of the guardian or any other person on the guardian's

behalf. The court shall not require an inventory and appraisal to be filed until three months have elapsed after the grant of letters.

50. N.J.S.3B:17-1 is amended to read as follows:

Filing of release or discharge.

3B:17-1. A fiduciary need not render or settle an account if the fiduciary files with the court a release or discharge from the beneficiary, ward, or cestui que trust who has reached majority and is not incapacitated.

The release or discharge shall be executed and acknowledged as provided for deeds of real estate to be recorded.

51. N.J.S.3B:23-21 is amended to read as follows:

Unclaimed estate assets.

3B:23-21. Unclaimed estate assets. When a fiduciary states a final account and there remains in the fiduciary's control a balance, devise, distributive share, dividend, or sum of money to be paid to a person and the person, or that person's guardian, if a minor or a person who is incapacitated, fails to claim the balance, devise, distributive share, dividend, or sum of money within the period of time set forth in R.S.46:30B-37.1, then the property shall be disposed of as provided in N.J.S.3B:23-19 if it is part of an intestate estate or otherwise presumed abandoned and handled in accordance with the "Uniform Unclaimed Property Act (1981)," R.S.46:30B-1 et seq.

52. N.J.S.3B:23-34 is amended to read as follows:

Conditions precedent to suit for devise.

3B:23-34. An action to recover a devise may not be maintained until:

- a. The devise becomes due and payable;
- b. Reasonable demand for payment is made upon the personal representative; and
- c. A refunding bond in substantially the form prescribed in N.J.S.3B:23-26 is tendered to the personal representative by the devisee, or, if the devisee is a minor or a person who is incapacitated, by the guardian of the devisee's estate, and, if not accepted by the personal representative, the refunding bond is filed with the clerk of the court, prior to the commencement of the action.

53. N.J.S.3B:23-39 is amended to read as follows:

Deposit with court; effect.

3B:23-39. When a devise charged by will upon real estate is wholly or in part limited over:

- a. To minors, persons who are incapacitated, or persons not in esse; or
- b. To persons who cannot be ascertained until the happening of an event named in the will; or
- c. In a manner that the vesting of the devise may be contingent--

The Superior Court may, in a summary or other action by the executor, or a person interested in the real estate, direct the devise paid into court together with any additional sums as the court may deem reasonable to cover the expense of investing and taking charge of the devise. Upon payment into court, the real estate shall be wholly clear and discharged from the lien created by the will.

54. Section 1 of P.L.1955, c.232 (C.9:2-13) is amended to read as follows:

C.9:2-13 Definitions.

1. For the purposes of P.L.1955, c.232 (C.9:2-13 et seq.), the following words and phrases, unless otherwise indicated, shall be deemed to have the following meanings:

(a) The phrase "approved agency" means a legally constituted agency having its principal office within or without this State, which has been approved, pursuant to law, to place children in New Jersey for purposes of adoption.

(b) The word "child" means any person under 18 years of age.

(c) The word "custody" means continuing control and authority over the person of a child, established by natural parenthood, by order or judgment of a court of competent jurisdiction, or by written surrender to and approved agency pursuant to law.

(d) The phrase "forsaken parental obligations" means willful and continuous neglect or failure to perform the natural and regular obligations of care and support of a child.

(e) The phrase "mentally incapacitated" means inability to understand and discharge the natural and regular obligations of care and support of a child by reason of mental disease, intellectual disability, or the effects of drug, alcohol, or substance abuse.

(f) The word "parent," when not otherwise described by the context, means a natural parent or parent by previous adoption.

(g) The word "may" shall be construed to be permissive and the word "shall" shall be construed to be mandatory.

55. Section 7 of P.L.1955, c.232 (C.9:2-19) is amended to read as follows:

C.9:2-19 Grounds for terminating custody.

7. If the court shall determine that custody of the child has been surrendered as provided in Article II of P.L.1955, c.232 (C.9:2-13 et seq.), the court may declare that the person making such surrender shall have no further right to custody of the child. If the court shall determine that a parent of the child is dead, or mentally incapacitated as defined in section 1 of P.L.1955, c.232 C.9:2-13), or has forsaken parental obligation, the court may declare that such parent shall have no further right to custody of the child. If the court shall determine that a custodian or guardian has been appointed for the child, but that such custodian or guardian has willfully and continuously neglected or failed to discharge the responsibilities of such appointment, the court may declare that such custodian or guardian shall have no further control and authority over the person of the child.

56. Section 3 of P.L.1972, c.81 (C.9:17B-3) is amended to read as follows:

C.9:17B-3 Majority at 18.

3. Except with respect to the provision of services pursuant to the laws relating to dependent and neglected children, allocated to chapter 4C of Title 30 of the Revised Statutes (C.30:4C-1 to 30:4C-44), to persons between 18 and 21 years of age who seek to avail themselves of such services and who are enrolled in a school or training program below college level or who require a course of treatment for emotionally, cognitively, or physically disabled persons, with respect to the right of a court to take any action it deems appropriate and in the interest of a person under 21 years of age, or to require a change in action heretofore taken by a court with respect to a person under 21 years of age, or with respect to the provisions of the "New Jersey Uniform Gifts to Minors Act" (P.L.1963, c.177, C.46:38-13 et seq.), or the "New Jersey Uniform Transfers to Minors Act," R.S. 46:38A-1 et seq., every person 18 or more years of age shall in all other matters and for all other purposes be deemed to be an adult and, notwithstanding any other provision of law to the contrary, shall have the same legal capacity to act and the same powers and obligations as a person 21 or more years of age. Except as herein otherwise provided, every act or action of any such person shall be as valid, binding,

and enforceable by or against such person as if, at the time such act or action was performed or undertaken, such person was 21 or more years of age and no act or action by any such person performed or undertaken on or after the effective date of this act shall be subject to disaffirmance because of minority.

57. 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 any:

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

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

(3) 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 institution operated by a public body pertaining to any specific individual admitted to or served by an 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 an incapacitated individual, the individual's guardian) shall request in writing that the material be disclosed publicly;

(4) collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, includ-

ing the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body;

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

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

(7) 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, or 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) 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 the matter or matters be discussed at a public meeting; or

(9) 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.

58. N.J.S.12A:3-308 is amended to read as follows:

Proof of signatures and status as holder in due course.

12A:3-308. a. In an action with respect to an instrument, the authenticity of, and authority to make, each signature on the instrument is admitted unless specifically denied in the pleadings. If the validity of a signature is denied in the pleadings, the burden of establishing validity is on the person claiming validity, but the signature is presumed to be authentic and authorized unless the action is to enforce the liability of the purported signer and the signer is deceased or incapacitated at the time of trial of the issue of validity of the signature. If an action to enforce the instrument is brought against a person as the undisclosed principal of a person who signed the instrument as a party to the instrument, the plaintiff has the burden of estab-

lishing that the defendant is liable on the instrument as a represented person under subsection a. of N.J.S.12A:3-402.

b. If the validity of signatures is admitted or proved and there is compliance with subsection a. of this section, a plaintiff producing the instrument is entitled to payment if the plaintiff proves entitlement to enforce the instrument under N.J.S.12A:3-301, unless the defendant proves a defense or claim in recoupment. If a defense or claim in recoupment is proved, the right to payment of the plaintiff is subject to the defense or claim, except to the extent the plaintiff proves that the plaintiff has rights of a holder in due course which are not subject to the defense or claim.

59. Section 16 of P.L.1966, c.291 (C.13:1C-16) is amended to read as follows:

C.13:1C-16 Grounds for refusal of application, issuance or revocation of certificate.

16. The board may refuse the application of any applicant for an examination or, after due notice and public hearing, refuse to issue a certificate, or revoke any certificate issued by it, if the applicant for, or holder of, such a certificate:

(a) has been convicted of an offense involving moral turpitude, is a drug addict or alcoholic, or is incapacitated; or

(b) advocates the overthrow of the Government of the United States by force and violence or other unlawful means; or

(c) has made any willful statement or impersonated any other person or permitted or aided any other person to impersonate the applicant or certificate holder in connection with any application or examination for certification and registration; or

(d) has been found to be inefficient in performing the duties of any position held by the person, on the basis of the holding of which experience qualifications are offered on that person's behalf.

60. Section 1 of P.L.1942, c.230 (C.17:4-9.1) is amended to read as follows:

C.17:4-9.1 "Successor company" includes "successor bank, savings bank"; "predecessor company" includes "liquidating company" or "predecessor savings bank."

1. For purposes of this section, the term "successor company" includes "successor bank" or "successor savings bank"; and the term "predecessor company" includes "liquidating company" or "predecessor savings bank."

A successor company formed under R.S.17:4-9, repealed and replaced by section 16 of P.L.1948, c.67 (C.17:9A-16), and qualified to act as a fiduciary as provided for by R.S.17:4-41, repealed and replaced by section 30 of P.L.1948, c.67 (C.17:9A-30), in order to facilitate the orderly liquidation of the predecessor company, the successor company shall be permitted to be substituted as fiduciary in those matters in which the predecessor company has qualified.

If in the sound judgment of the predecessor company and the successor company such a substitution of fiduciary is deemed in the best interests of the trust or relation and in aid of the liquidation, the predecessor company may file its account to date with the court having jurisdiction, and upon approval thereof and discharge from the trust or relation the successor company shall succeed to the rights, relations, and trusts and associated duties, and shall execute and perform the trust or relation as if the successor company had originally assumed the trust or relation; provided, however, that the successor company shall not assume the liabilities incurred by the predecessor company incident to its administration of the trust or relation.

Subject to this section, the successor company shall succeed to the rights and duties of the predecessor company and to all fiduciary capacities in respect to any estate or trust or other matter being administered under the laws of New Jersey, or as transfer agent or registrar of stocks and bonds.

Subject to this section, all fiduciary rights, privileges, and duties shall remain unimpaired and shall continue in the successor company from the date of discharge by the court of the predecessor company from the trust or relation, regardless of: (i) the date the relationship was established; (ii) the trust agreement was created; or (iii) the trustor, the decedent, the person who is mentally incapacitated, or the minor died, without the need for the successor company to seek appointment in the person's estates; provided that where the instrument under which the predecessor company qualified to act did not require the furnishing of a bond, no bond shall be required.

61. Section 18 of P.L.1969, c.242 (C.18A:66-184) is amended to read as follows:

C.18A:66-184 Disability benefits; payment; total disability; exceptions.

18. The disability benefits provided under a group policy or policies for all eligible participants in the alternate benefit programs shall provide a monthly income if the participant becomes totally disabled from occupational or nonoccupational causes for a period of at least six consecutive months following the effective date of the coverage. The monthly disabil-

ity benefit may be paid by the insurance company so long as the participant remains disabled up to the participant's 70th birthday, provided the disability commenced prior to the participant's 60th birthday. The benefit will terminate when the participant is no longer considered totally disabled or begins to receive retirement benefits.

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

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

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

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

No person shall be covered by the disability benefit provision of the group policy or policies except upon the completion of one year of full-time

continuous employment in a position eligible for participation in the alternate benefit program.

62. N.J.S.22A:2-10 is amended to read as follows:

Chancery division of superior court; costs awarded.

22A:2-10. Chancery Division of Superior Court; costs awarded.

Upon the completion and determination of the following actions and proceedings in the Chancery Division of the Superior Court, the costs awarded to a party therein for the drawing of papers, including orders, writs and judgments, shall be as stated below:

Plaintiff's costs, foreclosure	\$ 50.00
Plaintiff's costs, partition	70.00
Plaintiff's and receiver's costs, receivership	125.00
Plaintiff's costs, receivership	62.50
Receiver's costs, receivership	62.50
Plaintiff's costs, divorce, dissolution of civil union, nullity, custody	30.00
Plaintiff's costs, causes of action for other relief	65.00
Plaintiff's costs, incapacity action	47.50
Plaintiff's costs, sale of lands of minor or incapacitated individual	50.00
Plaintiff's costs, release of dower or curtesy	50.00
Plaintiff's costs, mortgage lands of a minor or incapacitated individual	50.00
Plaintiff's costs, interpleader	35.00
Plaintiff's costs, appointment of tax receiver	27.50
Plaintiff's costs, actions for payment of money into court; to hold real estate; to limit creditors	22.50
Plaintiff's costs, action for appointment of trustee or substituted trustee	33.50
Costs on contempt proceedings	25.00
Costs on application to fix dower or curtesy	22.50
Costs on application to pay moneys out of court	23.50
Costs on application for instructions, or to approve account	30.00
Costs on application for writ of execution	10.00
Costs on application for relief from final judgment or, in a matrimonial cause from judgment nisi or order	20.00

Costs on application for writ of possession	30.00
Costs on application for alimony pendente lite, attorney fee, suit money	20.00
Defendant's costs where final judgment is taken by defendant	30.00
Defendant's costs where final judgment is not taken by defendant	20.00
Costs upon any other litigated or special motion, subsidiary or interlocutory, not heretofore provided for	50.00

63. Section 2 of P.L.1991, c.201 (C.26:2H-54) is amended to read as follows:

C.26:2H-54 Findings, declarations.

2. The Legislature finds and declares that:

a. Adults have the fundamental right, in collaboration with their health care providers, to control decisions about their own health care unless they lack the mental capacity to do so. This State recognizes, in its law and public policy, the personal right of the individual patient to make voluntary, informed choices to accept, to reject, or to choose among alternative courses of medical and surgical treatment.

b. Modern advances in science and medicine have made possible the prolongation of the lives of many seriously ill individuals, without always offering realistic prospects for improvement or cure. For some individuals, the possibility of extended life is experienced as meaningful and of benefit. For others, artificial prolongation of life may seem to provide nothing medically necessary or beneficial, serving only to extend suffering and prolong the dying process. This State recognizes the inherent dignity and value of human life and within this context recognizes the fundamental right of individuals to make health care decisions to have life-prolonging medical or surgical means or procedures provided, withheld, or withdrawn.

c. In order that the right to control decisions about one's own health care should not be lost in the event a patient loses decision making capacity and is no longer able to participate actively in making such health care decisions, this State recognizes the right of adults, who have the mental capacity, to plan ahead for health care decisions through the execution of advance directives, such as living wills and durable powers of attorney, and to have the wishes expressed therein respected, subject to certain limitations.

d. The right of individuals to forego life-sustaining measures is not absolute and is subject to certain interests of society. The most significant of these societal interests is the preservation of life, understood to embrace both an interest in preserving the life of the particular patient and a related but distinct interest in preserving the sanctity of all human life as an enduring social value. A second, closely related societal interest is the protection of individuals from direct and purposeful self-destruction, motivated by a specific intent to die. A third interest is the protection of innocent third parties who may be harmed by the patient's decision to forego therapy; this interest may be asserted to prevent the emotional and financial abandonment of the patient's minor children or to protect the paramount concerns of public health or safety. A fourth interest encompasses safeguarding the ethical integrity of the health care professions, individual professionals, and health care institutions, and maintaining public confidence and trust in the integrity and caring role of health care professionals and institutions. Finally, society has an interest in ensuring the soundness of health care decision making, including both protecting vulnerable patients from potential abuse or neglect and facilitating the exercise of informed and voluntary patient choice.

e. In accordance with these State interests, this State expressly rejects on both legal and moral grounds the practice of active euthanasia. No individual shall have the right to, nor shall any physician or other health care professional be authorized to engage in, the practice of active euthanasia.

f. In order to assure respect for patients' previously expressed wishes when the capacity to participate actively in decision making has been lost or impaired; to facilitate and encourage a sound decision making process in which patients, health care representatives, families, physicians, and other health care professionals are active participants; to properly consider patients' interests both in self-determination and in well-being; and to provide necessary and appropriate safeguards concerning the termination of life-sustaining treatment for patients who lack mental capacity as the law and public policy of this State, the Legislature hereby enacts the New Jersey Advance Directives for Health Care Act.

64. Section 3 of P.L.1991, c.201 (C.26:2H-55) is amended to read as follows:

C.26:2H-55 Definitions.

3. As used in P.L.1991, c.201 (C.26:2H-53 et seq.):

"Adult" means an individual who has reached majority pursuant to section 3 of P.L.1972, c.81 (C.9:17B-3).

"Advance directive for health care" or "advance directive" means a writing executed in accordance with the requirements of P.L.1991, c.201. An "advance directive" may include a proxy directive or an instruction directive, or both.

"Attending physician" means the physician selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.

"Decision making capacity" means a patient's ability to understand and appreciate the nature and consequences of health care decisions, including the benefits and risks of each, and alternatives to any proposed health care, and to reach an informed decision. A patient's decision making capacity is evaluated relative to the demands of a particular health care decision.

"Declarant" means an adult who has the mental capacity to execute an advance directive and does so.

"Do not resuscitate order" means a physician's written order not to attempt cardiopulmonary resuscitation in the event the patient suffers a cardiac or respiratory arrest.

"Emergency care" means immediate treatment provided in response to a sudden, acute, and unanticipated medical crisis in order to avoid injury, impairment, or death.

"Health care decision" means a decision to accept or to refuse any treatment, service, or procedure used to diagnose, treat, or care for a patient's physical or mental condition, including life-sustaining treatment. "Health care decision" also means a decision to accept or to refuse the services of a particular physician, nurse, other health care professional or health care institution, including a decision to accept or to refuse a transfer of care.

"Health care institution" means all institutions, facilities, and agencies licensed, certified, or otherwise authorized by State law to administer health care in the ordinary course of business, including hospitals, nursing homes, residential health care facilities, home health care agencies, hospice programs operating in this State, mental health institutions, facilities or agencies, or institutions, facilities, and agencies for the developmentally disabled. The term "health care institution" shall not be construed to include "health care professionals" as defined in P.L.1991, c.201.

"Health care professional" means an individual licensed by this State to administer health care in the ordinary course of business or practice of a profession.

"Health care representative" means the individual designated by a declarant pursuant to the proxy directive part of an advance directive for the purpose of making health care decisions on the declarant's behalf, and includes an individual designated as an alternate health care representative

who is acting as the declarant's health care representative in accordance with the terms and order of priority stated in an advance directive.

"Instruction directive" means a writing which provides instructions and direction regarding the declarant's wishes for health care in the event that the declarant subsequently lacks decision making capacity.

"Life-sustaining treatment" means the use of any medical device or procedure, artificially provided fluids and nutrition, drugs, surgery, or therapy that uses mechanical or other artificial means to sustain, restore, or supplant a vital bodily function, and thereby increase the expected life span of a patient.

"Other health care professionals" means health care professionals other than physicians and nurses.

"Patient" means an individual who is under the care of a physician, nurse, or other health care professional.

"Permanently unconscious" means a medical condition that has been diagnosed in accordance with currently accepted medical standards and with reasonable medical certainty as total and irreversible loss of consciousness and capacity for interaction with the environment. The term "permanently unconscious" includes without limitation a persistent vegetative state or irreversible coma.

"Physician" means an individual licensed to practice medicine and surgery in this State.

"Proxy directive" means a writing which designates a health care representative in the event the declarant subsequently lacks decision making capacity.

"State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

"Terminal condition" means the terminal stage of an irreversibly fatal illness, disease, or condition. A determination of a specific life expectancy is not required as a precondition for a diagnosis of a "terminal condition," but a prognosis of a life expectancy of six months or less, with or without the provision of life-sustaining treatment, based upon reasonable medical certainty, shall be deemed to constitute a terminal condition.

65. Section 5 of P.L.1991, c.201 (C.26:2H-57) is amended to read as follows:

C.26:2H-57 Proxy, instruction directive; reaffirmed, modified, revoked.

5. a. A declarant may reaffirm or modify either a proxy directive, or an instruction directive, or both. The reaffirmation or modification shall be

made in accordance with the requirements for execution of an advance directive pursuant to section 4 of P.L.1991, c.201 (C.26:2H-56).

b. A declarant may revoke an advance directive, including a proxy directive, or an instruction directive, or both, by the following means:

(1) Notification, orally or in writing, to the health care representative, physician, nurse, or other health care professional, or other reliable witness, or by any other act evidencing an intent to revoke the document; or

(2) Execution of a subsequent proxy directive or instruction directive, or both, in accordance with section 4 of P.L.1991, c.201 (C.26:2H-56).

c. Designation of the declarant's spouse as health care representative shall be revoked upon divorce or legal separation, and designation of the declarant's domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3) as health care representative shall be revoked upon termination of the declarant's domestic partnership or designation of the declarant's partner in a civil union as defined in section 2 of P.L.2006, c.103 (C.37:1-29) shall be revoked upon termination of the declarant's civil union, unless otherwise specified in the advance directive.

d. A patient who lacks mental capacity may suspend an advance directive, including a proxy directive, an instruction directive, or both, by any of the means stated in paragraph (1) of subsection b. of this section. A patient who lacks mental capacity and has suspended an advance directive may reinstate that advance directive by oral or written notification to the health care representative, physician, nurse, or other health care professional of an intent to reinstate the advance directive.

e. Reaffirmation, modification, revocation, or suspension of an advance directive is effective upon communication to any person capable of transmitting the information including the health care representative, the attending physician, nurse, or other health care professional responsible for the patient's care.

66. Section 6 of P.L.1991, c.201 (C.26:2H-58) is amended to read as follows:

C.26:2H-58 Designation of health care representative; limitations.

6. a. A declarant may execute a proxy directive, pursuant to the requirements of section 4 of P.L.1991, c.201 (C.26:2H-56), designating an adult with mental capacity to act as the declarant's health care representative.

(1) An adult who has mental capacity, including, but not limited to, a declarant's spouse, partner in a civil union as defined in section 2 of P.L.2006, c.103 (C.37:1-29), domestic partner as defined in section 3 of

P.L.2003, c.246 (C.26:8A-3), adult child, parent, or other family member, friend, religious or spiritual advisor, or other person of the declarant's choosing, may be designated as a health care representative.

(2) An operator, administrator, or employee of a health care institution in which the declarant is a patient or resident shall not serve as the declarant's health care representative unless the operator, administrator, or employee is related to the declarant by blood, marriage, domestic partnership, civil union, or adoption.

This restriction does not apply to a physician, if the physician does not serve as the patient's attending physician and the patient's health care representative at the same time.

(3) A declarant may designate one or more alternate health care representatives, listed in order of priority. In the event the primary designee is unavailable, unable, or unwilling to serve as health care representative, or is disqualified from such service pursuant to this section or any other law, the next designated alternate shall serve as health care representative. In the event the primary designee subsequently becomes available and able to serve as health care representative, the primary designee may, insofar as then practicable, serve as health care representative.

(4) A declarant may direct the health care representative to consult with specified individuals, including alternate designees, family members, and friends, in the course of the decision making process.

(5) A declarant shall state the limitations, if any, to be placed upon the authority of the health care representative including the limitations, if any, which may be applicable if the declarant is pregnant.

b. A declarant may execute an instruction directive, pursuant to the requirements of section 4 of P.L.1991, c.201 (C.26:2H-56), stating the declarant's general treatment philosophy and objectives; or the declarant's specific wishes regarding the provision, withholding, or withdrawal of any form of health care, including life-sustaining treatment; or both. An instruction directive may, but need not, be executed contemporaneously with, or be attached to, a proxy directive.

67. Section 8 of P.L.1991, c.201 (C.26:2H-60) is amended to read as follows:

C.26:2H-60 Determination of patient's capacity to make a health care decision.

8. a. The attending physician shall determine whether the patient lacks capacity to make a particular health care decision. The determination shall be stated in writing, shall include the attending physician's opinion concern-

ing the nature, cause, extent, and probable duration of the patient's incapacity, and shall be made a part of the patient's medical records.

b. The attending physician's determination of a lack of decision making capacity shall be confirmed by one or more physicians. The opinion of the confirming physician shall be stated in writing and made a part of the patient's medical records in the same manner as that of the attending physician. Confirmation of a lack of decision making capacity is not required when the patient's lack of decision making capacity is clearly apparent, and the attending physician and the health care representative agree that confirmation is unnecessary.

c. If the attending physician or the confirming physician determines that a patient lacks decision making capacity because of a mental or psychological impairment or a developmental disability, and neither the attending physician or the confirming physician has specialized training or experience in diagnosing mental or psychological conditions or developmental disabilities of the same or similar nature, a determination of a lack of decision making capacity shall be confirmed by one or more physicians with appropriate specialized training or experience. The opinion of the confirming physician shall be stated in writing and made a part of the patient's medical records in the same manner as that of the attending physician.

d. A physician designated by the patient's advance directive as a health care representative shall not make or confirm the determination of a lack of decision making capacity.

e. The attending physician shall inform the patient, if the patient has any ability to comprehend that he has been determined to lack decision making capacity, and the health care representative that: (1) the patient has been determined to lack decision making capacity to make a particular health care decision; (2) each has the right to contest this determination; and (3) each may have recourse to the dispute resolution process established by the health care institution pursuant to section 14 of P.L.1991, c.201 (C.26:2H-66).

Notice to the patient and the health care representative shall be documented in the patient's medical records.

f. A determination of lack of decision making capacity under this act is solely for the purpose of implementing an advance directive in accordance with the provisions of this act, and shall not be construed as a determination of a patient's incapacity for any other purpose.

g. For purposes of this section, a determination that a patient lacks decision making capacity shall be based upon, but need not be limited to, evaluation of the patient's ability to understand and appreciate the nature and consequences of a particular health care decision, including the benefits

and risks of, and alternatives to, the proposed health care, and to reach an informed decision.

68. Section 2 of P.L.2005, c.233 (C.26:2H-103) is amended to read as follows:

C.26:2H-103 Findings, declarations relative to advance directives for mental health care.

2. The Legislature finds and declares that:

a. This State recognizes, in its law and public policy, a patient's right to make voluntary, informed choices to accept, reject, or choose among alternative courses of medical and surgical treatment, and specifically for an adult who has mental capacity to plan ahead for health care decisions through the execution of an advance directive for health care, otherwise known as a living will or durable power of attorney for health care, and to have the wishes expressed therein respected, subject to certain limitations;

b. Advance directives for health care provide a vehicle for adults who have mental capacity to operationalize their fundamental legal right to accept or refuse medical treatment in the event that they are rendered unable to make decisions and communicate with a health care provider about their treatment options because of serious illness, injury, or permanent loss of mental capacity;

c. The issues affecting persons with mental illness and their psychiatric needs warrant enactment of a separate statute governing advance directives for these individuals, who: find their civil rights and due process protections frequently compromised; often lack the resources, societal supports, and self-esteem needed to make advance directives for health care work for them; and are disadvantaged by the fact that many physicians and attorneys are unaware of the specific issues that typically enter into the decisions that a person with mental illness may make for himself when in crisis;

d. The provision by statute of advanced directives for mental health care will assure respect for the rights of patients with mental illness with respect to the provision of mental health services and their decision-making in regard thereto; and

e. In order to permit a person with mental illness to execute an advance directive that specifies preferences for mental health services in the event that the declarant is subsequently determined to lack decision-making capacity, the Legislature hereby enacts the "New Jersey Advance Directives for Mental Health Care Act."

69. Section 3 of P.L.2005, c.233 (C.26:2H-104) is amended to read as follows:

C.26:2H-104 Definitions relative to advance directives for mental health care.

3. As used in this act:

"Adult" means an individual who has reached majority pursuant to section 3 of P.L.1972, c.81 (C.9:17B-3).

"Advance directive for mental health care" or "advance directive" means a writing executed in accordance with the requirements of this act. An "advance directive" may include a proxy directive or an instruction directive, or both.

"Decision-making capacity" means a patient's ability to understand and appreciate the nature and consequences of mental health care decisions, including the benefits and risks of each, and alternatives to any proposed mental health care, and to reach an informed decision. A patient's decision-making capacity is evaluated relative to the demands of a particular mental health care decision.

"Declarant" means an adult who has the mental capacity to execute an advance directive for mental health care and does so.

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

"Instruction directive" means a writing which provides instructions and direction regarding the declarant's wishes for mental health care in the event that the declarant subsequently lacks decision-making capacity.

"Mental health care decision" means a decision to accept or refuse any treatment, service, or procedure used to diagnose, treat, or care for a patient's mental condition. "Mental health care decision" also means a decision to accept or refuse the services of a particular mental health care professional or psychiatric facility, including a decision to accept or to refuse a transfer of care.

"Mental health care professional" means an individual licensed or certified by this State to provide or administer mental health care in the ordinary course of business or practice of a profession.

"Mental health care representative" means the individual designated by a declarant pursuant to the proxy directive part of an advance directive for mental health care for the purpose of making mental health care decisions on the declarant's behalf, and includes an individual designated as an alternate mental health care representative who is acting as the declarant's mental health care representative in accordance with the terms and order of priority stated in an advance directive for mental health care.

"Patient" means an individual who is under the care of a mental health care professional.

"Proxy directive" means a writing which designates a mental health care representative in the event that the declarant subsequently lacks decision-making capacity.

"Psychiatric facility" means a State psychiatric facility listed in R.S.30:1-7, a county psychiatric hospital or the psychiatric unit of a county hospital, a short-term care facility, special psychiatric hospital or psychiatric unit of a general hospital or other health care facility licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), or a hospital or community-based mental health center or other entity licensed or funded by the Department of Human Services to provide community-based mental health services.

"Responsible mental health care professional" means a person licensed or certified by the State to provide or administer mental health care who is selected by, or assigned to, the patient and has primary responsibility for the care and treatment of the patient.

"State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

70. Section 5 of P.L.2005, c.233 (C.26:2H-106) is amended to read as follows:

C.26:2H-106 Validity of advance directive for mental health care, reaffirmation, modification, revocation.

5. a. (1) An advance directive for mental health care shall be deemed to be valid for an indefinite period of time if it does not include an expiration date, subject to a declarant's right to modify, revoke, or suspend the advance directive in accordance with the provisions of this section.

(2) If an advance directive includes an expiration date that occurs during a period of time in which the declarant has been determined by the responsible mental health care professional to lack the capacity to make a particular mental health care decision, the advance directive shall remain in effect until the declarant is determined by the responsible mental health care professional to have regained the capacity to make a particular mental health care decision.

b. A declarant may state in an advance directive for mental health care, including a proxy directive or an instruction directive, or both, whether the declarant wishes to be able to modify, revoke or suspend the advance directive after it has become operative pursuant to section 7 of

P.L.2005, c.233 (C.26:2H-108); however, the failure to include such a statement in the advance directive shall not be construed to prevent the declarant from modifying, revoking or suspending the advance directive under the circumstances described in this subsection.

c. A declarant may reaffirm or modify an advance directive for mental health care, including a proxy directive or an instruction directive, or both, subject to the provisions of subsection b. of this section. The reaffirmation or modification shall be made in accordance with the requirements for execution of an advance directive for mental health care pursuant to section 4 of P.L.2005, c.233 (C.26:2H-105).

d. A declarant may revoke an advance directive for mental health care, including a proxy directive or an instruction directive, or both, subject to the provisions of subsection b. of this section, by the following means:

(1) notification, orally or in writing, to the mental health care representative or mental health care professional, or other reliable witness, or by any other act evidencing an intent to revoke the document; or

(2) execution of a subsequent proxy directive or instruction directive, or both, in accordance with section 4 of P.L.2005, c.233 (C.26:2H-105).

e. Designation of the declarant's spouse as mental health care representative shall be revoked upon divorce or legal separation, and designation of the declarant's domestic partner as mental health care representative shall be revoked upon termination of the declarant's domestic partnership or designation of the declarant's civil union partner as mental health care representative shall be revoked upon termination of the declarant's civil union, unless otherwise specified in the advance directive.

f. An inpatient in a psychiatric facility may modify, revoke, or suspend an advance directive for mental health care, including a proxy directive or an instruction directive, or both, by any of the means stated in paragraph (1) of subsection d. of this section, unless a responsible mental health professional determines, in accordance with the provisions of section 8 of P.L.2005, c.233 (C.26:2H-109), that the patient lacks decision-making capacity to make the decision to modify, revoke, or suspend the advance directive. A patient who has modified, revoked, or suspended an advance directive may reinstate that advance directive by oral or written notification to the mental health care representative or mental health care professional of an intent to reinstate the advance directive.

g. Reaffirmation, modification, or revocation of an advance directive for mental health care is effective upon communication to any person capable of transmitting the information, including the mental health care representative or mental health care professional responsible for the patient's care.

71. Section 6 of P.L.2005, c.233 (C.26:2H-107) is amended to read as follows:

C.26:2H-107 Execution of proxy directive.

6. a. A declarant may execute a proxy directive, pursuant to the requirements of section 4 of P.L.2005, c.233 (C.26:2H-105), designating an adult who has mental capacity to act as the declarant's mental health care representative.

(1) An adult who has mental capacity, including, but not limited to, a declarant's spouse, domestic partner, civil union partner, adult child, parent, or other family member, friend, religious or spiritual advisor, or other person of the declarant's choosing, may be designated as a mental health care representative.

(2) An operator, administrator, or employee of a psychiatric facility in which the declarant is a patient or resident shall not serve as the declarant's mental health care representative unless the operator, administrator, or employee is related to the declarant by blood, marriage, domestic partnership, civil union, or adoption.

This restriction shall not apply to a mental health care professional if that individual does not serve as the patient's responsible mental health care professional or other provider of mental health care services to the patient and the patient's mental health care representative at the same time.

(3) A declarant may designate one or more alternate mental health care representatives, listed in order of priority. In the event that the primary designee is unavailable, unable, or unwilling to serve as mental health care representative, or is disqualified from such service pursuant to this section or any other law, the next designated alternate shall serve as mental health care representative. In the event that the primary designee subsequently becomes available and able to serve as mental health care representative, the primary designee may, insofar as then practicable, serve as mental health care representative.

(4) A declarant may direct the mental health care representative to consult with specified individuals, including alternate designees, family members, and friends, in the course of the decision-making process.

(5) A declarant shall state the limitations, if any, to be placed upon the authority of the mental health care representative.

(6) If a declarant explicitly authorizes the mental health care representative to consent to the declarant's admission to a psychiatric facility, the declarant shall separately initial each paragraph in which that authorization is granted at the time that the proxy directive is signed and witnessed.

b. A declarant may execute an instruction directive, pursuant to the requirements of section 4 of P.L.2005, c.233 (C.26:2H-105), which specifies preferences for mental health services in the event that the declarant is subsequently determined to lack decision-making capacity.

(1) The instruction directive may include: a statement of the declarant's general mental health care philosophy and objectives; the declarant's specific wishes regarding the provision, withholding, or withdrawal of any form of mental health care; or both.

(2) The declarant's specific wishes regarding the provision, withholding, or withdrawal of any form of mental health care may include:

(a) the identification of mental health care professionals and programs and psychiatric facilities that the declarant would prefer to provide mental health services;

(b) consent to admission to a psychiatric facility for up to a specified number of days;

(c) a refusal to accept specific types of mental health treatment, including medications;

(d) a statement of medications preferred by the declarant for mental health treatment;

(e) a statement of the preferred means of crisis intervention or other preferences for mental health treatment; and

(f) additional instructions or information concerning mental health care.

(3) An instruction directive may, but need not, be executed contemporaneously with, or be attached to, a proxy directive.

72. Section 8 of P.L.2005, c.233 (C.26:2H-109) is amended to read as follows:

C.26:2H-109 Determination of patient's decision-making capacity.

8. a. The responsible mental health care professional shall determine whether the patient lacks the capacity to make a particular mental health care decision. The determination shall: be stated in writing; include the responsible mental health care professional's opinion concerning the nature, cause, extent, and probable duration of the patient's incapacity; and be made a part of the patient's medical records.

b. The responsible mental health care professional's determination of a lack of decision-making capacity shall be confirmed by one or more mental health care professionals. The opinion of the confirming mental health care professional shall be stated in writing and made a part of the patient's

medical records in the same manner as that of the responsible mental health care professional.

c. A mental health care professional designated by the patient's advance directive as a mental health care representative shall not make the determination of a lack of decision-making capacity.

d. The responsible mental health care professional shall inform the patient, if the patient has any ability to comprehend that he has been determined to lack decision-making capacity, and the mental health care representative that:

(1) the patient has been determined to lack decision-making capacity to make a particular mental health care decision;

(2) each has the right to contest this determination; and

(3) each may have recourse to the dispute resolution process established by the psychiatric facility pursuant to section 14 of P.L.2005, c.223 (C.26:2H-115). Notice to the patient and the mental health care representative shall be documented in the patient's medical records.

e. A determination of lack of decision-making capacity under this act shall be solely for the purpose of implementing an advance directive for mental health care in accordance with the provisions of this act, and shall not be construed as a determination of a patient's incapacity for any other purpose.

f. For the purposes of this section, a determination that a patient lacks decision-making capacity shall be based upon, but need not be limited to, an evaluation of the patient's ability to understand and appreciate the nature and consequences of a particular mental health care decision, including the benefits and risks of, and alternatives to, the proposed mental health care, and to reach an informed decision.

g. For the purposes of this section, "mental health care decision" includes a decision to modify, revoke, or suspend an advance directive for mental health care as provided in subsection f. of section 5 of P.L.2005, c.233 (C.26:2H-106).

73. Section 4 of P.L.1989, c.303 (C.26:5C-8) is amended to read as follows:

C.26:5C-8 Disclosure of AIDS, HIV records, information.

4. a. The content of a record referred to in section 3 of P.L.1989, c.303 (C.26:5C-7) may be disclosed in accordance with the prior written informed consent of the person who is the subject of the record or if the per-

son is adjudicated incapacitated or deceased, in accordance with section 8 of P.L.1989, c.303 (C.26:5C-12).

b. If the prior written consent of the person who is the subject of the record is not obtained, the person's records shall be disclosed only under the following conditions:

(1) To qualified personnel for the purpose of conducting scientific research, but a record shall be released for research only following review of the research protocol by an Institutional Review Board constituted pursuant to federal regulation 45 C.F.R. s. 46.101 et seq. The person who is the subject of the record shall not be identified, directly or indirectly, in any report of the research and research personnel shall not disclose the person's identity in any manner.

(2) To qualified personnel for the purpose of conducting management audits, financial audits, or program evaluation, but the personnel shall not identify, directly or indirectly, the person who is the subject of the record in a report of an audit or evaluation, or otherwise disclose the person's identity in any manner. Identifying information shall not be released to the personnel unless it is vital to the audit or evaluation.

(3) To qualified personnel involved in medical education or in the diagnosis and treatment of the person who is the subject of the record. Disclosure is limited to only personnel directly involved in medical education or in the diagnosis and treatment of the person.

(4) To the department as required by State or federal law.

(5) As permitted by rules and regulations adopted by the commissioner for the purposes of disease prevention and control.

(6) In all other instances authorized by State or federal law.

74. Section 8 of P.L.1989, c.303 (C.26:5C-12) is amended to read as follows:

C.26:5C-12 Consent to disclose record of deceased, legally incapacitated person.

8. When consent is required for disclosure of the record of a deceased or legally incapacitated person who has or is suspected of having AIDS or HIV infection, consent may be obtained:

a. From an executor, administrator of the estate, or authorized representative of the legally incapacitated or deceased person;

b. From the person's spouse, domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3), primary caretaking partner or, if none, by another member of the person's family; and

c. From the commissioner in the event that a deceased person has neither an authorized representative or next-of-kin.

75. R.S.30:1-18 is amended to read as follows:

Jurisdiction of Superior Court over persons who are mentally ill or incapacitated not affected.

30:1-18. No provision of this Title shall restrain or abridge the power and authority of the Superior Court over the persons and property of persons who are mentally ill or incapacitated.

76. R.S.30:4-1 is amended to read as follows:

Boards of trustees; appointment; terms; vacancies; removal; compensation; organization.

30:4-1. The State board, with the approval of the Governor, shall appoint a board of trustees for each State institution or agency or for each group or class thereof as it may determine, from residents of the State without respect to political affiliation or belief.

The State board, with the approval of the Governor, may appoint a board of trustees or authorize or designate an existing board of trustees whenever the establishment or assumption of jurisdiction over an additional institution, or the acquisition of an institutional site, is authorized by the Legislature.

Each board of trustees of an institution shall be known as "the board of trustees" naming the institution or group or class for which the board is appointed. The State board, with the approval of the Governor, shall name the boards of noninstitutional agencies.

Except as otherwise specifically provided by statute, the boards of trustees shall consist of not less than five nor more than seven members. At least two women shall be members of each board in charge of the institutions or agencies for persons who are blind, or who have a mental illness or developmental disability, and at least two members of the Commission for the Blind and Visually Impaired shall themselves be legally blind but not employees, or related to an employee by blood, marriage, or adoption.

The term of each board member shall be three years commencing on July 1 and ending on June 30, of the third year thereafter. A vacancy shall be filled by the State board, with the approval of the Governor, for the unexpired term only.

The members of new or additional boards of trustees shall at the time of their appointment be divided into groups so that the terms of two members shall expire on June 30 of the year next succeeding appointment; the terms of two others on June 30 of the second year succeeding appointment; the term of the fifth member and in case of larger boards the term of the sixth member, on June 30 of the third year succeeding appointment; the term of the seventh member of a board having seven members, on June 30 of the fourth year succeeding appointment. Their successors shall be appointed for three-year terms.

The members of boards of trustees shall receive no compensation for services but shall be reimbursed for actual expenditures incurred in the performance of duty. They shall be subject to removal by the State board, with the approval of the Governor, at any time for good and sufficient cause.

Annually, on or before July 1 each board of trustees shall elect from its members a chair and vice chair and shall appoint a secretary, with the approval of the chief executive officer of the institution, who shall be an employee of the institution or agency and serve at the pleasure of the board without additional compensation. The term of office of the chair and vice chair shall be until June 30 of the following year or until their successors are elected and qualified.

77. Section 1 of P.L.1969, c.181 (C.30:4-7.1) is amended to read as follows:

C.30:4-7.1 Provision for health, safety, and welfare of patients who are incapacitated, residents.

1. It is hereby declared to be the public policy of this State to make maximum provision for the health, safety, and welfare of patients who are incapacitated and residents in State and county institutions for persons with mental illness and persons with developmental disabilities, for persons with developmental disabilities who are residents in community-based alternate living arrangements in the State or in private facilities both in and outside the State, and for inmates under age 18 in State and county penal and correctional institutions, by permitting the chief executive officer of the institution or the regional administrator of a Division of Developmental Disabilities community services region to consent to the utilization of appropriate medical, psychiatric, surgical, and dental treatment for the patients, inmates, and residents where prescribed by a licensed physician or dentist as provided for herein.

78. Section 2 of P.L.1969, c.181 (C.30:4-7.2) is amended to read as follows:

C.30:4-7.2 Consent for treatment for certain patients, inmates, residents or juveniles.

2. The chief executive officer of a State or county psychiatric hospital or developmental center, a State or county penal or correctional institution, or a juvenile facility or detention center, or the regional administrator of a Division of Developmental Disabilities community services region is hereby authorized to give consent for medical, psychiatric, surgical, or dental treatment to patients who lack mental capacity, inmates, or juveniles under age 18, or residents, hospitalized, confined, or placed by the Division of Developmental Disabilities in community-based alternate living arrangements in the State or in private facilities both in and outside the State, under circumstances where it appears that:

a. The patients, inmates, juveniles, or residents, because of mental incapacity or nonage, are legally prevented from giving consent to the treatment; and

b. Either:

(1) there is no parent or guardian known to the officer or administrator, after reasonable inquiry, who has the mental capacity to give consent for the treatment of patients, inmates under the age of 18, or residents; or

(2) where a parent or guardian, after reasonable notice of the proposed treatment and a request for consent, and prior to the date fixed in the notice for the rendering of the treatment, refuses or neglects to execute and submit to the officer or administrator a writing expressing either the grant or denial of the consent; and

c. Where a licensed physician, psychiatrist, surgeon, or dentist certifies that the treatment to be performed is essential and beneficial to the general health and welfare of the patient, inmate, or resident, or will improve the opportunity for recovery or prolong or save the person's life.

79. Section 10 of P.L.1965, c.59 (C.30:4-24.2) is amended to read as follows:

C.30:4-24.2 Rights of patients.

10. a. Subject to any other provisions of law and the Constitutions of New Jersey and the United States, no patient shall be deprived of any civil right solely because of receipt of treatment under the provisions of this Title nor shall the treatment modify or vary any legal or civil right of any patient, including, but not limited to, the right to register for and to vote at elec-

tions, or rights relating to the granting, forfeiture, or denial of a license, permit, privilege, or benefit pursuant to any law.

b. Every patient in treatment shall be entitled to all rights set forth in P.L.1965, c.59 and shall retain all rights not specifically denied him under this Title. A notice of the rights set forth in P.L.1965, c.59 shall be given to every patient within five days of admission to treatment. The notice shall be written in simple understandable language. It shall be in a language the patient understands and if the patient cannot read the notice, it shall be read to the patient. If a patient is adjudicated incapacitated, the notice shall be given to the patient's guardian. Receipt of this notice shall be acknowledged in writing, with a copy placed in the patient's file. If the patient or guardian refuses to acknowledge receipt of the notice, the person delivering the notice shall state this in writing, with a copy placed in the patient's file.

c. No patient may be presumed to be incapacitated because of an examination or treatment for mental illness, regardless of whether the evaluation or treatment was voluntarily or involuntarily received. A patient who leaves a mental health program following evaluation or treatment for mental illness, regardless of whether that evaluation or treatment was voluntarily or involuntarily received, shall be given a written statement of the substance of P.L.1965, c.59.

d. Each patient in treatment shall have the following rights, a list of which shall be prominently posted in all facilities providing these services and otherwise brought to the patient's attention by additional means as the department may designate:

(1) To be free from unnecessary or excessive medication. No medication shall be administered unless at the written order of a physician. Notation of each patient's medication shall be kept in the patient's treatment records. At least weekly, the attending physician shall review the drug regimen of each patient under the physician's care. All physician's orders or prescriptions shall be written with a termination date, which shall not exceed 30 days. Medication shall not be used as punishment, for the convenience of staff, as a substitute for a treatment program, or in quantities that interfere with the patient's treatment program. Voluntarily committed patients shall have the right to refuse medication.

(2) Not to be subjected to experimental research, shock treatment, psychosurgery, or sterilization, without the express and informed consent of the patient after consultation with counsel or interested party of the patient's choice. The consent shall be in writing, a copy of which shall be placed in the patient's treatment record. If the patient has been adjudicated incapacitated, a court of competent jurisdiction shall determine the necessity of the

procedure at a hearing where the client is physically present, represented by counsel, and provided the right and opportunity to be confronted with and to cross-examine witnesses alleging the necessity of the procedures. In these proceedings, the burden of proof shall be on the party alleging the necessity of the procedures. If a patient cannot afford counsel, the court shall appoint an attorney not less than 10 days before the hearing. An attorney so appointed shall be entitled to a reasonable fee to be determined by the court and paid by the county from which the patient was admitted. Under no circumstances may a patient in treatment be subjected to experimental research not directly related to the specific goals of the patient's treatment program.

(3) To be free from physical restraint and isolation. Except for emergency situations, in which a patient has caused substantial property damage or attempted to harm himself or others and in which less restrictive means of restraint are not feasible, a patient may be physically restrained or placed in isolation, only on a medical director's written order or that of the director's physician designee which explains the rationale for the action. The written order may be entered only after the medical director or physician designee has personally seen the patient, and evaluated the episode or situation causing the need for restraint or isolation. Emergency use of restraints or isolation shall be for no more than one hour, by which time the medical director or physician designee shall have been consulted and shall have entered an appropriate written order. The written order shall be effective for no more than 24 hours and shall be renewed if restraint and isolation are continued. While in restraint or isolation, the patient must be bathed every 12 hours and checked by an attendant every two hours, which actions shall be noted in the patient's treatment record along with the order for restraint or isolation.

(4) To be free from corporal punishment.

e. Each patient receiving treatment pursuant to this Title, shall have the following rights, a list of which shall be prominently posted in all facilities providing these services and otherwise brought to the patient's attention by additional means as the commissioner may designate:

(1) To privacy and dignity.

(2) To the least restrictive conditions necessary to achieve the purposes of treatment.

(3) To wear the patient's own clothes; to keep and use personal possessions including toilet articles; and to keep and be allowed to spend a reasonable sum of money for canteen expenses and small purchases.

(4) To have access to individual storage space for private use.

(5) To see visitors each day.

(6) To have reasonable access to and use of telephones, both to make and receive confidential calls.

(7) To have ready access to letter writing materials, including stamps, and to mail and receive unopened correspondence.

(8) To regular physical exercise several times a week. It shall be the duty of the hospital to provide facilities and equipment for the exercise.

(9) To be outdoors at regular and frequent intervals, in the absence of medical considerations.

(10) To suitable opportunities for interaction with members of the opposite sex, with adequate supervision.

(11) To practice the patient's religion of choice or abstain from religious practices. Provisions for worship shall be made available to each person on a nondiscriminatory basis.

(12) To receive prompt and adequate medical treatment for any physical ailment.

f. Rights designated under subsection d. of this section may not be denied under any circumstances.

g. (1) A patient's rights designated under subsection e. of this section may be denied for good cause when the director of the patient's treatment program feels it is imperative to do so; provided, however, under no circumstances shall a patient's right to communicate with the patient's attorney, physician, or the courts be restricted. Any denial of a patient's rights shall take effect only after a written notice of the denial has been filed in the patient's treatment record, including an explanation of the reason for the denial.

(2) A denial of rights shall be effective for a period not to exceed 30 days and shall be renewed for additional 30-day periods only by a written statement entered by the director of the program in the patient's treatment record indicating the detailed reason for renewal of the denial.

(3) In each instance of a denial or a renewal, the patient, the patient's attorney, the patient's guardian, if the patient has been adjudicated incapacitated, and the department shall be given written notice of the denial or renewal and the reason.

h. A patient subject to this Title shall be entitled to a writ of habeas corpus upon proper petition by the patient, a relative, or a friend to any court of competent jurisdiction in the county in which the patient is detained and shall further be entitled to enforce any of the rights herein stated by civil action or other remedies otherwise available by common law or statute.

80 Section 14 of P.L.1965, c.59 (C.30:4-25.2) is amended to read as follows:

C.30:4-25.2 Application for determination of eligibility.

14. Application for determination of eligibility for functional services for a person under the age of 21 years who is believed to have a developmental disability may be made to the commissioner by:

1. the person's parent or guardian;
2. a child-caring agency, hospital, clinic, or other appropriate agency, public or private, or by a physician having care of the minor, provided the written consent of the parent or guardian or the Division of Youth and Family Services, under its care and custody program, has been obtained; or
3. a Superior Court, Chancery Division, Family Part having jurisdiction over the minor.

Application for determination of eligibility for any person over 18 years of age for functional services may be made by:

- a. a person with a developmental disability over 18 years of age on the person's own behalf;
- b. the guardian of the person of an adjudicated incapacitated adult; or
- c. any court of competent jurisdiction in which the issue of mental deficiency may have arisen and which finds that it is in the interest of the person with an alleged mental deficiency to determine such eligibility.

81. Section 1 of P.L.1991, c.233 (C.30:4-27.11a) is amended to read as follows:

C.30:4-27.11a Findings, declarations.

1. The Legislature finds and declares that:
 - a. It is of paramount public interest to ensure the rights of all patients in inpatient psychiatric facilities, including those persons being assessed or receiving treatment on an involuntary basis in screening services and short-term care facilities as defined in section 2 of P.L.1987, c.116 (C.30:4-27.2);
 - b. The rights set forth in section 10 of P.L.1965, c.59 (C.30:4-24.2) apply to any person who has been involuntarily committed to a State or county psychiatric hospital, a psychiatric unit of a county hospital, or a special psychiatric hospital in accordance with the laws of this State;
 - c. Because involuntary assessment and treatment in a screening service and involuntary commitment to a short-term care facility involve the deprivation of a patient's liberty, it is necessary to specify and guarantee by statute the rights to which that patient is entitled, in a manner similar to that provided for a patient who is involuntarily committed to a State or county psychiatric hospital, a psychiatric unit of a county hospital, or a special psychiatric hospital, while recognizing the administrative, structural, and

staffing features of screening services and short-term care facilities which are different from State or county psychiatric hospitals, psychiatric units of county hospitals, or special psychiatric hospitals, as well as recognizing differences between the administrative, structural, and staffing features of screening services and short-term care facilities by providing a separate guarantee of rights for patients in each of these settings; and

d. All patients who are receiving assessment or treatment on an involuntary basis in screening services and short-term care facilities, as defined in section 2 of P.L.1987, c.116 (C.30:4-27.2), are entitled to receive professional treatment of the highest standard and, unless the patient is mentally incapacitated, to participate in their treatment and discharge planning to the fullest extent possible.

82. Section 3 of P.L.1991, c.233 (C.30:4-27.11c) is amended to read as follows:

C.30:4-27.11c Patient not deprived of rights through receiving assessment, treatment.

3. a. Subject to any other provisions of law and the Constitutions of New Jersey and the United States, a patient shall not be deprived of a civil right solely by reason of receiving assessment or treatment under the provisions of P.L.1987, c.116 (C.30:4-27.1 et seq.), nor shall the assessment or treatment modify or vary a legal or civil right of that patient, including, but not limited to, the right to register for and to vote at elections, or rights relating to the granting, forfeiture, or denial of a license, permit, privilege, or benefit pursuant to any law.

b. A patient shall be entitled to all rights set forth in this act and shall retain all rights not specifically denied under P.L.1987, c.116 (C.30:4-27.1 et seq.) and P.L.1989, c.170 (C.26:2H-12.7 et seq.).

c. A patient shall not be presumed to be mentally incapacitated solely because of an examination or treatment for mental illness.

d. A patient shall be entitled to a writ of habeas corpus upon proper petition by the patient, a relative, or a friend to a court of competent jurisdiction in the county in which the patient is detained and shall further be entitled to enforce, by civil action or other remedies otherwise available by common law or statute, any of the rights provided in P.L.1991, c.233 (C.30:4-27.11a et seq.).

83. Section 4 of P.L.1991, c.233 (C.30:4-27.11d) is amended to read as follows:

C.30:4-27.11d Rights of patient in short-term care facility.

4. a. A patient in a short-term care facility shall have the following rights, which shall not be denied under any circumstances. A list of these rights shall be posted in a conspicuous place in each room designated for use by a patient and otherwise brought to the patient's attention pursuant to subsection d. of this section:

(1) To be free from unnecessary or excessive medication. Medication shall not be administered unless at the written or verbal order of a physician. A verbal order shall be valid only for a period of 24 hours, after which a written order for the medication shall be completed. At least weekly, the attending physician shall review the drug regimen of each patient under the physician's care. Medication shall be administered in accordance with generally accepted medical standards as part of a treatment program. Medication shall not be used as punishment, for the convenience of staff, as a substitute for a treatment program, or in quantities that interfere with the patient's treatment program.

In an emergency in which less restrictive or appropriate alternatives acceptable to the patient are not available to prevent imminent danger to the patient or others, medication may be administered over a patient's objection at the written order of a physician, which shall be valid for a period of up to 72 hours, in order to lessen the danger.

A patient's right to refuse medication when imminent danger to the patient or others is not present may be overridden by a written policy which has been adopted by the short-term care facility to protect the patient's right to exercise informed consent to the administration of medication. The written policy shall, at a minimum, provide for appropriate procedures that ensure notice to the patient of the decision by the attending physician or other designated physician to administer medication, and the right to question the physician about the physician's decision to administer medication and to provide information to the physician regarding that decision. The written policy shall also provide for review of the patient's decision to object to the administration of medication by a psychiatrist who is not directly involved in the patient's treatment. The psychiatrist shall not override the patient's decision to object to the administration of medication unless the psychiatrist determines that: the patient is incapable, without medication, of participating in a treatment plan that will provide a realistic opportunity of improving the patient's condition; or, although it is possible to devise a treatment plan that will provide a realistic opportunity of improving the patient's condition without medication, a treatment plan which includes medication would probably improve the patient's condition within a significantly

shorter time period, or there is a significant possibility that, without medication, the patient will harm himself or others before improvement of the patient's condition is realized.

An adult who has been voluntarily committed to a short-term care facility shall have the right to refuse medication.

(2) Not to be subjected to psychosurgery or sterilization, without the express and informed, written consent of the patient after consultation with counsel or interested party of the patient's choice. A copy of the patient's consent shall be placed in the patient's treatment record. If the patient has been adjudicated incapacitated, a court of competent jurisdiction shall hold a hearing to determine the necessity of the procedure. The patient shall be physically present at the hearing, represented by counsel, and provided the right and opportunity to be confronted with and to cross-examine all witnesses alleging the necessity of the procedure. In these proceedings, the burden of proof shall be on the party alleging the necessity of the procedure. In the event that a patient cannot afford counsel, the court shall appoint an attorney not less than 10 days before the hearing. An attorney so appointed shall be entitled to a reasonable fee to be determined by the court and paid by the State.

(3) To be free from unnecessary physical restraint and seclusion. Except for an emergency in which a patient has caused substantial property damage or has attempted to harm himself or others, or in which the patient's behavior threatens to harm himself or others, and in which less restrictive means of restraint are not feasible, a patient may be physically restrained or placed in seclusion only on an attending physician's written order or that of another designated physician which explains the rationale for that action. The written order may be given only after the attending physician or other designated physician has personally seen the patient, and evaluated the episode or situation that is said to require restraint or seclusion.

In an emergency, the use of restraints or seclusion may be initiated by a registered professional nurse and shall be for no more than one hour. Within that hour, the nurse shall consult with the attending physician or other designated physician and, if continued restraint or seclusion is determined to be necessary, shall obtain an order from the attending physician or other designated physician to continue the use of restraints or seclusion. If an order is given, the patient shall be reevaluated by the nurse or the attending physician or other designated physician as to the patient's physical and psychiatric condition and the need for continuing the restraints or seclusion at least every two hours until the use of restraints or seclusion has ended.

The patient's attending physician or other designated physician shall enter a written order approving the continued use of restraints or seclusion no later than 24 hours after the time that physical restraint or seclusion began, and only after the physician has personally seen the patient. A written order by the physician for the continued use of restraints or seclusion shall be effective for no more than 24 hours and shall be renewed if restraint and seclusion are continued. A medical examination of the patient shall be conducted every 12 hours by a physician.

While a patient is in restraints or seclusion, nursing personnel shall check the patient's hygienic, toileting, food-related, and other needs every 15 minutes. A notation of these checks shall be placed in the patient's medical record along with the order for restraints or seclusion. A patient in restraints shall be permitted to ambulate every four hours, except when the patient's psychiatric condition would make a release from restraints dangerous to the patient or others, and shall be permitted to ambulate at least once every 12 hours regardless of the patient's psychiatric condition.

(4) To be free from any form of punishment.

(5) Not to receive electroconvulsive treatment or participate in experimental research without the express and informed, written consent of the patient. The patient shall have the right to consult with counsel or interested party of the patient's choice. A copy of the patient's consent shall be placed in the patient's treatment record. If the patient has been adjudicated incapacitated, a court of competent jurisdiction shall hold a hearing to determine the necessity of the procedure. The patient shall be physically present at the hearing, represented by counsel, and provided the right and opportunity to be confronted with and to cross-examine all witnesses alleging the necessity of the procedure. In these proceedings, the burden of proof shall be on the party alleging the necessity of the procedure. In the event that a patient cannot afford counsel, the court shall appoint an attorney not less than 10 days before the hearing. An attorney so appointed shall be entitled to a reasonable fee to be determined by the court and paid by the State.

b. A patient receiving treatment in a short-term care facility shall have the following rights, which may only be denied pursuant to subsection c. of this section. A list of these rights shall be posted in a conspicuous place in each room designated for use by a patient and otherwise brought to the patient's attention pursuant to subsection d. of this section:

(1) To privacy and dignity.

(2) To the least restrictive conditions necessary to achieve the purposes of treatment.

(3) To wear the patient's own clothes; to have access to and use non-dangerous personal possessions including toilet articles; and to have access to and be allowed to spend a reasonable sum of money for expenses and small purchases.

(4) To have access to individual storage space for private use.

(5) To see visitors each day.

(6) To have reasonable access to and use of telephones, both to make and receive confidential calls.

(7) To have ready access to letter writing materials, including stamps, and to mail and receive unopened correspondence.

(8) To regular physical exercise or organized physical activities several times a week.

(9) To be outdoors at regular and frequent intervals, in the absence of medical considerations, commencing two weeks after admission, except where the physical location of the short-term care facility precludes outdoor exercise or would render the supervision of outdoor exercise too onerous for the facility.

(10) To suitable opportunities for interaction with members of the opposite sex, with adequate supervision.

(11) To practice the patient's religion of choice or abstain from religious practices. Provisions for worship shall be made available to each patient on a nondiscriminatory basis.

(12) To receive prompt and adequate medical treatment for any physical ailment.

(13) To be provided with a reasonable explanation, in terms and language appropriate to the patient's condition and ability to understand, of:

(a) the patient's general mental and physical condition;

(b) the objectives of the patient's treatment;

(c) the nature and significant possible adverse effects of recommended treatments;

(d) the reasons why a particular treatment is considered appropriate; and

(e) the reasons for the denial of any of the patient's rights pursuant to subsection c. of this section.

c. (1) A patient's rights designated under subsection b. of this section may be denied only for good cause when the attending physician feels it is imperative to deny any of these rights; except that, under no circumstances shall a patient's right to communicate with the patient's attorney, physician, or the courts be restricted. The denial of a patient's rights shall take effect only after

a copy of the written notice of the denial has been filed in the patient's treatment record and shall include an explanation of the reason for the denial.

(2) A denial of rights shall be effective for a period not to exceed 10 days and shall be renewed for additional 10-day periods only by a written statement entered by the attending physician or other designated physician in the patient's treatment record indicating the detailed reason for the renewal of the denial.

(3) In each instance of a denial or a renewal, the patient, the patient's attorney, and the patient's guardian, if the patient has been adjudicated incapacitated, shall be given written notice of the denial or renewal and the reason.

d. A notice of the rights set forth in this section shall be given to a patient in a short-term care facility upon admission. The notice shall be written in simple understandable language. It shall be in a language the patient understands and if the patient cannot read the notice, it shall be read to the patient. If a patient is adjudicated incapacitated, the notice shall be given to the patient's guardian. Receipt of this notice shall be acknowledged in writing with a copy placed in the patient's file. If the patient or guardian refuses to acknowledge receipt of the notice, the person delivering the notice shall state this in writing, with a copy placed in the patient's file.

84. Section 5 of P.L.1991, c.233 (C.30:4-27.11e) is amended to read as follows:

C.30:4-27.11e Rights of patient in screening service.

5. a. A patient in a screening service shall have the following rights, which shall apply during the first 24 hours of involuntary assessment and care provided at a screening service and which shall not be denied under any circumstances. A list of these rights shall be posted in a conspicuous place in the screening service and otherwise brought to the patient's attention pursuant to subsection d. of this section:

(1) To be free from unnecessary or excessive medication. Medication shall not be administered unless at the order of a physician. Medication shall be administered in accordance with generally accepted medical standards as part of a treatment program. Medication shall not be used as punishment, for the convenience of staff, as a substitute for a treatment program, or in quantities that interfere with the patient's treatment program.

In an emergency in which less restrictive or appropriate alternatives acceptable to the patient are not available to prevent imminent danger to the patient or others, medication may be administered over a patient's objection

at the written order of a physician, which shall be valid for a period of up to 24 hours, in order to lessen the danger.

(2) Not to be subjected to experimental research, psychosurgery, or sterilization, without the express and informed, written consent of the patient. The patient shall have the right to consult with counsel or interested party of the patient's choice. A copy of the patient's consent shall be placed in the patient's treatment record.

(3) To be free from unnecessary physical restraint and seclusion. Except for an emergency, in which a patient has caused substantial property damage or has attempted to harm himself or others, or in which the patient's behavior threatens to harm himself or others, and in which less restrictive means of restraint are not feasible, a patient may be physically restrained or placed in seclusion only on an attending physician's written order or that of another designated physician which explains the rationale for that action. The written order may be given only after the attending physician or other designated physician has personally seen the patient, and evaluated the episode or situation that is said to require restraint or seclusion.

In an emergency, the use of restraints or seclusion may be initiated by a registered professional nurse and shall be for no more than one hour. Within that hour, the nurse shall consult with the attending physician or other designated physician and, if continued restraint or seclusion is determined to be necessary, shall obtain an order from the physician to continue the use of restraints or seclusion. If an order is given, the patient shall be reevaluated by the nurse or the attending physician or other designated physician as to the patient's physical and psychiatric condition and the need for continuing the restraints or seclusion at least every two hours until the use of restraints or seclusion has ended.

The patient's attending physician or other designated physician shall enter a written order approving the continued use of restraints or seclusion no later than 12 hours after the time that physical restraint or seclusion began, after the physician has personally seen the patient. A written order by the physician for the continued use of restraints or seclusion shall be effective for no more than 24 hours and shall be renewed if restraint and seclusion are continued. A medical examination of the patient shall be conducted every 12 hours by a physician.

While a patient is in restraints or seclusion, nursing personnel shall check the patient's hygienic, toileting, food-related, and other needs every 15 minutes. A notation of these checks shall be placed in the patient's medical record along with the order for restraints or seclusion. A patient in restraints shall be permitted to ambulate every four hours, except when the

patient's psychiatric condition would make a release from restraints dangerous to the patient or others, and shall be permitted to ambulate at least once every 12 hours regardless of the patient's psychiatric condition.

(4) To be free from any form of punishment.

b. A patient receiving treatment in a screening service shall have the following rights, which may only be denied pursuant to subsection c. of this section. A list of these rights shall be posted in a conspicuous place in the screening service and otherwise brought to the patient's attention pursuant to subsection d. of this section:

(1) To privacy and dignity.

(2) To the least restrictive conditions necessary to achieve the purposes of treatment.

(3) To wear the patient's own clothes, except as necessary for medical examination.

(4) To see visitors.

(5) To have reasonable access to and use of telephones, both to make and receive confidential calls.

(6) To practice the patient's religion of choice or abstain from religious practices.

(7) To receive prompt and adequate medical treatment for any physical ailment.

(8) To be provided with a reasonable explanation, in terms and language appropriate to the patient's condition and ability to understand, of:

(a) the patient's general mental condition, and physical condition if the screening service has conducted a physical examination of the patient;

(b) the objectives of the patient's treatment;

(c) the nature and significant possible adverse effects of recommended treatments;

(d) the reasons why a particular treatment is considered appropriate; and

(e) the reasons for the denial of any of the patient's rights pursuant to subsection c. of this section.

(9) To have a discharge plan prepared and to participate in the preparation of that plan.

c. (1) A patient's rights designated under subsection b. of this section may be denied only for good cause when the attending physician feels it is imperative to deny any of these rights; except that, under no circumstances shall a patient's right to communicate with the patient's attorney, physician, or the courts be restricted. The denial of a patient's rights shall take effect only after a copy of the written notice of the denial has been filed in the

patient's treatment record and shall include an explanation of the reason for the denial.

(2) A denial of rights shall be effective only for the period of time that the patient is in the screening service.

d. A notice of the rights set forth in this section shall be given to a patient as soon as possible upon admission to the screening service. The notice shall be written in simple understandable language. It shall be in a language the patient understands and if the patient cannot read the notice, it shall be read to the patient. If the patient is adjudicated incapacitated, the notice shall be given to the patient's guardian. Receipt of this notice shall be acknowledged in writing with a copy placed in the patient's file. If the patient or guardian refuses to acknowledge receipt of the notice, the person delivering the notice shall state this in writing with a copy placed in the patient's file.

85. R.S.30:4-101 is amended to read as follows:

Couples not to be maintained in separate quarters, exceptions.

30:4-101. Married, domestic partnership, or civil union couples who are residents of a public institution maintained in whole or in part by the State, or a county, municipality, or subdivision thereof, shall not be maintained in separate quarters. This provision shall not apply to institutions for persons with mental illness or developmental disabilities, or to correctional institutions or where the health or mental condition of the persons concerned warrants separation.

86. Section 10 of P.L.1985, c.133 (C.30:4-165.15) is amended to read as follows:

C.30:4-165.15 Modification, termination, review.

10. a. Whenever the commissioner believes that guardianship is no longer required or that another person should be appointed to serve as guardian, the commissioner shall apply to the Superior Court for an order modifying or terminating the letters of guardianship. Where someone other than the commissioner is serving as guardian, notice shall be provided to that person.

b. At least once every three years, the commissioner shall review the case of each person who receives functional or other services and who has a guardian.

c. The Public Defender, the incapacitated person, or someone acting on behalf of the incapacitated person may institute a similar action for judicial review at any time.

d. In cases where the commissioner serves as guardian, the Public Defender shall be given notice of any actions taken pursuant to subsection a. or b. of this section. The Public Defender shall be given an opportunity to meet the person subject to review and inspect the commissioner's records.

87. Section 7 of P.L.1946, c.118 (C.30:4A-7) is amended to read as follows:

C.30:4A-7 Admission of unconfined persons, procedure.

7. If the person for whom the diagnosis is sought by any court or agency of the State, county, or municipal government, desiring to utilize the services of the diagnostic center, is not under confinement or process, then admission to the diagnostic center shall be secured upon application to the Superior Court upon forms to be provided by the Department of Human Services. The county adjuster shall be the official charged with the responsibility of assisting with processing of the applications and shall perform functions similar to those set forth in Title 30 of the Revised Statutes. In connection with each application, the court shall order a hearing to be held, which may be in camera at the discretion of the court. At least 10 days' notice of the time, date, and place of the hearing shall be served upon the person, and if a minor or a person who is incapacitated, upon the parent, guardian, person standing in loco parentis, or person having custody and control of the minor or person who is incapacitated. At the hearing, the court shall determine whether the services of the diagnostic center shall be made available to the person and may order the person's confinement in the center for a period not to exceed 90 days, which order shall be provided to the center.

88. Section 17 of P.L.1968, c.413 (C.30:4D-17) is amended to read as follows:

C.30:4D-17 Penalty.

17. (a) Any person who willfully obtains benefits under P.L.1968, c.413 (C.30:4D-1 et seq.) to which a person is not entitled or in a greater amount than that to which a person is entitled and any provider who willfully receives medical assistance payments to which a provider is not entitled or in a greater amount than that to which a provider is entitled is guilty of a crime of the third degree, provided, however, that the presumption of

nonimprisonment set forth in subsection e. of N.J.S.2C:44-1 for persons who have not previously been convicted of an offense shall not apply to a person who is convicted under the provisions of this subsection.

(b) Any provider, or any person, firm, partnership, corporation, or entity, who:

(1) Knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any cost study, claim form, or any document necessary to apply for or receive any benefit or payment under P.L.1968, c.413; or

(2) At any time knowingly and willfully makes or causes to be made any false statement, written or oral, of a material fact for use in determining rights to such benefit or payment under P.L.1968, c.413; or

(3) Conceals or fails to disclose the occurrence of an event which

(i) affects a person's initial or continued right to any such benefit or payment, or

(ii) affects the initial or continued right to any such benefit or payment of any provider or any person, firm, partnership, corporation, or other entity in whose behalf a person has applied for or is receiving such benefit or payment with an intent to fraudulently secure benefits or payments not authorized under P.L.1968, c.413 or in a greater amount than that which is authorized under P.L.1968, c.413; or

(4) Knowingly and willfully converts benefits or payments or any part thereof received for the use and benefit of any provider or any person, firm, partnership, corporation, or other entity to a use other than the use and benefit of such provider or such person, firm, partnership, corporation, or entity; is guilty of a crime of the third degree, provided, however, that the presumption of nonimprisonment set forth in subsection e. of N.J.S.2C:44-1 for persons who have not previously been convicted of an offense shall not apply to a person who is convicted under the provisions of this subsection.

(c) Any provider, or any person, firm, partnership, corporation, or entity who solicits, offers, or receives any kickback, rebate, or bribe in connection with:

(1) The furnishing of items or services for which payment is or may be made in whole or in part under P.L.1968, c.413; or

(2) The furnishing of items or services whose cost is or may be reported in whole or in part in order to obtain benefits or payments under P.L.1968, c.413; or

(3) The receipt of any benefit or payment under this act, is guilty of a crime of the third degree, provided, however, that the presumption of nonimprisonment set forth in subsection e. of N.J.S.2C:44-1 for persons

who have not previously been convicted of an offense shall not apply to a person who is convicted under the provisions of this subsection.

This subsection shall not apply to (A) a discount or other reduction in price under P.L.1968, c.413 if the reduction in price is properly disclosed and appropriately reflected in the costs claimed or charges made under P.L.1968, c.413; and (B) any amount paid by an employer to an employee who has a bona fide employment relationship with such employer for employment in the provision of covered items or services.

(d) Whoever knowingly and willfully makes or causes to be made or induces or seeks to induce the making of any false statement or representation of a material fact with respect to the conditions or operations of any institution or facility in order that such institution or facility may qualify either upon initial certification or recertification as a hospital, skilled nursing facility, intermediate care facility, or health agency, thereby entitling them to receive payments under P.L.1968, c.413, shall be guilty of a crime of the fourth degree.

(e) Any person, firm, corporation, partnership, or other legal entity who violates the provisions of any of the foregoing subsections of this section or any provisions of section 3 of P.L.2007, c.265 (C.2A:32C-3), shall, in addition to any other penalties provided by law, be liable to civil penalties of: (1) payment of interest on the amount of the excess benefits or payments at the maximum legal rate in effect on the date the payment was made to said person, firm, corporation, partnership or other legal entity for the period from the date upon which payment was made to the date upon which repayment is made to the State; (2) payment of an amount not to exceed three-fold the amount of such excess benefits or payments; and (3) payment in the sum of not less than and not more than the civil penalty allowed under the federal False Claims Act (31 U.S.C. s.3729 et seq.), as it may be adjusted for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, Pub.L.101-410 for each excessive claim for assistance, benefits or payments.

(f) Any person, firm, corporation, partnership, or other legal entity, other than an individual recipient of medical services reimbursable by the Division of Medical Assistance and Health Services, who, without intent to violate P.L.1968, c.413, obtains medical assistance or other benefits or payments under P.L.1968, c.413 in excess of the amount to which he is entitled, shall be liable to a civil penalty of payment of interest on the amount of the excess benefits or payments at the maximum legal rate in effect on the date the benefit or payment was made to said person, firm, corporation, partnership, or other legal entity for the period from September 15, 1976 or

the date upon which payment was made, whichever is later, to the date upon which repayment is made to the State, provided, however, that no such person, firm, corporation, partnership, or other legal entity shall be liable to such civil penalty when excess medical assistance or other benefits or payments under this act are obtained by such person, firm, corporation, partnership, or other legal entity as a result of error made by the Division of Medical Assistance and Health Services, as determined by said division; provided, further, that if preliminary notification of an overpayment is not given to a provider by the division within 180 days after completion of the field audit as defined by regulation, no interest shall accrue during the period beginning 180 days after completion of the field audit and ending on the date preliminary notification is given to the provider.

(g) All interest and civil penalties provided for in P.L.1968, c.413 and all medical assistance and other benefits to which a person, firm, corporation, partnership, or other legal entity was not entitled shall be recovered in an administrative proceeding held pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), except that recovery actions against minors or incapacitated persons shall be initiated in a court of competent jurisdiction.

(h) Upon the failure of any person, firm, corporation, partnership, or other legal entity to comply within 10 days after service of any order of the director or the director's designee directing payment of any amount found to be due pursuant to subsection (g) of this section, or at any time prior to any final agency adjudication not involving a recipient or former recipient of benefits under P.L.1968, c.413, the director may issue a certificate to the clerk of the Superior Court that such person, firm, corporation, partnership, or other legal entity is indebted to the State for the payment of the amount. A copy of such certificate shall be served upon the person, firm, corporation, partnership, or other legal entity against whom the order was entered. Thereupon the clerk shall immediately enter upon the record of docketed judgments the name of the person, firm, corporation, partnership, or other legal entity so indebted, and of the State, a designation of the statute under which such amount is found to be due, the amount due, and the date of the certification. Such entry shall have the same force and effect as the entry of a docketed judgment in the Superior Court. Such entry, however, shall be without prejudice to the right of appeal to the Appellate Division of the Superior Court from the final order of the director or the director's designee.

(i) In order to satisfy any recovery claim asserted against a provider under this section, whether or not that claim has been the subject of final

agency adjudication, the division or its fiscal agents is authorized to withhold funds otherwise payable under P.L.1968, c.413 to the provider.

(j) The Attorney General may, when requested by the commissioner or the commissioner's agent, apply ex parte to the Superior Court to compel any party to comply forthwith with a subpoena issued under P.L.1968, c.413. Any party who, having been served with a subpoena issued pursuant to the provisions of P.L.1968, c.413, fails either to attend any hearing, or to appear or be examined, to answer any question or to produce any books, records, accounts, papers or documents, shall be liable to a penalty of \$500 for each such failure, to be recovered in the name of the State in a summary civil proceeding to be initiated in the Superior Court. The Attorney General shall prosecute the actions for the recovery of the penalty prescribed in this section when requested to do so by the commissioner or the commissioner's agent and when, in the judgment of the Attorney General, the facts and law warrant such prosecution. Such failure on the part of the party shall be punishable as contempt of court by the court in the same manner as like failure is punishable in an action pending in the court when the matter is brought before the court by motion filed by the Attorney General and supported by affidavit stating the circumstances.

(k) Notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, but in addition to any other penalty or disposition that may be imposed by law:

(1) a person who violates the provisions of subsection (a), (b), or (c) of this section shall be liable to a penalty of not less than \$15,000 and not more than \$25,000 for each violation; and

(2) a person who violates the provisions of subsection (d) of this section shall be liable to a penalty of not less than \$10,000 and not more than \$25,000 for each violation.

(l) A person who violates the provisions of subsection (a), (b), or (c) of this section under circumstances in which the aggregate amount obtained or sought to be obtained is \$1,000 or more, who has previously been convicted of a violation of the provisions of subsection (a), (b), or (c) of this section within 10 years of the current violation, under circumstances where the aggregate amount obtained or sought to be obtained was \$1,000 or more, is guilty of a crime of the second degree and, in addition to any other penalty or disposition authorized by law and notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, shall be liable to a penalty of not less than \$25,000 and not more than \$150,000 for each such repeat violation.

89. Section 1 of P.L.1952, c.76 (C.30:6B-1) is amended to read as follows:

C.30:6B-1 Commitment to Veterans Affairs or other agency of the United States.

1. If it is determined in a proceeding in a court of competent jurisdiction for the commitment of a person alleged to be mentally incapacitated or otherwise in need of confinement in a psychiatric hospital or other institution for the person's proper care, treatment, or safekeeping, that commitment is necessary and that the person is eligible for care or treatment by the Department of Veterans Affairs or other agency of the United States, the court may commit the person to the Department of Veterans Affairs or other agency instead of to a State institution, upon receipt of a certificate from the Department of Veterans Affairs or other agency showing that facilities are available and that the person is eligible for care or treatment therein, subject to the provisions of this act.

Upon commitment, and when admitted to a facility operated by any such agency, the person shall be subject to the rules and regulations of the Department of Veterans Affairs or other agency. The chief officer of a facility of the Department of Veterans Affairs or institution operated by the other agency to which the person is committed shall, with respect to the retention of the person's custody, transfer, parole, or discharge, be vested with the same powers as that of the chief officer of a State institution if the person had been committed to a State institution.

90. Section 4 of P.L.1952, c.76 (C.30:6B-4) is amended to read as follows:

C.30:6B-4 Transfer of eligible persons.

4. Upon receipt of a certificate of the Department of Veterans Affairs or other agency of the United States that facilities are available for the care or treatment of a person committed to an institution for the care and treatment of persons who are mentally incapacitated and that the person is eligible for care or treatment, the chief officer of the institution may, subject to the approval of the Commissioner of Human Services or of the court having jurisdiction over the person, transfer the person to the Department of Veterans Affairs or other agency for care or treatment.

A person transferred as provided in this section shall be deemed committed to the Department of Veterans Affairs or other agency, pursuant to the original commitment.

91. Section 4 of P.L.1977, c.82 (C.30:6D-4) is amended to read as follows:

C.30:6D-4 Rights unaffected by admission, residence, receipt of services.

4. No person with a developmental disability shall be presumed to be incapacitated or shall be discriminated against or shall be deprived of any constitutional, civil, or legal right solely by reason of admission to or residence at a facility or solely by reason of receipt of any service for persons with developmental disabilities. No such admission, residence, or receipt of services shall modify or vary any constitutional, civil, or legal right of the person, including, but not necessarily limited to, the right to:

- a. Register and vote at elections;
- b. Free exercise of religion;
- c. Receive and send unopened correspondence and, upon request, to obtain assistance in the writing and reading of that correspondence;
- d. Private visitations and private telephone conversations without prior notice to the facility during reasonable hours as may be established by the facility with parents, guardians, representatives of guardian services, relatives, friends, physicians, attorneys, government officials, and any other persons;
- e. Reasonable opportunities for interaction with members of the opposite sex;
- f. Confidential handling of personal and medical records.

92. Section 5 of P.L.1977, c.82 (C.30:6D-5) is amended to read as follows:

C.30:6D-5 Rights of persons receiving services for persons with developmental disability at facility.

5. a. No person receiving services for persons with developmental disabilities at any facility shall:

- (1) be subjected to any corporal punishment;
- (2) be administered any medication or chemical restraint, except upon the written authorization of a physician when necessary and appropriate as an element of the service being received or as a treatment of any medical or physical condition in conformity with accepted standards for that treatment. The nature, amount of, and reasons for the administration of any medication or chemical restraint shall be promptly recorded in the person's medical record; or
- (3) be physically or chemically restrained or isolated in any manner, except in emergency situations for the control of violent, disturbed, or depressed behavior which may immediately result in or has resulted in harm to the person or other person or in substantial property damage.

The chief administrator of the facility, or the chief administrator's designee, shall be notified immediately upon the application of any restraint or isolation, and thereafter the restraint or isolation shall be continued only upon the written order of the administrator or designee. The order shall be effective for not more than 24 hours, and may be renewed for additional periods of not more than 24 hours each if the administrator or designee shall determine that continued restraint or isolation is necessary. While in restraint or isolation, the person shall be checked by an attendant every 15 minutes, and bathed every 24 hours. The restraint or isolation shall be terminated at any time if an attending physician shall find the restraint or isolation to be medically contraindicated. The nature, duration of, reasons for, and notation of attendant checks shall be promptly recorded in the person's medical record;

(4) be subjected to shock treatment, psychosurgery, sterilization, or medical behavioral or pharmacological research without the express and informed consent of the person, if an adult who has mental capacity, or of the person's guardian ad litem specifically appointed by a court for the matter of consent to these proceedings, if a minor or an adult who lacks mental capacity or a person administratively determined to have a mental deficiency. The consent shall be made in writing and shall be placed in the person's record.

Either the party alleging the necessity of the procedure or the person or the person's guardian ad litem may petition a court of competent jurisdiction to hold a hearing to determine the necessity of the procedure at which the client is physically present, represented by counsel, and provided the right and opportunity to be confronted with and to cross-examine all witnesses alleging the necessity of the procedure. In the proceedings, the burden of proof shall be on the party alleging the necessity of the procedure. In the event that a person cannot afford counsel, the court shall appoint an attorney not less than 10 days before the hearing. An attorney so appointed shall be entitled to a reasonable fee to be determined by the court and paid by the county from which the person was admitted. Under no circumstances may a person in treatment be subjected to hazardous or intrusive experimental research which is not directly related to the specific goals of the person's treatment program.

(5) Notwithstanding the provisions of paragraph (4) of this subsection to the contrary, nothing in this section shall prohibit consent obtained or research conducted pursuant to the provisions of P.L.2007, c.316 (C.26:14-1 et seq.) as provided in this paragraph (5).

(a) In addition to meeting the requirements of sections 4 and 5 of P.L.2007, c.316 (C.26:14-4 and C.26:14-5), medical research involving persons who are protected by the provisions of this subsection shall also meet the approval of the Interdisciplinary Research Committee established herein.

(b) The members of the Interdisciplinary Research Committee shall be appointed by the Assistant Commissioner of the Division of Developmental Disabilities in the Department of Human Services, and shall serve at the pleasure of the Assistant Commissioner. The members shall have diverse backgrounds, represent a variety of professions, and include at least one self-advocate and one family member, neither of whom shall be an employee of the department.

(c) The committee shall independently determine whether the criteria set forth in section 3 of P.L.2007, c.316 (C.26:14-3), and where required, the informed consent provisions of section 4 of P.L.2007, c.316 (C.26:14-4), have been met. In addition, the committee may impose such other conditions on approval as it determines are necessary to protect the health, safety, and autonomy of the individuals participating in the medical research.

(d) Notices of proposals for medical research received by the committee, and the committee's action on the proposals, shall be posted on the department's website and forwarded to the New Jersey Council on Developmental Disabilities, The Elizabeth M. Boggs Center on Developmental Disabilities, and Disability Rights of New Jersey.

(e) Two years after enactment of P.L.2011, c.182 and every two years thereafter, the division shall provide to the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), and post on the division's Internet website, a summary of the research proposals reviewed by the committee and the actions taken.

b. Every person with a developmental disability in residence at any facility shall be provided with a nutritionally adequate and sufficient diet and shall receive appropriate and sufficient medical and dental care on a regular basis and whenever otherwise necessary.

c. Every person with a developmental disability between the ages of five and 21, inclusive, in residence or full-time attendance at any facility shall be provided a thorough and efficient education suited to the person's age and abilities.

93. R.S.30:9-1 is amended to read as follows:

Appointment of superintendents, physicians for county hospitals.

30:9-1. The counties of the first class shall appoint a superintendent for each county hospital and the physicians for the several county hospitals. The term of office of the physicians shall be two years. The term of office of the superintendents of the county hospitals shall be as provided by R.S.30:9-12.

94. Section 1 of P.L.1941, c.37 (C.30:9-3.1) is amended to read as follows:

C.30:9-3.1 Commissary or store; establishment; cost; profits.

1. Counties are empowered to maintain a commissary or store for the sale of commodities to patients, patients' visitors, and employees of any county psychiatric hospital under rules to be adopted by the county. The cost of establishing the commissary or store may be defrayed out of funds appropriated for current maintenance. Any profit may be used for recreational entertainment of the patients or another like purpose.

95. R.S.30:9-4 is amended to read as follows:

Enlargement of or additions to psychiatric hospital.

30:9-4. If a psychiatric hospital is owned and maintained by the county, and it becomes necessary either to enlarge the hospital by the building of additions or extensions, or to erect additional buildings for the accommodation of the patients, the board of chosen freeholders or governing body of the county may, upon a resolution or ordinance, as appropriate, to be adopted by the affirmative votes of two-thirds of the full authorized membership of the board, build additions, extensions, additional building or buildings, and properly fit, furnish, and equip them.

96. R.S.30:9-5 is amended to read as follows:

Issuance of bonds by county.

30:9-5. The county may issue bonds in the corporate name of the county to meet the expense of erecting new buildings, additions, or accommodations at a county psychiatric hospital, and making repairs to or otherwise properly fitting, furnishing, and equipping the buildings.

97. R.S.30:9-6 is amended to read as follows:

Consolidation of county psychiatric hospitals.

30:9-6. The board of chosen freeholders or governing body of a county, by a resolution or ordinance, as appropriate, adopted by the affirmative vote of two-thirds of the full authorized membership of the board may consolidate its county psychiatric hospitals in one place on suitable lands owned by the county and erect, furnish, and maintain suitable hospital buildings thereon. County bonds for this purpose may be issued to an amount not exceeding six-tenths of one per cent of the ratables of the county.

98. R.S.30:9-7 is amended to read as follows:

Sale of lands, buildings by county.

30:9-7. If county psychiatric hospitals are consolidated as provided by R.S.30:9-6, the county may sell its lands and buildings used for a psychiatric hospital that are unnecessary for hospital purposes, and the sale and conveyance of the lands shall vest in the purchaser title in fee to the premises so sold. The proceeds of the sale shall be applied to the sinking funds of the county or to the redemption of county bonds, and not otherwise.

99. R.S.30:9-8 is amended to read as follows:

Change of location of county psychiatric hospital.

30:9-8. If the board of chosen freeholders or the governing body of the county determines, by a resolution or ordinance, as appropriate, adopted by the affirmative votes of at least two-thirds of the full authorized membership of the board, that a county psychiatric hospital under its management and control is unsuitably located, and that it is expedient and desirable that the location thereof should be changed to some other place in its county, the county may make the change.

100. R.S.30:9-9 is amended to read as follows:

Agreement for relocation between counties.

30:9-9. If the county desiring to change the location of a county psychiatric hospital under authority of R.S.30:9-8 determines there is no suitable location at which the hospital might be relocated, and desires to locate the hospital in another county of this State, it may do so by entering into an agreement with the other county, either to build and maintain the hospital jointly, or to build and maintain the hospital by one county with the right in the other county to commit its patients therein, at a sum per week per patient to be agreed upon.

If both counties agree to build and maintain the hospital jointly, they shall concur upon the site, appoint an architect, and approve plans and specifications, and do and perform everything necessary for completion of the work authorized and the maintenance thereafter, including employment of physicians and other necessary employees.

If by their agreement one county builds and maintains the hospital, that county shall select the site, appoint the architect, and approve the plans and specifications, and do and perform everything necessary for completion of the work authorized, and the maintenance thereafter, including employment of physicians and other necessary employees.

If a county decides to change the location of its hospital, one or more counties depending upon their agreement shall have full power and authority to acquire lands within or without the county by gift, devise, purchase, or condemnation, to erect suitable buildings, and to fit, furnish, and equip the buildings, lay out the grounds, make provision for utilities and mass transit connections, and do and perform whatever is necessary or appropriate to establish a modern psychiatric hospital.

The funds to acquire the lands, erect the buildings, and perform the work, including the purchase of materials and fittings, furnishings, and equipment authorized, except for maintenance only, shall be raised by one or more counties doing the work, each to the extent of its share, by the issue and sale of bonds paid by the county treasurer or treasurers, in accordance with the counties' agreement.

101. R.S.30:9-11 is amended to read as follows:

Contracts for county psychiatric hospitals.

30:9-11. If the cost of work performed and materials furnished in the construction, fitting, furnishing, and equipping of county psychiatric hospitals, or laying out the grounds, as provided by R.S.30:9-9, exceeds \$1,000, the work shall be performed and materials furnished on a contract awarded to the lowest responsible bidder who shall furnish satisfactory security to the county or counties undertaking the work, on bids duly advertised in the county or counties. If buildings are to be constructed, the advertisement shall be published for at least two weeks, once in each week; and if joint counties undertake the work, they shall appoint a committee to advertise and receive the bids and to report the bids to their governing bodies at their next meetings.

102. R.S.30:9-12 is amended to read as follows:

Superintendents.

30:9-12. Counties of the first class, in appointing superintendents for the county psychiatric hospitals, may designate and prescribe the terms of office of the superintendents, which shall not exceed five years.

103. Section 6 of P.L.1976, c.120 (C.30:13-6) is amended to read as follows:

C.30:13-6 Discharge or transfer of resident.

6. A nursing home resident may arrange for the resident's own discharge from a nursing home upon presentation of a written release and, if the resident is adjudicated incapacitated, upon the written consent of the resident's guardian. In this case, the nursing home is free from any responsibility for the resident upon the resident's release. When a nursing home wishes to transfer or discharge on a nonemergency basis a resident who has mental capacity or a resident who is adjudicated incapacitated, the nursing home may do so for medical reasons or for the person's welfare or for that of other residents upon receiving a written order from the attending physician, or for nonpayment, except as prohibited by Title XVIII or Title XIX of the Social Security Act, as amended, and the action shall be recorded in the resident's medical record. When a transfer or discharge on a nonemergency basis of a resident is requested by a nursing home, the resident or, in the case of a resident who is adjudicated incapacitated, the guardian, shall be given at least 30 days' advance notice of the transfer or discharge.

104. R.S.34:15-27 is amended to read as follows:

Modification of agreement.

34:15-27. An agreement for compensation may be modified at any time by a subsequent agreement. Upon the application of any party, a formal award, determination, judgment, or order approving settlement may be reviewed within two years from the date when the injured person last received a payment on the ground that the incapacity of the injured employee has subsequently increased. If a party entitled to a review under this section shall become mentally incapacitated within the two-year period, the mental incapacity shall constitute grounds for tolling the unexpired balance of the two-year period, which shall only begin to run again after the party returns to mental capacity. An award, determination, judgment, or order approving settlement may be reviewed at any time on the ground that the disability has diminished. In such case, the provisions of R.S.34:15-19 with reference to medical examination shall apply.

105. R.S.37:1-6 is amended to read as follows:

Consent for minors; requirements.

37:1-6. A marriage or civil union license shall not be issued to a minor under the age of 18 years, unless the parents or guardian of the minor, if any, first certify, in the presence of two reputable witnesses, consent thereto, which shall be delivered to the licensing officer issuing the license. Consent to the proposed marriage or civil union by a parent or guardian who is mentally incapacitated shall not be required.

When a minor is under the age of 16 years, the consent required by this section must be approved in writing by a judge of the Superior Court, Chancery Division, Family Part and filed with the licensing officer.

The licensing officer shall transmit to the State registrar all consents, orders, and approvals subject to the same penalty as in the case of marriage or civil union certificates or licenses.

106. R.S.37:1-9 is amended to read as follows:

When issuance of license prohibited.

37:1-9. No marriage license shall be issued when, at the time of making an application therefor, either applicant is a person currently adjudicated incapacitated.

107. Section 3 of P.L.1987, c.291 (C.40:11A-22.2) is amended to read as follows:

C.40:11A-22.2 Qualification for appointment as parking enforcement officer.

3. No person may be appointed as a parking enforcement officer unless the person:

- a. is a resident of this State during the term of appointment;
- b. is able to read, write, and speak the English language proficiently;
- c. has the mental capacity and physical ability to perform the tasks of parking enforcement officer;
- d. is of good moral character;
- e. has not been convicted of any offense involving dishonesty or which would make the person unfit to perform the duties of the office.

108. R.S.40:65-3 is amended to read as follows:

Service of notice.

40:65-3. The notice may be served upon all owners residing in the municipality, personally, or by leaving the same at their usual place of resi-

dence with a member of the family above the age of fourteen years. In the case of minors and incapacitated persons, the notice shall be served upon their guardians; when any real estate is held in trust, upon the trustee; when held by joint tenants, tenants in common or by the entirety, upon any one such tenant. If the owner of the real estate is a nonresident of the municipality, the notice may be served upon the owner personally, or upon the owner's agent in charge of the property, or upon the occupant thereof, or mailed to the nonresident owner at the nonresident owner's last known post-office address.

109. Section 3 of P.L.1987, c.260 (C.40A:9-154.9) is amended to read as follows:

C.40A:9-154.9 Minimum qualifications for appointment as parking enforcement officer.

3. No person may be appointed as a parking enforcement officer unless, at a minimum, the person:

- a. Is a resident of this State during the term of appointment;
- b. Is able to read, write, and speak the English language proficiently;
- c. Has the mental capacity and physical ability to perform the tasks of parking enforcement officer;
- d. Is of good moral character; and
- e. Has not been convicted of any offense involving dishonesty or which would make the person unfit to perform the duties of the office.

110. Section 41 of P.L.1988, c.130 (C.42:2A-8.2) is amended to read as follows:

C.42:2A-8.2 Resignation of registered agent.

42:2A-8.2. Resignation of registered agent. a. The registered agent of a domestic limited partnership or a foreign limited partnership authorized to transact business in this State may resign by complying with the provisions of this section.

b. The registered agent, or, in the case of a registered agent who is deceased or has been adjudicated incapacitated by a court of competent jurisdiction, the agent's legal representative, shall serve a notice of resignation by certified mail, return receipt requested, upon a general partner or general partners of the limited partnership at the address last known to the agent, and shall make an affidavit of service. If service cannot be made, the affidavit shall so state, and shall state briefly why service cannot be made.

The affidavit, together with a copy of notice of resignation, shall be filed in the Office of the Secretary of State.

c. The resignation shall become effective 30 days after the filing in the office of the Secretary of State of the affidavit of service or upon the designation by the limited partnership of a new registered agent pursuant to this act, whichever is earlier. If the limited partnership fails to designate a new registered agent within the 30-day period, the limited partnership shall thereafter be deemed to have no registered agent or registered office in this State, until the limited partnership files a certificate of change of address of registered office and registered agent indicating the new registered office and registered agent.

d. If any certificate of change replacing a resigned agent is not filed, the limited partnership shall, after written demand therefor by the Secretary of State, forfeit to the State a penalty of \$200 for each year or part thereof until an agent is appointed. The Secretary of State may issue a certificate to the Clerk of the Superior Court that the limited partnership is indebted for the payment of this penalty. This certificate shall be entered by the Clerk as a judgment docketed in the Superior Court, and shall have the same form as a docketed judgment.

111. Section 30 of P.L.1983, c.489 (C.42:2A-31) is amended to read as follows:

C.42:2A-31 Events of withdrawal of a general partner.

30. Events of withdrawal of a general partner. Except as approved by the specific written consent of all partners at the time, a person ceases to be a general partner of a limited partnership upon the happening of any of the following events:

a. The general partner withdraws from the limited partnership as provided in section 39 of P.L.1983, c.489 (C.42:2A-40);

b. The general partner ceases to be a member of the limited partnership as provided in section 46 of P.L.1983, c.489 (C.42:2A-47);

c. The general partner is removed as a general partner in accordance with the partnership agreement;

d. Unless otherwise provided in the certificate of limited partnership, the general partner: (1) makes an assignment for the benefit of creditors; (2) files a voluntary petition in bankruptcy; (3) is adjudicated a bankrupt or insolvent; (4) files a petition or answer seeking for himself any reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law, or regulation; (5) files an answer or

other pleading admitting or failing to contest the material allegations of a petition filed against him in any proceeding set forth in (4) above; or (6) seeks, consents to, or acquiesces in the appointment of a trustee, receiver, or liquidator of the general partner or of all or any substantial part of his properties;

e. Unless otherwise provided in the certificate of limited partnership, 120 days after the commencement of any proceeding against the general partner seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law, or regulation, the proceeding has not been dismissed, or if within 90 days after the appointment without his consent or acquiescence of a trustee, receiver, or liquidator of the general partner or of all or any substantial part of his properties, the appointment is not vacated or stayed, or within 90 days after the expiration of any stay, the appointment is not vacated;

f. In the case of a general partner who is a natural person, the partner's death, or the entry by a court of competent jurisdiction of a judgment adjudicating the partner incapacitated to manage the partner's person or estate;

g. In the case of a general partner who is acting as a general partner by virtue of being a trustee of a trust, the termination of the trust (but not merely the substitution of new trustee);

h. In the case of a general partner that is a separate partnership, the dissolution and commencement of winding up of the separate partnership;

i. In the case of a general partner that is a corporation, the filing of a certificate of dissolution, or its equivalent, for the corporation or the revocation of its charter; or

j. In the case of an estate, the distribution by the fiduciary of the estate's entire interest in the partnership.

112. Section 49 of P.L.1983, c.489 (C.42:2A-50) is amended to read as follows:

C.42:2A-50 Power of personal representative of deceased or incapacitated person; representative or successor of corporation, trust, or other entity.

42:2A-50. Power of personal representative of deceased or incapacitated person; representative or successor of corporation, trust, or other entity. If a partner who is an individual dies or a court of competent jurisdiction adjudges the partner to lack the mental capacity to manage the partner's person or property, the partner's executor, administrator, guardian, conservator, or other legal representative may exercise all the partner's rights for

the purpose of settling the partner's estate or administering the partner's property, including any power the partner had to give an assignee the right to become a limited partner. If a partner is a corporation, trust, or other entity and is dissolved or terminated, the powers of that partner may be exercised by its legal representative or successor.

113. R.S.42:4-13 is amended to read as follows:

Dissolution authorized; application; order of dissolution.

42:4-13. If a member of a partnership is adjudicated incapacitated, the court may on application of another partner or other person as the court shall determine to be entitled to make the application, dissolve the partnership. The court may proceed in the action in a summary manner or otherwise.

114. R.S.42:4-14 is amended to read as follows:

Powers and duties of guardian in general.

42:4-14. When a partnership is dissolved as provided by R.S.42:4-13, or is otherwise lawfully dissolved, and a partner has been adjudicated incapacitated, the guardian of the partner who is incapacitated, in the name and on behalf of that partner, may concur with the other partners or other persons interested in disposing of the partnership property, as directed by the court.

115. R.S.42:4-15 is amended to read as follows:

Conveyances by guardian.

42:4-15. The guardian mentioned in R.S.42:4-14 may make and execute all conveyances and do all things necessary to effectuate the provisions of this article and shall also dispose of all money or property received for, from, or on account of the share or interest in the partnership of the partner who is mentally incapacitated, as the court may direct.

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

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

13. The disability benefit coverage provided under a group policy or policies shall provide a monthly income if the participant becomes totally disabled from occupational or nonoccupational causes for a period of at least six consecutive months following the effective date of the coverage. The monthly disability benefit may be paid by the insurance company so

long as the participant remains disabled up to the 70th birthday, provided the disability commenced prior to the 60th birthday. The benefit shall terminate when the participant is no longer considered totally disabled or begins to receive retirement benefits.

The participant shall be considered totally disabled if the participant is unable to perform each duty of the participant's occupation and is under the regular care of a physician. After the 24 months following the commencement of the disability benefit payments, the participant shall be unable to engage in any gainful occupation for which the participant is reasonably fitted by education, training, or experience. Total disability shall not be considered to exist if the participant is gainfully employed. Following an agreement with the insurance company and the policyholder, the participant may continue to receive disability benefits for a limited time while performing some type of work. During the period of rehabilitation, the monthly benefit shall be the regular payment less 80% of the participant's earnings from the rehabilitative position.

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

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

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

No participant shall be covered by the disability benefit provision of the group policy or policies except upon the completion of one year of full-time continuous employment in a position eligible for participation in the Defined Contribution Retirement Program. For a member who is a partici-

pant pursuant to paragraph (5) of subsection a. of section 2 of P.L.2007, c.92 (C.43:15C-2) as amended by section 12 of P.L.2007, c.103 and section 7 of P.L.2010, c.1, completion of one year of full-time continuous employment in a position eligible for membership in the Teachers' Pension and Annuity Fund, Police and Firemen's Retirement System, State Police Retirement System, or the Public Employees' Retirement System shall also be considered in determining if the participant met the requirements of this paragraph.

117. R.S.44:1-1 is amended to read as follows:

Definitions.

44:1-1. As used in this chapter:

"Almshouse" means a place where the poor are maintained at the public expense of a municipality or county, which has not established and does not maintain a welfare-house.

"Commissioner" means the Commissioner of Human Services.

"County adjuster" means the official of that designation authorized to act in the cases of commitment or admission of persons who have a mental illness to state or county psychiatric hospitals.

"May" shall be construed to be permissive.

"Municipality" shall not include, in meaning, a county, unless otherwise indicated by the context, but shall include a city, borough, township, town, village, or municipality governed by an improvement commission.

"Overseer" means a person who is charged with the superintendence and relief or removal of the poor within the overseer's jurisdiction or found in the overseer's municipality, and means superintendent in all cases where a superintendent as defined in this section is authorized to act when there is no overseer.

"Permanent or indoor poor" means poor persons who may be better relieved or maintained and supported under the provisions of this chapter by commitment to a welfare-house, almshouse, or, with limitations, in the home.

"Poor person" means one who is unable to maintain himself or those dependent upon him.

"Public charge" means a person to whom it is necessary to furnish proper relief as provided in this chapter.

"Settlement of a person" means a person's right under the provisions of this chapter to relief or maintenance and support in a municipality, county, or counties.

"State board" means the State Board of Human Services.

"Superintendent" means the employee of a welfare board of a county or district authorized to act for it and under its direction and to act for overseers where there are none.

"Temporary or outdoor poor" means poor persons who can be relieved temporarily at their domicile or without being maintained in an almshouse or welfare-house.

"Voluntary wards of the county welfare board" means persons admitted to a county welfare-house on application to the county welfare board and not supported entirely at public expense.

"Welfare board" means the board of one or more counties authorized to have charge, supervision, and control of a welfare-house and to supervise through a superintendent such work for or in relation to the poor as directed or authorized.

"Welfare-house" means a place where persons unable to care for and maintain themselves in whole or in part by reason of age, infirmity or poverty may be cared for and maintained in whole or in part at the expense of a county or municipality under the superintendent of a county welfare board in a county or portion thereof or districts composed of more than one county or portions thereof.

"District welfare-house" where so mentioned, means one established and maintained by more than one county or portions thereof.

118. R.S.44:4-1 is amended to read as follows:

Definitions.

44:4-1. As used in this chapter:

"Almshouse" means a place for the maintenance of the poor at the public expense of a county or municipality, prior to the establishment of a welfare-house.

"Commissioner" means the Commissioner of Human Services.

"County adjuster" means the official of that designation authorized to act in the cases of commitment or admission of persons who have a mental illness to State or county hospitals for the insane.

"County welfare board" means the board of a single county authorized to have charge, supervision and control of a county welfare-house and the administration of the settlement and relief of the poor for such county and to supervise through a director of welfare such work for or in relation to the poor as directed or authorized.

"Director of welfare" means an employee of a county welfare board with authority to act for it and under its direction, and to act for and in lieu

of overseers where there are none, and perform the functions of and replace the office of overseer.

"May" shall be construed to be permissive.

"Municipality" shall not include, in meaning, a county, unless otherwise indicated by the context, but shall include any city, borough, township, town, village or municipality governed by an improvement commission.

"Permanent or indoor poor," as found in this chapter, shall mean a disabled person who has been diagnosed by a regular practicing physician as being unemployable due to a mental or physical condition, providing such condition is in the physician's opinion of permanent nature, and further providing that the disabled person is not eligible for any other type of categorical aid.

"Poor person" means a permanently disabled person who is without means of support as defined above.

"Public charge" means a person to whom it is necessary to furnish proper relief as provided in this chapter.

"Settlement of a person" means his right under the provisions of this chapter to relief or maintenance and support in any county or counties.

"State board" means the State Board of Human Services.

"Temporary or outdoor poor" means poor persons who can be relieved temporarily at their domicile or without being maintained in an almshouse or welfare-house.

"Welfare-house" means a place where the poor are maintained at the public expense under the superintendence of a county welfare board in any county.

"Disabled person" means any person entitled to relief under this chapter.

119. R.S.44:7-1 is amended to read as follows:

Definitions.

44:7-1. As used in this chapter:

"Commissioner" means the Commissioner of Human Services.

"State board" means the State Board of Human Services.

"State division" means the bureau of assistance as set up within the Department of Human Services.

"Director of old age assistance" means the chief of the State bureau of assistance.

"Director of welfare" means the director of the county welfare board.

"County welfare board" means the boards established within the several counties for the purposes of administering welfare to the needy,

whether set up under the authority of this chapter or pursuant to any other laws of this State.

"Assistance" means money payments to or on behalf of eligible persons.

"Old age assistance" means assistance to aged needy persons as provided by this chapter, and, unless otherwise indicated, includes all programs of assistance for other specified classes of persons authorized to be administered by or through the county welfare boards.

"County adjuster" means the official of that designation authorized to act in cases of commitment or admission of persons who have a mental illness to State or county hospitals for the insane.

"Federal aid" means grants-in-aid to the State as provided for in the Federal Social Security Act, approved August 14, 1935, as amended.

"Institution" means any establishment, whether in single or multiple dwellings, whether public or private, whether incorporated or unincorporated, whether for profit or nonprofit, operated at the direction of or under the management of an individual or individuals, corporation, partnership, society, or association, which furnishes food and shelter for 4 or more persons unrelated to the proprietor and which provides medical or nursing service or any other personal care or service beyond food, shelter, and laundry, to any 1 or more of such persons.

120. Section 1 of P.L.1964, c.155 (C.44:11-1) is amended to read as follows:

C.44:11-1 Definitions.

1. As used in P.L.1964, c.155 (C.44:11-1 et seq.):

"Court" means the Superior Court in the county whose welfare board is responsible for making payments of public assistance to or for the benefit of the recipient or, in cases where a representative payee has been appointed pursuant to P.L.1964, c.155, the Superior Court having made such appointment.

"Functionally incapacitated" means subject to a mental, physical, or emotional condition which renders the individual incapable of receiving and utilizing payments of public assistance in a manner conducive to the health and well-being of the individual and the individual's dependents.

"Representative payee" means a person appointed by a court to act for a recipient to the extent of receiving and administering payments of public assistance.

"Public assistance" means "old age assistance" and "disability assistance" as authorized by Revised Statutes, Title 44, chapter 7; "blind assis-

tance" as authorized by Revised Statutes, Title 30, chapter 6; "assistance for dependent children" as authorized by chapter 86, laws of 1959; together with amendments and supplements to any of the foregoing; and any other program administered through the county welfare boards, by whatever name now or hereafter known, which is authorized to provide financial assistance to needy persons in the form of money payments.

"Recipient" means a person who has been found eligible to receive payments of public assistance.

"Welfare board" means the county welfare board or board of social services responsible for making payments of public assistance to or for the benefit of the recipient.

121. Section 2 of P.L.1964, c.155 (C.44:11-2) is amended to read as follows:

C.44:11-2 Appointment of representative payee; contents of complaints.

2. Whenever it appears necessary to appoint a representative payee for a recipient who is functionally incapacitated, a complaint seeking such appointment may be filed with the court by the welfare board. The complaint shall set forth the name, age, and place of residence of the recipient; the name and place of residence of the nearest relative of the recipient, if known; and that the recipient has been found otherwise eligible to receive a grant of public assistance.

122. Section 3 of P.L.1964, c.155 (C.44:11-3) is amended to read as follows:

C.44:11-3 Statement that recipient is functionally incapacitated.

3. A verified statement by the director of the welfare board, or the director's authorized representative, annexed to the complaint and setting forth that a review by the Division of Family Services in the Department of Human Services indicates that the recipient is functionally incapacitated, shall be prima facie evidence of the necessity for the appointment.

123. Section 4 of P.L.1964, c.155 (C.44:11-4) is amended to read as follows:

C.44:11-4 Hearing; evidence; appointment of representative.

4. Upon the filing of a complaint and verified statement as provided by P.L.1964, c.155 (C.44:11-1 et seq.), the court shall proceed in a summary manner to hear testimony for the purpose of determining whether the

recipient is functionally incapacitated. The written certification of two physicians who have been in the actual practice of medicine and surgery in this State for at least five years shall be sufficient, but not required, evidence to establish the condition of the recipient. If the court is satisfied that the recipient is functionally incapacitated, the court shall appoint a fit and proper person as representative payee for the recipient.

124. Section 7 of P.L.1964, c.155 (C.44:11-7) is amended to read as follows:

C.44:11-7 Discharge of representative.

7. (a) When at a hearing held upon application of the recipient the court determines from the certification of two physicians, or other acceptable evidence, that the recipient is no longer functionally incapacitated, the court may discharge the representative payee.

(b) Whenever it appears upon application and good cause shown by the representative payee or the welfare board that the representative payee should be relieved of the representative payee's duties, the court may discharge the representative payee and, if the circumstances still require, appoint a replacement for the representative payee.

125. Section 6 of P.L.1985, c.256 (C.45:14B-36) is amended to read as follows:

C.45:14B-36 Valid authorization.

6. A valid authorization for the purpose of P.L.1985, c.256 (C.45:14B-30 et seq.) shall:

- a. Be in writing;
- b. Specify the nature of the information to be disclosed, the person authorized to disclose the information, to whom the information may be disclosed, the specific purposes for which the information may be used, both at the time of disclosure and at any time in the future;
- c. Specify that the patient is aware of the statutory privilege accorded by section 28 of P.L.1966, c.282 (C.45:14B-28) to confidential communications between a patient and a licensed psychologist;
- d. State that the consent is subject to revocation at any time;
- e. Be signed by the patient or the person authorizing the disclosure. If the patient is adjudicated incapacitated or is deceased, the authorization shall be signed by the patient's legally authorized representative. When the patient is more than 14 years of age but has not yet reached majority, the

authorization shall be signed by the patient and by the patient's parent or legal guardian. When the patient is less than 14 years of age, the authorization shall be signed only by the patient's parent or legal guardian; and

f. Contain the date upon which the authorization was signed.

126. Section 1 of P.L.1953, c.269 (C.47:3-9) is amended to read as follows:

C.47:3-9 Removal, destruction of certain papers.

1. Whenever papers as described herein have been on file in the office of the county clerk or register of deeds and mortgages for more than the number of years specified, the county clerk or register of deeds and mortgages, having charge thereof, may direct the papers be removed and destroyed, subject, however, to the limitations imposed herein.

The following may be removed and destroyed pursuant to the provisions of this act:

(a) Admissions to the bar, notices of intention to apply for admissions, after one year;

(b) Appeals, notices from local criminal courts, and other papers incidental thereto, where the appeals were not heard and disposed of by specific court action, after five years;

(c) Bills of sale upon condition and other papers in the nature of conditional bills of sale, after six years; provided their expiration dates occurred prior to the six years; and further provided, if their expiration dates shall have been extended by the acts of the parties and notice of the acts shall have been given to the county recording officer, then after six years from their expiration dates as so extended; and further provided, that bills of sale under seal, after twenty-two years instead of after six years;

(d) Bonds given as bail and recognizances in connection with or in lieu of bail, and discharges of the same, after six years; provided notations thereof have been entered on the dockets;

(e) Bonds under orders of filiation, after twenty years;

(f) Certificates of authority filed by insurance and bonding companies, after six years;

(g) Chattel mortgages, after six years; provided their expiration dates occurred prior to the six years; and further provided, if their expiration dates shall have been extended by the acts of the parties and notice of the acts shall have been given to the county recording officer, then after six years from their expiration dates as so extended; and further provided, that chattel mortgages under seal, after twenty-two years instead of after six years;

- (h) Contracts, plans, and specifications for the construction of buildings and other structures except for public buildings, after ten years;
- (i) Convictions of disorderly persons, after five years;
- (j) Costs, bills of costs taxed by the clerk, both civil and criminal, after twenty years; provided notations thereof have been entered on the dockets;
- (k) Depositions, which are not within the scope of any applicable court rule and which do not pertain to any pending court action or proceeding, after ten years;
- (l) Delinquent municipal tax returns for real and personal property and discharges therefor, after twenty years;
- (m) Elections returns, certificates of, and all other papers relating to elections, including primary petitions, returns for primary and general elections, and statements of candidates' campaign managers and treasurers, after five years;
- (n) Executions returned by the sheriff, both satisfied and unsatisfied, after twenty years; provided notations thereof have been entered on the dockets;
- (o) Extradition papers including applications for writs of habeas corpus, except judgments thereon, after five years;
- (p) Indictments, accusations, informations, and complaints in the nature thereof, if nolle prossed, or if the defendant charged thereby has been convicted or acquitted, or if the court has otherwise disposed of the same, after five years;
- (q) Inquests conducted by the coroners, and their reports, and other papers relating to sudden deaths, after ten years;
- (r) Insolvency proceedings, assignments for the benefit of creditors, inventories in the proceedings, discharges of insolvents, and other papers relating or incidental to insolvency proceedings, after twenty years;
- (s) Institutions and agencies, commitments other than in criminal or mental incapacity cases, reports, and other papers relating to institutions and agencies, after thirty years;
- (t) Judgment transcripts for docketing, after twenty years; provided notations thereof have been entered on the dockets;
- (u) Judgments, satisfactions and discharges, and releases of judgments, after twenty years; provided notations thereof have been entered on the dockets;
- (v) Juries, lists of Grand and petit juries, and other papers relating to summoning, impaneling, and the charging of the juries, after five years;
- (w) Justices of the peace bonds, dockets, files, and papers, after twenty years;
- (x) Licenses for hunting, including applications, after two years;

(y) Lien notices and claims other than mechanics' lien claims, and other than lien notices or notices in the nature of lien notices filed by any State, county, or municipal agency, after six years;

(z) Lists of causes for trial calendars, including notices of trial, after one year;

(aa) Proceedings for commitments to psychiatric institutions, including medical and other reports relating thereto, after thirty years;

(bb) Mechanics' lien and construction lien claims, notices of intention, notices of unpaid balance and right to file lien, stop notices, and all papers relating to mechanics' lien and construction lien claims, other than proceedings and actions in the courts brought to enforce the lien claims, after six years;

(cc) Notary public certificates and qualifying papers, after five years;

(dd) Notices and other papers, authorized or required by law to be filed but not recorded and not involving title to real or personal property or to proceedings or actions in any court, after ten years;

(ee) Oaths of office of persons whose incumbency in office has ceased, after five years; provided the term of office of the person expired prior to the five years;

(ff) Permits to carry firearms which have expired, including the applications therefor, after two years;

(gg) Prison records and reports and papers relating thereto, after five years;

(hh) Probation reports and papers relating thereto, after five years;

(ii) Referees' reports, not forming a part of the record of a proceeding or action in court, after six years;

The several periods of time shall be computed from the date of the filing of the papers.

The county clerk and the register of deeds and mortgages may retain on file any of the papers as a part of the permanent records of the office.

127. R.S.48:12-151 is amended to read as follows:

Limitation of certain actions.

48:12-151. All actions accruing from injuries to persons caused by the wrongful act, neglect, or default of any railroad company owning or operating any railroad within this State, shall be commenced and sued within two years next after the cause of action accrued, and not after, except for injuries to minors and incapacitated persons occurring subsequent to the effective date of R.S.48:12-151. Actions by an executor or administrator for

injuries causing the death of the testator or intestate shall be commenced and sued within two years next after the death, and not after. All actions for injury done to any property by fire communicated by an engine of any railroad company of any railroad within this State shall be commenced and sued within two years after the cause of action accrued, and not after, except that action for injury occurring after the effective date of this act shall be commenced within six years after the cause of action accrued, and not thereafter.

128. Section 7 of P.L.1971, c.317 (C.52:4B-7) is amended to read as follows:

C.52:4B-7 Hearings by review board.

7. Hearings on appeals from decisions of the Victims of Crime Compensation Agency involving issues of victim compensation shall be conducted by the Victims of Crime Compensation Review Board in the following manner:

a. Upon an application made to the board under the provisions of the "Criminal Injuries Compensation Act of 1971," P.L.1971, c.317, the board shall fix a time and place for a hearing on the application and shall cause notice thereof to be given to the applicant.

b. For the purpose of carrying out the provisions of the "Criminal Injuries Compensation Act of 1971," P.L.1971, c.317, the board, or any member thereof, may hold hearings, sit, and act at times and places, and take testimony as the board or any member may deem advisable. Any member of the board may administer oaths or affirmations to witnesses. The board shall have full powers of subpoena and compulsion of attendance of witnesses and production of documents, except that no subpoena shall be issued except under the signature of a member of the board, and application to any court for aid in enforcing the subpoena may be made in the name of the board by any member thereof. Subpoenas shall be served by any person designated by the board.

c. In any case in which the person entitled to make an application is a child, the application may be made on the person's behalf by the person's parent, guardian, or advocate. In any case in which the person entitled to make an application is incapacitated, the application may be made on the person's behalf by the guardian, advocate, or other individual authorized to administer the person's estate.

d. Any person having a substantial interest in a proceeding may appear, produce evidence, and cross-examine witnesses in person or by attorney.

e. The board may receive in evidence any statement, document, information, or matter that may in the opinion of the board contribute to its functions under the "Criminal Injuries Compensation Act of 1971," P.L.1971, c.317, but the board shall not be bound by the rules of evidence.

f. If any person has been convicted of any offense with respect to an act or omission on which a claim under the "Criminal Injuries Compensation Act of 1971," P.L.1971, c.317 is based, proof of that conviction shall be taken as conclusive evidence that the offense has been committed, unless an appeal or any proceeding with regard thereto is pending.

129. R.S.52:14-13 is amended to read as follows:

Mental incapacity of State officer to vacate office.

52:14-13. When an officer of this State or a member of a State board or commission is unable to perform the duties of the commission or appointment because of mental incapacity, the commission or appointment of the officer or member shall become vacated and void, and a vacancy shall thereupon exist in the office, the same as though the officer or member had resigned or died.

130. Section 1 of P.L.2002, c.118 (C.52:17B-139.7) is amended to read as follows:

C.52:17B-139.7 Notification to fire department by provider of medical oxygen, oxygen delivery system of patient's name, residence, age.

1. A licensed pharmacist or other provider of oxygen or an oxygen delivery system who has supplied oxygen or an oxygen delivery system to a patient on an order from a licensed health care provider shall notify the appropriate fire department or company serving the municipality in which the patient resides of the name, address, and age of the patient and the existence of the oxygen or oxygen delivery system at the patient's residence, in accordance with the provisions of P.L.2002, c.118 (C.52:17B-139.7 et seq.).

a. Prior to notification, a pharmacist or other provider of oxygen or an oxygen delivery system shall inform the patient of the notification requirements of this act and obtain written informed consent from the patient for the notification.

If the patient is legally incapacitated, the pharmacist or other provider of oxygen or an oxygen delivery system shall inform an authorized representative of the patient of the notification requirements of P.L.2002, c.118 and obtain the written informed consent from the authorized representative.

b. Written informed consent shall consist of a statement, on a form or in a manner to be determined by the Director of the Division of Consumer Affairs in the Department of Law and Public Safety, signed by the patient or by an authorized representative of the patient, which acknowledges that the pharmacist or other provider of oxygen or an oxygen delivery system has provided the patient with information regarding the notification requirements of P.L.2002, c.118, and that the patient or authorized representative of the patient consents to the notification.

c. If the patient or the patient's authorized representative declines to give informed consent for the notification, the pharmacist or other provider of oxygen or an oxygen delivery system is required to inform the patient or the patient's authorized representative that the patient or representative is obligated to notify the appropriate fire department or company of the patient's name, address, age, and of the existence of oxygen or an oxygen delivery system at the patient's residence. The pharmacist or other provider also shall inform the patient or his authorized representative that the patient or representative is obligated to notify the appropriate fire department or company whenever the supplying of oxygen or the providing of an oxygen delivery system to the patient is terminated and the oxygen or oxygen delivery system is removed from the patient's residence.

d. If the patient or the patient's authorized representative declines to give informed consent, the pharmacist or other provider of oxygen or an oxygen delivery system is exempt from the requirement to make the notification and is permitted to supply the oxygen or oxygen delivery system as directed by the licensed health care provider's order.

e. A copy of the written informed consent shall be attached to the order for the oxygen or oxygen delivery system or otherwise included in the patient's record or, if written consent is not given, the pharmacist or other provider of oxygen or an oxygen delivery system shall note on the order or in the patient's record that informed consent was not given.

f. A pharmacist or other provider of oxygen or an oxygen delivery system who complies with the provisions of this act shall be immune from civil liability if the patient fails to notify the appropriate fire department or company of the patient's name, address, age, and the existence of oxygen or an oxygen delivery system at the patient's residence.

g. Whenever the supplying of oxygen or the providing of an oxygen delivery system to a patient is terminated and the oxygen or oxygen delivery system is removed from the patient's residence, the pharmacist or other provider of that oxygen or oxygen delivery system shall so notify the appropriate fire department or company. Notice shall be given in a manner,

form, and within a time frame prescribed by the Director of the Division of Consumer Affairs. If the patient or his authorized representative notified the fire department or company of the existence of oxygen or an oxygen delivery system at his residence pursuant to subsection c. of this section, the patient or his authorized representative shall notify the fire department or company that the supplying of oxygen or the providing of an oxygen delivery system is terminated and that the oxygen or oxygen delivery system has been removed from the patient's residence. Notification shall be provided within 10 days of removal.

131. Section 2 of P.L.1985, c.298 (C.52:27G-21) is amended to read as follows:

C.52:27G-21 Findings, declarations.

2. The Legislature finds and declares that private guardianship for an elderly adult who is incapacitated may not be feasible where there are no willing and responsible family members or friends to serve as guardian, that P.L.1985, c.298 (C.52:27G-20 et seq.) establishes a public guardianship program for elderly adults for the purpose of furnishing guardianship services to elderly persons at reduced or no cost when appropriate, and that P.L.1985, c.298 intends to promote the general welfare by establishing a public guardianship system that permits elderly persons to determinatively participate as fully as possible in all decisions that affect them.

132. R.S.54:5-84 is amended to read as follows:

Persons in need of a guardian.

R.S.54:5-84. If a delinquent owner or lienor is under the age of 18, a person with an intellectual disability, or a person who has been adjudicated incapacitated and in need of a guardianship available under Title 3B of the New Jersey Statutes, upon expiration of the time limit for the redemption of the real estate in which that person has an interest, the right to redeem shall not be barred by service of notice as provided in this article so long as the minority, disability, or incapacity continues, but shall be barred only by an action to foreclose brought in the Superior Court.

133. N.J.S.59:8-8 is amended to read as follows:

Time for presentation of claims.

59:8-8. Time for presentation of claims. A claim relating to a cause of action for death or for injury or damage to person or to property shall be

presented as provided in this chapter not later than the 90th day after accrual of the cause of action. After the expiration of six months from the date notice of claim is received, the claimant may file suit in an appropriate court of law. The claimant shall be forever barred from recovering against a public entity or public employee if:

- a. The claimant failed to file the claim with the public entity within 90 days of accrual of the claim except as otherwise provided in N.J.S.59:8-9; or
- b. Two years have elapsed since the accrual of the claim; or
- c. The claimant or the claimant's authorized representative entered into a settlement agreement with respect to the claim.

Nothing in this section shall prohibit a minor or a person who is mentally incapacitated from commencing an action under this act within the time limitations contained herein, after reaching majority or returning to mental capacity.

Repealer.

134. The following are repealed:

R.S.30:9-1.1;
R.S.30:9-2;
R.S.30:9-29;
R.S.44:5-11; and
R.S.44:5-19.

135. This act shall take effect immediately.

Approved August 7, 2013.

CHAPTER 104

AN ACT concerning diabetes and supplementing Title 26 of the Revised Statutes.

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

C.26:2-142.1 Diabetes action plan, report to Governor, Legislature.

1. a. The Department of Health, in consultation with the Department of Human Services and the Department of Children and Families, shall develop a diabetes action plan to reduce the impact of diabetes in the State of

New Jersey. The plan shall identify goals and benchmarks related to reducing the incidence of diabetes in New Jersey, improving diabetes care, and controlling complications associated with diabetes.

b. The Department of Health, in consultation with the Department of Human Services and the Department of Children and Families, shall, no later than 24 months after the effective date of this act and biannually thereafter, present a report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), on the following:

(1) The financial impact and reach of diabetes of all types on the Department of Health, the Department of Human Services, and the Department of Children and Families, as well as the population Statewide and in specific areas of the State. The report shall include: (a) the number of people with diabetes receiving services provided by each department; (b) the number of people with diabetes and family members impacted by diabetes prevention and control programs implemented by each department; (c) the financial impact of diabetes and its complications on each department; and (d) the financial impact of diabetes and its complications on each department in comparison to other chronic diseases and conditions;

(2) The benefits of implemented programs and activities aimed at preventing or controlling diabetes. This assessment shall document the amount and source of any funding directed to each department for programs and activities aimed at reaching those with diabetes;

(3) The level of coordination among the three departments and the divisions and agencies thereof on activities, programmatic activities, and messaging related to the management, treatment, or prevention of all forms of diabetes and its complications;

(4) The development or revision of a detailed action plan for preventing and controlling diabetes with a range of actionable items for consideration by the Legislature. The plan shall identify proposed actions to reduce the impact of all forms of diabetes, pre-diabetes, and complications related to diabetes; identify expected outcomes of the proposed actions in the following biennium; and establish benchmarks for preventing and controlling relevant forms of diabetes, reducing the incidence of diabetes, improving diabetes care, and controlling complications associated with diabetes; and

(5) The development of a detailed budget blueprint identifying needs, costs, and resources required to implement the plan pursuant to paragraph (4) of this subsection. This blueprint shall include a budget range for each proposed action presented in the plan pursuant to paragraph (4) of this subsection for consideration by the Legislature.

2. This act shall take effect immediately.

Approved August 7, 2013.

CHAPTER 105

AN ACT concerning professional development for public school employees and supplementing chapter 6 of Title 18A of the New Jersey Statutes.

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

C.18A:6-130 Professional development opportunities related to reading disabilities.

1. The Department of Education shall provide professional development opportunities related to reading disabilities, including dyslexia, to school district personnel. The professional development shall be made available to general education, special education, basic skills, and English as a second language teachers, instructional support staff, administrators, supervisors, child study team members, and speech-language specialists. The professional development opportunities shall be designed to account for the various manners in which different school district personnel interact with, or develop instructional programs for, students with reading disabilities.

C.18A:6-131 Required instruction.

2. The State Board of Education shall, as part of the professional development requirement established by the State board for public school teaching staff members, require certain teaching staff members to annually complete at least two hours of professional development instruction on the screening, intervention, accommodation, and use of technology for students with reading disabilities, including dyslexia. The professional development requirement established pursuant to this section shall apply to general education teachers employed in grades kindergarten through 3, special education, basic skills, and English as a second language teachers, reading specialists, learning disabilities teacher consultants, and speech-language specialists. A board of education may make the professional development opportunities available to other instructional or support staff as the board deems appropriate.

3. This act shall take effect immediately and shall first be applicable to the first full school year beginning after the effective date of this act.

Approved August 7, 2013.

CHAPTER 106

AN ACT concerning municipal land use approval, amending and supplementing P.L.1975, c.291 (C.40:55D-1 et seq.)

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

1. Section 2 of P.L.1975, c.291 (C.40:55D-2) is amended to read as follows:

C.40:55D-2 Purpose of the act.

2. Purpose of the act. It is the intent and purpose of this act:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- b. To secure safety from fire, flood, panic and other natural and man-made disasters;
- c. To provide adequate light, air and open space;
- d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;

h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;

i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;

j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;

k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;

l. To encourage senior citizen community housing construction;

m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;

n. To promote utilization of renewable energy resources;

o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs; and

p. To enable municipalities the flexibility to offer alternatives to traditional development, through the use of equitable and effective planning tools including clustering, transferring development rights, and lot-size averaging in order to concentrate development in areas where growth can best be accommodated and maximized while preserving agricultural lands, open space, and historic sites.

2. Section 3 of P.L.1975, c.291 (C.40:55D-3) is amended to read as follows:

C.40:55D-3 Definitions; shall, may; A to C.

3. For the purposes of this act, unless the context clearly indicates a different meaning:

The term "shall" indicates a mandatory requirement, and the term "may" indicates a permissive action.

"Administrative officer" means the clerk of the municipality, unless a different municipal official or officials are designated by ordinance or statute.

"Agricultural restriction" means an "agricultural deed restriction for farmland preservation purposes" as defined in section 3 of P.L.1983, c.32 (C.4:1C-13).

"Agricultural land" means "farmland" as defined pursuant to section 3 of P.L.1999, c.152 (C.13:8C-3).

"Applicant" means a developer submitting an application for development.

"Application for development" means the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, cluster development, conditional use, zoning variance or direction of the issuance of a permit pursuant to section 25 or section 27 of P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).

"Approving authority" means the planning board of the municipality, unless a different agency is designated by ordinance when acting pursuant to the authority of P.L.1975, c.291 (C.40:55D-1 et seq.).

"Board of adjustment" means the board established pursuant to section 56 of P.L.1975, c.291 (C.40:55D-69).

"Building" means a combination of materials to form a construction adapted to permanent, temporary, or continuous occupancy and having a roof.

"Cable television company" means a cable television company as defined pursuant to section 3 of P.L.1972, c.186 (C.48:5A-3).

"Capital improvement" means a governmental acquisition of real property or major construction project.

"Circulation" means systems, structures and physical improvements for the movement of people, goods, water, air, sewage or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits, and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or transshipment points.

"Cluster development" means a contiguous cluster or noncontiguous cluster that is not a planned development.

"Common open space" means an open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

"Conditional use" means a use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as

contained in the zoning ordinance, and upon the issuance of an authorization therefor by the planning board.

"Conservation restriction" means a "conservation restriction" as defined in section 2 of P.L.1979, c.378 (C.13:8B-2).

"Contiguous cluster" means a contiguous area to be developed as a single entity according to a plan containing a section or sections to be developed for residential purposes, nonresidential purposes, or a combination thereof, at a greater concentration of density or intensity of land use than authorized within the section or sections under conventional development, in exchange for the permanent preservation of another section or other sections of the area as common or public open space, or for historic or agricultural purposes, or a combination thereof.

"Conventional" means development other than cluster development or planned development.

"County agriculture development board" or "CADB" means a county agriculture development board established by a county pursuant to the provisions of section 7 of P.L.1983, c.32 (C.4:1C-14).

"County master plan" means a composite of the master plan for the physical development of the county in which the municipality is located, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the county planning board pursuant to R.S.40:27-2 and R.S.40:27-4.

"County planning board" means the county planning board, as defined in section 1 of P.L.1968, c.285 (C.40:27-6.1), of the county in which the land or development is located.

3. Section 3.1 of P.L.1975, c.291 (C.40:55D-4) is amended to read as follows:

C.40:55D-4 Definitions; D to L.

3.1. "Days" means calendar days.

"Density" means the permitted number of dwelling units per gross area of land that is the subject of an application for development, including non-contiguous land, if authorized by municipal ordinance or by a planned development.

"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.

"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 P.L.1975, c.291 (C.40:55D-1 et seq.).

"Development potential" means the maximum number of dwelling units or square feet of nonresidential floor area that may be constructed on a specified lot or in a specified zone under the master plan and land use regulations in effect on the date of the adoption of the development transfer ordinance or on the date of the adoption of the ordinance authorizing noncontiguous cluster, and in accordance with recognized environmental constraints.

"Development regulation" means a zoning ordinance, subdivision ordinance, site plan ordinance, official map ordinance or other municipal regulation of the use and development of land, or amendment thereto adopted and filed pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.).

"Development restriction" means an agricultural restriction, a conservation restriction, or a historic preservation restriction.

"Development transfer" or "development potential transfer" means the conveyance of development potential, or the permission for development, from one or more lots to one or more other lots by deed, easement, or other means as authorized by ordinance.

"Development transfer bank" means a development transfer bank established pursuant to section 22 of P.L.2004, c.2 (C.40:55D-158) or the State TDR Bank.

"Drainage" means the removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

"Environmental commission" means a municipal advisory body created pursuant to P.L.1968, c.245 (C.40:56A-1 et seq.).

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice and gravity.

"Final approval" means the official action of the planning board taken on a preliminarily approved major subdivision or site plan, after all conditions, engineering plans and other requirements have been completed or

fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees.

"Floor area ratio" means the sum of the area of all floors of buildings or structures compared to the total area of land that is the subject of an application for development, including noncontiguous land, if authorized by municipal ordinance or by a planned development.

"General development plan" means a comprehensive plan for the development of a planned development, as provided in section 4 of P.L.1987, c.129 (C.40:55D-45.2).

"Governing body" means the chief legislative body of the municipality. In municipalities having a board of public works, "governing body" means such board.

"Historic district" means one or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites.

"Historic preservation restriction" means a "historic preservation restriction" as defined in section 2 of P.L.1979, c.378 (C.13:8B-2).

"Historic site" means any real property, man-made structure, natural object or configuration or any portion or group of the foregoing of historical, archeological, cultural, scenic or architectural significance.

"Inherently beneficial use" means a use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare. Such a use includes, but is not limited to, a hospital, school, child care center, group home, or a wind, solar or photovoltaic energy facility or structure.

"Instrument" means the easement, credit, or other deed restriction used to record a development transfer.

"Interested party" means: (a) in a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey; and (b) in the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire, or enjoy property is or may be affected by any action taken under P.L.1975, c.291 (C.40:55D-1 et seq.), or whose rights to use, acquire, or enjoy property under P.L.1975, c.291 (C.40:55D-1 et seq.), or under any other law of this State or of the United States have been denied, violated or infringed by an action or a failure to act under P.L.1975, c.291 (C.40:55D-1 et seq.).

"Land" includes improvements and fixtures on, above or below the surface.

"Local utility" means any sewerage authority created pursuant to the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et seq.); any utilities authority created pursuant to the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.); or any utility, authority, commission, special district or other corporate entity not regulated by the Board of Regulatory Commissioners under Title 48 of the Revised Statutes that provides gas, electricity, heat, power, water or sewer service to a municipality or the residents thereof.

"Lot" means a designated parcel, tract or area of land established by a plat or otherwise, as permitted by law and to be used, developed or built upon as a unit.

4. Section 3.2 of P.L.1975, c.291 (C.40:55D-5) is amended to read as follows:

C.40:55D-5 Definitions; M to O.

3.2. "Maintenance guarantee" means any security which may be accepted by a municipality for the maintenance of any improvements required by this act, including but not limited to surety bonds, letters of credit under the circumstances specified in section 16 of P.L.1991, c.256 (C.40:55D-53.5), and cash.

"Major subdivision" means any subdivision not classified as a minor subdivision.

"Master plan" means a composite of one or more written or graphic proposals for the development of the municipality as set forth in and adopted pursuant to section 19 of P.L.1975, c.291 (C.40:55D-28).

"Mayor" means the chief executive of the municipality, whatever his official designation may be, except that in the case of municipalities governed by municipal council and municipal manager the term "mayor" shall not mean the "municipal manager" but shall mean the mayor of such municipality.

"Military facility" means any facility located within the State which is owned or operated by the federal government, and which is used for the purposes of providing logistical, technical, material, training, and any other support to any branch of the United States military.

"Military facility commander" means the chief official, base commander or person in charge at a military facility.

"Minor site plan" means a development plan of one or more lots which (1) proposes new development within the scope of development specifically permitted by ordinance as a minor site plan; (2) does not involve

planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to section 30 of P.L.1975, c.291 (C.40:55D-42); and (3) contains the information reasonably required in order to make an informed determination as to whether the requirements established by ordinance for approval of a minor site plan have been met.

"Minor subdivision" means a subdivision of land for the creation of a number of lots specifically permitted by ordinance as a minor subdivision; provided that such subdivision does not involve (1) a planned development, (2) any new street or (3) the extension of any off-tract improvement, the cost of which is to be prorated pursuant to section 30 of P.L.1975, c.291 (C.40:55D-42).

"Municipality" means any city, borough, town, township or village.

"Municipal agency" means a municipal planning board or board of adjustment, or a governing body of a municipality when acting pursuant to this act and any agency which is created by or responsible to one or more municipalities when such agency is acting pursuant to this act.

"Municipal resident" means a person who is domiciled in the municipality.

"Nonconforming lot" means a lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

"Nonconforming structure" means a structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

"Nonconforming use" means a use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

"Noncontiguous cluster" means noncontiguous areas to be developed as a single entity according to a plan containing an area, or a section or sections thereof, to be developed for residential purposes, nonresidential purposes, or a combination thereof, at a greater concentration of density or intensity of land use than authorized within the area, section, or sections, under conventional development, in exchange for the permanent preservation of another area, or a section or sections thereof, as common or public open space, or for historic or agricultural purposes, or a combination thereof.

"Office of Smart Growth" means the Office of State Planning established pursuant to section 6 of P.L.1985, c.398 (C.52:18A-201).

"Official county map" means the map, with changes and additions thereto, adopted and established, from time to time, by resolution of the board of chosen freeholders of the county pursuant to R.S.40:27-5.

"Official map" means a map adopted by ordinance pursuant to article 5 of P.L.1975, c.291.

"Offsite" means located outside the lot lines of the lot in question but within the property, of which the lot is a part, which is the subject of a development application or the closest half of the street or right-of-way abutting the property of which the lot is a part.

"Off-tract" means not located on the property which is the subject of a development application nor on the closest half of the abutting street or right-of-way.

"Onsite" means located on the lot in question and excluding any abutting street or right-of-way.

"On-tract" means located on the property which is the subject of a development application or on the closest half of an abutting street or right-of-way.

"Open-space" means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and offstreet parking and other improvements that are designed to be incidental to the natural openness of the land or support its use for recreation and conservation purposes.

5. Section 3.3 of P.L.1975, c.291 (C.40:55D-6) is amended to read as follows:

C.40:55D-6 Definitions; P to R.

3.3. "Party immediately concerned" means for purposes of notice any applicant for development, the owners of the subject property and all owners of property and government agencies entitled to notice under section 7.1 of P.L.1975, c.291 (C.40:55D-12).

"Performance guarantee" means any security, which may be accepted by a municipality, including but not limited to surety bonds, letters of credit under the circumstances specified in section 16 of P.L.1991, c.256 (C.40:55D-53.5), and cash.

"Planned commercial development" means an area of a minimum contiguous or noncontiguous size as specified by ordinance to be developed

according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses or both and any residential and other uses incidental to the predominant use as may be permitted by ordinance.

"Planned development" means planned unit development, planned unit residential development, contiguous cluster or noncontiguous cluster, planned commercial development or planned industrial development.

"Planned industrial development" means an area of a minimum contiguous or noncontiguous size as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate industrial uses and any other uses incidental to the predominant use as may be permitted by ordinance.

"Planned unit development" means an area with a specified minimum contiguous or noncontiguous acreage of 10 acres or more to be developed as a single entity according to a plan, containing one or more contiguous clusters or noncontiguous clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified in the zoning ordinance.

"Planned unit residential development" means an area with a specified minimum contiguous or noncontiguous acreage of five acres or more to be developed as a single entity according to a plan containing one or more contiguous clusters or noncontiguous clusters, which may include appropriate commercial, or public or quasi-public uses all primarily for the benefit of the residential development.

"Planning board" means the municipal planning board established pursuant to section 14 of P.L.1975, c.291 (C.40:55D-23).

"Plat" means a map or maps of a subdivision or site plan.

"Preliminary approval" means the conferral of certain rights pursuant to sections 34, 36 and 37 of P.L.1975, c.291 (C.40:55D-46; C.40:55D-48; and C.40:55D-49) prior to final approval after specific elements of a development plan have been agreed upon by the planning board and the applicant.

"Preliminary floor plans and elevations" means architectural drawings prepared during early and introductory stages of the design of a project illustrating in a schematic form, its scope, scale and relationship to its site and immediate environs.

"Public areas" means (1) public parks, playgrounds, trails, paths and other recreational areas; (2) other public open spaces; (3) scenic and historic sites; and (4) sites for schools and other public buildings and structures.

"Public development proposal" means a master plan, capital improvement program or other proposal for land development adopted by the appropriate public body, or any amendment thereto.

"Public drainage way" means the land reserved or dedicated for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the biological as well as drainage function of the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion and to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, and to lessen nonpoint pollution.

"Public open space" means an open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, State or county agency, or other public body for recreation and conservation purposes.

"Public utility" means any public utility regulated by the Board of Regulatory Commissioners and defined pursuant to R.S.48:2-13.

"Quorum" means the majority of the full authorized membership of a municipal agency.

"Receiving zone" means an area or areas designated in a master plan and zoning ordinance, adopted pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.), within which development may be increased, and which is otherwise consistent with the provisions of section 9 of P.L.2004, c.2 (C.40:55D-145).

"Recreation and conservation purposes" means "recreation and conservation purposes" as defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

"Residential density" means the number of dwelling units per gross acre of residential land area including streets, easements and open space portions of a development.

"Resubdivision" means (1) the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law or (2) the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

6. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to read as follows:

C.40:55D-28 Preparation; contents; modification.

19. Preparation; contents; modification.

a. The planning board may prepare and, after public hearing, adopt or amend a master plan or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare.

b. The master plan shall generally comprise a report or statement and land use and development proposals, with maps, diagrams and text, presenting, at least the following elements (1) and (2) and, where appropriate, the following elements (3) through (16):

(1) A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based;

(2) A land use plan element

(a) taking into account and stating its relationship to the statement provided for in paragraph (1) hereof, and other master plan elements provided for in paragraphs (3) through (14) hereof and natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands;

(b) showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, open space, educational and other public and private purposes or combination of purposes including any provisions for cluster development; and stating the relationship thereof to the existing and any proposed zone plan and zoning ordinance; 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 multi-

family residential housing and any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land;

(13) A farmland preservation plan element, which shall include: an inventory of farm properties and a map illustrating significant areas of agricultural land; a statement showing that municipal ordinances support and promote agriculture as a business; and a plan for preserving as much farmland as possible in the short term by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-1 et al.) through a variety of mechanisms including, but not limited to, utilizing option agreements, installment purchases, and encouraging donations of permanent development easements;

(14) A development transfer plan element which sets forth the public purposes, the locations of sending and receiving zones and the technical details of a development transfer program based on the provisions of section 5 of P.L.2004, c.2 (C.40:55D-141);

(15) An educational facilities plan element which incorporates the purposes and goals of the "long-range facilities plan" required to be submitted to the Commissioner of Education by a school district pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4); and

(16) A green buildings and environmental sustainability plan element, which shall provide for, encourage, and promote the efficient use of natural resources and the installation and usage of renewable energy systems; consider the impact of buildings on the local, regional and global environment; allow ecosystems to function naturally; conserve and reuse water; treat storm water on-site; and optimize climatic conditions through site orientation and design.

c. The master plan and its plan elements may be divided into subplans and subplan elements projected according to periods of time or staging sequences.

d. The master plan shall include a specific policy statement indicating the relationship of the proposed development of the municipality, as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the county in which the municipality is located, (3) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.) and (4) the district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) of the county in which the municipality is located.

In the case of a municipality situated within the Highlands Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the master plan shall include a specific policy statement indicating the relationship of the proposed development of the municipality, as developed in the master plan, to

the Highlands regional master plan adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).

7. Section 29 of P.L.1975, c.291 (C.40:55D-38) is amended to read as follows:

C.40:55D-38 Contents of ordinance.

29. Contents of ordinance. An ordinance requiring approval by the planning board of either subdivisions or site plans, or both, shall include the following:

a. Provisions, not inconsistent with other provisions of this act, for submission and processing of applications for development, including standards for preliminary and final approval and provisions for processing of final approval by stages or sections of development;

b. Provisions ensuring:

(1) Consistency of the layout or arrangement of the subdivision or land development with the requirements of the zoning ordinance;

(2) Streets in the subdivision or land development of sufficient width and suitable grade and suitably located to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings and coordinated so as to compose a convenient system consistent with the official map, if any, and the circulation element of the master plan, if any, and so oriented as to permit, consistent with the reasonable utilization of land, the buildings constructed thereon to maximize solar gain; provided that no street of a width greater than 50 feet within the right-of-way lines shall be required unless said street constitutes an extension of an existing street of the greater width, or already has been shown on the master plan at the greater width, or already has been shown in greater width on the official map;

(3) Adequate water supply, drainage, shade trees, sewerage facilities and other utilities necessary for essential services to residents and occupants;

(4) Suitable size, shape and location for any area reserved for public use pursuant to section 32 of this act;

(5) Reservation pursuant to section 31 of P.L.1975, c.291 (C.40:55D-43) of any open space to be set aside for use and benefit of the residents of a cluster development or a planned development, resulting from the application of standards of density or intensity of land use, contained in the zoning ordinance, pursuant to section 52 of P.L.1975, c.291 (C.40:55D-65);

(6) Regulation of land designated as subject to flooding, pursuant to subsection e. of section 52 of P.L.1975, c.291 (C.40:55D-65), to avoid danger to life or property;

(7) Protection and conservation of soil from erosion by wind or water or from excavation or grading;

(8) Conformity with standards promulgated by the Commissioner of Transportation, pursuant to the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et seq.), for any airport hazard areas delineated under that act;

(9) Conformity with a municipal recycling ordinance required pursuant to section 6 of P.L.1987, c.102 (C.13:1E-99.16);

(10) Conformity with the State highway access management code adopted by the Commissioner of Transportation under section 3 of the "State Highway Access Management Act," P.L.1989, c.32 (C.27:7-91), with respect to any State highways within the municipality;

(11) Conformity with any access management code adopted by the county under R.S.27:16-1, with respect to any county roads within the municipality;

(12) Conformity with any municipal access management code adopted under R.S.40:67-1, with respect to municipal streets;

(13) Protection of potable water supply reservoirs from pollution or other degradation of water quality resulting from the development or other uses of surrounding land areas, which provisions shall be in accordance with any siting, performance, or other standards or guidelines adopted therefor by the Department of Environmental Protection;

(14) Conformity with the public safety regulations concerning storm water detention facilities adopted pursuant to section 5 of P.L.1991, c.194 (C.40:55D-95.1) and reflected in storm water management plans and storm water management ordinances adopted pursuant to P.L.1981, c.32 (C.40:55D-93 et al.); and

(15) Conformity with the model ordinance promulgated by the Department of Environmental Protection and Department of Community Affairs pursuant to section 2 of P.L.1993, c.81 (C.13:1E-99.13a) regarding the inclusion of facilities for the collection or storage of source separated recyclable materials in any new multifamily housing development.

c. Provisions governing the standards for grading, improvement and construction of streets or drives and for any required walkways, curbs, gutters, streetlights, shade trees, fire hydrants and water, and drainage and sewerage facilities and other improvements as shall be found necessary, and provisions ensuring that such facilities shall be completed either prior to or

subsequent to final approval of the subdivision or site plan by allowing the posting of performance bonds by the developer;

d. Provisions ensuring that when a municipal zoning ordinance is in effect, a subdivision or site plan shall conform to the applicable provisions of the zoning ordinance, and where there is no zoning ordinance, appropriate standards shall be specified in an ordinance pursuant to this article; and

e. Provisions ensuring performance in substantial accordance with the final development plan; provided that the planning board may permit a deviation from the final plan, if caused by change of conditions beyond the control of the developer since the date of final approval, and the deviation would not substantially alter the character of the development or substantially impair the intent and purpose of the master plan and zoning ordinance.

8. Section 29.1 of P.L.1975, c.291 (C.40:55D-39) is amended to read as follows:

C.40:55D-39 Discretionary contents of ordinance.

29.1. Discretionary contents of ordinance. An ordinance requiring approval by the planning board of either subdivisions or site plans or both may include the following:

a. Provisions for off-tract water, sewer, drainage, and street improvements which are necessitated by a subdivision or land development, subject to the provisions of section 30 of P.L.1975, c.291 (C.40:55D-42);

b. Provisions for standards encouraging and promoting flexibility, and economy in layout and design through the use of planned development, cluster development, or both; provided that such standards shall be appropriate to the type of development permitted; and provided further that the ordinance shall set forth the limits and extent of any special provisions applicable to planned developments and to cluster developments, considering the availability of existing and proposed infrastructure and the environmental characteristics of any area proposed for development and any area proposed for protection as open space, agricultural land, or historic site, so that the manner in which such special provisions differ from the standards otherwise applicable to subdivisions or site plans can be determined;

c. Provisions for planned development:

(1) Authorizing the planning board to grant general development plan approval to provide the increased flexibility desirable to promote mutual agreement between the applicant and the planning board on the basic scheme of a planned development and setting forth any variations from the ordinary standards for preliminary and final approval;

(2) Requiring that any common open space resulting from the application of standards for density, or intensity of land use, be set aside for the use and benefit of the owners or residents in such development subject to section 31 of P.L.1975, c.291 (C.40:55D-43);

(3) Setting forth how the amount and location of any common open space shall be determined and how its improvement and maintenance for common open space use shall be secured subject to section 31 of P.L.1975, c.291 (C.40:55D-43);

(4) Authorizing the planning board to allow for a greater concentration of density, or intensity of land use, within a section or sections of development, whether it be earlier, later or simultaneous in the development, than in others, in order to realize the preservation of agricultural lands, open space, and historic sites, or otherwise advance the purposes of P.L.1975, c.291 (C.40:55D-1 et seq.);

(5) Setting forth any requirement that the approval by the planning board of a greater concentration of density or intensity of land use for any section to be developed be offset by a smaller concentration in any completed prior stage or by an appropriate reservation of public open space or common open space on the remaining land, or preservation of land for historic or agricultural purposes, by grant of development restriction, easement, or by covenant in favor of the municipality; provided that such reservation shall, as far as practicable, defer the precise location of common open space until an application for final approval is filed, so that flexibility of development can be maintained;

(6) Setting forth any requirements for timing of development among the various types of uses and subgroups thereunder and, in the case of planned unit development and planned unit residential development, whether some nonresidential uses are required to be built before, after or at the same time as the residential uses.

d. Provisions ensuring in the case of a development which proposes construction over a period of years, the protection of the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development.

e. Provisions that require as a condition for local municipal approval the submission of proof that no taxes or assessments for local improvements are due or delinquent on the property for which any subdivision, site plan, or planned development application is made.

f. Provisions for the creation of a Site Plan Review Advisory Board for the purpose of reviewing all site plan applications and making recommendations to the planning board in regard thereto.

g. Provisions for standards governing outdoor advertising signs required to be permitted pursuant to P.L.1991, c.413 (C.27:5-5 et seq.) including, but not limited to, the location, placement, size and design thereof.

h. Provisions for cluster development:

(1) Authorizing the planning board flexibility to approve a subdivision or site plan or both through mutual agreement with an applicant to allow for the clustering of development within a section or sections of development at a greater concentration of density or intensity of land use than established for the zoning district, in order to achieve the goal of permanently protecting land as public open space or common open space, or for historic or agricultural purposes.

(2) Requiring the placement of a development restriction on any land identified for preservation in accordance with section 9 of P.L.2013, c.106 (C.40:55D-39.1).

C.40:55D-39.1 Provision for permanent protection of certain land.

9. a. An ordinance authorizing the planning board to approve planned developments, subdivisions, or site plans that allow for contiguous cluster or noncontiguous cluster shall provide for the permanent protection of land proposed to be preserved as public open space or common open space, as a historic site, or as agricultural land in accordance with the provisions set forth in this section.

b. Land identified for preservation as public open space shall be conveyed or dedicated by conservation restriction. A municipality may use a conservation restriction template prepared by the Department of Environmental Protection for this purpose. The Department of Environmental Protection shall make available to municipalities a conservation restriction template.

c. (1) Land identified for preservation as a historic site shall be conveyed or dedicated by historic preservation restriction. A municipality may use a historic preservation restriction template prepared by the New Jersey Historic Trust or obtain approval of the historic preservation restriction by the New Jersey Historic Trust. The New Jersey Historic Trust shall make available to municipalities a historic preservation restriction template.

(2) A municipality accepting a historic preservation restriction that has provided for and maintains an active historic preservation commission, consistent with sections 21 through 26 of P.L.1985, c.516 (C.40:55D-107 et seq.), may authorize the commission to establish a mechanism for annual monitoring and enforcement of the historic preservation restriction consistent with The Secretary of the Interior's Standards for the Treatment of Historic Properties, Part 68 of title 36, Code of Federal Regulations.

(3) A municipality accepting a historic preservation restriction that has not provided for or does not maintain an active historic preservation commission, consistent with sections 21 through 26 of P.L.1985, c.516 (C.40:55D-107 et seq.), or authorized the commission to establish a mechanism for annual monitoring and enforcement of the historic preservation restriction, may convey or authorize conveyance of the historic preservation restriction by municipal ordinance to a qualified public agency or non-profit preservation organization, as determined by the New Jersey Historic Trust, which has a commitment to administer, annually monitor, and enforce the terms of the historic preservation restriction consistent with The Secretary of the Interior's Standards for the Treatment of Historic Properties, Part 68 of title 36, Code of Federal Regulations.

d. (1) Land identified for preservation as agricultural land shall be conveyed or dedicated by agricultural restriction. A municipality shall use an agricultural restriction template prepared by the State Agriculture Development Committee or obtain approval of the agricultural restriction by the State Agriculture Development Committee. The State Agriculture Development Committee shall make available to municipalities an agricultural restriction template.

(2) An agricultural restriction may contain provisions:

(a) to allow limited non-agricultural uses which the State Agriculture Development Committee finds compatible with agricultural use and production;

(b) to allow future amendments to the area subject to the agricultural restriction in order to accommodate public improvements including but not limited to roadways, drainage facilities and other public infrastructure so long as the amendment results in only de minimis impact to the original area subject to the restriction;

(c) to allow the inclusion of existing dwelling units or limited additional future housing opportunities that directly support the property's agricultural operations and are appropriate to the scale of the preserved farmland.

(3) The State Agriculture Development Committee shall grant or deny approval of a proposed agricultural restriction within 60 days of receipt of a request therefor. If the State Agriculture Development Committee fails to act within this period, the failure shall be deemed to be an approval of the agricultural restriction.

(4) Municipalities authorizing agricultural restrictions shall have an adopted "Right to Farm" ordinance consistent with the model Right to Farm ordinance adopted by the State Agriculture Development Committee pursuant to the "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et al.).

(5) Agricultural land subject to an agricultural restriction approved by the State Agriculture Development Committee shall be provided the right to farm benefits under the "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et al.) and other benefits that may be provided pursuant to the "Agriculture Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.).

e. Any development restriction shall be recorded in the office of the county recording officer prior to the start of construction.

f. Any development restriction shall be expressly enforceable by the municipality and the State of New Jersey and, if authorized by municipal ordinance, another public agency or non-profit conservation organization.

g. An ordinance authorizing the planning board to approve planned developments, subdivisions or site plans that allows for contiguous cluster or noncontiguous cluster may provide for:

(1) the assignment of bonus density or intensity of use, including, but not limited to, increased units, floor area ratio, height, or impervious cover in order to realize the preservation of agricultural lands, open space, and historic sites or otherwise advance the purposes of P.L.1975, c.291 (C.40:55D-1 et seq.);

(2) the conveyance of land that is subject to a preservation restriction to a separate person or entity.

h. An ordinance authorizing the planning board to approve planned developments, subdivisions or site plans that allows for contiguous cluster may authorize the owners of contiguous properties to jointly submit an application for development.

i. An ordinance authorizing the planning board to approve planned developments, subdivisions or site plans that allows for noncontiguous cluster:

(1) shall not authorize use of the development transfer provisions set forth in the "State Transfer of Development Rights Act," P.L.2004, c.2 (C.40:55D-137 et seq.);

(2) may provide that areas to be developed are developed in phases, provided that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate;

(3) shall provide that any noncontiguous cluster program is optional.

10. Section 29.2 of P.L.1975, c.291 (C.40:55D-40) is amended to read as follows:

C.40:55D-40 Discretionary contents of subdivision ordinance.

29.2. An ordinance requiring subdivision approval by the planning board pursuant to this article may also include:

a. Provisions for minor subdivision approval pursuant to section 35 of this act; and

b. Standards permitting lot-size averaging and encouraging and promoting flexibility, economy and environmental soundness in layout and design in accordance with which the planning board may approve the varying, within a conventional subdivision, of lot areas and dimensions, and yards and setbacks otherwise required by municipal development regulations; provided that the authorized density on the parcel or set of contiguous parcels is not exceeded; provided that such standards shall be appropriate to the type of development permitted. An ordinance authorizing the planning board to approve subdivisions with varying lot areas may set forth limitations, or impose no limitation, upon the extent of variation in lot areas.

11. Section 31 of P.L.1975, c.291 (C.40:55D-43) is amended to read as follows:

C.40:55D-43 Standards for the establishment of open space organization.

31. a. An ordinance pursuant to this article permitting planned unit development, planned unit residential development or cluster development may provide that the municipality or other governmental agency may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, but the ordinance shall not require, as a condition of the approval of a planned development, that land proposed to be set aside for common open space be dedicated or made available to public use.

An ordinance pursuant to this article providing for planned unit development, planned unit residential development, or cluster development shall require that the developer provide for an organization for the ownership and maintenance of any open space for the benefit of owners or residents of the development, if said open space is not dedicated to the municipality or other governmental agency or otherwise conveyed to or owned by a separate person or entity. Such organization shall not be dissolved and the organization, person, or entity shall not dispose of any open space, by sale or otherwise, except to an organization conceived and established to own and maintain the open space for the benefit of such development, and thereafter such organization shall not be dissolved or the organization, person, or entity dispose of any of its open space without first offering to dedicate the same to the municipality or municipalities wherein the land is located.

b. In the event that such organization, person, or entity shall fail to maintain the open space in reasonable order and condition, the municipal

body or officer designated by ordinance to administer this subsection may serve written notice upon such organization, person, or entity or upon the owners of the development setting forth the manner in which the organization, person, or entity has failed to maintain the open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within 35 days thereof, and shall state the date and place of a hearing thereon which shall be held within 15 days of the notice. At such hearing, the designated municipal body or officer, as the case may be, may modify the terms of the original notice as to deficiencies and may give a reasonable extension of time not to exceed 65 days within which they shall be cured. If the deficiencies set forth in the original notice or in the modification thereof shall not be cured within said 35 days or any permitted extension thereof, the municipality, in order to preserve the open space and maintain the same for a period of 1 year may enter upon and maintain such land. Said entry and maintenance shall not vest in the public any rights to use the open space except when the same is voluntarily dedicated to the public by the owners. Before the expiration of said year, the designated municipal body or officer, as the case may be, shall, upon its initiative or upon the request of the organization, person, or entity theretofore responsible for the maintenance of the open space, call a public hearing upon 15 days' written notice to such organization, person, or entity and to the owners of the development, to be held by such municipal body or officer, at which hearing such organization, person, or entity and the owners of the development shall show cause why such maintenance by the municipality shall not, at the election of the municipality, continue for a succeeding year. If the designated municipal body or officer, as the case may be, shall determine that such organization, person, or entity is ready and able to maintain said open space in reasonable condition, the municipality shall cease to maintain said open space at the end of said year. If the municipal body or officer, as the case may be, shall determine such organization, person, or entity is not ready and able to maintain said open space in a reasonable condition, the municipality may, in its discretion, continue to maintain said open space during the next succeeding year, subject to a similar hearing and determination, in each year thereafter. The decision of the municipal body or officer in any such case shall constitute a final administrative decision subject to judicial review.

If a municipal body or officer is not designated by ordinance to administer this subsection, the governing body shall have the same powers and be subject to the same restrictions as provided in this subsection.

c. The cost of such maintenance by the municipality shall be assessed pro rata against the properties within the development that have a right of enjoyment of the open space in accordance with assessed value at the time of imposition of the lien, and shall become a lien and tax on said properties and be added to and be a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officers and in the same manner as other taxes.

12. Section 38 of P.L.1975, c.291 (C.40:55D-50) is amended to read as follows:

C.40:55D-50 Final approval of site plans and major subdivisions.

38. Final approval of site plans and major subdivisions.

a. The planning board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval, the conditions of preliminary approval and, in the case of a major subdivision, the standards prescribed by N.J.S.46:26B-1 et seq.; provided that in the case of a planned development, the planning board may permit minimal deviations from the conditions of preliminary approval necessitated by change of conditions beyond the control of the developer since the date of preliminary approval without the developer being required to submit another application for development for preliminary approval.

b. Final approval shall be granted or denied within 45 days after submission of a complete application to the administrative officer, or within such further time as may be consented to by the applicant. Failure of the planning board to act within the period prescribed shall constitute final approval and a certificate of the administrative officer as to the failure of the planning board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

Whenever review or approval of the application by the county planning board is required by section 5 of P.L.1968, c. 285 (C. 40:27-6.3), in the case of a subdivision, or section 8 of P.L.1968, c. 285 (C. 40:27-6.6), in the case of a site plan, the municipal planning board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the county planning board or approval by the county planning board by its failure to report thereon within the required time period.

13. Section 49 of P.L.1975, c.291 (C.40:55D-62) is amended to read as follows:

C.40:55D-62 Power to zone.

49. Power to zone. a. The governing body may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon. Such ordinance shall be adopted after the planning board has adopted the land use plan element and the housing plan element of a master plan, and all of the provisions of such zoning ordinance or any amendment or revision thereto shall either be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; provided that the governing body may adopt a zoning ordinance or amendment or revision thereto which in whole or part is inconsistent with or not designed to effectuate the land use plan element and the housing plan element, but only by affirmative vote of a majority of the full authorized membership of the governing body, with the reasons of the governing body for so acting set forth in a resolution and recorded in its minutes when adopting such a zoning ordinance; and provided further that, notwithstanding anything aforesaid, the governing body may adopt an interim zoning ordinance pursuant to subsection b. of section 77 of P.L.1975, c.291 (C.40:55D-90).

The zoning ordinance shall be drawn with reasonable consideration to the character of each district and its peculiar suitability for particular uses and to encourage the most appropriate use of land. The regulations in the zoning ordinance shall be uniform throughout each district for each class or kind of buildings or other structure or uses of land, including planned unit development, planned unit residential development and cluster development, but the regulations in one district may differ from those in other districts.

b. No zoning ordinance and no amendment or revision to any zoning ordinance shall be submitted to or adopted by initiative or referendum.

c. The zoning ordinance shall provide for the regulation of any airport safety zones delineated under the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et seq.), in conformity with standards promulgated by the Commissioner of Transportation.

d. The zoning ordinance shall provide for the regulation of land adjacent to State highways in conformity with the State highway access management code adopted by the Commissioner of Transportation under section 3 of the "State Highway Access Management Act," P.L.1989, c.32 (C.27:7-91), for the regulation of land with access to county roads and highways in conformity with any access management code adopted by the

county under R.S.27:16-1 and for the regulation of land with access to municipal streets and highways in conformity with any municipal access management code adopted under R.S.40:67-1. This subsection shall not be construed as requiring a zoning ordinance to establish minimum lot sizes or minimum frontage requirements for lots adjacent to but restricted from access to a State highway.

14. Section 52 of P.L.1975, c.291 (C.40:55D-65) is amended to read as follows:

C.40:55D-65 Contents of zoning ordinance.

52. A zoning ordinance may:

a. Limit and restrict buildings and structures to specified districts and regulate buildings and structures according to their type and the nature and extent of their use, and regulate the nature and extent of the use of land for trade, industry, residence, open space or other purposes.

b. Regulate the bulk, height, number of stories, orientation, and size of buildings and the other structures; the percentage of lot or development area that may be occupied by structures; minimum or maximum lot sizes, or a combination thereof, and dimensions, including provisions concerning lot-size averaging; minimum improvable lot areas and cluster development, and for these purposes may specify minimum or maximum floor areas, or a combination thereof, floor area ratios and other ratios and regulatory techniques governing the intensity of land use and the provision of adequate light and air, including, but not limited to the potential for utilization of renewable energy sources. Such regulations may provide for the clustering of development between noncontiguous parcels and may, in order to provide equitable opportunities for the use of development potential on off-tract locations in addition to authorized on-site development, and, to encourage the flexibility of density, intensity of land uses, design and type, authorize a deviation in various clusters from the density, or intensity of use, established for the zoning district. The regulations by which the design, bulk and location of buildings are to be evaluated shall be set forth in the zoning ordinance and all standards and criteria for any feature of a cluster development shall be set forth in such ordinance with sufficient certainty to provide reasonable criteria by which specific proposals for clustered development can be evaluated.

c. Provide districts for planned developments; provided that an ordinance providing for approval of subdivisions and site plans by the planning board has been adopted and incorporates therein the provisions for such planned developments in a manner consistent with article 6 of P.L.1975,

c.291 (C.40:55D-37 et seq.). The zoning ordinance shall establish standards governing the type and density, or intensity of land use, in a planned development. Said standards shall take into account that the density, or intensity of land use, otherwise allowable may not be appropriate for a planned development. The standards may vary the type and density, or intensity of land use, otherwise applicable to the land within a planned development in consideration of the amount, location and proposed use of open space; the location and physical characteristics of the site of the proposed planned development considering the availability of existing and proposed infrastructure and the environmental characteristics of the parcel that will be developed and the open space, agricultural or historical resources to be protected; and the location, design and type of dwelling units and other uses. Such standards may provide for the clustering of development between noncontiguous parcels and may, in order to encourage the flexibility of density, intensity of land uses, design and type, authorize a deviation in various clusters from the density, or intensity of use, established for an entire planned development. The standards and criteria by which the design, bulk and location of buildings are to be evaluated shall be set forth in the zoning ordinance and all standards and criteria for any feature of a planned development shall be set forth in such ordinance with sufficient certainty to provide reasonable criteria by which specific proposals for planned development can be evaluated.

d. Establish, for particular uses or classes of uses, reasonable standards of performance and standards for the provision of adequate physical improvements including, but not limited to, off-street parking and loading areas, marginal access roads and roadways, other circulation facilities and water, sewerage and drainage facilities; provided that section 41 of P.L.1975, c.291 (C.40:55D-53) shall apply to such improvements.

e. Designate and regulate areas subject to flooding (1) pursuant to P.L.1972, c.185 (C.58:16A-55 et seq.) or (2) as otherwise necessary in the absence of appropriate flood hazard area designations pursuant to P.L.1962, c.19 (C.58:16A-50 et seq.) or floodway regulations pursuant to P.L.1972, c.185 or minimum standards for local flood fringe area regulation pursuant to P.L.1972, c.185.

f. Provide for conditional uses pursuant to section 54 of P.L.1975, c.291 (C.40:55D-67).

g. Provide for senior citizen community housing.

h. Require as a condition for any approval which is required pursuant to such ordinance and the provisions of this chapter, that no taxes or as-

sessments for local improvements are due or delinquent on the property for which any application is made.

i. Provide for historic preservation pursuant to section 5 of P.L.1991, c.199 (C.40:55D-65.1).

j. Provide for sending and receiving zones for a development transfer program established pursuant to P.L.2004, c.2 (C.40:55D-137 et al.).

k. Provide for areas to be developed and areas to be preserved through cluster development or establish criteria for the establishment of such areas for cluster development.

l. Provide that parcels that are developed and parcels that are preserved through contiguous cluster or noncontiguous cluster may be consolidated for tax and stewardship purposes if they are in common ownership.

15. This act shall take effect immediately.

Approved August 7, 2013.

CHAPTER 107

AN ACT concerning certain flood elevation standards and development regulations and supplementing P.L.1975, c.291 (C.40:55D-1 et seq.).

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

C.58:16A-103 Definitions relative to certain flood elevation standards.

1. a. As used in this section:

“Existing structure” means any structure that existed on October 28, 2012.

“Highest applicable flood elevation standard” means the new FEMA base flood elevation plus an additional three feet, or any applicable flood elevation standard required pursuant to N.J.A.C. 7:13-1.1 et seq. and adopted by the Department of Environmental Protection pursuant to the “Flood Hazard Area Control Act,” P.L.1962, c.19 (C.58:16A-50 et seq.), whichever is higher.

“New and appropriate elevation” means any elevation to which a structure is raised, or is to be raised, that is equal to or higher than the applicable new FEMA base flood elevation, provided, however, in no case shall the

new and appropriate elevation exceed the highest applicable flood elevation standard.

“New FEMA base flood elevation” means any base flood elevation proposed or adopted after October 28, 2012, by the Federal Emergency Management Agency.

“Original dimensions” means the exact vertical and horizontal dimensions of a structure as it existed on October 28, 2012.

“Sandy-damaged structure” means any structure that existed on October 28, 2012 and was damaged or destroyed by Hurricane Sandy.

b. (1) Notwithstanding the provisions of any other law to the contrary, except as otherwise provided pursuant to paragraph (2) of this subsection, a person shall be exempt from any development regulation, including any requirement to apply for a variance therefrom, that otherwise would be violated as a result of raising an existing structure to a new and appropriate elevation, or constructing a staircase or other attendant structure necessitated by such raising, provided, however, this exemption shall apply only to the minimum extent or degree necessary to allow the structure to meet the new and appropriate elevation with adequate means of ingress and egress.

(2) The exemption established pursuant to paragraph (1) of this subsection shall not be available to a person who has altered the original dimensions of a structure if, had the alteration not been made, the structure could have been raised to meet the new and appropriate elevation either without the exemption or with an exemption of lesser degree than is needed with the alteration.

c. (1) Notwithstanding the provisions of any other law to the contrary, except as otherwise provided pursuant to paragraph (2) of this subsection, a person shall be exempt from any development regulation, including any requirement to apply for a variance therefrom, that otherwise would be violated as a result of using a new and appropriate elevation when lawfully repairing or reconstructing a Sandy-damaged structure, or constructing a staircase or other attendant structure necessitated by use of the new and appropriate elevation, provided, however, this exemption shall apply only to the minimum extent or degree necessary to allow the Sandy-damaged structure to meet the new and appropriate elevation with adequate means of ingress and egress.

(2) The exemption established pursuant to paragraph (1) of this subsection shall not be available to a person whose repair or reconstruction plan would alter the original dimensions of a structure when, if not for the alteration, the structure could otherwise be raised to meet the new and appropriate elevation either without the exemption or with an exemption of lesser degree than is needed with the alteration.

2. This act shall take effect immediately.

Approved August 7, 2013.

CHAPTER 108

AN ACT concerning firearms and amending N.J.S.2C:39-10 and P.L.1979, c.179.

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

1. N.J.S.2C:39-10 is amended to read as follows:

Violation of the regulatory provisions relative to firearms, false representation in applications.

2C:39-10. Violation of the regulatory provisions relating to firearms; false representation in applications.

a. (1) Except as otherwise provided in paragraph (2) of this subsection, any person who knowingly violates the regulatory provisions relating to manufacturing or wholesaling of firearms (section 2C:58-1), retailing of firearms (section 2C:58-2), permits to purchase certain firearms (section 2C:58-3), permits to carry certain firearms (section 2C:58-4), licenses to procure machine guns or assault firearms (section 2C:58-5), or incendiary or tracer ammunition (section 2C:58-10), except acts which are punishable under section 2C:39-5 or section 2C:39-9, is guilty of a crime of the fourth degree.

(2) A licensed dealer who knowingly violates the provisions of subparagraph (d) of paragraph (5) of subsection a. of N.J.S.2C:58-2 is a disorderly person.

b. Any person who knowingly violates the regulatory provisions relating to notifying the authorities of possessing certain items of explosives (section 2C:58-7), or of certain wounds (section 2C:58-8) is a disorderly person.

c. Any person who gives or causes to be given any false information, or signs a fictitious name or address, in applying for a firearms purchaser identification card, a permit to purchase a handgun, a permit to carry a handgun, a permit to possess a machine gun, a permit to possess an assault firearm, or in completing the certificate or any other instrument required by law in purchasing or otherwise acquiring delivery of any rifle, shotgun, handgun, machine gun, or assault firearm or any other firearm, is guilty of a crime of the third degree.

d. Any person who gives or causes to be given any false information in registering an assault firearm pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault firearm was rendered inoperable pursuant to section 12 of P.L.1990, c.32 (C.2C:58-13) commits a crime of the fourth degree.

e. Any person who knowingly sells, gives, transfers, assigns or otherwise disposes of a firearm to a person who is under the age of 18 years, except as permitted in section 14 of P.L.1979, c.179 (C.2C:58-6.1), is guilty of a crime of the second degree. Notwithstanding any other provision of law to the contrary, the sentence imposed for a conviction under this subsection shall include a mandatory minimum five-year term of imprisonment, during which the defendant shall be ineligible for parole.

f. Unless the recipient is authorized to possess the handgun in connection with the performance of official duties under the provisions of N.J.S.2C:39-6, any person who knowingly sells, gives, transfers, assigns or otherwise disposes of a handgun to a person who is under the age of 21 years, except as permitted in section 14 of P.L.1979, c.179 (C.2C:58-6.1), is guilty of a crime of the third degree.

g. Any person who knowingly gives or causes to be given any false information or knowingly engages in any other fraudulent conduct in applying for an exemption to purchase more than one handgun in a 30-day period in violation of the provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4) shall be guilty of a crime of the third degree. The presumption of nonimprisonment set forth in N.J.S.2C:44-1 shall not apply to persons convicted under the provisions of this subsection.

2. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to read as follows:

C.2C:58-6.1 Possession of firearms by minors; exceptions.

14. a. No person under the age of 18 years shall purchase, barter or otherwise acquire a firearm and no person under the age of 21 years shall purchase, barter or otherwise acquire a handgun, unless the person is authorized to possess the handgun in connection with the performance of official duties under the provisions of N.J.S.2C:39-6.

b. No person under the age of 18 years shall possess, carry, fire or use a firearm except as provided under paragraphs (1), (2), (3) and (4) of this subsection; and, unless authorized in connection with the performance of official duties under the provisions of N.J.S.2C:39-6, no person under the

age of 21 years shall possess, carry, fire or use a handgun except under the following circumstances:

(1) In the actual presence or under the direct supervision of his father, mother or guardian, or some other person who holds a permit to carry a handgun or a firearms purchaser identification card, as the case may be; or

(2) For the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision; or

(3) For the purpose of competition, target practice, instruction, and training in and upon a firing range approved by the governing body of the municipality in which the range is located or the National Rifle Association and which is under competent supervision at the time of such supervision or target practice or instruction and training at any location; or

(4) For the purpose of hunting during the regularly designated hunting season, provided that he possesses a valid hunting license and has successfully completed a hunter's safety course taught by a qualified instructor or conservation officer and possesses a certificate indicating the successful completion of such a course.

c. A person who violates this section shall be guilty of a crime of the fourth degree. For purposes of this section the fact that the act would not constitute a crime if committed by an adult shall not be deemed to prohibit or require waiver of family court jurisdiction pursuant to N.J.S.2C:4-11 or to preclude a finding of delinquency under the "New Jersey Code of Juvenile Justice," P.L.1982, c.77 (C.2A:4A-20 et seq.), P.L.1982, c.79 (C.2A:4A-60 et seq.), P.L.1982, c.80 (C.2A:4A-76 et seq.) and P.L.1982, c.81 (C.2A:4A-70 et seq.).

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

Approved August 8, 2013.

CHAPTER 109

AN ACT declaring violence a public health crisis, establishing the "Study Commission on Violence" and supplementing Title 52 of the Revised Statutes.

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

C.52:17B-239 Findings, declarations relative to violence as a public health crisis.

1. The Legislature finds and declares that:
 - a. On December 14, 2012, a heavily armed man, dressed in black fatigues and a military vest, walked into a Newtown, Connecticut elementary school and opened fire, horrifically killing 26 people before killing himself. Twenty of the victims were young children, who were six and seven years old;
 - b. On August 31, 2012 at a Pathmark in Old Bridge, New Jersey an employee armed with an assault rifle and automatic pistol entered the store and killed two workers before taking his own life;
 - c. In July 2012, at a crowded midnight screening of “The Dark Knight Rises” in Aurora, Colorado, a man wearing body armor and a gas mask entered the theater armed with an assault rifle, shotgun, and .40-caliber handgun and opened fire into the crowd. Twelve people were killed and 59 others were wounded as a result. The youngest victim was six years old;
 - d. On January 8, 2011 in Tucson, Arizona, Congresswoman Gabrielle Giffords and 18 others were shot during a public meeting held in a supermarket parking lot. Six of those people were killed;
 - e. On November 5, 2009 there was an attack at Fort Hood, Texas where an Army psychiatrist was charged with killing 13 soldiers and civilians and wounding more than two dozen others;
 - f. In Colorado, the movie theater shooting described above was the deadliest shooting since the Columbine High School massacre on April 20, 1999, when two students opened fire in the Denver suburb of Littleton, killing 12 classmates and a teacher and wounding 26 others before killing themselves;
 - g. Assault weapons were used in the Tucson, Arizona shooting, the Fort Hood shooting, and the Columbine High School shooting described above;
 - h. The above examples represent a fraction of the violence that occurs nationally and in this State every year. According to the most recent data available, in this State alone, there are 372 murders per year, meaning there is one murder every 23 hours and 33 minutes in New Jersey;
 - i. Nationwide, there have been more than 70 mass shootings since the January 8, 2011 shooting of Arizona Congresswoman Gabrielle Giffords described above;
 - j. The Centers for Disease Control and Prevention has recognized violence as a serious public health problem in the United States and has reported homicide as the second leading cause of death among persons 15 to 24 years old. The Centers for Disease Control and Prevention has found that in addition to the many violent deaths that occur in this country each year, there are many more individuals who survive violence and are left with permanent physical

and emotional scars and that this violence erodes communities by reducing productivity, decreasing property values, and disrupting social services;

k. In this State alone, there are 74,244 domestic violence offenses reported by the police each year, with children being involved or present during 31 percent of these offenses, according to the most recent data available;

l. Nationwide, the equivalent of 10,000 busloads of children end up in emergency rooms for violence-related injuries every year and more than 5,500 children are murdered every year;

m. A study conducted by the World Health Organization stated that communities with high numbers of violent children also have higher health care costs, reduced productivity, and decreased property values;

n. A 2001 Surgeon General report found that programs that focused on classroom attendance, academic progress, and school behavior helped reduce violence among children;

o. Although New Jersey has strict gun control laws, these laws are easily circumvented because of the lack of similar federal laws. In order to provide more safety for New Jersey residents, the federal government must reinstate its ban on assault weapons which expired on September 13, 1994 and must expand background check requirements for gun purchases to include all sales and transfers;

p. The Centers for Disease Control and Prevention and other scientific agencies have been barred by Congress from using federal funds to advocate or promote gun control, which appears to ban scientific agencies, including the Centers for Disease Control and Prevention from using federal funding to conduct research on the causes of gun violence. Congress should remove this ban and allow these scientific agencies to use federal funding to conduct this critical public health research; and

q. Based upon the foregoing findings regarding these recent horrific incidents illustrating the alarming prevalence of violence and the detrimental effects that unrelenting violence has for the good citizens of this nation and State, the Legislature declares violence to be a grave public health crisis. The Legislature finds that it is, therefore, in the public interest for the State to establish a commission to study violence in order to help raise awareness about one of this country's most significant public health crises.

C.52:17B-240 Study Commission on Violence.

2. a. There is established a Study Commission on Violence to study the issue of violence. The commission shall consist of nine members. To the greatest extent practical, the public members shall have a background or education in mental health or criminology. One member of the commission

shall be the Attorney General or a designee, who shall serve ex-officio. One member of the commission shall be the Commissioner of Health or a designee, who shall serve ex-officio. One member of the commission shall be the Administrative Director of the Courts or a designee, who shall serve ex-officio. One member of the commission shall be the Commissioner of Human Services or a designee, who shall serve ex-officio. One member of the commission shall be the President of the County Prosecutor's Association of New Jersey or a designee, who shall serve ex-officio. Two public members of the commission shall be appointed by the Governor. One member appointed by the Governor shall be a person who has a background or education in mental health, and the other member appointed by the Governor shall be a person who has a background or education in the study or treatment of domestic violence. One public member of the commission shall be appointed by the President of the Senate. One public member of the commission shall be appointed by the Speaker of the General Assembly.

Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

b. The members of the commission shall be appointed within 30 days of the effective date of P.L.2013, c.109 (C.52:17B-239 et seq.) and shall hold their initial organizational meeting as soon as practicable, but no later than 30 days following the appointment of the commission's members. The members shall select a chairperson from among the members. The chairperson shall appoint a secretary who need not be a member of the commission.

c. Members of the commission shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties as members of the commission, within the limits of funds appropriated or otherwise made available to the commission for its purpose.

d. The Department of Law and Public Safety shall provide support staff to the commission, as necessary.

e. The commission shall further 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.

C.52:17B-241 Duty of the commission.

3. a. It shall be the duty of the commission to study the trends of violence, the source of violence, and the impact of violence on the community, to develop a method to address the epidemic of violence at the federal and State levels, and to make recommendations for State and Congressional action.

b. The commission shall seek out funding and grants for the implementation of programs to reduce violence from sources including, but not limited to, the Centers for Disease Control and Prevention and any other funding sources.

c. The commission shall study the issue of insufficient access to mental health treatment and violence.

d. The commission shall study and make recommendations regarding whether the Special Offenders Unit created by the Union County Prosecutor's Office to address the increase in criminal prosecutions against individuals with mental illness should be expanded to other counties.

e. The commission shall study and recommend whether the community-based mental health treatment system, through which there are involuntary outpatient commitments under a court order supervised by a case manager, should be expanded to all counties in this State and how to adequately fund the program in all counties.

C.52:17B-242 Public hearings, report to Governor, Legislature.

4. a. The commission shall 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.

b. The commission shall issue the first report to the Governor and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), no later than the first day of the seventh month following its organization and shall issue annual reports thereafter, containing its findings and recommendations, including any recommendations for legislation and recommendations for Congressional action that it deems appropriate.

5. This act shall take effect immediately.

Approved August 8, 2013.

CHAPTER 110

AN ACT concerning impoundment of certain motor vehicles and supplementing Title 2C of the New Jersey Statutes.

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

C.2C:43-2.4 Authority to impound motor vehicles.

1. a. Any law enforcement agency is authorized to impound:

(1) a motor vehicle in which a violation of subsection a., d., or f. of N.J.S.2C:39-5 was committed;

(2) a motor vehicle in which possession of a handgun, rifle, or shotgun for an unlawful purpose in violation of N.J.S.2C:39-4 was committed;

(3) a motor vehicle in which a violation of subsection b. or c. of N.J.S.2C:39-5 was committed in addition to the motor vehicle being used to commit a separate crime of the first, second, third or fourth degree under Title 2C of the New Jersey Statutes;

(4) a motor vehicle which was used in the commission of any offense under subsection b. of N.J.S.2C:34-1; and

(5) a motor vehicle which was used in the commission of an offense under subsection a. of N.J.S.2C:35-10 or subsection a. of N.J.S.2C:35-5.

b. A law enforcement agency impounding a vehicle pursuant to this section is authorized to charge a reasonable administrative fee in addition to the fees charged for the towing and storage of the impounded vehicle. The law enforcement agency is further authorized to retain custody of the vehicle until the fees are paid. All administrative fees and towing and storage fees shall be imposed on the registered owner of the motor vehicle. The registered owner shall be entitled to a hearing, upon request.

The administrative fees shall be collected by and paid to the municipality imposing the fees. The towing and storage fees shall be collected by and paid to the person or entity that tows and stores the impounded vehicle.

c. The registered owner of the vehicle shall be provided notice of the impoundment and of the right to request a hearing.

d. If the owner-lessor or registered owner of an impounded vehicle fails to claim the impounded vehicle by midnight of the 90th day following the day on which the vehicle was impounded, that vehicle may be sold at auction ; provided however, a vehicle shall not be sold until the lessee or registered owner has been convicted of the offense, or offenses pursuant to paragraph (3) of subsection a., for which the vehicle was impounded under subsection a. of this section. Property impounded under this section shall not be sold if the owner of the property establishes by a preponderance of the evidence that the owner was not involved in or aware of the unlawful activity and that the owner had done all that could reasonably be expected to prevent the proscribed use of the property by an agent. A person who

uses or possesses property with the consent or knowledge of the owner is deemed to be the agent of the owner for purposes of this subsection.

Notice of the sale shall be given by the impounding entity by certified mail to the owner of the vehicle, if the owner's name and address are known, and to the lienholder, if the lienholder's name and address are known, and by publication in a form prescribed by the chief administrator by one insertion, at least five days before the date of the sale, in one or more newspapers published in this State and circulating in the municipality in which the vehicle is impounded.

At any time prior to the sale of an impounded vehicle, the owner or other person entitled to the vehicle may reclaim possession upon showing proof of registration and insurance and paying all costs associated with the impoundment, and reasonable towing and storage fees and administrative fees.

The owner-lessor of an impounded vehicle shall be entitled to reclaim possession without payment or proof of insurance and the lessee shall be liable for all outstanding costs associated with the impoundment, towing, and storage of the vehicle and the administrative fees.

e. Any proceeds obtained from the sale of a vehicle at public auction pursuant to subsection d. of this section in excess of the amount owed for the administrative fees, towing and storage fees and any other costs associated with the impoundment of the vehicle shall be returned to the owner of that vehicle, if his name and address are known.

f. Nothing in this section shall be construed to in any way limit or abridge the authority provided by N.J.S.2C:64-1 et seq. or any other law regarding forfeiture.

2. This act shall take effect immediately.

Approved August 8, 2013.

CHAPTER 111

AN ACT concerning penalties for certain firearms offenses, designated as The Anti-Gun Trafficking Act of 2013, and amending N.J.S.2C:39-9, N.J.S.2C:39-10, and P.L.1997, c.117.

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

1. N.J.S.2C:39-9 is amended to read as follows:

Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances.

2C:39-9. Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances. a. Machine guns. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any machine gun without being registered or licensed to do so as provided in chapter 58 is guilty of a crime of the third degree.

b. Sawed-off shotguns. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any sawed-off shotgun is guilty of a crime of the third degree.

c. Firearm silencers. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any firearm silencer is guilty of a crime of the fourth degree.

d. Weapons. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any weapon, including gravity knives, switchblade knives, ballistic knives, daggers, dirks, stilettos, billies, blackjacks, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings, or, except as otherwise provided in subsection i. of this section, in the case of firearms if he is not licensed or registered to do so as provided in chapter 58, is guilty of a crime of the fourth degree. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any weapon or other device which projects, releases or emits tear gas or other substances intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air, which is intended to be used for any purpose other than for authorized military or law enforcement purposes by duly authorized military or law enforcement personnel or the device is for the purpose of personal self-defense, is pocket-sized and contains not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, or other than to be used by any person permitted to possess such weapon or device under the provisions of subsection d. of N.J.S.2C:39-5, which is intended for use by financial and other business institutions as part of an integrated security system, placed at fixed locations, for the protection of money and property, by the duly authorized personnel of those institutions, is guilty of a crime of the fourth degree.

e. Defaced firearms. Any person who defaces any firearm is guilty of a crime of the third degree. Any person who knowingly buys, receives, disposes of or conceals a defaced firearm, except an antique firearm or an antique handgun, is guilty of a crime of the fourth degree.

f. (1) Any person who manufactures, causes to be manufactured, transports, ships, sells, or disposes of any bullet, which is primarily designed for use in a handgun, and which is comprised of a bullet whose core or jacket, if the jacket is thicker than .025 of an inch, is made of tungsten carbide, or hard bronze, or other material which is harder than a rating of 72 or greater on the Rockwell B. Hardness Scale, and is therefore capable of breaching or penetrating body armor and which is intended to be used for any purpose other than for authorized military or law enforcement purposes by duly authorized military or law enforcement personnel, is guilty of a crime of the fourth degree.

(2) Nothing in this subsection shall be construed to prevent a licensed collector of ammunition as defined in paragraph (2) of subsection f. of N.J.S.2C:39-3 from transporting the bullets defined in paragraph (1) of this subsection from (a) any licensed retail or wholesale firearms dealer's place of business to the collector's dwelling, premises, or other land owned or possessed by him, or (b) to or from the collector's dwelling, premises or other land owned or possessed by him to any gun show for the purposes of display, sale, trade, or transfer between collectors, or (c) to or from the collector's dwelling, premises or other land owned or possessed by him to any rifle or pistol club organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice; provided that the club has filed a copy of its charter with the superintendent of the State Police and annually submits a list of its members to the superintendent, and provided further that the ammunition being transported shall be carried not loaded in any firearm and contained in a closed and fastened case, gun box, or locked in the trunk of the automobile in which it is being transported, and the course of travel shall include only such deviations as are reasonably necessary under the circumstances.

g. Assault firearms. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of an assault firearm without being registered or licensed to do so pursuant to N.J.S.2C:58-1 et seq. is guilty of a crime of the third degree.

h. Large capacity ammunition magazines. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of a large capacity ammunition magazine which is intended to be used for any purpose other than for authorized military or law enforcement purposes by duly authorized military or law enforcement personnel is guilty of a crime of the fourth degree.

i. Transporting firearms into this State for an unlawful sale or transfer. Any person who knowingly transports, ships or otherwise brings into

this State any firearm for the purpose of unlawfully selling, transferring, giving, assigning or otherwise disposing of that firearm to another individual is guilty of a crime of the second degree. Any motor vehicle used by a person to transport, ship, or otherwise bring a firearm into this State for unlawful sale or transfer shall be subject to forfeiture in accordance with the provisions of N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision shall not apply to innocent owners, nor shall it affect the rights of a holder of a valid lien.

The temporary transfer of a firearm shall not constitute a violation of this subsection if that firearm is transferred:

(1) while hunting or target shooting in accordance with the provisions of section 1 of P.L.1992, c.74 (C.2C:58-3.1);

(2) for shooting competitions sponsored by a licensed dealer, law enforcement agency, legally recognized military organization, or a rifle or pistol club which has filed a copy of its charter with the superintendent in accordance with the provisions of section 1 of P.L.1992, c.74 (C.2C:58-3.1); or

(3) for participation in a training course conducted by a certified instructor in accordance with the provisions of section 1 of P.L.1997, c.375 (C.2C:58-3.2).

The transfer of any firearm that uses air or carbon dioxide to expel a projectile; or the transfer of an antique firearm shall not constitute a violation of this subsection.

2. N.J.S.2C:39-10 is amended to read as follows:

Violation of the regulatory provisions relating to firearms, false representation in applications.

2C:39-10. Violation of the regulatory provisions relating to firearms; false representation in applications.

a. (1) Except as otherwise provided in paragraph (2) and paragraph (4) of this subsection, any person who knowingly violates the regulatory provisions relating to manufacturing or wholesaling of firearms N.J.S.2C:58-1, retailing of firearms N.J.S.2C:58-2, permits to purchase certain firearms N.J.S.2C:58-3, permits to carry certain firearms N.J.S.2C:58-4, licenses to procure machine guns or assault firearms N.J.S.2C:58-5, or incendiary or tracer ammunition N.J.S.2C:58-10, except acts which are punishable under section N.J.S.2C:58-5 or section N.J.S.2C:58-2, is guilty of a crime of the fourth degree.

(2) A licensed dealer who knowingly violates the provisions of subparagraph (d) of paragraph (5) of subsection a. of N.J.S.2C:58-2 is a disorderly person.

(3) If, upon review, a law enforcement agency determines that a licensed dealer has sold, transferred, assigned, or otherwise disposed of an inordinate number of firearms and that licensed dealer knew, or should have known, that the firearms would be used in the commission of a crime or would be transferred to a person in order for the firearms to be used for an unlawful purpose, that dealer's license shall, after a hearing, be permanently revoked.

(4) A licensed dealer who sells or transfers a firearm to a person knowing that person intends to sell, transfer, assign, or otherwise dispose of that firearm to a person who is disqualified from possessing a firearm under State or federal law is guilty of a crime of the second degree. Notwithstanding any other provisions of law to the contrary, the sentence imposed for a conviction under this subsection shall include a mandatory minimum term of imprisonment of 18 months, during which the defendant shall be ineligible for parole; provided however, if the firearm was used in the commission of a crime, the sentence imposed under this subsection shall include a mandatory minimum term of imprisonment of three years, during which the defendant shall be ineligible for parole. Further, a person convicted under this subsection shall be permanently disqualified from holding a retail license under N.J.S.2C:58-2.

b. Any person who knowingly violates the regulatory provisions relating to notifying the authorities of possessing certain items of explosives N.J.S.2C:58-7, or of certain wounds N.J.S.2C:58-8 is a disorderly person.

c. Any person who gives or causes to be given any false information, or signs a fictitious name or address, in applying for a firearms purchaser identification card, a permit to purchase a handgun, a permit to carry a handgun, a permit to possess a machine gun, a permit to possess an assault firearm, or in completing the certificate or any other instrument required by law in purchasing or otherwise acquiring delivery of any rifle, shotgun, handgun, machine gun, or assault firearm or any other firearm, is guilty of a crime of the third degree.

d. Any person who gives or causes to be given any false information in registering an assault firearm pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault firearm was rendered inoperable pursuant to section 12 of P.L.1990, c.32 (C.2C:58-13) commits a crime of the fourth degree.

e. Any person who knowingly sells, gives, transfers, assigns or otherwise disposes of a firearm to a person who is under the age of 18 years, except as permitted in section 14 of P.L.1979, c.179 (C.2C:58-6.1), is guilty of a crime of the second degree. Notwithstanding any other provision of law to the contrary, the sentence imposed for a conviction under this sub-

section shall include a mandatory minimum five-year term of imprisonment, during which the defendant shall be ineligible for parole.

f. Unless the recipient is authorized to possess the handgun in connection with the performance of official duties under the provisions of N.J.S.2C:39-6, any person who knowingly sells, gives, transfers, assigns or otherwise disposes of a handgun to a person who is under the age of 21 years, except as permitted in section 14 of P.L.1979, c.179 (C.2C:58-6.1), is guilty of a crime of the third degree.

g. Any person who knowingly gives or causes to be given any false information or knowingly engages in any other fraudulent conduct in applying for an exemption to purchase more than one handgun in a 30-day period in violation of the provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4) shall be guilty of a crime of the third degree. The presumption of nonimprisonment set forth in N.J.S.2C:44-1 shall not apply to persons convicted under the provisions of this subsection.

3. Section 2 of P.L.1997, c.117 (C.2C:43-7.2) is amended to read as follows:

C.2C:43-7.2 Mandatory services of 85 percent of sentence for certain offenses.

2. a. A court imposing a sentence of incarceration for a crime of the first or second degree enumerated in subsection d. of this section shall fix a minimum term of 85% of the sentence imposed, during which the defendant shall not be eligible for parole.

b. The minimum term required by subsection a. of this section shall be fixed as a part of every sentence of incarceration imposed upon every conviction of a crime enumerated in subsection d. of this section, whether the sentence of incarceration is determined pursuant to N.J.S.2C:43-6, N.J.S.2C:43-7, N.J.S.2C:11-3 or any other provision of law, and shall be calculated based upon the sentence of incarceration actually imposed. The provisions of subsection a. of this section shall not be construed or applied to reduce the time that must be served before eligibility for parole by an inmate sentenced to a mandatory minimum period of incarceration. Solely for the purpose of calculating the minimum term of parole ineligibility pursuant to subsection a. of this section, a sentence of life imprisonment shall be deemed to be 75 years.

c. Notwithstanding any other provision of law to the contrary and in addition to any other sentence imposed, a court imposing a minimum period of parole ineligibility of 85 percent of the sentence pursuant to this section shall also impose a five-year term of parole supervision if the defen-

dant is being sentenced for a crime of the first degree, or a three-year term of parole supervision if the defendant is being sentenced for a crime of the second degree. The term of parole supervision shall commence upon the completion of the sentence of incarceration imposed by the court pursuant to subsection a. of this section unless the defendant is serving a sentence of incarceration for another crime at the time he completes the sentence of incarceration imposed pursuant to subsection a., in which case the term of parole supervision shall commence immediately upon the defendant's release from incarceration. During the term of parole supervision the defendant shall remain in release status in the community in the legal custody of the Commissioner of the Department of Corrections and shall be supervised by the State Parole Board as if on parole and shall be subject to the provisions and conditions of section 3 of P.L.1997, c.117 (C.30:4-123.51b).

d. The court shall impose sentence pursuant to subsection a. of this section upon conviction of the following crimes or an attempt or conspiracy to commit any of these crimes:

- (1) N.J.S.2C:11-3, murder;
 - (2) N.J.S.2C:11-4, aggravated manslaughter or manslaughter;
 - (3) N.J.S.2C:11-5, vehicular homicide;
 - (4) subsection b. of N.J.S.2C:12-1, aggravated assault;
 - (5) subsection b. of section 1 of P.L.1996, c.14 (C.2C:12-11), disarming a law enforcement officer;
 - (6) N.J.S.2C:13-1, kidnapping;
 - (7) subsection a. of N.J.S.2C:14-2, aggravated sexual assault;
 - (8) subsection b. of N.J.S.2C:14-2 and paragraph (1) of subsection c. of N.J.S.2C:14-2, sexual assault;
 - (9) N.J.S.2C:15-1, robbery;
 - (10) section 1 of P.L.1993, c.221 (C.2C:15-2), carjacking;
 - (11) paragraph (1) of subsection a. of N.J.S.2C:17-1, aggravated arson;
 - (12) N.J.S.2C:18-2, burglary;
 - (13) subsection a. of N.J.S.2C:20-5, extortion;
 - (14) subsection b. of section 1 of P.L.1997, c.185 (C.2C:35-4.1), booby traps in manufacturing or distribution facilities;
 - (15) N.J.S.2C:35-9, strict liability for drug induced deaths;
 - (16) section 2 of P.L.2002, c.26 (C.2C:38-2), terrorism;
 - (17) section 3 of P.L.2002, c.26 (C.2C:38-3), producing or possessing chemical weapons, biological agents or nuclear or radiological devices;
 - (18) N.J.S.2C:41-2, racketeering, when it is a crime of the first degree; or
 - (19) subsection i. of N.J.S.2C:39-9, firearms trafficking.
- e. (Deleted by amendment, P.L.2001, c.129).

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

Approved August 8, 2013.

CHAPTER 112

AN ACT concerning firearms records and supplementing P.L.1963, c.73 (C.47:1A-1 et seq.).

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

C.47:1A-1.3 Certain firearms records considered public records.

1. Notwithstanding the provisions of any other statute or regulation to the contrary, government record as defined in section 1 of P.L.1995, c.23 (C.47:1A-1.1) shall include aggregate information regarding the total number of permits to purchase a handgun and firearms purchaser identification cards, without any personal identifying information, that have been issued by the Superintendent of State Police or the Chief of Police of a municipal police department.

2. This act shall take effect immediately.

Approved August 8, 2013.

CHAPTER 113

AN ACT concerning unlawful possession of firearms and amending N.J.S.2C:39-5 and N.J.S.2C:43-6.

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

1. N.J.S.2C:39-5 is amended to read as follows:

Unlawful possession of weapons.

2C:39-5. Unlawful possession of weapons. a. Machine guns. Any person who knowingly has in his possession a machine gun or any instrument

or device adaptable for use as a machine gun, without being licensed to do so as provided in N.J.S.2C:58-5, is guilty of a crime of the second degree.

b. Handguns. (1) Any person who knowingly has in his possession any handgun, including any antique handgun, without first having obtained a permit to carry the same as provided in N.J.S.2C:58-4, is guilty of a crime of the second degree. (2) If the handgun is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person it is a crime of the third degree.

c. Rifles and shotguns. (1) Any person who knowingly has in his possession any rifle or shotgun without having first obtained a firearms purchaser identification card in accordance with the provisions of N.J.S.2C:58-3, is guilty of a crime of the third degree.

(2) Unless otherwise permitted by law, any person who knowingly has in his possession any loaded rifle or shotgun is guilty of a crime of the third degree.

d. Other weapons. Any person who knowingly has in his possession any other weapon under circumstances not manifestly appropriate for such lawful uses as it may have is guilty of a crime of the fourth degree.

e. Firearms or other weapons in educational institutions.

(1) Any person who knowingly has in his possession any firearm in or upon any part of the buildings or grounds of any school, college, university or other educational institution, without the written authorization of the governing officer of the institution, is guilty of a crime of the third degree, irrespective of whether he possesses a valid permit to carry the firearm or a valid firearms purchaser identification card.

(2) Any person who knowingly possesses any weapon enumerated in paragraphs (3) and (4) of subsection r. of N.J.S.2C:39-1 or any components which can readily be assembled into a firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1 or any other weapon under circumstances not manifestly appropriate for such lawful use as it may have, while in or upon any part of the buildings or grounds of any school, college, university or other educational institution without the written authorization of the governing officer of the institution is guilty of a crime of the fourth degree.

(3) Any person who knowingly has in his possession any imitation firearm in or upon any part of the buildings or grounds of any school, college, university or other educational institution, without the written authorization of the governing officer of the institution, or while on any school bus

is a disorderly person, irrespective of whether he possesses a valid permit to carry a firearm or a valid firearms purchaser identification card.

f. Assault firearms. Any person who knowingly has in his possession an assault firearm is guilty of a crime of the second degree except if the assault firearm is licensed pursuant to N.J.S.2C:58-5; registered pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12); or rendered inoperable pursuant to section 12 of P.L.1990, c.32 (C.2C:58-13).

g. (1) The temporary possession of a handgun, rifle or shotgun by a person receiving, possessing, carrying or using the handgun, rifle, or shotgun under the provisions of section 1 of P.L.1992, c.74 (C.2C:58-3.1) shall not be considered unlawful possession under the provisions of subsection b. or c. of this section.

(2) The temporary possession of a firearm by a person receiving, possessing, carrying or using the firearm under the provisions of section 1 of P.L.1997, c.375 (C.2C:58-3.2) shall not be considered unlawful possession under the provisions of this section.

h. A person who is convicted of a crime under subsection a., b., f. or j. of this section shall be ineligible for participation in any program of intensive supervision; provided, however, that this provision shall not apply to a crime under subsection b. involving only a handgun which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

i. A person convicted of violating subsection a., b. or f. of this section shall be sentenced by the court to a term of imprisonment, which shall include the imposition of a minimum term during which the defendant shall be ineligible for parole, if the court finds that the aggravating circumstance set forth in paragraph (5) of subsection a. of N.J.S.2C:44-1 applies. The minimum term of parole ineligibility shall be fixed at five years. The sentencing court shall make a finding on the record as to whether the aggravating circumstance set forth in paragraph (5) of subsection a. of N.J.S.2C:44-1 applies, and the court shall presume that there is a substantial likelihood that the defendant is involved in organized criminal activity if there is a substantial likelihood that the defendant is a member of an organization or group that engages in criminal activity. The prosecution at the sentencing hearing shall have the initial burden of producing evidence or information concerning the defendant's membership in such an organization or group.

j. A violation of subsection a., b., c. or f. of this section by a person who has a prior conviction of any of the crimes enumerated in subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2) is a first degree crime.

2. N.J.S.2C:43-6 is amended to read as follows:

Sentence of imprisonment for crime; ordinary terms; mandatory terms.

2C:43-6. a. Except as otherwise provided, a person who has been convicted of a crime may be sentenced to imprisonment, as follows:

(1) In the case of a crime of the first degree, for a specific term of years which shall be fixed by the court and shall be between 10 years and 20 years;

(2) In the case of a crime of the second degree, for a specific term of years which shall be fixed by the court and shall be between five years and 10 years;

(3) In the case of a crime of the third degree, for a specific term of years which shall be fixed by the court and shall be between three years and five years;

(4) In the case of a crime of the fourth degree, for a specific term which shall be fixed by the court and shall not exceed 18 months.

b. As part of a sentence for any crime, where the court is clearly convinced that the aggravating factors substantially outweigh the mitigating factors, as set forth in subsections a. and b. of 2C:44-1, or the court finds that the aggravating factor set forth in paragraph (5) of subsection a. of N.J.S.2C:44-1 applies, the court may fix a minimum term not to exceed one-half of the term set pursuant to subsection a., or one-half of the term set pursuant to a maximum period of incarceration for a crime set forth in any statute other than this code, during which the defendant shall not be eligible for parole; provided that no defendant shall be eligible for parole at a date earlier than otherwise provided by the law governing parole.

c. A person who has been convicted under subsection b. or d. of N.J.S.2C:39-3, subsection a. of N.J.S.2C:39-4, subsection a. of section 1 of P.L.1998, c.26 (C.2C:39-4.1), subsection a., b., c., or f. of N.J.S.2C:39-5, subsection a. or paragraph (2) or (3) of subsection b. of section 6 of P.L.1979, c.179 (C.2C:39-7), or subsection a., b., e. or g. of N.J.S.2C:39-9, or of a crime under any of the following sections: 2C:11-3, 2C:11-4, 2C:12-1b., 2C:13-1, 2C:14-2a., 2C:14-3a., 2C:15-1, 2C:18-2, 2C:29-5, who, while in the course of committing or attempting to commit the crime, including the immediate flight therefrom, used or was in possession of a firearm as defined in 2C:39-1f., shall be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term. The

minimum term shall be fixed at one-half of the sentence imposed by the court or 42 months, whichever is greater, or 18 months in the case of a fourth degree crime, during which the defendant shall be ineligible for parole.

The minimum terms established by this section shall not prevent the court from imposing presumptive terms of imprisonment pursuant to 2C:44-1f. (1) except in cases of crimes of the fourth degree.

A person who has been convicted of an offense enumerated by this subsection and who used or possessed a firearm during its commission, attempted commission or flight therefrom and who has been previously convicted of an offense involving the use or possession of a firearm as defined in 2C:44-3d., shall be sentenced by the court to an extended term as authorized by 2C:43-7c., notwithstanding that extended terms are ordinarily discretionary with the court.

d. (1) The court shall not impose a mandatory sentence pursuant to subsection c. of this section, 2C:43-7c. or 2C:44-3d., unless the ground therefor has been established at a hearing. At the hearing, which may occur at the time of sentencing, the prosecutor shall establish by a preponderance of the evidence that the weapon used or possessed was a firearm. In making its finding, the court shall take judicial notice of any evidence, testimony or information adduced at the trial, plea hearing, or other court proceedings and shall also consider the presentence report and any other relevant information.

(2) The court shall not impose a mandatory sentence pursuant to subsection c. of this section for a violation of paragraph (2) of subsection b. of N.J.S.2C:39-5; a violation of paragraph (2) of subsection c. of N.J.S.2C:39-5, if that rifle or shotgun is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person; or a violation of paragraph (1) of subsection c. of N.J.S.2C:39-5.

e. A person convicted of a third or subsequent offense involving State taxes under N.J.S.2C:20-9, N.J.S.2C:21-15, any other provision of this code, or under any of the provisions of Title 54 of the Revised Statutes, or Title 54A of the New Jersey Statutes, as amended and supplemented, shall be sentenced to a term of imprisonment by the court. This shall not preclude an application for and imposition of an extended term of imprisonment under N.J.S.2C:44-3 if the provisions of that section are applicable to the offender.

f. A person convicted of manufacturing, distributing, dispensing or possessing with intent to distribute any dangerous substance or controlled substance analog under N.J.S.2C:35-5, of maintaining or operating a con-

trolled dangerous substance production facility under N.J.S.2C:35-4, of employing a juvenile in a drug distribution scheme under N.J.S.2C:35-6, leader of a narcotics trafficking network under N.J.S.2C:35-3, or of distributing, dispensing or possessing with intent to distribute on or near school property or buses under section 1 of P.L.1987, c.101 (C.2C:35-7), who has been previously convicted of manufacturing, distributing, dispensing or possessing with intent to distribute a controlled dangerous substance or controlled substance analog, shall upon application of the prosecuting attorney be sentenced by the court to an extended term as authorized by subsection c. of N.J.S.2C:43-7, notwithstanding that extended terms are ordinarily discretionary with the court. The term of imprisonment shall, except as may be provided in N.J.S.2C:35-12, include the imposition of a minimum term. The minimum term shall be fixed at, or between, one-third and one-half of the sentence imposed by the court or three years, whichever is greater, not less than seven years if the person is convicted of a violation of N.J.S.2C:35-6, or 18 months in the case of a fourth degree crime, during which the defendant shall be ineligible for parole.

The court shall not impose an extended term pursuant to this subsection unless the ground therefor has been established at a hearing. At the hearing, which may occur at the time of sentencing, the prosecutor shall establish the ground therefor by a preponderance of the evidence. In making its finding, the court shall take judicial notice of any evidence, testimony or information adduced at the trial, plea hearing, or other court proceedings and shall also consider the presentence report and any other relevant information.

For the purpose of this subsection, a previous conviction exists where the actor has at any time been convicted under chapter 35 of this title or Title 24 of the Revised Statutes or under any similar statute of the United States, this State, or any other state for an offense that is substantially equivalent to N.J.S.2C:35-3, N.J.S.2C:35-4, N.J.S.2C:35-5, N.J.S.2C:35-6 or section 1 of P.L.1987, c.101 (C.2C:35-7).

g. Any person who has been convicted under subsection a. of N.J.S.2C:39-4 or of a crime under any of the following sections: N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:12-1b., N.J.S.2C:13-1, N.J.S.2C:14-2a., N.J.S.2C:14-3a., N.J.S.2C:15-1, N.J.S.2C:18-2, N.J.S.2C:29-5, N.J.S.2C:35-5 who, while in the course of committing or attempting to commit the crime, including the immediate flight therefrom, used or was in possession of a machine gun or assault firearm shall be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term. The minimum term shall be fixed at 10 years for a crime of the first or second degree, five years for a crime of the

third degree, or 18 months in the case of a fourth degree crime, during which the defendant shall be ineligible for parole.

The minimum terms established by this section shall not prevent the court from imposing presumptive terms of imprisonment pursuant to paragraph (1) of subsection f. of N.J.S.2C:44-1 for crimes of the first degree.

A person who has been convicted of an offense enumerated in this subsection and who used or possessed a machine gun or assault firearm during its commission, attempted commission or flight therefrom and who has been previously convicted of an offense involving the use or possession of any firearm as defined in subsection d. of N.J.S.2C:44-3, shall be sentenced by the court to an extended term as authorized by subsection d. of N.J.S.2C:43-7, notwithstanding that extended terms are ordinarily discretionary with the court.

h. The court shall not impose a mandatory sentence pursuant to subsection g. of this section, subsection d. of N.J.S.2C:43-7 or N.J.S.2C:44-3, unless the ground therefor has been established at a hearing. At the hearing, which may occur at the time of sentencing, the prosecutor shall establish by a preponderance of the evidence that the weapon used or possessed was a machine gun or assault firearm. In making its finding, the court shall take judicial notice of any evidence, testimony or information adduced at the trial, plea hearing, or other court proceedings and shall also consider the presentence report and any other relevant information.

i. A person who has been convicted under paragraph (6) of subsection b. of 2C:12-1 of causing bodily injury while eluding shall be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term. The minimum term shall be fixed at, or between one-third and one-half of the sentence imposed by the court. The minimum term established by this subsection shall not prevent the court from imposing a presumptive term of imprisonment pursuant to paragraph (1) of subsection f. of 2C:44-1.

3. This act shall take effect immediately.

Approved August 8, 2013.

CHAPTER 114

AN ACT concerning firearms and amending N.J.S.2C:58-3.

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

1. N.J.S.2C:58-3 is amended to read as follows:

Purchase of firearms.

2C:58-3. a. Permit to purchase a handgun. No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase, or otherwise acquire a handgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a handgun as provided by this section.

b. Firearms purchaser identification card. No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire an antique cannon or a rifle or shotgun, other than an antique rifle or shotgun, unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first exhibits said card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of subsection c. of this section and shall contain his name, address and firearms purchaser identification card number or dealer's registration number. The said certification shall be retained by the seller, as provided in paragraph (4) of subsection a. of N.J.S.2C:58-2, or, in the case of a person who is not a dealer, it may be filed with the chief of police of the municipality in which he resides or with the superintendent.

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

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

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

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

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

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

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

(7) To any person who as a juvenile was adjudicated delinquent for an offense which, if committed by an adult, would constitute a crime and the offense involved the unlawful use or possession of a weapon, explosive or destructive device or is enumerated in subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);

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

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

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

Any person aggrieved by the denial of a permit or identification card may request a hearing in the Superior Court of the county in which he resides if he is a resident of New Jersey or in the Superior Court of the county in which his application was filed if he is a nonresident. The request for a hearing shall be made in writing within 30 days of the denial of the application for a permit or identification card. The applicant shall serve a copy of his request for a hearing upon the chief of police of the municipality in

which he resides, if he is a resident of New Jersey, and upon the superintendent in all cases. The hearing shall be held and a record made thereof within 30 days of the receipt of the application for such hearing by the judge of the Superior Court. No formal pleading and no filing fee shall be required as a preliminary to such hearing. Appeals from the results of such hearing shall be in accordance with law.

e. Applications. Applications for permits to purchase a handgun and for firearms purchaser identification cards shall be in the form prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, sex and physical description, including distinguishing physical characteristics, if any, of the applicant, and shall state whether the applicant is a citizen, whether he is an alcoholic, habitual drunkard, drug dependent person as defined in section 2 of P.L.1970, c.226 (C.24:21-2), whether he has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or permanent basis, giving the name and location of the institution or hospital and the dates of such confinement or commitment, whether he has been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition, giving the name and location of the doctor, psychiatrist, hospital or institution and the dates of such occurrence, whether he presently or ever has been a member of any organization which advocates or approves the commission of acts of force and violence to overthrow the Government of the United States or of this State, or which seeks to deny others their rights under the Constitution of either the United States or the State of New Jersey, whether he has ever been convicted of a crime or disorderly persons offense, whether the person is subject to a restraining order issued pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from possessing any firearm, and such other information as the superintendent shall deem necessary for the proper enforcement of this chapter. For the purpose of complying with this subsection, the applicant shall waive any statutory or other right of confidentiality relating to institutional confinement. The application shall be signed by the applicant and shall contain as references the names and addresses of two reputable citizens personally acquainted with him.

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

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

f. Granting of permit or identification card; fee; term; renewal; revocation. The application for the permit to purchase a handgun together with a fee of \$2, or the application for the firearms purchaser identification card together with a fee of \$5, shall be delivered or forwarded to the licensing authority who shall investigate the same and, unless good cause for the denial thereof appears, shall grant the permit or the identification card, or both, if application has been made therefor, within 30 days from the date of receipt of the application for residents of this State and within 45 days for nonresident applicants. A permit to purchase a handgun shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days. A firearms purchaser identification card shall be valid until such time as the holder becomes subject to any of the disabilities set forth in subsection c. of this section, whereupon the card shall be void and shall be returned within five days by the holder to the superintendent, who shall then advise the licensing authority. Failure of the holder to return the firearms purchaser identification card to the superintendent within the said five days shall be an offense under subsection a. of N.J.S.2C:39-10. Any firearms purchaser identification card may be revoked by the Superior Court of the county wherein the card was issued, after hearing upon notice, upon a finding that the holder thereof no longer qualifies for the issuance of such permit. The county prosecutor of any county, the chief police officer of any municipality or any citizen may apply to such court at any time for the revocation of such card.

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

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

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

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

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

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

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

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

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

(6) any transaction where the superintendent issues an exemption from the prohibition in this subsection pursuant to the provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).

The provisions of this subsection shall not be construed to afford or authorize any other exemption from the regulatory provisions governing

firearms set forth in chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes;

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

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

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

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

2. This act shall take effect immediately.

Approved August 8, 2013.

CHAPTER 115

AN ACT concerning submission of certain mental health records to the federal National Instant Criminal Background Check System and supplementing Title 30 of the Revised Statutes.

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

C.30:4-24.3a Submission of certain mental health records required.

1. In compliance with the federal NICS Improvement Amendments Act of 2007, Pub.L. 110-180 and the Brady Handgun Violence Prevention Act of 1993, Pub. L. 103-159, the Attorney General shall direct the Superintendent of the State Police to collect, in cooperation with the Administrative Office of the Courts, such data as may be required to make a determination as to whether a person is disqualified from possessing or receiving a firearm under 18 U.S.C. s.922 or applicable State law, and to transmit such data to the National Instant Criminal Background Check System administered by the Federal Bureau of Investigation.

2. This act shall take effect immediately.

Approved August 8, 2013.

CHAPTER 116

AN ACT concerning firearms records and amending P.L.1995, c.23.

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

1. Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is amended to read as follows:

C.47:1A-1.1 Definitions.

1. As used in P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented:

"Biotechnology" means any technique that uses living organisms, or parts of living organisms, to make or modify products, to improve plants or animals, or to develop micro-organisms for specific uses; including the industrial use of recombinant DNA, cell fusion, and novel bioprocessing techniques.

"Custodian of a government record" or "custodian" means in the case of a municipality, the municipal clerk and in the case of any other public

agency, the officer officially designated by formal action of that agency's director or governing body, as the case may be.

"Government record" or "record" means any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received in the course of his or its official business by any such officer, commission, agency, or authority of the State or of any political subdivision thereof, including subordinate boards thereof. The terms shall not include inter-agency or intra-agency advisory, consultative, or deliberative material.

A government record shall not include the following information which is deemed to be confidential for the purposes of P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented:

- information received by a member of the Legislature from a constituent or information held by a member of the Legislature concerning a constituent, including but not limited to information in written form or contained in any e-mail or computer data base, or in any telephone record whatsoever, unless it is information the constituent is required by law to transmit;

- any memorandum, correspondence, notes, report or other communication prepared by, or for, the specific use of a member of the Legislature in the course of the member's official duties, except that this provision shall not apply to an otherwise publicly-accessible report which is required by law to be submitted to the Legislature or its members;

- any copy, reproduction or facsimile of any photograph, negative or print, including instant photographs and videotapes of the body, or any portion of the body, of a deceased person, taken by or for the medical examiner at the scene of death or in the course of a post mortem examination or autopsy made by or caused to be made by the medical examiner except:

 - when used in a criminal action or proceeding in this State which relates to the death of that person,

 - for the use as a court of this State permits, by order after good cause has been shown and after written notification of the request for the court order has been served at least five days before the order is made upon the county prosecutor for the county in which the post mortem examination or autopsy occurred,

for use in the field of forensic pathology or for use in medical or scientific education or research, or

for use by any law enforcement agency in this State or any other state or federal law enforcement agency;

criminal investigatory records;

victims' records, except that a victim of a crime shall have access to the victim's own records;

personal firearms records, except for use by any person authorized by law to have access to these records or for use by any government agency, including any court or law enforcement agency, for purposes of the administration of justice;

personal identifying information received by the Division of Fish and Wildlife in the Department of Environmental Protection in connection with the issuance of any license authorizing hunting with a firearm. For the purposes of this paragraph, personal identifying information shall include, but not be limited to, identity, name, address, social security number, telephone number, fax number, driver's license number, email address, or social media address of any applicant or licensee; trade secrets and proprietary commercial or financial information obtained from any source. For the purposes of this paragraph, trade secrets shall include data processing software obtained by a public body under a licensing agreement which prohibits its disclosure;

any record within the attorney-client privilege. This paragraph shall not be construed as exempting from access attorney or consultant bills or invoices except that such bills or invoices may be redacted to remove any information protected by the attorney-client privilege;

administrative or technical information regarding computer hardware, software and networks which, if disclosed, would jeopardize computer security;

emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein;

security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data or software;

information which, if disclosed, would give an advantage to competitors or bidders;

information generated by or on behalf of public employers or public employees in connection with any sexual harassment complaint filed with a public employer or with any grievance filed by or against an individual or

in connection with collective negotiations, including documents and statements of strategy or negotiating position;

information which is a communication between a public agency and its insurance carrier, administrative service organization or risk management office;

information which is to be kept confidential pursuant to court order;

any copy of form DD-214, or that form, issued by the United States Government, or any other certificate of honorable discharge, or copy thereof, from active service or the reserves of a branch of the Armed Forces of the United States, or from service in the organized militia of the State, that has been filed by an individual with a public agency, except that a veteran or the veteran's spouse or surviving spouse shall have access to the veteran's own records; and

that portion of any document which discloses the social security number, credit card number, unlisted telephone number or driver license number of any person; except for use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf thereof, or any private person or entity seeking to enforce payment of court-ordered child support; except with respect to the disclosure of driver information by the New Jersey Motor Vehicle Commission as permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4); and except that a social security number contained in a record required by law to be made, maintained or kept on file by a public agency shall be disclosed when access to the document or disclosure of that information is not otherwise prohibited by State or federal law, regulation or order or by State statute, resolution of either or both houses of the Legislature, Executive Order of the Governor, rule of court or regulation promulgated under the authority of any statute or executive order of the Governor.

A government record shall not include, with regard to any public institution of higher education, the following information which is deemed to be privileged and confidential:

pedagogical, scholarly and/or academic research records and/or the specific details of any research project conducted under the auspices of a public higher education institution in New Jersey, including, but not limited to research, development information, testing procedures, or information regarding test participants, related to the development or testing of any pharmaceutical or pharmaceutical delivery system, except that a custodian may not deny inspection of a government record or part thereof that gives the name, title, expenditures, source and amounts of funding and date when the final project summary of any research will be available;

test questions, scoring keys and other examination data pertaining to the administration of an examination for employment or academic examination;

records of pursuit of charitable contributions or records containing the identity of a donor of a gift if the donor requires non-disclosure of the donor's identity as a condition of making the gift provided that the donor has not received any benefits of or from the institution of higher education in connection with such gift other than a request for memorialization or dedication;

valuable or rare collections of books and/or documents obtained by gift, grant, bequest or devise conditioned upon limited public access;

information contained on individual admission applications; and

information concerning student records or grievance or disciplinary proceedings against a student to the extent disclosure would reveal the identity of the student.

"Personal firearms record" means any information contained in a background investigation conducted by the chief of police, the county prosecutor, or the Superintendent of State Police, of any applicant for a permit to purchase a handgun, firearms identification card license, or firearms registration; any application for a permit to purchase a handgun, firearms identification card license, or firearms registration; any document reflecting the issuance or denial of a permit to purchase a handgun, firearms identification card license, or firearms registration; and any permit to purchase a handgun, firearms identification card license, or any firearms license, certification, certificate, form of register, or registration statement. For the purposes of this paragraph, information contained in a background investigation shall include, but not be limited to, identity, name, address, social security number, phone number, fax number, driver's license number, email address, social media address of any applicant, licensee, registrant or permit holder.

"Public agency" or "agency" means any of the principal departments in the Executive Branch of State Government, and any division, board, bureau, office, commission or other instrumentality within or created by such department; the Legislature of the State and any office, board, bureau or commission within or created by the Legislative Branch; and any independent State authority, commission, instrumentality or agency. The terms also mean any political subdivision of the State or combination of political subdivisions, and any division, board, bureau, office, commission or other instrumentality within or created by a political subdivision of the State or combination of political subdivisions, and any independent authority, commission, instrumentality or agency created by a political subdivision or combination of political subdivisions.

"Law enforcement agency" means a public agency, or part thereof, determined by the Attorney General to have law enforcement responsibilities.

"Constituent" means any State resident or other person communicating with a member of the Legislature.

"Member of the Legislature" means any person elected or selected to serve in the New Jersey Senate or General Assembly.

"Criminal investigatory record" means a record which is not required by law to be made, maintained or kept on file that is held by a law enforcement agency which pertains to any criminal investigation or related civil enforcement proceeding.

"Victim's record" means an individually-identifiable file or document held by a victims' rights agency which pertains directly to a victim of a crime except that a victim of a crime shall have access to the victim's own records.

"Victim of a crime" means a person who has suffered personal or psychological injury or death or incurs loss of or injury to personal or real property as a result of a crime, or if such a person is deceased or incapacitated, a member of that person's immediate family.

"Victims' rights agency" means a public agency, or part thereof, the primary responsibility of which is providing services, including but not limited to food, shelter, or clothing, medical, psychiatric, psychological or legal services or referrals, information and referral services, counseling and support services, or financial services to victims of crimes, including victims of sexual assault, domestic violence, violent crime, child endangerment, child abuse or child neglect, and the Victims of Crime Compensation Board, established pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.).

2. This act shall take effect immediately.

Approved August 8, 2013.

CHAPTER 117

AN ACT concerning the possession of certain firearms.

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

1. Any person who has in his possession a handgun in violation of subsection b. of N.J.S.2C:39-5 or a rifle or shotgun in violation of subsection c. of N.J.S.2C:39-5 on the effective date of this act may retain possession of that handgun, rifle, or shotgun for a period of not more than 180 days after the effective date of this act. During that time period, the possessor of that handgun, rifle, or shotgun shall:

(1) transfer that firearm to any person lawfully entitled to own or possess it; or

(2) voluntarily surrender that firearm pursuant to the provisions of N.J.S.2C:39-12.

2. a. Except as provided in subsection d. of this section, any person who has in his possession an assault firearm on the effective date of this act may retain possession of that firearm for a period of not more than 180 days after the effective date. During that time period, the possessor of the assault firearm shall:

(1) transfer the assault firearm to any person lawfully entitled to own or possess such firearm;

(2) render the assault firearm inoperable; or

(3) voluntarily surrender the assault firearm pursuant to the provisions of N.J.S.2C:39-12.

b. If the person who possesses the assault firearm elects to render the firearm inoperable, the person shall file a certification on a form prescribed by the Superintendent of the State Police indicating the date on which the firearm was rendered inoperable. This certification shall be filed with either the chief law enforcement officer of the municipality in which the person resides, or in the case of a person who resides outside this State but stores or possesses an assault firearm in this State, with the Superintendent of the State Police.

c. As used in this section, “inoperable” means that the firearm is altered in such a manner that it cannot be immediately fired and that the person does not possess or have control over the parts necessary to make the firearm operable.

d. The provisions of this act shall not be applicable to any assault firearm possessed pursuant to N.J.S.2C:58-5 or registered pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12).

3. This act shall take effect immediately and shall expire on the 181st day after enactment.

Approved August 8, 2013.

CHAPTER 118

AN ACT concerning the publication of ordinances by certain county boards of chosen freeholders and amending P.L.1972, c.154.

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

1. Section 101 of P.L.1972, c.154 (C.40:41A-101) is amended to read as follows:

C.40:41A-101 Ordinances.

101. a. An ordinance shall mean any act or regulation of the board, except an expense budget or capital budget, required to be reduced to writing, published after introduction, and considered for final passage after public hearing at a meeting subsequent to the meeting at which it was introduced;

b. Except as otherwise provided by general law the procedure for the passage of ordinances shall be as follows:

(1) Every ordinance after being introduced and having passed a first reading, which first reading may be by title, shall be published in its entirety, or by title, or by title and summary, at least once in the manner provided by section 142 of P.L.1972, c.154 (C.40:41A-142), together with a notice of the introduction thereof and the time and place when and where it will be further considered for final passage, and shall consist of a clear and concise statement prepared by the clerk of the board of chosen freeholders setting forth the purpose of the ordinance, and the time and place when and where a copy of the ordinance can be obtained without cost by any member of the general public who wants a copy of the ordinance. If there be only one such publication the same shall be at least 1 week prior to the time fixed for further consideration for final passage. If there be more than one publication, the first shall be at least 1 week prior to the time fixed for further consideration for final passage. A copy of the proposed ordinance shall also be sent by regular mail to the clerk of each municipality in the county not less than 1 week prior to the date of hearing.

(2) At the time and place so stated in such publication, or at any time and place to which the meeting for the further consideration of the ordinance shall from time to time be adjourned, all persons interested shall be given an opportunity to be heard concerning the ordinance. Final passage thereof shall be at least 10 days from the first reading.

(3) Upon the opening of the hearing, the ordinance shall be given a second reading, which reading may be by title, and thereafter, it may be passed by a majority of the whole number of the board, with or without amendments, or rejected. Prior to the said second reading, a copy of the ordinance shall be posted on the bulletin board or other place upon which public notices are customarily posted in the building in which the board regularly meets, and copies of the ordinance shall be made available to members of the general public who shall request such copies. If any amendment be adopted, altering the ordinance, the ordinance as so amended shall not be finally adopted until at least 1 week thereafter, and the ordinance as amended shall be read at a meeting of the board, which reading may be by title, and shall be published in its entirety, or by title, or by title and summary, together with a notice of the introduction, the time and place when and where a copy of the ordinance can be obtained without cost by any member of the general public who wants a copy of the ordinance, a clear and concise statement prepared by the clerk of the board of chosen freeholders setting forth the purpose of the ordinance, and the time and place when and where the amended ordinance will be further considered for final passage, at least 2 days prior to the time so fixed. At the time and place so fixed, or at any other meeting to which the further consideration of the amended ordinance may be adjourned, the board may proceed to pass the ordinance, as amended, or again amend it in the same manner.

(4) Upon passage, every ordinance, or the title, or the title and a summary, together with a notice of the date of passage or approval, or both, shall be published at least once in the manner provided by section 142 of P.L.1972, c.154 (C.40:41A-142).

(5) One certified copy of the full text of every ordinance so adopted shall be filed with the clerk of each municipality within the county not later than 10 days after the date of final passage.

(6) The board may enact, amend or supplement ordinances establishing, amending or supplementing a code or any parts thereof, not inconsistent with law, by reference to such code in any such ordinance and without inclusion of the text thereof in such ordinance if the code to be adopted and any related documents are printed in book form and a copy of such printed code and related documents so marked as to indicate plainly what portion thereof, if less than the whole, is intended to be adopted, is annexed to such ordinance and if such code and related documents or such portion thereof as is intended to be adopted is so described in said ordinance as to identify them and there is indicated in said description the common or trade name, if any, of such code and related documents and it is stated in the ordinance

that one copy of said code and said related documents, similarly marked, have been placed on file in the office of the clerk of said board, upon the introduction of said ordinance and will remain on file there until final action is taken on said ordinance, for the use and examination of the public.

It shall not be necessary to publish any such code or related documents, so to be adopted, as part of any such ordinance notwithstanding that a printed copy thereof is annexed thereto, either before or after the final passage of such ordinance, if said printed copy is filed as aforesaid. The board of freeholders however may order the publication of said code or a synopsis in the manner provided by section 142 of P.L.1972, c.154 (C.40:41A-142) if it is deemed that such procedure will be in the public interest because of the content and importance of the provisions of the code.

If any such ordinance is adopted, the said copy of said code and related documents shall remain on file in said office, so long as said ordinance is in effect, and one certified copy shall be placed on file and shall remain on file in the office of each clerk of each municipality within the county, for the use and examination of the public so long as said ordinance is in effect and printed copies of said ordinance and said code and related documents shall be made available to citizens on request and for which a reasonable fee may be charged.

For the purpose of proof of any such ordinance or receipt thereof in evidence in all courts and places, such copy of such code and related documents, so marked and annexed to such ordinance, shall be construed to be part of said ordinance, as fully as though it had been set forth at length therein.

(7) The board may prescribe penalties for the violation of ordinances it may have authority to pass, either by imprisonment in the county jail for any term not exceeding 90 days, or by a fine not exceeding \$500.00, or both. The court before which any person is convicted of violating any such ordinance shall have power to impose any fine or term of imprisonment not exceeding the maximum fixed in such ordinance.

Any person convicted of the violation of any ordinance may, in the discretion of the court by which he was convicted, and in default of the payment of any fine imposed therefor, be imprisoned in the county jail for any term not exceeding 90 days for such default.

c. No ordinance shall take effect less than 20 days after its final passage by the board and approval by the county executive, or supervisor or board chairman or president, where such approval is required, unless the board shall adopt a resolution declaring an emergency and at least two-thirds of all the members of the board vote in favor of such resolution.

2. This act shall take effect immediately.

Approved August 9, 2013.

CHAPTER 119

AN ACT concerning radiologic technology licensure and supplementing P.L.1981, c.295 (C.26:2D-24 et seq.).

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

C.26:2D-27.1 Additional license required to operate hybrid fusion imaging technology; terms defined.

1. Notwithstanding any other provision of P.L.1981, c.295 (C.26:2D-24 et seq.) to the contrary, a licensed nuclear medicine technologist, upon obtaining an additional license pursuant to this section, may operate hybrid fusion imaging technology. A license shall be issued pursuant to this section to a nuclear medicine technologist upon obtaining appropriate additional education or training and demonstrating competency, as determined by the board, by regulation. The board shall establish the title of the license, the scope of practice of the license subject to subsection f. of section 4 of P.L.1981, c.295 (C.26:2D-27), and the letters that may be used after the licensee's name to denote the title and qualifications.

For the purposes of this section:

“Hybrid fusion imaging technology” means equipment capable of performing two or more medical imaging examinations simultaneously, merging the data to form a composite image. Hybrid fusion imaging equipment shall include, but not be limited to, PET/CT (Positron Emission Tomography/Computed Tomography) equipment, SPECT/CT (Single-Photon Emission Computed Tomography/Computed Tomography) equipment, and attenuation correction. Hybrid fusion imaging equipment shall not include ultrasound equipment.

“Licensed nuclear medicine technologist” means a person who possesses a valid license issued by the Department of Environmental Protection to engage in the practice of nuclear medicine technology.

C.26:2D-27.2 Rules, regulations.

2. Within one year of the date of enactment of P.L.2013, c.119 (C.26:2D-27.1 et seq.), the Commission on Radiation Protection shall es-

tablish rules and regulations pursuant to the "Administrative Procedure Act" P.L.1968, c.140 (C.52:14B-1 et seq.), for the licensing of nuclear medicine technologists to operate hybrid fusion imaging technology pursuant to section 1 of this act.

3. This act shall take effect on the 365th day after the date of enactment, but the Commission on Radiation Protection may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved August 9, 2013.

CHAPTER 120

AN ACT concerning certain distributions from the Alternate Benefit Program and amending P.L.1969, c.242.

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

1. Section 9 of P.L.1969, c.242 (C.18A:66-175) is amended to read as follows:

C.18A:66-175 Termination of membership or participation.

9. Membership or participation in the alternate benefit program shall terminate and the individual shall be considered retired once he has elected to receive a distribution of the value of his accounts in a direct payout, a rollover, an annuity, or a combination thereof. Any such distribution shall occur only upon separation from service, unless the individual is a participant in a transition to retirement program that meets the requirements for such programs established by the Division of Pensions and Benefits.

2. Any actions taken in accordance with section 9 of P.L.1969, c.242 (C.18A:66-175) as amended by P.L.2013, c.120 are hereby validated.

3. This act shall take effect immediately and shall be retroactive to July 1, 2008.

Approved August 9, 2013.